

Lawyer Cooper, we own a little repair business. We repaired equipment on two merchant ships and now they won't pay our bills. When do repairmen have a lien on a ship? Do we have to file our lien?

Good questions. When necessary goods or services are provided to a vessel on the order of an authorized representative, a maritime lien for the reasonable value of the goods or services arises as a matter of law against the vessel. No filing or notice is necessary to perfect a maritime lien.

On the Boat Show I heard you talk about arresting ships to make them pay their bills. How do you arrest a ship and what is involved? I'd do most anything to get my money.

We first confirm the location and projected forward movements of the vessel. We avoid any disclosure of plans for arrest, because some vessels divert or flee the jurisdiction to avoid arrest.

Then we prepare the legal documents for filing and service in the district in which the vessel is located. The summons, a complaint verified under oath, and affidavit stating the qualifications of the substitute custodian are filed in admiralty with the Clerk of the U. S. District Court with the filing fee. We petition the District Judge for an order appointing substitute custodian and an order authorizing issuance of warrant for arrest in action in rem. We present these signed orders to the Clerk of Court, who must issue the warrant for arrest. We present copies of all documents to the Marshal with a deposit of sufficient funds, request for insurance, and completed USM-285 forms, which instruct the Marshal concerning service of process upon the vessel and other

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Virginia writes from Charleston, "Dear Mr. Cooper, on a recent fishing trip my husband and I stopped and rescued a young man clinging to the remains of a wooden boat. Once we got him dried off and warmed up, William told us about being run down by a tug and barge combination. We have been wondering, what are the responsibilities of those involved in a boat wreck?

Good question, Virginia. Federal law and South Carolina law both require the operator of a vessel involved in a casualty to assist persons injured or endangered in the casualty, require such an operator to identify himself and his vessel, and require such operator to exercise reasonable care in rendering assistance. If a boating accident involves loss of life, loss of consciousness, medical treatment or disability in excess of 24 hours, or property damage in excess of \$200, then the operator must file a written report. So, if the tug and tow sank William's boat, the tug operator was required under state and federal law to stop and assist William if he was injured or endangered in the casualty.

Of course we were glad to help, but we have debated whether we had any responsibility in the matter. I say we had to pick William up when we found him, but my husband says we could have left him for the sharks. What is our responsibility as innocent parties?

Your letter does not specify his location when you found William. If you find a victim injured or endangered by a marine casualty in which you were not involved, your legal duties may depend where you find him. Unless he is at sea, you have no legal duty, only a moral duty, to render assistance. Wherever you find him, if you decide to offer help, state and federal law both
