



ADMIRALTY & MARITIME

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ADMIRALTY & MARITIME LAW

On December 7, 1847, Judge Theodore McCaleb delivered the second in a series of introductory lectures inaugurating Tulane Law School. The lecture featured a special body of law applied by federal courts (as the descendants of 13th century English admiralty courts) to disputes involving the transportation of cargo and people over water – admiralty law. Ever since that night more than 160 years ago, Tulane has been the leader in training admiralty lawyers.

At the beginning of the 21st century, ships are still the major trade link between countries bordering the oceans, and Tulane remains preeminent in teaching admiralty law. Firms in the major ports of the United States – New York, Seattle, San Francisco, Los Angeles, Houston, Baltimore, Philadelphia, and, of course, New Orleans – turn to Tulane to furnish them with graduates who are prepared to handle maritime matters.

Tulane alumni are present in every major admiralty firm. Our students are fully equipped to become admiralty practitioners because we offer more admiralty courses – at least 12 each year – than any other law school in the United States. The courses are taught by members of the full time faculty, distinguished visiting professors and judges from around the world, and experienced practitioners from the local admiralty bar. Half of each graduating class takes at least one admiralty course.

WHAT IS MARITIME LAW?

Maritime law is among the oldest branches of law. In every country in which maritime law exists, it is treated as a separate and distinct area of the law. In general terms, maritime law concerns events and transactions that occur on navigable waters, whether they be the vast oceans, gulfs, or inland waterways.

Although initially concerned with maritime commerce, the body of law has expanded to address contemporary issues such as those involving the environment and the widespread use of recreational vessels.





MARITIME LAW CONCERNS EVENTS AND TRANSACTIONS THAT OCCUR ON NAVIGABLE WATERS.

One of the fascinating aspects of maritime law is that it cuts across many of the traditional “bread and butter” areas of law. In trade and commerce, maritime law involves contract law. It also involves negotiable instruments, some specifically created to deal with the maritime industry – for example, bills of lading. Maritime law also has an important component of tort law, arising out of incidents involving collisions and personal injury. In the personal injury area, for example, there is a separate body of federal law that deals with injury and death of seamen and maritime workers. The development of natural resources, both offshore and in the oceans, has introduced problems of the oil and gas industry into maritime law.

Maritime commerce is international in scope, and consequently, maritime cases often have international dimensions. For this reason, there are substantial similarities in the maritime laws of the various maritime nations. There are significant dissimilarities as well.

In the United States, the bulk of maritime law is federal, and therefore, maritime practitioners must have a thorough understanding of the rules of jurisdiction and procedure in federal courts. Because large vessels are often involved, and the stakes of the cases tend to be high, maritime cases can be quite complex. Insurance law issues are both common and very significant in the practice of maritime law. The complexity of the area has resulted in specialties within maritime law, for example, cargo, collision, maritime liens, and bankruptcy. Maritime practitioners practice in related areas as well: maritime lawyers who specialize in commercial law will also handle other kinds of commercial cases; the same is true with respect to lawyers involved in personal injury litigation.

COURSE OFFERINGS IN MARITIME LAW

- Admiralty I
- Admiralty II
- Admiralty Seminar
- Carriage of Goods By Sea
- Charter Parties
- Collision Law & Limitation of Liability
- Flagging, Vessel Documentation, and Finance
- Freight Forwarders, Shipbroking, and NVOCC
- Law of the Sea
- Marine Insurance I
- Marine Insurance II
- Marine Pollution
- Personal Injury & Death
- Towage & Offshore Services

RECENTLY OFFERED MINI-COURSES

- Advanced Marine Insurance
- British Petroleum Blowout Lecture Series
- Charter Parties
- International Carriage of Goods
- International Conflicts of Maritime Law
- International Marine Pollution
- International Maritime Conventions, Safety at Sea Regulations and their Impact on Private Maritime Law
- Maritime Legal History
- Maritime Liens & Claims
- Maritime Salvage & the Marine Environment
- Ocean & Coastal Law
- Sale of Goods Carried by Sea

