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(voice of John Hughes Cooper):

Good morning to Captain and crew alike and welcome to the Admiralty Docket. This is John Hughes Cooper with a glimpse into your rights and responsibilities at sea and upon the navigable waters.

Today our subject is applicable law in admiralty cases.

Generally, the courts of the states have concurrent jurisdiction with the federal courts over claims within the scope of federal admiralty jurisdiction. If claims are within the scope of federal admiralty jurisdiction, then the plaintiff may choose, with certain exceptions, to bring his action in state court or in federal court.

The source of this concurrent jurisdiction is the "saving to suitors" clause of the Judiciary Act of 1789. Courts of the states do not have power to give in rem remedies in admiralty cases. Therefore, state courts do not have jurisdiction over admiralty actions in rem.

With some exceptions, the plaintiff may choose to bring his action in state court with the right to jury trial, or may choose to bring his action in federal court in admiralty with no right to a jury trial. If there exists a basis for federal jurisdiction independent of admiralty jurisdiction (such as complete diversity of citizenship of the parties and a claim over \$50,000), then the plaintiff may choose to bring his action in federal court on the civil side with the right to a jury trial.

Claims within the scope of federal admiralty jurisdiction are

governed by substantive admiralty law, regardless of the court in which they are pending. Application of substantive admiralty law to claims within the admiralty jurisdiction is mandatory, does not depend upon pleadings, and cannot be waived. Substantive admiralty law is applicable whether the claims are pending in state court, in federal court in admiralty, or in federal court on the civil side.

Generally, the procedural rules of the forum court will be applied to all claims pending in that court. However, a court must withhold application of any procedural rule if the application of the rule would substantially alter substantive admiralty rights or responsibilities.

The admiralty preemption doctrine provides that most maritime matters are of such national, rather than local, character and concern that federal law pertaining to such matters takes precedence over inconsistent state or local law. The admiralty preemption doctrine has its source in the admiralty jurisdiction and supremacy clauses of the U. S. Constitution. The U. S. Supreme Court has recognized the admiralty preemption doctrine and ruled that the interests in national uniformity of admiralty law outweigh many state and local regulatory interests. Generally, inconsistent state statutes are preempted by federal admiralty law, except in areas of local concern where there is no need for national uniformity. State statutes are given effect to supplement substantive federal admiralty law, if they provide additional remedies consistent with federal admiralty law. Mr. Chief Justice Hughes writing for the U. S. Supreme Court in the case of The