TITLE BY SUBJECT INDEX

ADMIRALTY BOOK AND SELECTED CASE REVIEWS

Robert B. Acomb, Jr. .......................... 12:241

Jarvis, Bederman, Goldstein & Swanson: Admiralty Cases and Materials (Book Review).
John E. Holloway ............................. 30:535

Ross: As They Say on the River. A Dictionary of Western Rivers Towing (Book Review).
Gray H. Miller .................................. 21:241
Healy & Sharpe: Cases and Materials on Admiralty (Book Review).
James Hanemann, Jr. ........................ 1:150

David C. Frederick .............................. 17:365

Barston & Birnie: The Maritime Dimension (Book Review).
Sang Don Lee .................................. VI:131

Robert Force ................................. 19:525

James T. Shirley, Jr. ........................... 24:971

Tetley: Maritime Liens and Claims (Book Review).
David Shaw ................................. 14:195

Review of Selected 1975 Admiralty Cases ........................ II/1:41
De la Rue & Anderson: Shipping and the Environment (Book Review).
Robert Force ............................... 26:409
De la Rue & Anderson: Shipping and the Environment, 2d ed. (Book Review).
Robert Force ............................... 34:669

Matthew P. Harrington .......................... 21:243

ADMIRALTY LAW INSTITUTE

Admiralty Law at the Millennium, 1999*
Panel Discussion of Arrest, Attachment and Related Maritime Law Procedures ....... 24:355
Panel Discussion of Collision, Towage, Salvage, and Limitation of Liability ............................ 24:405
Panel Discussion of Personal Injury and Death .......................... 24:439
Panel Discussion of Pollution .................................. 24:461
Panel Discussion of Recreation Boating and New/Nontraditional Maritime Theories and Remedies .......................... 24:473

AIRCRAFT

Aircraft as “Vessels” for Purposes of the Jones Act?—Barger v. Petroleum Helicopters, Inc.
Note (Melanee A. Gaudin) ............... VI:312
Application of Admiralty Jurisdiction to Aviation Disasters on the High Seas.
Comment (Jimmy Wilkins) .................. 20:465
Note (James Clement) ..................... 36:339
Counterpoint: An Excerpt from— Dooley v. Korean Air Lines Co.: Are Survival Actions Lost to Davey Jones’ Locker Where DOHSA Applies?
Note (Christine Ann Guard) ............. 23:245
Three’s a Crowd: The Unhappy Interplay Among the New York Convention, FAA and McCarran-Ferguson Act.

* Admiralty Law Institute held at Tulane University April 1999. Printed herein are selected transcripts or Panel Discussions.
Comment
(Zachary M. VanVictor) .................. 36:313
Note (Jason P. Minkin) ................. 23:229
“What’s That Falling from the Sky? Oh, It’s Just a Helicopter and, You Know What, It Will Probably Only Injure Itself”: The Fifth Circuit’s Application of the East River Doctrine in Turbomeca, S.A. v. ERA Helicopters, LLC.
Note (Timothy Keslar) .................. 33:527

AMERICANS WITH DISABILITIES ACT
The Americans with Disabilities Act and Shipboard Jobs: A Primer.
Comment
(Bryant S. Carroll, III) .................. 20:465
Won’t You Let Me Take You on a Sea Cruise: The Americans with Disabilities Act and Cruise Ships.
Curtis D. Edmonds ...................... 28:271

ARBITRATION
Ain’t No Money in the Cure: Arbitration Trumps Solicitude When Enforcing Postinjury Arbitration of Seamen’s Personal Injury Claims.
Comment
(Matthew K. Maruca) ....... 33:229
Robert M. Jarvis ....................... 14:49
The Applicability of an Arbitration Clause Contained in a Bill of Lading to Third Parties: Steel Warehouse Co. v. Abalone Shipping Ltd.
Note (Lisa Beth Chessin) .............. 23:575
Arbitration in the United States.
Herbert M. Lord ....................... IX:227
Balancing Bargaining Power: The Eleventh Circuit Overreaches To Destroy the Public Policy Defense at the Initial Enforcement Stage of Arbitration in Lindo v. NCL (Bahamas), Ltd.
Note (Nicholas A. Machen) .......... 36:839
Bound To Arbitrate: The Fifth Circuit Considers an Arbitration Agreement in a Settlement for Maintenance and Cure.
Note (Brooke E. Wright) .......... 32:619
Thomas Carbonneau .................. 22:131
The Enforceability of Arbitral Clauses Contained in Marine Insurance Contracts Against Nonsignatory Direct Action Claimants.
Victoria Holstein-Childress .......... 27:205
Kathleen B. Carr ..................... 18:71
Freudensprung v. Offshore Technical Services, Inc.: Has the Fifth Circuit Sunk the Seaman’s Exclusion from Arbitration?
Note (Andrew M. Stakelum) ....... 29:451
Judicial Arbitration of Minor Maritime Claims.
Thomas M. Schodowski .......... II/2:41
Jurisdiction and Arbitration in Multimodal Transport.
Yvonne Baatz ......................... 36:643
The Louisiana Direct Action Statute Loses Its Teeth: How the Fifth Circuit in Todd v. Steamship Mutual Underwriting Ass’n Opened the Door To Allow Insurers To Enforce Arbitration Agreements Against the Direct Action Plaintiff.
Note (Zachary M. VanVictor) ...... 35:659
Maritime Arbitration in Hong Kong.
Peter S. Caldwell .................... 22:155
New London Arbitration Rules: Paradise Regained?
Comment (G. Hans Sperling) ....... 21:557
Michael H. Bagot, Jr. and Dana A. Henderson .......... 26:413
The Position in the United States on Foreign Forum Selection and Arbitration Clauses, Forum Non Conveniens, and Antisuit
Injunctions.
Robert Force .................................. 35:401

Note (Awisheh Awini) ......................... 18:359

Punitive Damage Awards in Maritime Arbitration: A Legitimate Part of the Arbitrator’s Arsenal?
Dion C. Raymos................................. X:251
Rice Co. (Suisse), S.A. v. Precious Flowers Ltd.—Precious Indeed:
The Fifth Circuit Refrains from Compelling Arbitration of a Nonsignatory Vessel Owner.
Note (Bradley J. Vogel) ...................... 33:589

