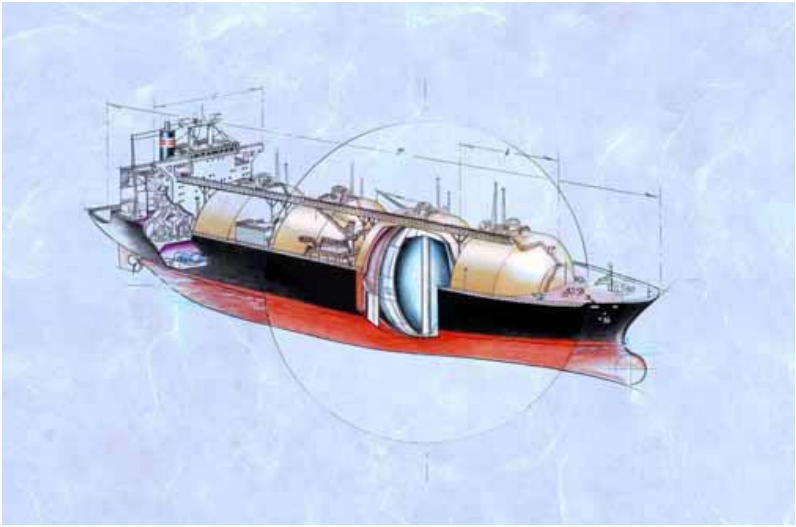

Admiralty

Professor Steven R. Swanson
Syllabus
Spring 2010

Course Description:

ADMIRALTY
3 credits
Introduces maritime law, including admiralty jurisdiction and selected topics of maritime law such as maritime liens, injuries to seamen, general average, carriage of goods, salvage, collision, and limitation of liability.

Course Goals:

Although the purpose of the Admiralty course is to introduce you to the unique laws and rules that apply to events that occur on the navigable waters of the United States and the world, the course is designed to be interesting to the student who has no interest in practicing maritime law. First, the course allows one to look at numerous legal issues that face one industry. This rarely occurs in law school, but more accurately reflects how real lawyers work. Admiralty courts often approach problems differently than common law courts, giving the student an opportunity to rethink rules learned elsewhere. Because the Erie doctrine does not apply, federal courts continue to make law in Admiralty, providing a breeding ground for developing law that usually only occurs in state courts these days. Finally, this course should be fun. What could be better than ships crashing on a dark and stormy night or drunken sailors?

Grading:

Your final grade will be based primarily on a three hour, closed book exam. Class participation may also be considered.

Class Participation and Attendance:

Although I personally may find the ABA and Hamline rules relating to attendance to be somewhat childish, we are all forced to live with them. Regular class attendance will be expected. Students that miss more than three classes risk being removed from the class.

Required Texts:

Jarvis, Biederman, Goldstein & Swanson, Admiralty Cases and Materials (2004)

TWEN:

I have created a TWEN site for this class. Some supplemental materials will be posted on this site. Please sign up for the course on TWEN, being sure to use a current e-mail address, so that I can contact the class.

Laptop Policy:

You are allowed to use laptops in class for course-related purposes.

Assignments:

In all likelihood this syllabus is a bit optimistic about what we will cover, and it will have to be adjusted as the semester progresses. All assignments, unless otherwise noted, are to the Jarvis book.

Advance Assignment: Jarvis, pp. 41-62

Class 1: Jurisdiction, pp. 41-62
The Genesee Chief, p. 48
Lynch v. McFarland, p. 54
Evansville & Bowling Green Packet Co., p 59
Keys Jet Ski, Inc., p. 61

Class 2: Jurisdiction, pp. 63-80

DeLovio v. Boit, p. 63
North Pac. S.S. Co., p. 64
Kossick v. United Fruit, p. 67
Shipping Financial Services Corp., p. 71
Inbesa America, p. 76

Class 3: Admiralty Torts and Federalism, pp. 80-83, supplemental cases (click link for case from Westlaw)

The Admiral Peoples, p. 80
Gutierrez v. Waterman S.S. Co., p. 82
Executive Jet Aviation, Inc. v. Cleveland, 409 U.S. 249 (1972)
Sisson v. Ruby, 497 U.S. 358 (1990)

Class 4: Torts and Federalism, pp. 83-107

Jerome B. Grubart, Inc., p. 83
H20 Houseboat Vacations, Inc. v. Hernandez, p. 99
McClenahan v. Paradise Cruises, Ltd., p. 101

Class 5: Admiralty, Federalism, and Substantive Maritime Law pp. 107-121

The Hine, p. 107
C.J. Hendry Co. v. Moore, p. 109
Pino v. Protection Maritime Insurance, p. 112
In re Chimenti, p. 114
R.M.S. Titanic, p. 118

Class 6: Substantive Admiralty Law, pp. 122-154

Norfolk Shipbuilding, p. 122
Southern Pacific v. Jensen, p. 129
American Dredging Co. v. Miller, p. 133
Milstead v. Diamond M., p. 144
Pacific Merchant Shipping, p. 148

Class 7: Procedure, Maritime Liens, pp. 155-161, 165-173, 221-250.