WHAT TULANE HAS TO OFFER

- A certificate of specialization in admiralty for J.D. students;
- A Master of Laws (LL.M.) degree in admiralty approved by the American Bar Association, granted to over 300 graduate students since 1982;
- A law-student-published periodical dealing exclusively with admiralty topics – the *Tulane Maritime Law Journal*;
- A law library with one of the most extensive maritime law collections in the United States, organized as a separate component to facilitate research;
- A maritime law externship with the Office of the Administrative Law Judge of the U.S. Department of Labor;
- A summer position with the Center for Seafarers’ Rights in New York;
- The subsidizing of the most promising students through generous scholarships;
- Annual awards for the best undergraduate and graduate maritime law students;
- Co-sponsorship of the Judge John Brown Admiralty Moot Court Competition;
- A Student Admiralty Writing Competition with a \$1000 prize;
- A career services program drawing law firms from throughout the United States to interview Tulane students trained in admiralty;
- The William Tetley Lecture in Maritime Law, inaugurated in 1999;
- Semester-long and mini-courses taught by international admiralty faculty who have recently included senior practitioners and barristers from London, in-house counsel for a French oil company and professors from McGill University in Montreal, the University of Oslo in Norway, Abo Akademi University in Finland, the University of Southampton in England, Dalhousie University in Canada, the University of Siena in Italy and the Hebrew University in Jerusalem;



- The John W. Sims Distinguished Admiralty Practitioner in Residence Program, which brings a distinguished admiralty practitioner or an individual involved in the shipping or marine insurance industry to Tulane Law School to lecture and exchange ideas with students and faculty;
- Visiting research scholars (from Australia, the People's Republic of China, Finland, Croatia, South Africa and Venezuela);
- A collaboration agreement with the leading maritime institution in China, Dalian Maritime University, through which Tulane trains the top Dalian graduates; these maritime lawyers will receive the LL.M. in Admiralty;
- Tulane admiralty students who graduate into the finest admiralty law firms in the country as well as other interesting positions in the U.S. and abroad (a recent graduate is the International Admiralty Attorney for the International Marine Organization of the United Nations);
- The leadership and international perspective offered by Professor Martin Davies, who taught at universities in the United Kingdom and Australia before coming to Tulane, holds the Admiralty Law Institute Professorship of Law and is Director of the Maritime Law Center;
- The largest and oldest continuing legal education program devoted to maritime law, the Admiralty Law Institute, conducted for three days every other year on Tulane's campus;
- A program of regular continuing legal education seminars throughout each year, some in New Orleans and some in other countries;
- The Tulane Maritime Law Society, a student organization that presents speakers, tours of port facilities and shipyards, and career programs; and
- The Maritime Law Center, a division of the law school endowed by many admiralty law and shipping firms, coordinating Tulane's various maritime programs and fostering legal scholarship in the field.



ADMIRALTY LAW INSTITUTE & MARITIME LAW CONFERENCES

Tulane is acknowledged around the world as a leader in the admiralty field. Every other year in March, hundreds of lawyers, both practicing and academic, converge on the Tulane campus for the Admiralty Law Institute, the oldest (since 1966) and largest continuing legal education program devoted to maritime law. The Institute lasts for three days, and the papers and presentations that it produces are published in the *Tulane Law Review*. Recent Institutes have typically been attended by 500 lawyers and others from the shipping and marine insurance industries, from over 30 states and 11 countries. Students are invited to attend all sessions, providing them the opportunity to obtain specialized knowledge, as well as the benefits of networking with practitioners and scholars in this field.

Tulane also sponsors other maritime law conferences overseas, including ones in Greece, Denmark, the U.K., Spain, Panama and Chile. Our Continuing Legal Education Department annually sponsors a Fall Maritime Law Seminar in New Orleans. Tulane Law students are invited to attend these conferences, and the registration fees are waived.

MARITIME LAW CENTER

In 1982, Tulane began to consolidate its various activities in the field of admiralty and maritime law under an umbrella institution. The Maritime Law Center was created in 1986 with the aid of significant grants from the Weinmann family (in memory of Rudolph John Weinmann), the Maritime Law Association of the United States, the Admiralty Law Institute, and admiralty law and shipping firms throughout the United States. The Maritime Law Center functions as an operating division of the law school, coordinating Tulane's various maritime-related programs. The family of Niels Johnsen endowed the Niels F. Johnsen Chair in Maritime Law in his honor. In 1989 the Chair was filled by Robert Force, a senior member of the faculty, whose accomplishments in the field of maritime law have been recognized by, among others, the government of Panama and the Seamen's Church Institute, which has honored him as a "maritime law legend."

In 2002, the Admiralty Law Institute endowed a professorship in maritime law. The first Admiralty Law Institute Professor of Maritime Law is Martin Davies, who joined the faculty in 2000 and succeeded Professor Force as Director of the Maritime Law Center in 2004. Professor Davies is assisted by an active committee of advisors consisting of distinguished admiralty attorneys and shipping executives.

