



## Maritime Law: What You Don't Know Will Cost You

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Maritime law pre-dates the United States Constitution, and has international roots and concerns. Not surprisingly, many of its procedures and basic legal principles are dissimilar to those found in land-based litigation. The application of maritime law (also known as the "law of admiralty") by American courts is frequently outcome determinative, yielding litigation results that often surprise non-maritime practitioners with different judgments or verdicts than they expected.

To a great extent, the possibility of surprise can be reduced by understanding four general (but not always followed) principles:

1. If admiralty jurisdiction exists, federal maritime law, as created by Congress and the federal courts, generally governs the dispute. State law should not be applied when it would contradict a settled admiralty rule;
2. If a tort occurs (or takes effect) on navigable waters, and has a connection with maritime commerce or navigational safety, it likely falls within admiralty jurisdiction;
3. If a contract bears a significant relationship to maritime commerce or vessel navigation (i.e., has a "salt water smell"), it is quite probably a maritime contract, and any litigation arising out of the contract is also subject to admiralty jurisdiction; and
4. Federal courts are where the majority of maritime cases are heard. However, under a 1789 Congressional enactment, the "saving to suitors" clause allows state courts to decide many (but not all) maritime disputes, so long as the state courts apply roughly the same substantive maritime law as would be applied in federal court.

Few American lawyers are certified admiralty law specialists. Most are unfamiliar with the idiosyncrasies and tactical advantages of applying maritime law to what might initially appear to be a state law action. For these lawyers, Bullivant counsel **Norm Ronneberg** was asked by Westlaw to develop and deliver a Continuing Legal Education (CLE) lecture program about how and when to apply maritime law. The CLE program triggered Norm's just-published article in the University of San Francisco Maritime Law Journal, titled: "Life Preserver: An Overview of U.S. Maritime Law for Non-Maritime Lawyers." (2013-2014, vol. 26, no. 1).