

MARITIME PERSONAL INJURY
UNIVERSITY OF MIAMI LAW SCHOOL
COURSE # LAW 261A
MICHAEL R. KARCHER
SPRING 2021

I. COURSE DESCRIPTION

This two-credit course is intended to introduce students to both legal concepts of personal injury claims in the maritime field and the practical aspects of pursuing and defending these claims. It will exam Admiralty jurisdiction, claims by seamen, passengers, long shore and harbor workers and other persons in and around the waterfront. Guest lecturers will include local maritime attorneys. The first part of the course will employ a case study approach. Case studies will be supplemented by lectures on background readings or relevant supplementary materials. Case law, statues and regulations, technical and popular articles will be discussed in class and assigned as readings. The second half of the class will consist of an in class problem where students will take sides and represent plaintiffs and defendants in a simulation of a maritime personal injury claim. This course is appropriate for undergraduates (2L/3L) and graduate students (LL.M.) with an interest in maritime law. There are no specific prerequisites

II. COURSE MATERIALS

Required text: None. For each general topic I intend to distribute materials in class, on line/ CD/ or on Dropbox, or place materials on reserve for shared use, distribute via email short notes, cases or articles and/or point out relevant URLs you can access on the Web.

III. COURSE REQUIREMENTS/ATTENDANCE

There will be reading assignments for most classes, and I expect everyone to complete these assignments before class and participate in class discussions. Some of these may be distributed while others may be simply URL's to relevant websites.

The final course grade will be based upon both class participation in the discussions on the materials and your taking part in the simulation which will include the filing of pleadings, arguing your position and the presentation of your case. There is no written final exam. You will not be able to contribute to discussion unless you are familiar with any advance assignments given and cannot participate at all if you do not attend. Attendance is required in accordance with the guidelines set forth in the Student Handbook.

IV. ADA Policy

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Jessie Howell, Director of Accessibility, Office of Accessibility and Student Inclusion for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is access@law.miami.edu.

V. COVID 19 INFORMATION

The School has included the following instructions to be included in your course syllabi and reviewed with students:

There is an expectation/requirement that students will have their camera on if they are attending a session remotely. That is, your expectation/requirement is for online students to engage visually with you by enabling their video. It was noted by many faculty in the spring semester that their ability to engage with the material and work at their best as instructors was negatively impacted by students who failed to engage in the “classroom.” You may require students’ video participation by noting this in your syllabus.

All students in the classroom, laboratory, studio, or anywhere on campus are required to wear face coverings. Again, while this is mandated across the campus and in any situation in which physical distancing cannot be continuously guaranteed, we recommend including your requirement for face coverings in your syllabus as well.

All classes will be offered in both synchronous/asynchronous modalities, initially to ensure that students who become ill do not have an incentive to come to class. This is now the most basic version of our online commitment to students.

VI. ACADEMIC INTEGRITY POLICY

Students are expressly prohibited from recording any part of this course. Meetings of this course might be recorded by the University. Any recordings will be available to students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate University policies and maintain the security of passwords used to access recorded lectures. Recordings may not be reproduced, shared with those not in the class, or uploaded to other online environments. If the instructor or a University of Miami office plans any other uses for the recordings, beyond this class, students identifiable in the recordings will be notified to request consent prior to such use.

IV. SCHEDULE

Mondays: 7:30 a.m. to 9:20 a.m.

Room – This is an ON-LINE Course. A Zoom Link will be provided for the Class.

January 18, 2021

No Class (MLK Holiday)

January 25, 2021

A. Introduction

1. The Instructor
2. Course Background/Overview
3. Course Requirements/Schedule
4. Introduction to Marine Personal Injury

B. Maritime Jurisdiction (Chapter 1.) (Chapters refer to MPI CD).

1. Vessel
2. Navigable waters
3. Traditional maritime activity

February 1, 2021

A. Maritime Jurisdiction – Continued -(Chapter 1.) (Chapters refer to MPI CD).

1. Vessel
2. Navigable waters
3. Traditional maritime activity

B. Substantive law (Chapter 2.)

C. Limitations of liability

February 8, 2021

A. Marine employees (Chapter 3.)

B. Seamen in general (Chapter 4.)

C. Status of marine Employees

February 15, 2021

A. Maintenance & cure (Chapter 5.)

B. Recovery

C. Damages

D. Failure to pay

E. Punitive Damages

F. Unseaworthiness (Chapter 6.)

G. Recovery

February 22, 2021

No Class

March 1, 2021

A. Jones Act (Chapter 7.)

B. Status

C. Jones Act /DOHSA

March 8, 2021

A. Jones Act/Arbitration (Chapter 8.)

B. Damages

C. Sample Problem - Discussion

March 15, 2021

Passengers (Chapter 9.)

A. Stand of Care

B. Ticket – Limitations

C. Medical Malpractice

March 22, 2021

- A. Longshore & Harbor Workers (Daid Famulari)
- B. Florida Workers Compensation

March 29, 2021

- A. Mediation & Arbitration
- B. Sample Problem - Arguments

April 5, 2021

- A. Sample Problem - Arguments

April 12, 2021

- A. Plaintiff's Perspective
- B. Defendant's Perspective

April 19, 2021

- A. Sample Problem - Arguments

April 26, 2021

- A. Sample problem - Motions

May 1 – May 11, 2021. Exam Period

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NOTE: Schedule subject to change due to unforeseen circumstances, "whims of the court", sickness, weather, current events, or other acts beyond our control (Much like the Practice of Law).
MRK: 01/9/2021