THE CERTIFICATE

Candidates may use a portion of their elective hours during the second and third years of law school to obtain the Certificate of Specialization in Maritime Law. Students must complete and pass Admiralty I and Admiralty II, plus three additional full-semester admiralty courses, for a total of 12 credit hours. At least 25 students each year pursue this option and receive a certificate at graduation.

RECENT TULANE MARITIME LAW JOURNAL ARTICLES

- Damages for Wrongful Maritime Seizure
- Paperless Shipping Documents
- Forum Selection Clauses and Seafarers' Personal Injury
- Coast Guard Authority to Board Foreign-Flagged Vessels on the High Seas
- The Americans With Disabilities Act and Cruise Ships
- Flags of Convenience in the Post-September 11th Era
- Medicine on the Seas
- Riverboat Casinos and Admiralty and Maritime Law: Place Your Bets!
- Marine Insurance Law in China
- Shipment of Dangerous Cargo By Sea
- International Perspectives on the History of U.S. Salvage Law
- Protections Afforded to Captured Pirates Under International Law
- Proposed Reform of Shipping Regulations in the Arctic
- The Applicability of the Jones Act to Offshore Alternative Energy Projects



ADMIRALTY LAW INSTITUTE PROGRAMS

1966 The Hull Policy
1968 The Protection and Indemnity Policy
1971 Carriage of Goods by Water
1973 Maritime Liens and Securities in Ship Sales and Financing
1975 Charter Parties
1977 The American Law of Collision
1979 Limitation of Liability
1981 Maritime Personal Injury and Death
1983 Comparative Aspects of American and International Maritime Law
1985 Bankruptcy Versus Maritime Rights
1987 Products Liability
1989 Terminal Operations and Multi-Modalism
1991 Maritime Insurance
1993 Maritime Personal Injury and Death
1995 Towage, Salvage, Pilotage, and Pollution
1997 Damages in Maritime Cases
1999 Admiralty Law at the Millenium
2001 A Sea Chest for Sea Lawyers
2003 Confused Seas: Admiralty Law in the Wake of Terrorism
2005 The Uniqueness of Admiralty and Maritime Law
2007 Assessment, Insurance and Allocation of Modern Maritime Risks
2009 Marine Insurance
2011 How Admiralty Practice Handles Bad Days at Sea: Piracy, Blowouts, Derailments, and Criminal Negligence
2013 Modern Marine Insurance: Coverages, Current Issues and Connections
2015 Personal Injury and Death: Jurisdiction to Judgment

THE LL.M. IN ADMIRALTY

Candidates for the LL.M. in Admiralty are required to complete a total of 24 credit hours, with 13 of the hours in admiralty courses. All students must take Admiralty I and II unless they have already completed equivalent courses. More information about the LL.M. in Admiralty can be found in Tulane's Graduate Studies brochure, which is available from the Office of Admission.

TULANE RULES THE WAVES

No law school in the United States can match this array of activities and personnel. What began as an evening lecture over 150 years ago has blossomed into a year-round multi-dimensional program.

Maritime issues (whether contract questions involving charter parties or bills of lading, property concerns dealing with liens on vessels, or tort matters flowing from collisions or worker injuries at sea, on oil platforms, or at loading sites) invariably have international implications with multiple parties from around the world. The law is fascinating, specialized, and complex. If you want to study a unique branch of the law that lies at the core of international trade, consider studying law at Tulane.



FACULTY FULL-TIME

Martin Davies

Admiralty Law Institute Professor of Law and Director, Maritime Law Center, B.A. with first class honours, 1978, B.C.L. with first class honours, 1979, M.A., 1983, University of Oxford; LL.M., 1980, Harvard University

Professor Davies joined the Tulane faculty in 2000 after a visiting appointment in 1999. In 2002, he was appointed to a professorship endowed by the Admiralty Law Institute; he is the first Admiralty Law Institute Professor of Maritime Law. Previously, he taught at the University of Melbourne, Australia, where he was Harrison Moore Professor of Law. Professor Davies has, since graduating from law school, taught law in England and in Australia, been a professional actor, and served as consultant to solicitor firms in West Perth and Melbourne. He serves on the Editorial Board of *Lloyd's Maritime and Commercial Law Quarterly* and the *Melbourne Journal of International Law*. His teaching is in the areas of admiralty, international law, and electronic transactions law.