Note (Ryan C. Davis) ......................... 34:365

Strange Ways: COGSA, the Action In Rem, and Sky Reefer’s Progeny.
Comment (Aaron A. Radicke) .............. 32:203

Upsetting a Charter Party Arbitration Award: Are the Courts Lowering the Bar on Judicial Review?
R. Glenn Bauer and Philip Bush .................. 25:419

Note (Mark S. Rubin) ....................... 19:499

ARREST

Arrest and Detention of Ships and Other Property in Nigeria.
Chudi Nelson Ojukwu ......................... 28:249

Comment (Russel M. Olson) .......... VI:285

Due Process and Traditional Admiralty Arrest and Attachment under the Supplemental Rules.
Charles Schwartz, Jr. ...................... VIII:229


Controversies.
Note (Brian K. McGarry) ............. 33:539

Let Go of Her! Vessel Arrest and the Need for Global Uniformity.
Douglas Scotti ............................. 24:269

Maritime Arrest and Rule C: A Historical Perspective.
Comment (Eric D. Grayson) .......... VI:265

The Personification of the Vessel in United States Civil In Rem Actions and the International Law Context.
George K. Walker ......................... 15:177

A Practical Guide to Admiralty Supplemental Rules A through E.
Keith B. Letourneau ....................... 22:417

Note (Michael L. Bono) .............. 17:317

Seize and Desist: Damages for Wrongful Maritime Seizure.
Michael H. Bagot, Jr. and Dana A. Henderson ........... 25:117

The Supplier Strikes Back: Under What Circumstances Can a Subcontracting Necessaries Supplier Assert a Maritime Lien?
Comment (Blair Brogan) ............. 34:279

Note (Jaye M. Andras) ........ 15:119

“We Just Want Our Ship Back”—Action for Possession in Admiralty.
William A. Durham .......................... 15:47

ATTACHMENT

Admiralty Jurisdiction and Procedure, Recent Developments in Maritime Law.
David B. Sharpe ............................ 21:473

Due Process and Traditional Admiralty Arrest and Attachment under the Supplemental Rules.
Charles Schwartz, Jr. ..................... VIII:229

The Effect of Shaffer on Maritime Attachment: If the Shoe Fits . . . —Grand Bahama Petroleum Co., Ltd. v. Canadian Transportation Agencies, Ltd.
Note (Martin Briner Woods) .......... III:317
The Final Chapter? The Second Circuit Once Again Addresses Rule B Attachments of Electronic Funds Transfers in Consub Delaware LLC v. Schahin Engenharia Limitada.
Note (Ian Taylor) ......................... 33:575

Maritime Law Takes a Step into the Modern Age of Banking: Winter Storm Shipping v. TPI.
Note (Jayson Haile) ..................... 28:209

Comment (Ian F. Taylor) .......... 34:211

Comment (Jillian L. Benda) ....... 31:95

A Practical Guide to Admiralty Supplemental Rules A through E.
Keith B. Letourneau .................. 22:417

Southern District of New York Applies the New York U.C.C. To Limit Rule B Attachment of Electronic Funds Transfers in Seamar Shipping Corp. v. Kremikovtzi Trade Ltd.
Note (Brandon T. Morris) .......... 32:313

The Sudden Demise of the “No Res, No Case” Rule in Rule B Maritime Attachment Proceedings: Stevedoring Services of America v. Ancora Transport, N.V.
Note (Geoffrey A. Hoffman) ....... 20:175

Note (Margaret Meyer) ............. IV:355

ATTORNEYS’ FEES

Attorney’s Fees are Governed by Federal Rule of Civil Procedure 59(e) in an Action for Willful and Arbitrary Failure to Pay Maintenance and Cure—Holmes v. J. Ray McDermott & Co.
Note (J. James Cooper) ............ VII:328

Note (Denise O’Connor Saporito) ....... III:309

Personal Injury, Recent Developments in Maritime Law.
Douglas M. Muller and Julius H. Hines ....................... 22:513

Seamen’s Injuries, Recent Developments in Maritime Law.
Edward J. Powers ...................... 21:529

Wrongful Denial of Maintenance and Cure: Opening the Damages Floodgate.
Comment (Julie R. Wohlgemuth) .......... 18:109

BANKRUPTCY

Argentina: A New Development in Direct Actions Against Indemnity Insurers.
Update (Mayela Rosas) ............... 22:191

Conflicts of Law between the Bankruptcy Courts in Admiralty: United States, United Kingdom, Canada, and France.
William Tetley, Q.C. ................. 20:257

Law Wars: The Battle Between Bankruptcy and Admiralty.
Ramsay McCullough ................... 32:457

Muddy Waters: Where Admiralty Meets Bankruptcy.
Comment (John Richard Fitzgerald) .......... X:91

Note (Jennifer Ancona) ............. 21:593

BARRATRY

Note (Jaye M. Andras) ............... 15:119
**BILLS OF LADING**

The Applicability of an Arbitration Clause Contained in a Bill of Lading to Third Parties: *Steel Warehouse Co. v. Abalone Shipping Ltd.*
Note (Lisa Beth Chessin) .......................... 23:575

Benefits and Burdens of Third Parties Under Exception Clauses in Bills of Lading.
Chen Liang ........................................ 24:225

Carriage of Cargo, Recent Developments in Maritime Law.
Joseph P. Trabisky .................................. 25:375

COGSA and Choice of Foreign Law Clauses in Bills of Lading.
Alan Nakazawa and B. Alexander Moghaddam ............... 17:1

Carriage of Goods, Recent Developments in Maritime Law.
Andrew C. Tsanis .................................. 21:489

The CMI Charts a Course on the Sea of Electronic Data Interchange: Rules for Electronic Bills of Lading.
Comment (Richard Brett Kelly) ....................... 16:349

