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## Admiralty & Maritime

**Admiralty & Maritime**

Admiralty and Maritime law is one of the few remaining bodies of federal common law, and any such issues are best handled by an attorney specializing their practice in Admiralty and Maritime matters. Chamberlain Hrdlickas Energy and Maritime attorneys are able to provide significant and comprehensive representation to businesses and maritime employers as to the full spectrum of issues that arise on the waterfront in the admiralty and maritime context.

Chamberlain Hrdlickas admiralty and maritime team represents a wide variety of clients along the Gulf Coast and around the world in transactional, regulatory, and litigation/dispute resolution matters. What follows are some examples of the results and representation we provide to our clients.

**Transactional**

- Providing clients with arbitration agreements for use in seaman personal injury actions so as to provide adequate consideration to the worker while substituting arbitration for the risk of jury trial litigation.
- Providing general terms and conditions for a large multi-national chemical company for sales of its products in the United States and world-wide.
- Analysis of most favorable contract terms and conditions under Incoterms for sales contracts as well as bills of lading and charter parties for the transportation of refined chemical products to various customers of our clients in the Far East, Europe, South America, Asia, and Africa.
- Drafting, negotiating, and analyzing charter parties, bills of lading, and carriage of goods contracts of both a solely maritime nature as well as intermodal in nature.
- Providing analysis concerning necessary insurance coverage for client operations.
- Revision of employment, safety, health, and other company policies for our clients.

**Litigation/Dispute Resolution**

- Enforcement of contracts, indemnification agreements, charter parties, bills of lading, and carriage of goods contracts in both brown-water and blue water scenarios;
- Cargo damage claims;
- Pollution claims, including successful resolution of multiple claims against an inland barge line arising out of a Naphtha spill following a marine collision;

## **Admiralty & Maritime, Continued**

- Acts of God/Natural Disasters, including successful defense of an inland barge and towing company following a break up of a barge fleet of over 100+ barges resulting from Tropical Storm Allison, as well as defending offshore drilling rig owners and operators in loss of station claims after Hurricanes Katrina and Rita.
- Allision and collision claims, including rig loss of station claims due to natural disasters and other causes, as well as successfully represented a dredging company in multi-party litigation arising out of an Allision between a grounding of a towing vessel and stationary dredge.
- Property damage claims.
- Prosecution and defense of vessel arrest claims and Limitation of Liability Act claims under the Supplemental Rules for Certain Admiralty and Maritime Claims. In this regard, the Firm obtained a favorable ruling in the Limitation of Liability context as relating to the duration of the voyage of a dredging vessel.
- Personal Jurisdiction and Forum Non Conveniens issues, including the favorable dismissal of claims in both state and federal court for lack of personal jurisdiction, as well as dismissal of multiple wrongful death claims under the Texas Forum Non Conveniens Statute from a partial offshore oil rig collapse off the Mexican Gulf Coast.
- Claims for personal injury and/or death under the Jones Act, the Longshore & Harbor Workers Compensation Act (LHWCA), the Outer Continental Shelf Lands Act (OCSLA), the Death on the High Seas Act (DOSHA), and the General Maritime Law. Some representative cases in this area include:
  - Trial defense of a dredging contractor in a Jones Act claim for personal injury wherein the plaintiff demanded approximately \$4.2 million dollars in compensatory damages, but only \$420,000.00 was awarded by the Jury, with a fifty percent reduction in the award to \$210,000.00, due to the plaintiffs contributory fault.
  - Trial defense of a marine towing client in a Jones Act claim for personal injury wherein \$1.7 million in economic damages was demanded by the plaintiff at trial, but the Jury, after less than two hours of deliberation, awarded only \$1,200.00 in past maintenance benefits under the General Maritime Law.
  - Summary Judgment dismissal of Jones Act seaman's status in favor of an offshore drilling contractor for personal injury claims under the Jones Act and General Maritime Law.
  - Summary Judgment dismissal in favor of a dredging contractor on a personal injury claim, wherein the plaintiff received nothing on all claims, including a wrongful death claim.

### **Appellate**

- Successfully presented and argued an amicus curiae brief to the Supreme Court of Texas resulting in the adoption in Texas of a specific orders exception to the general rule of pure comparative fault under the Jones Act and General Maritime Law of the United States in seaman's actions. Prior to the Supreme Court's ruling, Texas operated under a standard much less favorable to maritime employers.

### **Maritime Proctor**

To read the Chamberlain Maritime Proctor blogs, click on <https://www.chamberlainlaw.com/maritime-proctor>.