

“Maritime Personal Injury and the Aquaculture Business”



Presented by

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WILCOX SAVAGE

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?

Test: 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?





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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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