What does it mean for an attorney to work in admiralty and maritime law

What are Admiralty and Maritime Law?

Admiralty law or maritime law (the terms are used interchangeably) refers to the law that covers navigation and shipping. U.S. admiralty law dates back to colonial times. The colonies, dependent on navigation and shipping for survival, established admiralty courts similar to those that existed in Britain. Article III, Section 2 of the U.S. Constitution and the Judiciary Act of 1789 gave the federal district courts jurisdiction over admiralty issues.

Admiralty law covers an extraordinarily wide range of issues including commercial use of bodies of water; transport and shipping via oceans, rivers, and lakes; accidents, including the injury of seamen, cargo, and vessels; issues concerning docks, piers, and wharves; and recreational boating. Historically, many admiralty law cases involved goods damaged in shipping. Admiralty law has changed with changes in society. Now, goods are packed in containers for safekeeping during shipping. As the economy has become global, the American merchant fleet has been reduced. Developments in technology have resulted in increasingly sophisticated navigation systems that result in fewer accidents.

A ship flying the American flag is subject to the admiralty laws of the United States. Debate has recently erupted concerning cruise ships that serve American customers but are registered in other countries. These ships are not subject to American admiralty law even when in American ports and waters. There is increased concern that such ships may be trying to evade the jurisdiction of American courts, particularly with regard to environmental issues.

Admiralty law is a highly specialized area of law that is separate from, though similar to, civil law. The jurisdiction of the federal courts in admiralty cases was expanded by the Jones Act of 1936, which allows merchant seamen injured on American vessels to bring claims under federal jurisdiction. Many of the issues relevant to admiralty today are the same issues arising in civil litigation—environmental litigation, personal injury litigation, insurance coverage, and subrogation issues.

Life as an Admiralty Lawyer

Where do admiralty lawyers work?
There are a number of places one can practice admiralty law. Many admiralty lawyers work in private law firms; some mid-size and large firms have Departments that specialize in admiralty law, and there are also some smaller, “boutique” firms that specialize in admiralty law. Other admiralty lawyers work as in-house lawyers for corporations such as oil companies, shipping and transport companies, cruise lines, and boat or ship manufacturing companies. Admiralty lawyers may also work for the government, whether for the United States Navy Office of the General Counsel, the Coast Guard, the Department of Justice, or other government agencies.

Who are their clients and what types of cases do they work on?

Reuben Golder is an admiralty lawyer at Derby, Cook, Quinby & Tweedt LLP in San Francisco, California. Reuben describes his practice as a civil litigation practice with a maritime orientation. About a third of his cases involve merchant seamen injured on American-flagged vessels. Reuben generally represents the vessel owners, who are often defendants in the lawsuits brought by the seamen. The vessels involved might be container carriers, tugboats, barges, or yachts. The issues litigated include whether or not the vessel owner was negligent in some way that led to the injury and whether or not the vessel was seaworthy. Injured seamen are entitled to what is called "maintenance and cure." This means that they are entitled to a daily stipend (maintenance) and medical expenses (cure) while recuperating from an injury. Reuben reports that the balance of his cases involve cargo damage and insurance issues, plus marine environmental and other types of litigation.

"The maritime industry is the biggest industry you’ve never heard of," claims Arthur Whitestone, in-house attorney for Crowley Maritime Corporation in Oakland, California. Crowley is a private company on the Forbes Private 500 list. Arthur’s transactional practice relates to the “amazing engineering feats” undertaken by Crowley—from transporting oil to moving oil rigs to moving oil refineries via vessels. Crowley has container ships that carry cargo on the East Coast, including ships that are used to ship Ford automobiles to South America. On the West Coast, Crowley has barges and tugs. The company engages in salvage (rescue) and emergency response efforts, as well. When the Exxon Valdez was involved in an accident in Alaska, six Crowley tugs pulled the Valdez off of the Alaskan reef. "The work of the company requires careful insurance planning, risk planning, and development of contracts," says Arthur.

Lt. Stephanie Cantor and Lt. Marty Berkowitz of the United States Coast Guard, Washington, D.C., explain that their client is the Coast Guard itself. Stephanie interprets current laws, regulations, and government policies as they relate to the Coast Guard, particularly in the areas involving migrant interdiction (situations in which noncitizens are illegally smuggled into the U.S. via ships) and fisheries law (this includes the harvesting of fish and seafood). Mark, too, interprets laws and regulations, particularly with regard to the documentation of vessels. He advises the National Vessel Documentation Center, other Coast Guard attorneys, and members of the public. "I receive three to five calls a week from citizens wanting to know about various Coast Guard regulations," he explains. After TWA Flight 800 crashed off the coast of New York in 1996, he provided the Coast Guard with advice regarding the site. Currently, he says, he is "the attorney reviewing and negotiating an annex (addition) to an environmental protocol (provision) of the Antarctic Treaty."

