

(intro Son of a Son of a Sailor):

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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 Sammy and Goliath.

For 34 years Sammy worked as an engineer on tugboats in Charleston. Before midnight on December 8, 1990, Sammy was called to work.

During the night, Sammy was ordered to leave his normal station in the engine room of the tugboat to help unmoor the barge from the dock.

The floodlights on the dock were barely above deck level. Although these lights were bright, they were not high enough above the deck of the barge to properly illuminate areas in which Sammy had to work to release the mooring lines. "Too much boat for too little dock," was the testimony.

Unknown to Sammy, the darkness obscured a shore power cord, 1/2 inch in diameter, with a baseball sized plug on the end, running from the barge to an electrical outlet on the dock.

As the tug and tow eased into the current, the shore power cord, still plugged in, became tighter and tighter. The cord stretched like a giant 79 foot long rubber band 1/2 inch in diameter, until whap... the plug end of the cord came out of the outlet and rocketed back to the barge, striking Sammy on the right side of his head and dropping him on the deck.

No one from the tug company had inspected the barge, or warned Sammy about the cord, or attempted to provide adequate lighting. As a seaman injured on the job aboard a vessel in navigation, Sammy filed suit under the Jones Act.

The tug company argued that Sammy, acting as a temporary deckhand, had a duty to discover the shore power cord in the dark.

The Court ruled that the tug company had a duty to provide a safe workplace, including the duties to inspect and to warn of dangerous conditions, and to provide adequate lighting for night work. After a four day jury trial, on Thursday, July 22, 1993, Sammy, David of the Charleston Waterfront, was vindicated by a verdict against the tug company for full pecuniary loss and for pain and suffering, and a finding that Sammy was in no way negligent. As one observer put it, "David used 5 smooth stones to fell Goliath . . . Sammy used 12 honest jurors to accomplish the same thing."

More next week on The Admiralty Docket. Until then, remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.

(second voice with Send Lawyers, Guns and Money):

The Admiralty Docket is written and narrated by John Hughes Cooper who specializes in admiralty law litigation with the law firm of Cooper & Raley. The legal principles discussed are general in nature. Laws change and even similar circumstances may call for application of different laws. If you have a question for a future

edition of The Admiralty Docket please write to John Hughes Cooper
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