



Informational Guide to Your Rights Under Maritime Law

If you or a family member were injured in a maritime accident, it is crucial that you understand your rights and how to properly navigate through your options. Below is a brief overview of some remedies that may be available to you and your loved ones.

The Merchant Marine Act of 1920 (“Jones Act”) 46 U.S.C. § 30104

- The Merchant Marine Act of 1920, more commonly referred to as the Jones Act, was enacted by Congress to protect maritime workers injured at sea and their families. To proceed with a Jones Act claim, you must qualify as a “seaman,” a term that has been interpreted broadly to incorporate not only sailors and officers, but also individuals who work on the vessel that are “doing the vessel’s work.” There are a number of factors that are considered when determining whether you qualify as a seaman under the Jones Act and it is crucial that you seek the appropriate counsel from lawyers familiar with Jones Act’s provisions.
- Vessel owners and operator’s owe several duties to those seamen who perform work on the vessel. These duties include, among other things, the following:
 - Use of ordinary care to provide a reasonably safe place to work;
 - Maintain the vessel in a reasonably safe condition and ensure that the vessel is “seaworthy”
- Failure to comply with a duty owed may result in negligence on the part of the vessel owners and operators if they lead to a seaman being injured. Examples include but are not limited to:
 - Failing to properly inspect the vessel and comply with federal regulations;
 - Failing to properly maintain equipment;
 - Failing to correct known dangerous conditions
- For a seaman to recover under the Jones Act, he needs to establish that the vessel owners / operators failed to abide by one of the aforementioned duties and that the failure led, at least in part, to the injuries he suffered.

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- The statute of limitations for a Jones Act case is three (3) years.

Recoverable Damages under the Jones Act

If a seaman is injured and/or killed in the line of duty, he and his family members (wife, children, siblings and parents) may be entitled to recover for the following damages under the Jones Act:

- Lost Wages
- Loss of Future Earnings
- Pain and Suffering
- Loss of Enjoyment of Life
- Mental Anguish
- Medical Expenses
- Prejudgment and Postjudgment Injuries
- Pain, Suffering, and Loss of Enjoyment of Life
- Punitive Damages (Certain Limited Cases)
- Loss of Support
- Loss of Services of the Deceased
- Loss of Nurture, Guidance, Care, and Instruction
- Loss of Inheritance
- Funeral Expenses

Death on the High Seas Act (“DOHSA”) 46 USCS Appx § 761 et seq.

In some tragic instances, there are additional statutory remedies for the injured and their families. The Death on the High Seas Act contemplates recovery in a number of circumstances where death has occurred. More specifically, § 761 of DOHSA provides:

- Whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

General Maritime Negligence for Passengers

If you were injured while a passenger on any maritime vessel, you may have the right to pursue a claim against the vessel’s owner’s and/or operators. Passengers that have

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been injured on ferries, cruise ships or any other recreational sailing ship may have a viable claim to recover for their injuries, despite what an insurance company or agent may represent to you. Please contact our office to discuss your injuries and let us help you figure out the best avenues for recovery.

Commercial Fishing Industry Vessel Safety Act of 1988

Although winter is approaching, commercial fisherman will be hard at work throughout the waters of New England, often times in less than ideal conditions. It is important for fisherman to understand that their vessels must conform to certain industry and federal statutory standards, which are required to be present on most commercial fishing vessels, including:

- readily accessible fire extinguishers capable of promptly and effectively extinguishing a flammable or combustible liquid fuel fire;
- at least one readily accessible life preserver or other lifesaving device for each individual on board;
- an efficient flame arrestor, backfire trap, or other similar device on the carburetors of each inboard engine which uses gasoline as fuel;
- the means to properly and efficiently ventilate enclosed spaces, including engine and fuel tank compartments, so as to remove explosive or flammable gases;
- visual distress signals;
- other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and
- a placard as required by regulations prescribed under section [10603 \(b\)](#) of this statute

Don't let your employer cut corners. If you have been injured as a result of the a lack of one of the above safety features, please contact us about your rights.

Who else do we help?

- Lobstermen
- Longshoremen
- Scallop Fishermen
- Marine Construction Workers
- Any one injured as a bystander to any maritime accident

Again, if you or your family members were injured or killed in a maritime accident, please do not hesitate to contact us for a free consultation.

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