

ADMIRALTY LAW

Professor Michael J. Frevola – Spring 2022

CLASS SYLLABUS

Course Description:

The Admiralty Law course will study the jurisdiction of the federal and state courts as well as choice of law and choice of forum issues. The substantive areas of admiralty will include the international and domestic multimodal carriage of goods, charter parties (contracts to rent an entire ship or part of a ship), maritime arrests and attachments, salvage, towing, pilotage, collision, stranding, general average and personal injury. We shall also briefly examine ship mortgages and marine insurance.

Learning Outcomes and Course Purpose:

This course is designed to provide an overview of federal admiralty law and the unique role that it plays in the U.S. legal system. Students will learn about the various different sub-disciplines in the maritime law industry and become familiar with terminology particular to admiralty practice. Students will acquire the basic knowledge necessary to spot issues arising in an admiralty law case and the ability to analyze those issues consistent with a junior associate at a maritime law firm. Students also will learn how to prepare basic pleadings involved with maritime arrest and attachment proceedings.

Class times and location:

Wednesdays, 10:10 am to Noon

Room: As published

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Office hours:

I will be able to meet with students after each class (under current COVID-19 restrictions such meetings will have to be out of doors) and at other times by appointment. I can be contacted by e-mail or telephone and I usually will respond promptly. The meeting place or places will be chosen once class begins session for the semester.

Course Materials (available for purchase at the Hofstra University Bookstore):

DAVID W. ROBERTSON ET AL., ADMIRALTY & MARITIME LAW IN THE UNITED STATES (3d ed. 2015) (Carolina Academic Press), ISBN 978-1-61163-787-8

DAVID W. ROBERTSON ET AL., ADMIRALTY & MARITIME LAW IN THE UNITED STATES (3d ed. 2015) (Carolina Academic Press), ISBN 978-1-61163-788-5

Attendance and Lateness:

You are expected to arrive on time and prepared for each class. Moreover, the rules of the New York State Court of Appeals, the American Bar Association and the Law School all require students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of the regularly-scheduled classes in this course. **Thus, you may miss no more than two classes in this two credit class.**

I will provide dated sign-in sheets for each regularly-scheduled in-person class. **Your signature (or lack thereof) on these sheets shall presumptively determine your attendance at (or absence from) any given class.** Each student is individually responsible for signing the attendance sheet. Falsification of sign-in sheets (by, for example, signing another student's name) is a violation of the Code of Academic Conduct. For remote classes, I will take attendance during the video session.

If you exceed the permitted absences by not attending class, or by failing to sign in, you will be administratively withdrawn from the course. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

The Office of Student Affairs has authority to excuse class absences for religious reasons and in cases of truly compelling hardship. If you wish to claim a particular absence as excused, and thus not counted against your maximum number of allowable absences, you must take that issue up with the Office of Student Affairs – NOT with me. **I shall mark an absence as excused if and only if I receive a note or an e-mail from the Office of Student Affairs to that effect.**

Grading:

Students will be evaluated on the basis of their class work and on the several writing assignments given during the semester. Students may use the course to fulfill the Writing II Requirement. A description of the writing assignments is provided at the end of this syllabus (i.e., after the "Assignments" section). You will earn a letter grade for the course (from "A" to "F") that corresponds to your score on the collective writing assignments completed during the semester.

Additionally, I reserve the right to increase or decrease your letter grade by one increment (e.g., from a "B" to a "B+") on account of your in-class performance throughout the semester.

Expected Student Workload:

The American Bar Association requires that you spend at least four hours per week outside of class studying for this 2-credit course. This is an average amount of time required for out of class work per week over the course of the semester. The time you will spend throughout the semester reviewing the readings below and researching, drafting and revising the final paper for this course will satisfy (and likely exceed) that time commitment. This is in addition to the two hours of class time.

Computer Policy:

Computers are to be used during class for taking notes and no other purpose. They are not to be used to "surf the net" or send email or instant messages. Violations of this rule may lead to you being prohibited from using a laptop during class.

Assignments:

The following is a preliminary list of reading assignments (all dates are 2022). The assignments may change as various developments occur in admiralty law during the course of the semester. It is possible that some cases in the case book will be replaced by more recent decisions and some cases will be dropped from the syllabus to allow more in-depth discussion of other cases.

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Writing Assignments:

The assignments listed below will constitute the documents that a student will be required to draft and the percentage weight of each assignment with respect to the student's final grade in the course. These documents will be double-spaced and will cumulatively total at least 20 pages. You can provide them to me by hard copy or by e-mail (**if they are sent by e-mail please send them as PDFs rather than Word documents**).

- Pleading a cause of action subject to maritime jurisdiction (both in tort and in contract) (assignment due by start of class on February 2, 2022) (expected length approx. 2 pages) (15% of final grade)
- Drafting a claim for maritime personal injury (assignment due by start of class on March 2, 2022) (expected length approx. 2 pages) (15% of final grade)
- Drafting a claim for damage to cargo (assignment due by start of class on March 23, 2022) (expected length approx. 3 pages) (15% of final grade)
- Drafting an answer to damage to cargo (assignment due by start of class on April 6, 2022) (expected length approx. 3 pages) (15% of final grade)
- Drafting a maritime arrest and/or attachment application (including complaint, supporting affidavits, and proposed order and warrant/writ) (assignment due by 11:59 pm on Monday, May 2, 2022) (expected length approx. 10 pages) (40% of final grade)

The turning in of a late assignment will result in the loss of an increment for each 24 hour period that the writing assignment is delayed (e.g., a writing assignment that would have received an "A" but which is turned in the evening of the same day that it was due -- rather than before class -- would be dropped to an "A-"; if the writing assignment is not turned in until Thursday at 10 am -- i.e., 26 hours after the deadline -- then the grade would drop another increment to a "B+", etc.).

Extensions will be granted only in the most exigent of circumstances.

Learning Outcomes:

Students will develop reasonable competency in the following:

1. Knowledge and understanding of substantive and procedural law.

Course work covers both procedural and substantive legal issues, with students learning (a) general federal procedural issues as well as those specifically related to federal admiralty law, and (b) the substantive U.S. general maritime law

2. Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.

In teaching students topics #1 (above) and #3 (below), emphasis will be placed on clearly articulating a compelling argument on behalf of one's client through use of available facts and the applicable law.

3. Entry-level lawyering capabilities needed for competent and ethical participation as a member of the legal profession.

Students will be instructed on and will complete the preparation of a number of federal maritime pleadings

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