**UNIVERSITY OF BALTIMORE**

**School of Law**

**MARITIME LAW (LAW 750-511)**

**Spring 2018**

**COURSE INFORMATION**

**Date, Time, Place:**

Tuesday, Thursday, 12:00 to 13:15

**Instructors:**

|  |  |
| --- | --- |
| **H. Allen Black III**  Winston & Strawn,  1700 K. Street, NW,  Washington, DC 20006  Office: (202)-282-5821;  e-mail: [hblack@winston.com](mailto:hblack@winston.com) | **Charles L. Simmons Jr.**  Gorman & Williams  36 South Charles Street, Suite 900  Baltimore, Maryland 21201  Office: (410) 528-0600  e-mail: [CLSimmons@gandwlaw.com](mailto:CLSimmons@gandwlaw.com) |
| ***Guest Lecturers to be Announced*** | |

**Course Description:**

The course presents a survey of maritime and admiralty law and current legal issues affecting maritime and marine activities. Topics to be covered include maritime jurisdiction, maritime practice, maritime personal injury, collision, salvage of ships and shipwrecks, charters and cargo, maritime environmental protection, international law, maritime regulation, and maritime crime and piracy.

The course would benefit all students, whether interested in maritime practice or otherwise. It provides a good overview of the applicable of general areas of law, such as torts, contracts, and procedure, in a focused, practical, and interesting context.

A more detailed outline of the course is provided in the Syllabus.

**Materials:**

The casebook for the course will be:

David W. Robertson, Steven F. Friedell, Michael F. Sturley, Admiralty and Maritime Law in the United States: Cases and Materials (Carolina Acad. Press 3d Ed. 2015)

Plus Supplement (3d Edition (2015)

Students may also be required to access cases through Lexis/Westlaw or case reporters. We also provide certain handouts via email or paper.

In addition, you may wish to refer to certain optional materials:

Papavizas, Black, Maritime Law Answer Book 2016 (PLI 2016) (An excellent resource in Q&A format) (Students may get a copy at a deep discount by calling PLI directly at 1 800 260-4PLI (4754) (Monday - Friday, 9 a.m. - 6 p.m., Eastern Time)

Schoenbaum, Hornbook on Admiralty and Maritime Law (West, 5th ed. with pocket part) (An excellent resource and analysis of maritime law)

**Course Objectives and Outcomes**: (Concepts and Goals)

The objective of the course is to give the student a good overview of the unique aspects of maritime and admiralty law, and maritime practice. The treatment of specific topics is necessarily concise, but we expect that students will be able to identify maritime issues, recognize and apply key aspects of maritime and admiralty law, and appreciate some of the unique features of maritime law as it may affect both individual and corporate clients.

**Grades:**

Grades are based on the final examination and class participation. The final examination will consist of a number of multiple choice and short essay questions through which the student will be able to demonstrate awareness of the principles and application of maritime and admiralty law. We may adjust the final grade up or down a half-grade based on class participation or lack thereof.

**Course Expectations**

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned – students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class. This is a three-credit class, with two 75 minutes classes per week. We have structured the syllabus to provide for approximately 2 -3 hours of class preparation per class.

We expect students to complete all reading assignments, to prepare for class, and to actively and consistently participate in class discussion. Preparation and active class participation are vital to mastering the material, and helps us to assess student progress and interest. As noted above, because of the importance of participation, we will base a percentage of students’ grades on their class participation. Students who are present but unprepared for class may be treated as absent.

From time to time we may assign certain research or specific case preparation to be done in advance of class, but we do not expect to require written papers or submissions.

In addition to readings from the casebook we may give assignments consisting of reading briefs and decisions from recent cases. We expect each student to read the material in the same way that practicing attorneys do – understand the factual background and the relevant issue, and see how the attorneys and judges apply the principles of maritime law.

**Attendance**:

Class attendance is a primary obligation of each student, whose right to continued enrollment in the course and to take the examination is conditioned upon a satisfactory record of attendance. A student who exceeds the maximum allowable allowances as set forth in the Law School Attendance Policy (more than 5 absences) may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of WA (withdrawal due to excessive absences) or a grade of WF.

**Course Website**

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

**Computers**

We discourage the use of laptop computers in class; in our experience they may be a distraction and inhibit participation. While students may bring their laptops to class, we reserve the right to direct that computers be closed during class.

**Class Cancellation / Syllabus Changes**

We are practicing attorneys and enjoy a busy workload. While we will make every effort to follow the Course Outline and Syllabus, occasionally we may be subject to last-minute practice demands, which can involve emergency response to shipping casualties, emergency litigation, or other unanticipated events. In such an event, if time permits, we may arrange a guest speaker, and/or we may need to adjust the syllabus.

If we must cancel a class, we will attempt to have notices sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web page or call the University's Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.

**E-Mail and Materials**

We plan to distribute certain materials by e-mail, which may include certain case briefs and outlines. Those materials are for the use of the students only, and may be subject to copyright or other restrictions. They may not be disseminated further without the express permission of the instructor.

