

Admiralty Law
LAW 7730 - 01
Captain Alan S. Richard

Tuesdays and Thursdays
1:40 PM – 2:35 P.M.
Room R107

SYLLABUS – SPRING 2012

I. INSTRUCTOR INFORMATION

A. Contact Information

I will keep office hours immediately after class from 12:00 noon to 1:00 P.M. either in the classroom (Room R107) or in the adjunct office (Room 306) in the northeast corner of the third floor of B.K. Roberts Hall. My cell phone number is 556-9955. My home phone number is 893-9655 and you may call either number any time after 7:00 A.M. and before 11:30 P.M. To contact me by e-mail, it is advisable to send it to my FSU e-mail address <asrichard@fsu.edu> with a copy sent to my personal e-mail address <asrichard@aol.com>. My staff support person is Christina Carter. You can reach her at 644-7276 or by email <ccarter@law.fsu.edu>.

B. A Brief Biography

I am in my thirty-fifth year as a maritime law enforcement officer. I started with the Florida Marine Patrol in 1977 and spent the next seven years patrolling the waters between Palm Beach and the Upper Keys. I then served as Training Sergeant for the area between Tallahassee and Pensacola, followed by a tour as a lieutenant assigned to staff at the Marine Patrol Academy.

In 1987, I was promoted to Captain and transferred to the Boating Safety Section in Headquarters at Tallahassee. My duties there included reviewing all boating accidents occurring in Florida, including those investigated by other law enforcement agencies. I was responsible for drafting boating legislation and promulgating boating rules. I testified frequently as an expert witness in boating and shipping cases.

I attended law school at FSU from the fall of 1991 through the spring of 1994, graduating with highest honors and five book awards. I was a member of the *Journal of Land Use and Environmental Law*, served as vice president of the Environmental Law Society, and served two terms as associate editor of the *Law Review*. Throughout law school, I continued to work full-time for the Florida Marine Patrol and part-time as an expert witness (SHHH, don't tell the Dean!).

Since law school, I have continued to work for the Florida Marine Patrol throughout its mergers, first into the Department of Environmental Protection and then into the Fish and Wildlife Conservation Commission. I have served in various positions including staff to the Chief of the Florida Marine Patrol and as Officer in Charge of the Office of Boating Safety and Waterway Management. My final post before retirement was as an Assistant General Counsel. I served as police legal advisor to the Division of Law Enforcement and as staff counsel to the Florida Boating Advisory Council.

I officially retired from the Fish and Wildlife Conservation Commission in February of 2010, but I continue to serve in a sworn law enforcement capacity as a reserve officer. I still teach State and Federal Boating Law, Boating Accident Investigation, and Boating Accident Reconstruction to new officers during recruit training and to veteran officers during in-service training. I lecture extensively at Continuing Legal Education (CLE) courses and seminars. On four occasions, I have presented Continuing Judicial Education to Florida's trial court judges at the request of the Florida Supreme Court's Office of the State Courts Administrator.

I am a member and past chair of the Florida Bar Admiralty Law Committee and a member of the Southeastern Admiralty Law Institute. I am in my fourth term on the federal Navigation Safety Advisory Council. I am an officer of the United States Merchant Marine and licensed by the Coast Guard to serve as Master of steam ships and motor vessel upon the navigable waters of the United States and upon the high seas. My publications include the Recreational Boating chapter in the Florida Bar's Maritime Law Practice Manual.

II. COURSE MATERIALS

Our primary text is Maraist, Galligan and Maraist's *Cases and Materials on Maritime Law (2d ed.)*. I chose this text primarily because it is much easier to understand than the other available texts. Moreover, it is the only text that has been updated since Congress revised and rearranged Title 46 of the United States Code, amending and renumbering many of the sections. In addition to the text, each student is also required to review the Westlaw Maritime Law Topical Highlights database prior to each class session (this should only take a few minutes unless you find something exceptionally interesting). It will list three or four cases that have been decided very recently. If any case listed is on point for the topic under consideration, we will discuss it.

I strongly suggest that you purchase two additional references: Maraist and Galligan's *Admiralty (in a nutshell)* (6th ed.); and Schoenbaum's *Admiralty and Maritime Law* (Hornbook Series, 4th ed.). Both will be of great value to you, not only during this course but also as you enter practice. The Nutshell will be very helpful in getting an overview of a particular topic and in explaining it in lay terms to clients and partners. The hornbook is good as a starting point for research. It will give you several cases that you can "Find" on-line and from which you can derive key notes or other search terms.

III. READING ASSIGNMENTS

There is much more to this text than we could ever hope to cover in a 2-credit survey course. We will be concentrating on the most important cases as we proceed. You will need to read the assigned cases, both from the text and from Westlaw or Lexis, but you do not need to brief them. In this survey course, I expect you to know broad principles rather than case names

and obscure facts. When I ask in class discussions, “What was this case about?”, I would like in response a two or three sentence synopsis of what happened to whom and why the plaintiff is suing or appealing – I do not want a 10-minute recitation of the facts of the case. The most important question to consider when reading a case is: “Why did the authors include this case?” By understanding why a case is sufficiently significant to have been included, you will go a long way toward becoming acquainted with the broad principles of Admiralty Law.

The Maritime Law Topical Highlights is a Westlaw database that provides a one-paragraph summary of particularly significant cases. The database is accessed by typing “WTH-MRT” (without the quotation marks) into the “Search for a database:” window. Read each summary that has been posted since the last class. If a case seems particularly interesting or pertinent to the chapter we are reading, use the link to read the entire case. Only the summary is required reading but, if a case is relevant to the topic under consideration, we will discuss it in class.