Note (Jeffrey Kvandal) .............................. 25:537

Ferrostaal v. *M/V* *Sea Phoenix*: The Third Circuit’s Sinking of the Fair Opportunity Doctrine.
Note (Alexander J. Marcopoulos) ..................... 31:679

Getting What You Bargained For?: The Eleventh Circuit Refuses To Apply the Carmack Amendment for a Through Bill of Lading Without a Separate Domestic Bill of Lading in *Alladis USA, Inc. v. Sea Star Line LLC.*
Note (Abbott M. Jones) ............................. 31:657

Legal Qualities of Transport Documents.
Hugo Tiberg ........................................ 23:1

Maritime Electronic Commerce for the Twenty-First Century.
George F. Chandler ................................. 22:463

D. Rhidian Thomas ................................. 36:761

Paperless Shipping Documents: An Australian Perspective.
Emmanuel T. Laryea ................................. 25:255

*Rice Co. (Suisse), S.A. v. Precious Flowers Ltd.*—Precious Indeed: The Fifth Circuit Refrains from Compelling Arbitration of a Nonsignatory Vessel Owner.
Note (Bradley J. Vogel) ............................. 33:589

Should Vessel Managers Be Considered “Carriers” Under COGSA?
Note (Kirsten H. Smith) ............................ 32:645

*Sompo Japan Insurance Co. of America v. Union Pacific Railroad*: The Second Circuit’s Recent Movement Away from Uniformity in Its Application of the Carmack Amendment.
Note (K. Blythe Daly) ............................... 31:639

Note (Mark S. Rubin) ............................... 19:499

**BOARDING OF VESSELS**

The Constitutionality of Boardings at Sea Without Cause—*United States v. Piner.*
Note (James C. Klick) ............................... V:104

Fishing Allowed: No Basis Required for Investigatory Stops on Inland Waters with Access to Open Sea—*United States v. Villamonte-Marquez.*
Note (Kurt Stallings) ............................... IX:137

Good Seamen Never Tangle Their Lines or Never the Twain Shall Meet: An Analysis of the Constitutional and Jurisdictional Delineations of *United States v. Reeh.*
Note (Mary H. Mason) ............................... 12:209

Limits of Coast Guard Authority to Board Foreign Flag Vessels on the High Seas.
Rachel Canty ....................................... 23:123
Recent Developments in the Criminal Enforcement of Maritime Environmental Law.
David G. Dickman ............................................... 24:1

Searches and Seizures at Sea: Trying to Balance Governmental Interests Against the Fourth Amendment.
Linda A. Newland .................. 16:319

State Authority Under the Oil Pollution Act of 1990: Federalist Elixir, or Should the Supreme Court Sink Intertanko v. Locke?
Comment (Daniel G. Rauh) .............. 24:323

CANADA
Canada's Oversight of Arctic Shipping: The Need for Reform.
Lee Clark .............................................................. 33:79

CARRIAGE OF GOODS
Comment (Sandra A. Larkin) .......... 20:403
Benefits and Burdens of Third Parties Under Exception Clauses in Bills of Lading.
Chen Liang .................................................. 24:225

Bills of Exchange and Lading in a Set of International Transactions: A Comparative View.
D. E. Murray ............................................... III:175

Breaking the Liability Limits in Multimodal Transport.
Duygu Damar ................................................... 36:659

Bulk Cargo Shortages: A Marine “Whodunit.”
Comment (Campbell E. Wallace) .......... III:83

The Burden of Proof in Cases of Cargo Loss and Damage Where the U.S. Carriage of Goods By Sea Act Has Been Incorporated into a Charter Party.
Armand M. Paré, Jr. .................. 25:491

Carriage of Cargo, Recent Developments in Maritime Law.
Joseph P. Tabrisky .................. 22:535

Note (Marie Healey) .................. II/2:91

Note (Marian T. McPhaul) ........ II/2:113

Carriage of Goods, Recent Developments in Maritime Law.
Andrew C. Tsunis .................. 21:489

A Carrier by Any Other Name: Is It Time To Expand the Definition of a COGSA Carrier?
Note (Kevin Baldwin) .............. 35:389

The Carrier’s Duties Under the Rotterdam Rules: Better the Devil You Know?
Theodora Nikaki .................. 35:1

Claiming Damages in Multimodal Transport: A Need for Harmonisation.
Simone Lamont-Black ........... 36:707

The CMI Charts a Course on the Sea of Electronic Data Interchange: Rules for Electronic Bills of Lading.
Comment (Richard Brett Kelly) .......... 16:349

COGSA and Choice of Foreign Law Clauses in Bills of Lading.
Alan Nakazawa and B. Alexander Moghaddam .................. 17:1

A COGSA Carrier’s Duty to Load and Stow Cargo is Nondelegable, Or Is It?: Associated Metals & Minerals Corp. v. M/V Arktis Sky.
Note (Mark Hegarty) .............. 18:125

Marva Jo Wyatt .................. 30:101

COGSA Limitation Applicable to Damage Occurring on Land at an Intermediate Port: Schramm, Inc. v. Shipco Transport, Inc.
Note (Kathryn J. Hall) .............. 29:481

COGSA Section 1304(5): “Fair Opportunity” Update.
Comment (Mary L. Moreland) ........ 20:423