What daily activities are involved in admiralty law practice?

Arthur explains that his practice at Crowley Maritime Corporation is transactional. He drafts, reviews, and negotiates agreements for the transport of oil and the movement of cargo. He also spends time counseling Crowley business executives concerning maritime law and commercial law issues. Most of his time is spent in-house, but he occasionally travels to London, since the insurance industry creates a substantial connection between the London insurance market and U.S. maritime interests and attorneys.

Reuben says that his daily work in maritime-related litigation is similar to the work of any litigation attorney. He answers complaints, drafts pleadings, drafts and responds to written discovery, takes depositions, interviews witnesses, argues motions, and prepares for trial.

Stephanie Cantor and Marty Berkowitz report that they spend time researching and writing memos, letters, and reports and counseling their fellow Coast Guard members about immediate crises and long-term concerns. Stephanie recalls one crisis situation in which "the Coast Guard interdicted a People’s Republic of China flag vessel smuggling illegal immigrants into the U.S. Practical and political considerations made the case especially difficult. The discussions between U.S. agencies became pretty heated. One night things came to a head—so I spent at least three hours on the phone (on my couch, with my dog next to me, and my husband bringing me food) discussing the limits of Coast Guard authority with the legal adviser to the National Security Council, the General Counsel of the Department of Transportation (the Coast Guard at that time was part of the Department of Transportation), the Chief Counsel of the Coast Guard, and two
other Coast Guard lawyers. It was a pretty impressive experience, especially since I had been at that assignment for less than six months at the time."

What do admiralty lawyers find rewarding about their practice?

The lawyers we talked to said that one of the rewards of practicing maritime law is working with a special group of people. "It's the admiralty practice itself that makes the work so rewarding," says Reuben. "The lawyers in the maritime bar are great lawyers and mentors. Within the bar, there's a remarkable level of trust, respect, and professionalism." Reuben also finds each merchant seaman he meets through his practice to have some interesting story to tell. "All of the seamen are characters. Some of them have been working at sea for 30 years. Others have worked around the world. I never have an uninteresting case!"

The lawyers we interviewed also mentioned the rewards of working in a field in which they have a keen interest. Before law school Arthur worked in the shipping industry. "I worked as a commercial ship's officer for a shipping company," he says. "I enjoy keeping up with the developments in the maritime field. I read articles and journals, attend meetings of the Maritime Law Association of the United States, and go to continuing education seminars—all on the subject of maritime law. I have a real interest in the subject matter." Reuben talks enthusiastically about the practice. "Admiralty law has it all," he says. "This area of law has fascinating historical roots, great intellectual aspects, a federal practice, and a group of dedicated practitioners."

Stephanie Cantor and Marty Berkowitz enjoy the chance to have an impact on important national issues. Stephanie explains, "The most rewarding aspect is that real action is taken on your advice, and sometimes (though not often) I change the minds of the government decision-makers. To some extent I make sure the Coast Guard can continue successfully its duty of law enforcement on the water." Marty adds, "I feel proud to be a part of this great organization. I feel like I am contributing to the mission of the Coast Guard. Semper Paratus (always ready—our motto)!"

The Training and Skills Important to Admiralty Law

How do people enter the field of admiralty law?

Some attorneys, like Arthur, decide to practice admiralty law because of specialized work experience in the maritime industry. Arthur grew up in New York and attended college at the State University of New York Maritime College. The University is not a military school, but rather offers specialized education for those who want to work in the marine transportation industry. Arthur worked for four years in the operations Department of a shipping company before attending law school. "I really wanted to get into this area of law," he says. "After law school I pounded the pavement in San Francisco looking for a maritime law job. My job at Crowley Maritime was advertised, but they were looking for someone with a couple of years of law practice experience. I applied; my practical experience in the industry made up for my lack of legal experience."

Marty Berkowitz earned an undergraduate degree in finance before serving as an engineering officer for the U.S. Navy. While an officer he became interested in environmental law. When deciding what career path to pursue, he conducted a LEXIS-NEXIS search to target prospective employers. He chose the search terms: Maritime & Environmental & International. "The Coast Guard was listed as a 'law firm' on my LEXIS cite list," he recalls. He called the toll free number they listed, went through the application process, and found the opportunity to pursue all three interests. He adds that students interested in working as lawyers for the Coast Guard can talk to their local Coast Guard recruiter for further information.