Robert Force

Niels F. Johnsen Professor of Maritime Law and Director Emeritus, Maritime Law Center, B.S., 1955, LL.B., 1958, Temple University; LL.M., 1960, New York University

Professor Force is the first holder of the Niels F. Johnsen chair in maritime law, the only endowed chair in maritime law in the United States. In 2001, he was honored by the Seamen's Church Institute as "a maritime law legend" and was awarded its Distinguished Maritime Law Award. Teaching courses in both admiralty and criminal law, Professor Force joined the Tulane Law School faculty in 1968 after clerking for state and federal judges in Pennsylvania, practicing law in Philadelphia, and teaching law at Indiana University. In 2002, Professor Force was awarded the Medal of the Order of Balboa by the government of the Republic of Panama, in recognition of his work in the field of maritime law.

His current research activities are largely in the area of admiralty and maritime law, but he has co-authored the Louisiana Code of Evidence as well as numerous articles on maritime law. Professor Force and his colleague Professor Yiannopoulos have co-authored two coursebooks used in Admiralty I and II.

ACKNOWLEDGED AROUND THE WORLD AS
A LEADER IN THE ADMIRALTY FIELD



WHAT DO MARITIME LAWYERS DO?

One specialty within maritime law is the area known as “charter parties.” Despite this name, this has nothing to do with a group of friends taking a fishing boat out on the Gulf. The term is in fact derived from an instrument with some similarities to a lease, and known originally as “carta partita,” referring to the fact that it was a two-part document which was literally torn in half so that each party to the instrument would have a copy. A charter party is a significant device for international commerce and transportation by water. Most shipping companies do not own vessels, but “lease” them from shipowners. The enormously complex relationship and division of responsibilities between the shipowner and ship “user” is addressed by the charter party.

Another unique specialty within maritime law is cargo, which involves the representation of the owners and, more often, the underwriters of cargo which has been damaged or lost while being carried aboard vessels. The maritime cargo attorney represents the owners or underwriters of the cargo against the carrying vessel. For example, a load of cargo might be received in New Orleans for delivery to a port in Africa. At some point, water enters the hold of the ship, with the predictable result that the cargo arrives damaged. Often, the underwriter pays the cargo owner for the damage and, in turn, proceeds to attempt to recover from the shipowner.

The law applicable to this scenario is complex, requiring a determination of the circumstances under which the shipowner is responsible. The area is further complicated by the international scope of the work, inasmuch as foreign flag vessels are frequently involved.

Maritime collision work might involve, for example, a collision between a passenger vessel and a freighter. The circumstances surrounding the collision are extremely important to the determination of the percentage of fault, if any, attributed to each vessel. The personal injury of crew, longshoremen, and passengers or invitees must be addressed through maritime personal injury law. Again, the potential international dimensions can be quite significant.

Marine casualty attorneys become involved in the extremely high-profile cases that arise out of spills and the resulting pollution that affects a resort island, or a residential community, or an area of great natural resources. A vessel visiting a foreign port which does some physical damage to the dock may be arrested. It is the job of the maritime attorney to effect the release of the ship. Marine casualty attorneys frequently deal with groundings and strandings. For example, in the case of a ship that has been navigated improperly and has gone aground, the attorney must arrange for salvage, which in this case refers to re-floating the vessel.

ADMIRALTY LAW OR MARITIME LAW?