COGSA Section 4(5)’s “Fair Opportunity” Requirement: U.S. Circuit Court Conflict and Lack of International Uniformity; Will the United States Supreme Court Ever
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide Guidance?</td>
<td>17:17</td>
</tr>
<tr>
<td>Daniel A. Tadros</td>
<td></td>
</tr>
<tr>
<td>Common Carriers’ Liability to Landed Cargo: Obligations Before Loading and After Discharge</td>
<td>III:53</td>
</tr>
<tr>
<td>George A. Gaitas</td>
<td></td>
</tr>
<tr>
<td>Containerization, the Per Package Limitation, and the Concept of “Fair Opportunity.”</td>
<td>XI:123</td>
</tr>
<tr>
<td>Comment (Laurence B. Alexander)</td>
<td></td>
</tr>
<tr>
<td>A Contract for the Lease of Cargo Shipping Containers is a Maritime Contract Subject to Admiralty Jurisdiction: CTT-Container Leasing Corp. v. Oceanic Operations Corp.</td>
<td>VII:139</td>
</tr>
<tr>
<td>Note (James W. Marks, Jr.)</td>
<td></td>
</tr>
<tr>
<td>Contract Terms in Intermodal Transport: COGSA Comes Ashore</td>
<td>16:177</td>
</tr>
<tr>
<td>Marva Jo Wyatt</td>
<td></td>
</tr>
<tr>
<td>Counterpoint: An Excerpt from—The Fifth Circuit Provides a Clarification of the Meaning of “Delivery” Under COGSA and an Understanding of the Proper Determination for “Per-Package” Liability: Servicios-Expoarma, C.A. v. Industrial Maritime Carriers, Inc.</td>
<td>23:249</td>
</tr>
<tr>
<td>Note (Elizabeth C. Harper)</td>
<td></td>
</tr>
<tr>
<td>Deck Carriage under the Hague Rules</td>
<td>III:35</td>
</tr>
<tr>
<td>William Tetley, Q.C.</td>
<td></td>
</tr>
<tr>
<td>Deviation: Should the Doctrine Apply to On-Deck Carriage?</td>
<td>VI:37</td>
</tr>
<tr>
<td>James F. Whitehead, III</td>
<td></td>
</tr>
<tr>
<td>The Eleventh Circuit Tackles COGSA’s Per Package Limitation—Hayes-Leger v. M/V Oriental Knight.</td>
<td>15:141</td>
</tr>
<tr>
<td>Note (Edward C. Hammond)</td>
<td></td>
</tr>
<tr>
<td>Erosion of the Carrier’s Duty to Inspect and Care for Insufficiently Packed Cargo: Tenneco Resins, Inc. v. Davy International, AG.</td>
<td>25:537</td>
</tr>
<tr>
<td>Note (Lee A. Handford)</td>
<td></td>
</tr>
<tr>
<td>Note (Jeffrey Kvandal)</td>
<td>33:111</td>
</tr>
<tr>
<td>Ferrostaal v. M/V Sea Phoenix: The Third Circuit’s Sinking of the Fair Opportunity Doctrine.</td>
<td>31:679</td>
</tr>
<tr>
<td>Note (Alexander J. Marcopoulos)</td>
<td></td>
</tr>
<tr>
<td>The Fifth Circuit Clarifies the Application of COGSA’s Prescriptive and Per-Package Limitations: Servicios-Expoarma, C.A. v. Industrial Maritime Carriers, Inc.</td>
<td>23:249</td>
</tr>
<tr>
<td>Note (Bryant E. Gardner)</td>
<td></td>
</tr>
<tr>
<td>Fifth Circuit Extends Maritime Lien to Time Charter Contract Before Cargo is Loaded: E.A.S.T., Inc. of Stamford, Connecticut v. M/V Alaia.</td>
<td>15:133</td>
</tr>
<tr>
<td>Note (Timothy R. Hager)</td>
<td></td>
</tr>
<tr>
<td>Getting What You Bargained For?: The Eleventh Circuit Refuses To Apply the Carmack Amendment for a Through Bill of Lading Without a Separate Domestic Bill of Lading in Altadis USA, Inc. v. Sea Star Line LLC.</td>
<td>31:657</td>
</tr>
<tr>
<td>Note (Abbott M. Jones)</td>
<td></td>
</tr>
<tr>
<td>James J. Donovan</td>
<td></td>
</tr>
<tr>
<td>Has the Deviation Doctrine Deviated Unreasonably?</td>
<td>26:321</td>
</tr>
<tr>
<td>Comment (Mary Pace Livingston)</td>
<td></td>
</tr>
<tr>
<td>The History, Evolution, and Characteristics of the LASH Concept.</td>
<td>IV:323</td>
</tr>
<tr>
<td>Comment (William H. Frankel)</td>
<td></td>
</tr>
<tr>
<td>An Implied Private Cause of Action under the Shipping Act for Carriers: Sea-Land Service, Inc. v. Murray &amp; Son’s Co.</td>
<td>13:203</td>
</tr>
<tr>
<td>Note (Kris D. Malachias)</td>
<td></td>
</tr>
<tr>
<td>In Another Country: The Effect of Mandatory Port Law upon Statutory Duties of Discharge and</td>
<td></td>
</tr>
</tbody>
</table>
The Nautical Fault Debate (the Hamburg Rules, the U.S. COGSA 95, the STCW 95, and the ISM Code).

The Ninth Circuit Breathes Life into a Vessel as a Himalaya Beneficiary: Mazda Motors of America, Inc. v. M/V Cougar Ace.

The Ninth Circuit Fails To Mend the Inter-Circuit Split Regarding the Burden of Proof in Fire Statute Cases: Nissan Fire & Marine Insurance Co. v. M/V Hyundai Explorer.

An Overview of the Considerations Involved in the Handling of a Cargo Case.

Reform of Carriage of Goods—The UNCITRAL Draft and Senate COGSA '99.

The Regal-Beloit Decision: What, If Anything, Would Happen to the Legal Regime for Multimodal Transport in the United States If It Adopted the Rotterdam Rules.

Regulated Carriage and Towage Characteristics and Liabilities.

Relations Between the Rotterdam Rules and the Convention on the Carriage of Goods by Road.

Rice Co. (Suisse), S.A. v. Precious Flowers Ltd.—Precious Indeed: The Fifth Circuit Refrains from Compelling Arbitration of a Nonsignatory Vessel Owner.

Rust Never Sleeps: The Origin, Effect and Validity of Rust Clauses in Metal Cargo Bills of Lading.

