



The Marine Assistance Industry Journal

Volume III; July 2010

FEATURES:

Changes to the Maritime Law Are On the Horizon

By John K. Fulweiler, Esq.

The media can do funny things with stories. They can tweak the trajectory, change the tone and alter your perspective so that sometimes it's hard to tell what's going on. Case in point is the current move under foot to repeal or change some pretty big maritime laws. While things are still kind of vague, let's take a quick look at what's taking shape.

First on the chopping block is the Limitation of Liability Act of 1851. You've probably heard about this grand 'ol dame of the admiralty law which allows an owner to petition a federal court to limit its liability following a maritime incident. For instance, following the recent Staten Island Ferry collision with a pier, the City of New York moved to limit its liability allowing it to, among other things, force all the claimants into a single forum. Love it or hate it -- and there's plenty of arguments on both sides -- the Act has always been hanging around admiralty's center stage and the planned repeal of the Act is no doubt going to have ripple effects that'll tilt and roll the industry far and wide. In my view, such big course changes deserve at least some meaningful thought and I see this as the politicians simply making another reflexive move.

Then there's a slew of proposed changes to a variety of maritime laws relating to personal injury and death. For instance, there's the planned amendment to the Death on the High Seas Act which seeks to change its geographic scope and also allow a spouse, child or dependent relative to bring a civil suit instead of having to appoint a personal representative. In addition, the Jones Act may be amended to allow for recovery of loss of care, comfort and companionship in lawsuits seeking compensation for a seaman's death.

There are many proposed changes to the maritime laws and I've only touched on a few. You can probably find a lot of the proposed changes by surfing the internet, or, any admiralty attorney worth their salt can likely give you a cheat-sheet of sorts to keep you up to speed. The fact of the matter is that if these changes are implemented they will almost certainly impact every player in the maritime industry from the deckhand to the feet-on-the-desk executive, which makes all the more important that you stay informed because these legislative developments are, in the maritime parlance, underway and making way.

- John K. Fulweiler, Esq. (John is an admiralty attorney and licensed mariner. He can be reached via e-mail at jfulweiler@marinelex.com or, anytime, at 1-800-823-2715.)