Though she didn't have maritime work experience, Stephanie Cantor earned an LL.M. in Ocean and Coastal Law. "I was always a beach bum and loved the water," she says. "I've always been interested in water-related topics in a hope that I would get to spend more time in, on, or near the water (which is how I ended up in landlocked Washington, D.C.)," Stephanie muses. Stephanie was also interested in international issues. "I honestly never thought of joining the military—but when I learned what type of issues the Coast Guard was involved in, it was what I was looking for." Stephanie adds that her LL.M. degree "has definitely helped—though it's definitely not essential."

Other attorneys enter the practice because of an employer's needs or a mentor's influence. "My seagoing experience was limited to sailing in San Francisco Bay," says Reuben. While in law school, Reuben worked for a law firm as a summer associate. Though he didn't do maritime work that summer, he was supervised by a partner who practiced in the maritime group. He developed a good rapport with that partner, and when Reuben joined that firm as an associate, the partner assigned him to the maritime group. Reuben greatly enjoyed the practice, and later joined his current firm.
What skills are most important to admiralty lawyers?

- Whether drafting briefs, contracts, or opinion letters, admiralty and maritime lawyers need to have strong writing skills. Says Reuben, "You've got to be able to write well, to write persuasively, to analyze issues effectively." Good communication skills are critical, as well, he says. "You have to be able to tell your client what you think. You have to give the good news with the bad."
- A keen interest in the area of admiralty and maritime law is important. Arthur says that when he's hiring, he looks to see a commitment to the industry and a commitment to the practice area. "I consider whether candidates show a tenacity about serving clients in this industry and whether they are up to date on this area of the law." Most of all, he adds, "I like to see people who roll up their sleeves and work hard."
- Admiralty lawyers often get to challenge their investigation skills. Reuben explains that when seamen or cargo are damaged in an accident, you have to be able to search out the facts. "You have to know the right questions to ask in a deposition. You have to be able to evaluate the credibility of witnesses." Marty Berkowitz adds that some of the best investigation is done through listening carefully to and asking the right questions of the client. "The challenge," he says, "is helping the client to focus the issue."
- Good relationship-building skills are helpful to these lawyers who work so closely with their clients. Reuben explains that the small, tightly knit admiralty bar has a reputation for handling cases efficiently and with great professionalism. He advises students to build relationships that will last for the duration of their career.
- The flexibility to work with a wide range of issues is helpful to admiralty law attorneys, as they handle a broad range of legal issues. "Flexibility is the key," says Stephanie Cantor. "One day is chaos and you have the legal adviser to the National Security Council on the phone exploring what the Coast Guard thinks the limit of its authority is and the next you're writing an appeal decision for a mariner whose license was suspended for having a positive drug test." She adds, "You just have to learn to roll with the punches."

What classes and law school experiences do admiralty lawyers recommend?

- Take a general survey course in admiralty and maritime law. Law schools with programs specializing in admiralty and maritime law may offer more advanced courses and seminars in the area. Reuben notes that he never took a maritime law course in law school, but a survey course would have been helpful.
- A wide range of law school classes is important. Civil procedure, corporations, federal courts, remedies, environmental law, negotiations, international law, and secured transactions can be helpful because of the expansive nature of the practice. If you are considering a litigation position, trial advocacy and moot court are helpful. "Take courses in a variety of areas—you never know what you will need," advises Stephanie Cantor.
- Practical work experience in the field can help you decide whether this is the right area of practice for you. Consider working as a summer associate for a firm that has an admiralty or maritime practice group or working as an intern for a governmental agency.
- Work as a judicial law clerk. A judicial externship during law school or a judicial clerkship after law school adds a great deal to your resume. Says Reuben, "An externship or clerkship helps you hone your research skills and sharpen your writing skills. You have the chance to listen to attorneys argue in front of the judge, and the opportunity to observe the judge's interpretation of the arguments. This is especially helpful if you plan to litigate."
- Write a law review or law journal Article on a case or issue related to admiralty law. Arthur says that publishing a law review article helped give him credibility in his job search. A published article distinguishes your resume from those of your peers and shows an employer that you can follow through on large scale project. It also makes an excellent writing sample.

See Admiralty and Maritime Law jobs on LawCrossing.