

CASES AND MATERIALS ON MARITIME LAW

Third Edition



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Tom Galligan and Frank Maraist dedicate this book to the unsung heroes and heroines of law teaching: the assistants who type and retype and check and recheck manuscripts and examinations, tolerate the eccentricities of professors, and ease the anxieties of students. They make a special dedication to one of the finest of those assistants: Madeline Babin, to whom they owe a very special debt of thanks for all her work on this edition of this book.

Catherine Maraist dedicates this book to her husband, Jim Van Hook, in appreciation of his immense support and kindness.

Dean Sutherland dedicates this book to his co-authors, with his gratitude for the opportunity to join them in the preparation of the Third Edition.

PREFACE

We wrote the first edition of this book in 2003 because: we love admiralty, we love to work with each other; and we saw a real need for an admiralty casebook that focused upon the modern practice of maritime law in the United States. One of us has taught and written about admiralty law longer than the other two. The second had the good fortune to be on a law faculty with the first and to have the first as a mentor. The second had the good sense to listen when the first said: "You need to teach admiralty." The third had the bad luck of not being able to take admiralty from the first so settled for taking it from the second. Happily, the third of us is the daughter of the first and was able to fill any gaps in her admiralty law education by asking the first what it was the second either did not know or could not communicate. So, this work truly is a family matter, with the second grateful to be included.

Now, thirteen years later, we are on our third edition. And, we have added a fourth author, whose years of experience as a practitioner and teacher deepen and enhance our perspective and make the book even better! Since our first edition, much has changed. Congress has recodified the vast majority of federal statutes dealing with maritime law and the U.S. Supreme Court has decided a number of critical cases that signal significant developments in admiralty—developments of which the law student, lawyer, and judge must all be aware. Moreover, the lower federal courts and state courts have continued to busily decide maritime cases.

Critically, we continue to focus this book on the admiralty law the student will need to know as a practicing admiralty lawyer. In deciding what cases to include and how to edit them, we were prejudiced in favor of the practical over the theoretical and the modern over the historical. We selected cases that accurately and clearly set forth the applicable law as well as the important, developing issues.

Pedagogically, we have included all relevant materials in this one volume. The relevant statutes are included along with the key cases in the text, so the students need only flip a page or so to get to the relevant statute. For context, a conversion chart of Title 46 as well as several applicable statutes are included in their entirety in an appendix.

We rearranged the order of the materials in this edition to facilitate its use in both maritime personal injury and wrongful death courses and in full admiralty survey courses. The first ten chapters focus on admiralty jurisdiction as well as maritime personal injury and wrongful death law. The following chapters cover other aspects of maritime law, including charter parties, cargo law, maritime liens, collision, tugs, towage and

pilotage, marine insurance, limitation of liability, sovereign immunity, salvage, choice of law and judicial jurisdiction and procedure.

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2016

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