

40827 (40122) 3 2 1 George writes from Frogmore, "There was a collision down here caused by a tug that ran over an anchored boat. The owners of the tug filed a suit in the federal court without a jury for limitation of their liability. Can the families of those killed and injured sue in state court and get a jury trial?"

Good question, George. Those injured and the personal representatives of those killed in such a collision, would be required to sue an owner in the limitation action without a jury. However, this rule protects the owner from other suits, but does not protect members of the crew. If the master or crew aboard the tug caused the casualty, then federal admiralty law allows suits against them in other courts with right to jury trial.

Walter writes from Georgetown County, "Dear Mr. Cooper, you have mentioned admiralty judges from time to time on your show . . . Which judges are admiralty judges?"

Good question, Walter. An admiralty judge is a judge who hears cases which are within the admiralty jurisdiction. Generally, these are cases involving the rights and responsibilities of persons or vessels on navigable waters or cases involving agreements about vessels, navigation, cargo, or maritime workers. All admiralty cases may be filed in Federal court in admiralty without right to trial by jury. Under the "Saving to Suitors" clause of the Judiciary Act of 1789, most admiralty cases can be filed instead in state court with right to jury trial at the option of the Plaintiff. When there exists an independent basis for federal jurisdiction, admiralty cases may be filed on the civil side of

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federal court with right to a jury. Whether in federal court or state court, judges hearing admiralty cases, are admiralty judges.

This in from Patience Allston, "We be crabbin down de lower section. We don't never miss your program. You keep talkin about admiralty judges, admiralty judges . . . these admiralty judges ever overruled you? If dey overrule you, what you goin do den?"

Yes, Patience, they have ruled against me more often than I would like. When a judge rules against me in court I use a two step process. First, I think about how wrong he is. Then I stand and say in a loud voice, "Thank you, your Honor."

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.