We ask all students to provide us with an e-mail address that we can use to distribute class materials and to send announcements. If any student wishes to keep their e-mail address private (e.g., not shown in the distribution list), please advise us immediately.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process are available at the following URL:

http://law.ubalt.edu/academics/policiesandprocedures/honor\_code/.

**Title IX Sexual Misconduct and Nondiscrimination Policy**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees, and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence, or sexual exploitation, and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

**Snacks and Drinks**

Subject to building and school rules, students may bring soft drinks, coffee, tea, water, etc. into the classroom. However, while we understand that the class is scheduled for a traditional lunch hour, we generally do not permit snacking or dining during the class session.

**Contacting the Instructors**

Our contact information is on the first page of this Course Information handout. The best way to reach us is via e-mail. Students are invited to contact us anytime with any questions about the course or maritime law, and we will be pleased to assist as necessary and appropriate. When a student poses a question about class material, our practice is to share the question and our answer to the class as a whole, but without any information that would identify the person asking the question.

**Assignments**

| **Class No** | **Date** | **Inst.** | **Topic** | **Assignment** |
| --- | --- | --- | --- | --- |
|  | 1/16 Tuesday | Black  Simmons | Introduction to Maritime Law  Course Introduction | Casebook Preface; pp 3-15  Skim The Rules of Oleron (<http://www.admiraltylawguide.com/documents/oleron.html>) |
|  | 1/18 Thursday | Black | Foundations of Maritime Jurisdiction: Navigable Waters and Vessels | Casebook pp 15-29  28 U.S.C. § 1333  1 U.S.C. § 3 |
|  | 1/23 Tuesday | Black | Admiralty Jurisdiction in Tort Cases | Casebook pp 30-49 |
|  | 1/25 Thursday | Black | Admiralty Jurisdiction in Contract Cases; Concurrent Jurisdiction | Casebook pp 50-73 |
|  | 1/30 Tuesday | Simmons | Intro to Admiralty Procedure | Casebook pp 73-87 |
|  | 2/1 Thursday | Simmons | Admiralty Procedure, Personal Jurisdiction | Casebook pp 87-105 |
|  | 2/6 Tuesday | Simmons | Sources of Maritime Law | Casebook pp 105-126 |
|  | 2/8 Thursday | Simmons | Maritime Tort Law | Casebook pp 127-145 |
|  | 2/13 Tuesday | Simmons | Injuries to Seamen; History and Maintenance and Cure | Casebook pp 145-166 |
|  | 2/15 Thursday | Simmons | Injuries to Seamen; Jones Act | Casebook pp 166-177 |
|  | 2/20 Tuesday | Simmons | Injuries to Seamen; Unseaworthiness  Seaman Status | Casebook pp 177-199 |
|  | 2/22 Thursday | Simmons | Longshoremen | Casebook pp 199-216 |
|  | 2/27 Tuesday | Simmons | Death on the Water | Casebook pp 232-247 |
|  | 3/1  Thursday | Black | Maritime Punitive Damages | Casebook pp 248-274 |
|  | 3/6 Tuesday | Black | Intro to Maritime Cargo Law | Casebook pp 275-286 |
|  | 3/8 Thursday | Black | Carriage of Goods At Sea Act (“COGSA”) | Casebook pp 286-304 |
|  | 3/13 Tuesday | Black | Package Limitation  Charter Parties | Casebook pp 304-324 |
|  | 3/15 Thursday | Black | Collision | Casebook pp 325-345  Supplement pp 87-91 |
|  | **3/18- 3/25** |  | **SPRING BREAK!** |  |
|  | 3/27  Tuesday | Black | Towage and Pilotage  General Average | Casebook pp 347-359;  Casebook pp 361-375  Supplement pp 92-96 |
|  | 3/29 Thursday | Simmons | Salvage | Casebook pp 377-402 |
|  | 4/3 Tuesday | Black | Maritime Liens | Casebook pp 403-419  Supplement (Federal Maritime Lien Act and the Ship Mortgage Act) (46 U.S.C. chapter 313, and specifically §§ 31301, 31321, 31322, 31324, 31326, 31327, 31341, 31342, 31343  *McCorkle v. First Pennsylvania Banking & Trust Co*., 321 F. Supp. 149 (D. Md. 1971) |
|  | 4/5  Thursday | Black | Ship Mortgages, Adjudication, and Bankruptcy | Casebook pp 419-434 |
|  | 4/10 Tuesday | Simmons | Limitation of Liability | Casebook pp 435-444 |
|  | 4/12 Thursday | Simmons | Marine Insurance | Casebook pp 447-467 |
|  | 4/17 Tuesday | Black | Piracy and Drug Smuggling | Casebook pp 469-486 |
|  | 4/19  Thursday | Black | Admiralty and Oil Pollution | Casebook pp 487-502 |
|  | 4/24  Tuesday | Simmons | Forum Shopping | Casebook pp 519-546 |
|  | 4/26  Thursday | Black  Simmons | Review; Pizza Party | Review outlines, bring questions, appetite |
|  | 5/1 Tuesday |  | MAKEUP DAY? |  |
|  | 5/?? |  | FINAL EXAM | Study hard, do well! |