

What is admiralty law?

- ◆ Admiralty law deals with the transportation of passengers and goods by sea, marine navigation and commerce, and activities that are maritime in character. Admiralty jurisdiction is founded on the U.S. Constitution, Article 3, section 2 providing that judicial power “shall extend...to all cases of admiralty and maritime jurisdiction.”
- ◆ Admiralty law applies to navigable waters of the United States, where navigable is a legal term of art meaning that a body of water can or could have been used for maritime commerce. See *The Daniel Ball*, 77 U.S. 557 (1871). Admiralty law concerns not only maritime commerce, but also marine navigation, salvaging, shipping, and the transportation of goods and passengers by waterways.
- ◆ Admiralty law can also extend to certain activities that have a relation to maritime commerce, but that take place largely on land. This can include issues where there’s injury to or a contract’s subject matter involves sailors, cargo, or vessels constructed for the water, including recreational pleasure craft.
- ◆ Admiralty law and maritime law are used interchangeably in the United States, though “admiralty” tends to refer to procedural and jurisdictional issues. “Maritime,” on the other hand, tends to refer to substantive law concerning the same subject matter.

Where do admiralty and maritime lawyers work?

- ◆ **Government:** The United States Navy Office of the General Counsel, the Coast Guard, and the Department of Justice employ lawyers who specialize in admiralty or maritime law.
- ◆ **Law firms:** Large private law firms may have a department specializing in maritime law, especially if they have an office located on the coast.
- ◆ **Corporations:** Admiralty lawyers may work as in-house counsel with corporations like an oil company that engages in off-shore drilling or for a manufacturing company that ships cargo over international waters.

How can a law student get into admiralty law?

- ◆ Search for a summer internship with Navy JAG or seek out practical work experience in the maritime industry
- ◆ Speak with a Coast Guard or Navy JAG recruiter
- ◆ Clerk with a judge
- ◆ Write a law review article on an admiralty law issue
- ◆ Plan on earning your LLM degree in admiralty law after finishing your first three years of law school
- ◆ Take admiralty law, any other courses related to the study of maritime subjects, sales, international law, secured transactions, and federal courts

What do maritime lawyers do?

- ◆ Even within the narrow field of maritime law, attorneys specialize in certain aspects of the field. Generally speaking, an admiralty lawyer might specialize in one of three areas: personal injury, cargo, and contracts.
- ◆ When boats collide on open waters, it is likely that a number of parties and their property might suffer harm. A lawyer who specializes in maritime personal injury must deal with the apportionment of fault and the personal injury of the crew, passengers, or longshoremen.
- ◆ In situations where cargo is damaged or lost at sea, an attorney who specializes in maritime cargo issues may represent either the vessel’s owners or the underwriters of the cargo. First, the underwriter pays the cargo owner for the damage, and then tries to recover from the owner of the ship or other vessel.
- ◆ In maritime law, a charter party (from the Latin *charta partita*) constitutes a contract between a ship owner and charterer, the person seeking to hire the boat. A charter party is issued when the vessel is rented out for a period of time or for a specific journey, usually for freight transport. Originally carta partitas were two-part documents that could be torn in half so that each party knew their rights and responsibilities under the contract.
- ◆ International law and customs could be implicated among any of these specialty areas.

Resources for Admiralty Law



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Join the American Bar Association's Admiralty and Maritime Law Committee (Part of the Tort Trial and Insurance Practice Section)

- ◆ You can find out more about the Admiralty and Maritime Law Committee at the following web address:
<http://apps.americanbar.org/dch/committee.cfm?com=il200000>
- ◆ The Admiralty and Maritime Law Committee hosts a law student writing competition every year. Typically the deadline for submissions comes in early April.

Join the Admiralty Law Section of the Federal Bar Association

- ◆ You can find out more about the Admiralty Section of the FBA at the following address:
<http://www.fedbar.org/Sections/Admiralty-Law-Section.aspx>
- ◆ The Admiralty Section publishes an e-newsletter *Admiralitas*, which began in 2016. The e-newsletter provides case law updates, spotlights committee members, and circulates information about upcoming events. *Admiralitas* is published on a quarterly basis.

University of Memphis Law Library Resources for Admiralty Law

- ◆ Admiralty Law of the Supreme Court—Herbert R. Baer
 - Call number: KF1103 .B33 1979 (on the 3rd floor of the law library)
- ◆ Admiralty and Maritime Laws in the Mediterranean Sea—Hassan Salih Khalilieh
 - eBook (available on the library's website)
- ◆ Admiralty in a Nutshell—Various authors
 - Call number: KF1105 .M34 2017 (on the 1st floor of the law library in open reserve)
- ◆ Admiralty and Maritime Law—Robert Force
 - Government publication
 - Call number: JU 13.2:AD 6/2013 (in the basement of the law library)
- ◆ Admiralty and Maritime Law—Thomas J. Schoenbaum
 - Call number: KF1104 .S36 2012 (on the 3rd floor of the law library)

Online Resources for Admiralty Law

- ◆ Admiraltylaw.com: The first admiralty and maritime law site with an emphasis on the law of Canada.
- ◆ Boatsafe.com: Boatsafe.com has a page devoted to state boating laws
- ◆ <http://www.uscgboating.org/>: The United States Coast Guard webpage
- ◆ Cargolaw.com: A law firm's website that includes information and links relating to cargo and freight law
- ◆ [Comite Maritime International \(CMI\)](http://ComiteMaritimeInternational.org): CMI was established in 1897 and focuses on international maritime law. Check out their website at <http://www.comitemaritime.org/Home/0,271,1132,00.html>