IV. ATTENDANCE

Classroom participation is important and the only way to participate is to be there. Class attendance is, therefore, required. Attendance includes the obligation to arrive on time and to satisfactorily complete reading assignments prior to class. I reserve the right to consider class participation for up to ten percent (10%) of the final grade if it appears that some students are substantially failing to adequately participate in class discussions. American Bar Association accreditation requirements mandate that law schools have and enforce an attendance policy. Therefore, more than three unexcused absences will result in the assignment of an “Administrative F” grade for the course.

Excuses must be provided to me in writing (e-mail is acceptable). When the reason for the absence is known prior to the day of class, the excuse must be provided in advance of class. Should the event arise unexpectedly on the day of class, the excuse should be provided as soon thereafter as is possible. Examples of acceptable excuses include religious holidays, verifiable illnesses or injuries of an incapacitating nature, and major family crises (e.g., the death of a parent). Examples of unacceptable excuses include extended vacations, working on assignments for other classes, and job interviews. If you have any questions concerning whether an excuse will be acceptable, please call or come see me before the event.

The acceptance of an excuse for an absence does not relieve the student of the responsibility for mastery of the materials presented and discussed during the missed class. The student must obtain class notes from one or more other students. The student may also be required to meet with me to discuss the missed class material.

V. FSU HONOR CODE

Each student is responsible for adhering to the College of Law's Student Conduct Code in all their academic work. The Code outlines the College of Law's expectations for the integrity of student's academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty throughout the process. You may access the Code at [Please come see me if any part of it, or any part of my expectations concerning it, is unclear.](#)

VI. STUDENTS WITH DISABILITIES

Students with disabilities needing academic accommodation should: (1) Register with and provide documentation to the Student Disability Resource Center (SDRC); and (2) bring a letter to Nancy Benavides, Associate Dean for Student Affairs, indicating the need for accommodation and what type. Please do this during the first week of class. If you let me know what accommodations you need, I will gladly work with the SDRC to arrange for a note-taker, taping, alternative formats, or any other accommodation that you reasonably require in order to be able to participate in this class.

For more information about services available to FSU students with disabilities, contact:

Student Disability Resource Center
97 Woodward Avenue, South
108 Student Services Building
Florida State University
Tallahassee, FL 32306-4167
(850) 644-9566 (voice)
(850) 644-8504 (TDD)
sdr@admin.fsu.edu
<http://www.disabilitycenter.fsu.edu/>

VII. RELIGIOUS HOLIDAYS

University regulations stipulate that no student shall be penalized for missing class due to a religious holiday. Please notify me in advance if a religious holiday you plan to observe falls on a day scheduled for class.

VIII. CLASS SCHEDULE

Class is scheduled to meet from 1:40 P.M. to 2:35 P.M. every Tuesday and Thursday. The College of Law policy is that all cancelled classes must be made up. My FWC duties or court appearances may require that I miss one or more of the scheduled classes. If this happens, I will try to conduct the make-up class immediately following a scheduled class session and in the same room if it is available. If you tell me in advance that you are unable to attend a make-up class, I will arrange to tape the class or meet with you individually to go over the material. If I am forced to cancel a class, I will try to give you as much notice as is possible, both as to the cancellation and as to the date of the make-up.

IX. GRADES

The grade in this class will be based on a written final examination administered at the end of the semester. Most people should be able to finish the exam in less than two hours, but I will allow you as much time as the College of Law allots for the exam period. The exam will include fill-in-the-blank, short answer, and essay formats. The fill-in-the-blank and short answer questions will require that you recall and recite; the essay questions will require that you apply the principles we covered in class to the facts and circumstances presented in the questions. With but three exceptions that I will specifically identify in class, knowledge of specific case names is not required for the test but you may, if you so choose, use a case name as a convenient shorthand reference to the principle under discussion.

I will prepare and distribute the examinations. For each question, there will be one or more blanks to fill in or several blank lines on which to inscribe your answer. Use the amount of space allotted as a guide for the complexity and depth expected (e.g.: If I only give you three blank lines, I obviously do not expect an entire essay; a single three-inch line indicates that the answer will be a word or two.) Grammar, spelling, and punctuation do not count as long as your answer is intelligible. Failure to write legibly results in an IRATE GRADER reading your exam. Penmanship counts to the extent that I cannot award any points for an answer that I cannot read.

You may bring to the exam a “crib sheet” – a single 8½x11 sheet of paper with as much (or as little) information as you care to inscribe thereon. The crib sheet may be hand written or computer printed. You may use any font size you like. You may not, however, bring a magnifying glass to the test so as to read your crib sheet if you use too small a font. (The first time I allowed a crib sheet, one student reduced his entire 60-page outline to fit on a single sheet of paper and spent more time looking for answers than writing them.)

As discussed above in the section on Attendance, I reserve the right to consider class participation for up to ten percent (10%) of the final grade if it appears that some students are substantially failing to adequately prepare for class and participate in class discussions.

X. MOST IMPORTANT!

More important than anything else in this syllabus is my desire and expectation that you will enjoy this subject and the class. The laws, regulations, and cases pertaining to vessels and their operation have been my life for the past third of a century. I would not have done anything that long unless I loved it very much. Admiralty is historic, yet cutting edge. We will look at statutes and decisions that are centuries old and apply them to situations developing in the real world today. It may all seem complicated on the surface but, as divergent themes come together, the concepts are deceptively simple. As this is a survey class, the goal is that you leave knowing more than you did when you entered. So, relax and enjoy the journey.