"Said To Contain": Fear of Incurring Liability Creates a Disincentive for Cargo Carriers To Improve
Shipping Container Security by Examining Cargo.
Comment (Kevin P. Maney) ........ 35:317
Second Circuit Limits COGSA Strict Liability for Shippers of Dangerous Goods in Contship Containerlines, Ltd. v. PPG Industries, Inc.
Note (Andrew Homer) .............. 31:199
The Senator Linie: Shipper’s Strict Liability for Inherently Dangerous Shipment of Dangerous Cargo by Sea.
Robert Force ..................................... 31:315
Russell R. Williams .................... 17:185
Shipper’s Potential Liabilities in Transit.
David L. Maloof and James P. Krauzlis ....................... V:175
Short Sea Shipping in the United States—The New Marine Highways.
Comment (Sean D. Kennedy) ........ 33:203
Should Vessel Managers Be Considered “Carriers” Under COGSA?
Note (Kirsten H. Smith) ............. 32:645
Sompo Japan Insurance Co. of America v. Union Pacific Railroad: The Second Circuit’s Recent Movement Away from Uniformity in Its Application of the Carmack Amendment.
Note (K. Blythe Daly) ............... 31:639
David C. Frederick ............................. 17:365
They Receive, and They’re a Carrier, But They’re Not a Receiving Carrier: The Second Circuit Follows Regal-Beloit and Reverses Precedent on Carmack Amendment Application.
Note (Sarah Dawkins) ............... 35:607
Unreasonable Deviations and the Unapplicability of COGSA’s Limitation of Liability Provision:
Note (Donna Frances Grandy) .......... IX:114
Mary Helen Carlson ..................... 31:615
Vessel Manager Liability in Tort Actions: Steel Coils, Inc. v. M/V Captain Nicholas I.
Note (Meagen Leary) ................. 27:645
The 0.5% Trade Allowance: The Third Circuit Holds the Custom Unenforceable under COGSA.
Craig L. Staples ....................... X:183

CAUSATION
Causation Issues in FELA and Jones Act Cases in the Wake of McBride.
David W. Robertson ..................... 36:397
Superseding Cause: Still a Viable Defense in Admiralty.
William Jones Miller .................. 18:211

CHARTER PARTIES
Cesser Clauses.
Machale A. Miller ..................... 26:71
Charter Party Termination and the Approach Voyage.
Raymond A. Connell .................. 25:469
Charterers’ Orders—“To Obey or Not to Obey . . .”
Nicholas Hamblen QC and Susannah Jones .................. 26:105
A Comparative Analysis of Charter Party Agreements “Subject to” Respective American and British Laws and Decisions . . . It’s All in the Details.
Comment (Lourdes M. Andreu) ........ 26:291
Delay and Detention.
Philip Bush ......................... 25:441
Ensuring that Maritime Liens Remain Tied to Temporal Priority— Bank One, Louisiana N.A. v. Mr. Dean MV
Note (Jeffery Nicholas) ............. 27:655
Has the Deviation Doctrine Deviated Unreasonably?
Comment
(Mary Pace Livingston) .................. 26:321
Tony Vlasto and Julian Clark ......... 25:519
Effects of War on Charter Parties.
R. Glenn Bauer............................ 13:13
Note (Timothy R. Hager) .............. 15:133
Identity of the Carrier: Issues Under Slot Charters.
Mary T. Reilly ................................ 25:505
Liability of Charterers and Cargo Owners for Pollution from Ships.
Charles B. Anderson and Colin de la Rue.......................... 26:1
OilVoy Clauses—Vessel Late Arrival at Load Port: Recovery of Commercial Damages.
James M. Textor.............................. 27:467
Safe Port/Safe Berth Clauses:
Warranty or Due Diligence?
Comment (Peter G. Hartman)........... 21:537
Shipbrokers’ Commissions:
Entitlement, Standing, and Jurisdiction.
H. Edwin Anderson, III ................. 24:55
Should Vessel Managers Be Considered “Carriers” Under COGSA?
Note (Kirsten H. Smith) .................. 32:645
“Subject to Details” and Charter Party Negotiations.
H. Edwin Anderson, III ................. 26:61
Comment
(Edward C. Hammond) .................. 12:185
Comment
(Melanee A. Gaudin) ..................... VIII:121
Vetting Clauses.
David W. Martowski ...................... 26:123
The Warranty of Seaworthiness in Charter Parties: Legal Methods of Amelioration.
Robert B. Fisher, Jr........................ 1:1

**CHINA**
Donglai Yang .................. 23:465
An Introduction to Personal Injury and Death Claims in the People’s Republic of China.
Robert Force and Xia Chen.............. 15:245
Marine Insurance Law in China.
Kevin X. Li, Tingzhong Fu, Ling Zhu and Yunlong Liu .................. 32:425
Maritime Arbitration in Hong Kong.
Peter S. Caldwell ....................... 22:155
Maritime Courts in the Middle Kingdom: China’s Great Leap Forward.
Curtis E. Pew, Robert M. Jarvis, and Mark Sidel .................. XI:237
Maritime Injunction in the Maritime Procedure Law of P.R.C.
Alex Cao ................................ 26:581
Lixing Zhang .................. 14:209

**CHOICE OR CONFLICT OF LAWS**
Admiralty Jurisdiction and Procedure, Recent Developments in Maritime Law.
David B. Sharpe .................. 21:473
The Applicability of State Law in Maritime Cases after *Yamaha Motor Corp. v. Calhoun.*
David W. Robertson .................. 21:81
Lizabeth L. Burrell .................. 21:53
The Carrier’s Duties Under the Rotterdam Rules: Better the Devil You Know?
Theodora Nikaki .................. 35:1
Joseph F. Smith, Jr. .................................. 14:1

Note (Felicia Huang) ....................... 20:495

Choice of Law in Two-Part Harmony: The Fifth Circuit Interprets Conflicting Choice of Law Clauses in Foster Wheeler Energy Corp. v. An Ning Jiang MV.
Note (Eric F. Mulch) .................... 29:461

Claiming Damages in Multimodal Transport: A Need for Harmonisation.
Simone Lamont-Black .................. 36:707

Close-Hauling Toward Simplified Eligibility Under the Longshore and Harbor Workers’ Compensation Act: A Proposal for Congressional Action or Judicial Clarification To Rectify Persistent Ambiguity, Nicole J. Dulude and Todd Greenwood .................. 35:45

Note (Michael Raudebaugh) ........ 34:647

COGSA and Choice of Foreign Law Clauses in Bills of Lading.
Alan Nakazawa and B. Alexander Moghaddam .......... 17:1