World Tanker Carriers, p. 156
USL Capital v. New York 30, p. 165
U.S. v. Freights, p. 170
Liverpool and London S.S. Protection, p. 241
In Re Container Applications Int'l, Inc., p. 245

Class 8: Limitation of Liability, pp. 250-255, 299-302, 310-319, LOLA, TWEN

Gulf Marine v. Golden Prince, p. 250
In re Complaint of Shell Oil, p. 299
Crown Zellerbach Corp., p. 310
In re Muer, p. 317

Class 9: Limitation of Liability, pp. 319-346,

In re Hellenic Inc., p. 319
Mediterranean Shipping Co., p. 325
In re Transporter Marine, Inc., p 329
Esta Later Charters, p. 333
Lewis v. Lewis & Clark, p. 338

Class 10: Charter Parties, pp. 379-399

Walker v. Braus, p. 379
Bay Casino, LLC p. 383
Mercator Line, Inc. v. Witte Chase Corp., p. 390
Andino Chemical Shipping Co., p. 393

Class 11: Charter Parties, pp. 399-422

Orient Shipping Rotterdam B.V., p. 399
Finora v. Amitie Shipping, Ltd., p. 404
Reefer and General Shipping Co., p. 410
Wong Wing Fai Co., p. 417

Class 12: Carriage of Goods, pp. 443-459, Harter Act, TWEN; COGSA, TWEN

Knott v. Botany Worsted Mills, p. 445
U.S. v. Ocean Bulk Ships., p. 450

Class 13: COGSA, pp. 459-487

Groupe Chegaray/V. De Chalus, p. 459
Norfolk Southern RR Co., p. 466

Class 14: Personal Injury, 759-783

Chandris v. Latis, p. 760
Carter v. Bisso Marine Co., p. 769
Warren v. U.S., p. 773
Farrell v. U.S., p. 776

Class 15: Personal Injury, 784-806, The Jones Act, TWEN; FELA, TWEN
Mitchell v. Trawler Racer, Inc., p. 784
Ferguson v. Moore-McCormack Lines, Inc., p. 793
Kernan v. American Dredging Co., p. 795
Gautreaux v. Scurlock Marine, Inc., p. 800

Class 16: Personal Injury, pp. 807-834, LSHWCA, TWEN,
Maher Terminals, Inc., p. 807
Pledger, p. 814
In re TPT Transportation, p. 819
Kermarec, p. 826
Carlisle v, Carnival, p. 829

Class 17: Personal Injury, 834-856, DOHSA, TWEN
Cutchin v. Habitat Curacao, p. 835
Moragne, p. 839
Miles v. Apex Marine, p. 847
Yamaha Motor Corp. v. Calhoun, p. 852

Class 18: Collisions, pp. 553-568
The Clara, p. 553
The Jumna, p. 554
Warrior & Gulf Navigation Co. v. U.S., p. 556
Rumpelheimer, p 561
Marine Transport Lines v. M/V Tako Invader, p. 564

Class 19: Collisions, pp. 569-588
Trico Marine Assets, p. 569
Canal Barge Co. v. China Ocean Shipping, p. 573
Wardell v. Department of Transportation, p. 578
The Pennsylvania, p. 581
U.S. v. Reliable Transfer, p. 584

Class 20: Collision and Salvage, pp. 588-611
Exxon Co., U.S.A. v. Sofec, p. 588
Standard Oil v. Southern Pac., p. 592
Provost v. Huber, p. 597
Peninsular & Oriental Steam Nav. Co., p. 599
B.V. Bureau Wijsmuller v. U.S., p. 606

Class 21: Salvage, pp. 611-630
Treasure Salvors, p. 611
The Tashmoo, p. 613
Nicholas E. Vernicos, p. 617
The Annie Lord, p. 621
Saint Paul Marine Transp. Corp., p. 623

Class 22: Salvage, pp. 630-643, 649-653
Margate Shipping, p. 630
Trico Marine, p. 638
Falgout Brothers, p. 641
The Elfrida, p. 649

Class 23: General Average, pp. 665-690, York-Antwerp Rules of 1994, TWEN
Eagle Terminal Tankers, p. 665
Navigazione Generale Italiana, p. 671
Ralli v. Troop, p. 676
Barnard v. Adams, p. 680
The Jason, p. 685

Class 24: Marine Pollution, pp. 697-758
Huron Portland Cement, p. 698
Askew, p. 702
Ray v. Atlantic Richfield, p. 707
United States v. Locke, p. 712

Class 25: Marine Pollution, pp. 722-758
In re the Exxon Valdez, p. 722
Amoco Cadiz, p. 745
Landcatch, p. 749

Class 26: Professional Responsibility, 17-40
La. Bar Association v. Edwards, p. 19
Hatteras of Lauderdale, p. 27
Wright v. Williams, 32

Class 27: Piracy
Course Materials on TWEN