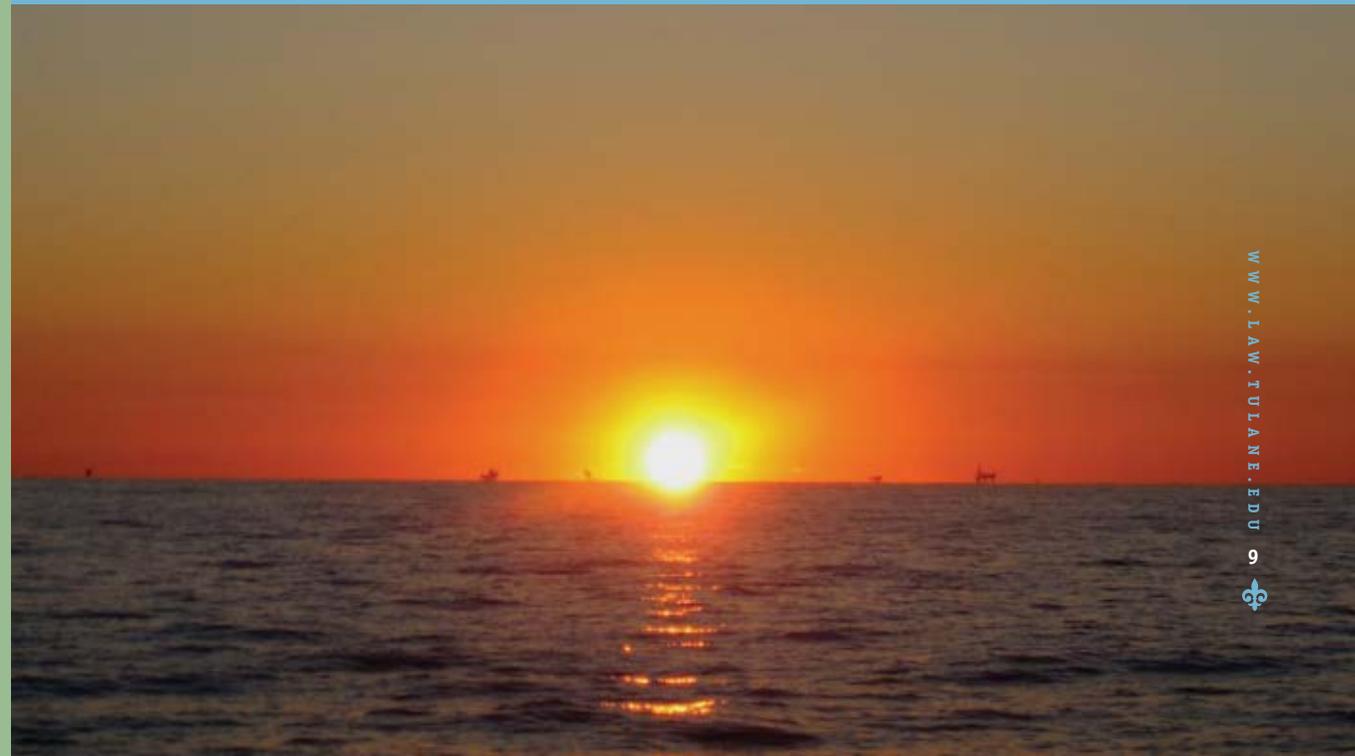
In fact, the two terms are used virtually interchangeably in the United States, although “maritime law” tends to refer more often to the substantive law and “admiralty” to the jurisdictional and procedural law in the field. This may be related to the historical use of the term “maritime” to refer to the use of oceans and vast bodies of water, while “admiral” referred specifically to the judge who presided over the English court with jurisdiction over what we describe today as admiralty and maritime matters. Professors Robert Force and Martin Davies use the word “maritime” more often than “admiralty” simply because it is a more immediately recognizable term internationally. They note, however, that the U.S. Constitution, in Article III, uses both terms – admiralty and maritime – in conferring jurisdiction on the federal courts, perhaps to avoid any confusion: at the time of the American Revolution, each state had its own court system, and the coastal states used one or the other term. When jurisdiction over maritime matters was taken from the states and conferred on the federal judiciary, it might have been necessary to use both terms to make clear that maritime matters arising in every state – whether called maritime or admiralty – were to be included.

MARITIME LAW SOCIETY

Tulane’s Maritime Law Society sponsors frequent programs exploring various aspects of admiralty and maritime law. By taking advantage of the presence of a significant maritime industry in New Orleans and of visits to Tulane by distinguished practitioners and professors of maritime law from throughout the world, the society presents an impressive range of programs. Recent programs have included tours of port installations, tug boats and other “hardware” of the industry, as well as speakers discussing such varied subjects as the U.S. Coast Guard, maritime treasure and salvage, careers in maritime law, protection and indemnity insurance, the more practical aspects of maritime practice, and comparative maritime law.

TULANE MARITIME LAW JOURNAL

In publication for more than 30 years, the *Tulane Maritime Law Journal* deals with all maritime issues, including pollution, charter parties, wreck salvaging, rights of passage, personal injury, and workers’ compensation. Published semi-annually with an all-student staff of editors, the journal has a circulation of nearly 1000 subscribers, including private admiralty law firms, marine insurance companies, shipping lines, federal agencies, law school libraries, federal judges, and the United States Supreme Court. Regularly cited by many state and federal courts, the journal has also been cited with approval multiple times by the United States Supreme Court. The readership spans more than 30 countries on six continents.





Tulane
University

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