Conflicts of Limitation Laws in the United States and the United Kingdom: Solving the Riddle of Norwalk Victory.
Comment (Robert J. Morris, III) .... 34:303

Thomas A. Dickerson ................... 28:447

Division of Collision Damages: Common Law, Civil Law, Maritime Law and Conflicts of Law.
William Tetley, Q.C. .................... 16:263

Note (William J. Pallas) .......... 17:343

Does Sieracki Still Rule the Seas?: Coats v. Penrod Drilling Corp.
Note (Michelle M. O’Daniels) .......... 17:101

Does the Jones Act Apply to Offshore Alternative Energy Projects? Constantine G. Papavizas and Gerald A. Morrissey III .... 34:377

The Ebb and Flow of East River: Consideration of the Supreme Court’s Decision on Products Liability in Shipbuilding Contracts.
Michael H. Bagot, Jr. ................. 30:137

44.1 Ways to Prove Foreign Law.
John R. Brown ............................... IX:179

Note (Henry D. Olinde) ............... XI:329

The Fifth Circuit Passes the Buck: Whether Maritime Law or OCSLA Applies to Contracts Involving Drilling Platforms on the Outer Continental Shelf?: Smith v. Penrod Drilling Corp.
Note (David Gray Douglas) .......... 17:89

Albert Tate, Jr. ......................... VII:199

Note (Laura L. Roos) ................ VIII:383

Ryan Kelly Mclemore .................. 25:327

In re Amtrak: The Eleventh Circuit’s Leash on Yamaha.
Note (Christopher B. Daniels) ...... 22:303

In re Oil Spill by the Amoco Cadiz—Choice of Law and a Pierced
Corporate Veil Defeat the 1969 Civil Liability Convention.
James W. Bartlett, III ......................... X:1
The Interface of Criminal Jurisdiction and Actions under the United Nations Charter with Admiralty Law.
George K. Walker ............................. 20:217
Jurisdiction, Choice of Law, and Forum Non Conveniens in a Personal Injury Suit by a Foreign Seaman: The Application of Interest Analysis.
Comment (James C. Klick) ...................... V:239
William Tetley, Q.C. ......................... 17:139
Mixed Oil and Gas Contracts Performed on Navigable Waters—Maritime or Nonmaritime?
Confusion Reigns in State Territorial Waters: Davis & Sons, Inc. v. Gulf Oil Corp.
Note (Paul R. Briere) ......................... 16:389
Maritime Conflicts of Law from the Perspective of Modern Choice of Law Methodology.
Symeon Symeonides ......................... VII:223
Bevan Marten ................................. 36:741
The Myth of Uniformity in Maritime Law.
Robert D. Peltz ............................... 21:103
The New Age of Conquest and Colonialism: How Admiralty Will Be Used on the Final Frontier.
Jayson Haile ................................. 29:353
OCS Indemnity Contracts: State Law or Maritime Law?—Grand Isle Shipyard v. Seaco Marine, LLC.
David W. Robertson ........................ 35:467
Opting Out of Admiralty Law?:
Jason R. Harris ............................. 34:167
Pay the Man . . . Again! The Fourth Circuit Requires Shippers to Pay Freight Twice When Cargo Consolidators Default in
Hawkspere Shipping Co. v. Intamex, S.A.
Note (Matthew Lynch) ....................... 28:603
The Pennsylvania Rule: No Longer the Rule.
Francesca Morris ......................... 32:131
Personal Injury, Recent Developments in Maritime Law.
Douglas M. Muller and Julius H. Hines ............................. 22:513
The Position in the United States on Foreign Forum Selection and Arbitration Clauses, Forum Non Conveniens, and Antisuit Injunctions.
Robert Force ......................... 35:401
Post-Calhoun Remedies for Death and Injury in Maritime Cases:
Uniformity, Wither Goest Thou?
Robert Force ............................... 21:7
Michael J. Maloney ...................... 24:705
The Regal-Beloit Decision:
What, If Anything, Would Happen to the Legal Regime for Multimodal Transport in the United States If It Adopted the Rotterdam Rules.
Robert Force ......................... 36:685
Relations Between the Rotterdam Rules and the Convention on the Carriage of Goods by Road.
Cécile Legros ............................. 36:725
Note (Ryan C. Davis) ..................... 34:365
The Status of the Quasi-American Bluewater Seaman in American Courts.
Comment (Brian Jay Corrigan) .................... X:269
Surviving Preemption: State Remedies and the LHWCA:
Stevedoring Services of America v. Eggert.
Note (Michael J. Wray) ..................... 21:229
Three’s a Crowd: The Unhappy Interplay Among the New York Convention, FAA and McCarran-Ferguson Act.
Comment (Zachary M. VanVactor) .................. 36:313

Transnational Maritime Litigation: Selected Problems.
Harold K. Watson .................................. VIII:87

Uberrimae Fidei—Once Entrenched, Always Entrenched: The Third Circuit Joins the Majority in AGF Marine Aviation & Transport v. Cassin, But Is That Enough?
Note (Stephen C. Richman) ............. 33:553

Using Principles of Conflict of Laws to Chart the Murky Waters of Contractual Indemnity: Angelina Casualty Co. v. Exxon Corp., USA.
Note (Ethan Glaubiger) ...................... 15:411

Note (G. Hans Sperling) .................. 21:217

CLASSIFICATION OF VESSELS

The Classification System and Its Problems with Special Reference to the Liability of Classification Societies
Hannu Honka ...................................... 19:1

“Built” or “Rebuilt”? That Is the Question: Risk of Losing the Coastwise Privilege After Vessel Modification Projects Outside the United States.
Comment (Han Deng) ....................... 35:241

Liability of Classification Societies from the Perspective of United States Law.
Machale A. Miller ............................. 22:75

Liability of Classification Societies from the British Perspective:
The Nicholas H.
Note (Colleen E. Feehan) ............. 22:163

