"Maritime Personal Injury and the Aquaculture Business"



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MARITIME JURISDICTION



WHAT IS MARITIME JURISDICTION?

In maritime personal injury cases, in order for Maritime Jurisdiction to apply, a plaintiff has to allege that:

- 1. He or she was injured on a *vessel*,
- 2. in *navigable waters*; and,
- 3. his or her injury is *related to some traditional maritime activity*.

JURISDICTION - VESSEL?

<u>Test</u>: Every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.













JURISDICTION - LOCATION?

- 1. Did the accident causing the injury occur on navigable waters?
- 2. If not, does the Admiralty Extension Act apply?
- 3. If no to both, then Maritime Jurisdiction won't apply.







JURISDICTION - RELATION?

Relation is satisfied if the accident causing the injury is *potentially disruptive of maritime commerce* and the *general character* of the activity giving rise to the accident is *substantially related to a traditional maritime activity*.



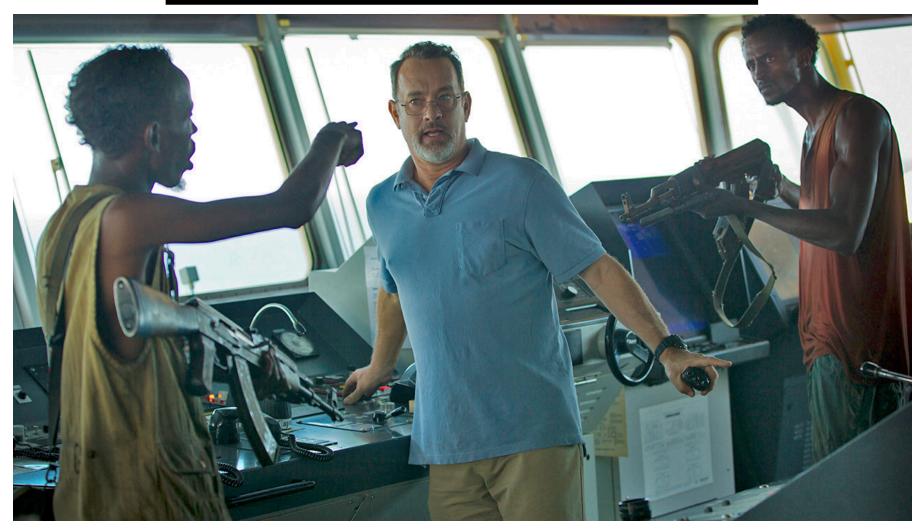
WORKPLACE INJURY REMEDIES

LHWCA

JONES ACT

STATE WORKERS'
COMPENSATION
ACTS

JONES ACT SEAMAN



JONES ACT SEAMAN?







THE SEAMAN STATUS TEST

Test: A Jones Act *seaman* is someone:

- (1) who has an *employment-related connection* to a *vessel in navigation* that is
- (2) substantial in both (a) *duration* and (b) *nature*, and
- (3) whose duties contribute to the *function of* that vessel or to its mission.

VESSEL OWNER LIABILITIES TO SEAMEN

"JONES ACT NEGLIGENCE"

Elements: Duty, Breach, Causation, Harm.

VESSEL OWNER LIABILITIES TO SEAMEN

"SEAWORTHINESS"

Test: "Whether the *vessel* and its equipment are reasonably fit for their intended purpose."



VESSEL OWNER LIABILITIES TO SEAMEN

"MAINTENANCE & CURE"

If a *seaman* is injured while in service of a *vessel*, he/she may be entitled to:

- 1. Maintenance
- 2. Cure
- 3. Wages





LIMITATION OF LIABILITY

A vessel owning employer can limit its liability to the value of the vessel and its pending freight at the termination of its voyage.



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