Otto Candies, L.L.C. v. Nippon Kaiki
Kyokai Corp.: Further Extending Negligent Misrepresentation to Protect Third-Party Buyers that Rely on Erroneous Certificates Issued by Vessel Classification Societies.
Note (Courtney P. Cochran) ........... 28:613

COAST GUARD

Coast Guard Employees and Reports of Marine Casualty Investigations: Their Role in Litigation.
Comment (Ronald K. Schuster) .... 23:207

Note (Susan Sarah Smith) .......... IV:155

The Flow of Authority To Stop the Flow of Oil: Clean Water Act Section 311(c) Removal Authority and the BP DEEPWATER HORIZON Oil Spill.
Frederick J. Kenney, Jr., and Melissa A. Hamann .................. 36:349

Hiding Behind “Tradition”? Should U.S. Vessel Traffic Centers Exercise Greater Direction and Control over Vessels in Their Areas?
Craig H. Allen ................................. 34:91

Informal Guide to Coast Guard Investigations of Marine Casualties and Accidents Involving Commercial Vessels.
William B. Thomas ......................... VII:47

It’s Better to Answer When the Coast Guard Comes Knocking: United States v. Victoria.
Note (R. Peter Rittling) ................. 15:169

Lawrence I. Kiern ......................... 36:1

Limits of Coast Guard Authority to Board Foreign Flag Vessels on the High Seas.
Rachel Canty ................................. 23:123

Marine Casualty Reporting and Investigation.

Monitoring Costs under the Oil Pollution Act of 1990: A Blank Check for the Coast Guard?
Sergio J. Alarcon and Flynn M. Jennings .................. 21:419

The Preservation of Privacy Interests at Sea: The Need for Meaningful
Scope Limits on Custom Officials and Coast Guard’s Sweeping Authority to Search Vessels.
Comment (Lauren Estrin)................. 29:105
Pub. L. 98-89—Trouble for Businessmen Who Entertain Aboard Pleasure Boats?
Louis Giansante............................ 15:95
Recent Developments in the Criminal Enforcement of Maritime Environmental Laws.
David G. Dickman............................ 24:1
Regulation of Maritime Safety: A Conflict of Standards.
Comment (Peter S. Wiswell).............. IV:89
Representing the Mariner Accused of Drug Abuse: A Step-by-Step Guide.
Patricia R. Spivey............................ 21:445
Something Seems Fishy—The Application of the Fourth Amendment to Coast Guard Searches of Vessels: United States v. Boynes.
Note (Lucy Jewel)............................ 23:553
Vasilios Tasikas......................... 20:59
Welcome Aboard, OSHA: Occupational Safety and Health Regulations May Apply to Uninspected Vessels in State Waters.
Comment (Daniel H. Wooster)............ 27:227

COLLISION

Allisions in the Artificial Archipelago: Economic Damages and Offshore Oilmen in the Oil and Gas Circuit.
Comment (Bryant E. Gardner).............. 24:299
Applying The Pennsylvania Rule—Circumstances to Consider in Allisions: American River Transportation Co. v. M/V Kavo Kalikra.
Paige Hess................................. 24:343
Note (Christian Dabb)...................... 21:617
Comment (Debra F. Gambrill)................ VII:79
Collision Liabilities Between Shipowners.
Richard H. Brown, Jr........................ VIII:69
Collision Survey.
(James B. Abston and David R. Kunz).................. 13:355
Collision Survey.
(Steven M. Stastny)......................... 15:389
Collision Survey.
(David Gray Douglas and Valeria St. Vicina).......... 17:419
Collision Survey.
(Robert S. Green, Mark S. Rubin, and Thomas H. Van Horn)........ 19:589
Collision Survey.
(Jeffrey B. Carra and Amelia Sweetland)........... 21:693
Collision Survey.
(Jason P. Minkin)........................... 23:661
Collision Survey.
(Curtis Cox and Jennifer L. North)................ 25:629
Collision Survey.
(Richard Preston)......................... 27:699
Collision Survey.
(Matthew J. Bauer)......................... 29:533
Collision Survey.
(Arjya B. Majumdar and Ryan M. McCabe)........... 31:727
Collision Survey.
(Blair Brogan, Nicholas H. Berg and Jonathan A. Hirsch)........ 33:631
Collision Survey.
(Michael B. Pemberton, Mark DiCicco and Jonathan Segarra)............... 36:697
Division of Collision Damages: Common Law, Civil Law, Maritime Law and Conflicts of Law.
William Tetley, Q.C........................ 16:263
Exceptions to Negligence Claims for Economic Loss Absent Physical Damage to a Proprietary Interest?
The Fifth Circuit’s Answer in \textit{Taira Lynn Marine Ltd. No. 5 v. Jay’s Seafood, Inc.}

Note (Gavin H. Guillot).................31:649


William Tetley, Q.C. ..................... 17:139

\textit{The Pennsylvania Rule: No Longer the Rule.}

Francesca Morris.............................32:131

Shipowner Liability Arising from Violations of Statutory Work-Hour Limits.

Comment (Robert D. Tracy) ............. 22:635


Lixing Zhang................................ 14:209

\textit{Yacht Racers Contract Out of COLREGS: Juno SRL v. S/V Endeavour.}

Note (G. Hans Sperling)..................... 21:217

\textbf{COMPARATIVE FAULT}

\textit{Aye, Aye to the Full Release: The Fifth Circuit Clarifies How A Joint Tortfeasor Can Settle Successfully and Seek Contribution.}

Comment (Lauren E. Burk) ............... 36:197

Claiming Contribution Against Time-Barred Joint Tortfeasors: Does a \textit{McDermott} Proportionate Share Approach to Damage Allocation Offer the Most Equitable Solution?

Note (Sean Wion)............................ 34:657

Division of Collision Damages:

Common Law, Civil Law, Maritime Law and Conflicts of Law.

William Tetley, Q.C. ...................... 16:263

\textit{The Effect of Settlement on Nonsettling Joint Tortfeasors in Maritime Law.}

Comment (Eric D. Suben)................... 17:301

Holding the Bag—Proportional Fault and the Non-Settling Defendant:

\textit{Self v. Great Lakes Dredge & Dock Co.}

Note (Evan T. Caffrey)...................... 14:415

\textit{McDermott v. AmClyde: Contrasting Views on Proportionate Fault.}

R. Jeffrey Bridger and Jeffrey E. Richardson.................. 19:259

The Relationship, If Any, Between Misrepresentation and the Reinjury: The Fifth Circuit Suggests That Willful Concealment of a Preexisting Medical Condition May Constitute Contributory Negligence in \textit{Johnson v. Cenac Towing, Inc.}

Comment (Mahsa Soheil)............... 35:367

Simultaneous Application of Strict Products Liability and Comparative Fault in Admiralty: Smooth Sailing or a Doctrinal Collision Course?—\textit{Lewis v. Timco, Inc.}

Note (John Richard Fitzgerald).......... IX:101

Superseding Cause and Comparative Fault after Reliable Transfer: \textit{Lone Star Industries v. Mays Towing Co.}

Note (James E. Hollman).................. 16:411

\textbf{COMPLEX LITIGATION}

Comments on Complex Litigation—

\textit{Trial Techniques in Presenting the Trial in a Complex Case.}

W. Marshall Morgan............ Symposium, 98

Practical Procedures for Handling a Multi-Party Suit Through a Plaintiff’s Committee.

Eldon E. Fallon................. * Symposium, 3

Proof of Damages.

Paul S. Edelman ............ Symposium, 104

Quantum Evaluation in Multiple Plaintiff Litigation.

Charles F. Lozes ............ Symposium, 83

Settlement Closing and the Problem of Partial Settlements in Multi-Party Maritime Litigation.

John P. Hammond .......... Symposium, 87

The State as Defendant—The Problem of Recovery.

* "Symposium" refers to \textit{The Maritime Lawyer’s Symposium on Complex Litigation, conducted October 13, 1978, in New Orleans, Louisiana; published 1980.}
Salvador E. Guitierrez, Jr. .................... Symposium, 95
The Working Relationship Between Counsel in Major Disaster Cases: Role of Lead Counsel: Role of Referring Attorney.
Jack C. Benjamin ............. Symposium, 71

CONSTITUTIONAL LAW

Aloha, Bench Trial!
Note (Spiro J. Verras) ............. 16:435

Between a Dock and a Hard Place:
The D.C. Circuit Declares the Puerto Rico Ports Authority an Arm of the State Entitled to Sovereign Immunity in Puerto Rico Ports Authority v. Federal Maritime Commission.
Note (Blair Brogan) ............. 33:515

The Constitutionality of Boardings at Sea Without Cause—United States v. Piner.
Note (James C. Klick) ............. V:104

The Contemporary Contours of Admiralty Jurisdiction.
David J. Bederman and John E. Wierwille ............. 31:291

Due Process and Rule C: The Constitutionality of the Admiralty In Rem Action.
Comment (Constance M. Walker) ............. VI:249

Due Process and Traditional Admiralty Arrest and Attachment under the Supplemental Rules.
Charles Schwartz, Jr. ............. VIII:229

The End of Maritime Liens for Master Leases of Containers: How Do You Provide These Fungible Necessities to a Fleet of Vessels?
Timothy K. Borchers ............. 18:33

Note (Amanda T. Fontenot) ............. 13:191

Fifth Amendment Due Process, Foreign Shipowners, and International Law.
Stephen R. Swanson ............. 36:123

Good Seamen Never Tangle Their Lines or Never the Twin Shall Meet: An Analysis of the Constitutional and Jurisdictional Delineations of United States v. Reeh.
Note (Mary H. Mason) ............. 12:209

Note (Brian K. McGarry) ............. 33:539

Note (Kristin A. Gasser) ............. 23:567

Scuttle the Abandoned Shipwreck Act: The Unnecessary Unconstitutionality of American Historic Shipwreck Preservation.
Nathan Murphy ..................... 36:159

Searches and Seizures at Sea: Trying to Balance Governmental Interests Against the Fourth Amendment.
Linda A. Newland ..................... 16:319

Supreme Court Strikes Down Personal Property Tax on Vessels Under Tonnage Clause in Polar Tankers, Inc. v. City of Valdez, Alaska.
James C. Cofer ..................... 34:153

United States v. Locke: After a Rough Passage, Intertanko Crosses the Bar of State Regulation to Reach the Safe Harbor of Preemption.
Note (Michael F. Vitt) ............. 25:573

Note (Michael D. Driscoll) ............. 32:607

Note (Timothy M. Morrison) ............. 27:631
CONTAINER SECURITY

“Said To Contain”: Fear of Incurring Liability Creates a Disincentive for Cargo Carriers To Improve Shipping Container Security by Examining Cargo. Comment (Kevin P. Maney) ........... 35:317

CONTAINERIZATION


COGSA Section 4(5)’s “Fair Opportunity” Requirement: U.S. Circuit Court Conflict and Lack of International Uniformity; Will the United States Supreme Court Ever Provide Guidance? Daniel A. Tadros ....................... 17:17

Containerization, the Per Package Limitation, and the Concept of “Fair Opportunity.” Comment (Laurence B. Alexander) ................ XI:123

The Eleventh Circuit Tackles COGSA’s Per Package Limitation—Hayes-Leger v. M/V Oriental Knight. Note (Edward C. Hammond) ....... XI:141

“Said To Contain”: Fear of Incurring Liability Creates a Disincentive for Cargo Carriers To Improve Shipping Container Security by Examining Cargo. Comment (Kevin P. Maney) ........... 35:317

Say What You Mean and Mean What You Say: Edging Towards a Workable Container Solution. Comment (Meagen Leary) ............... 28:191

The Shipping Container as a COGSA Package—The Debate Continues—In re Norfolk, Baltimore & Carolina Line, Inc. Note (David B. Epstein) ................. V:88


Stowage of Containers on Deck. Janice Gonzales ......................... I:114

Tan Hi and Containerized Cargo in the Philippines. Randolph J. Friedman .................. XI:297


CRIMINAL LAW

Fifth Amendment Due Process, Foreign Shipowners, and International Law. Stephen R. Swanson ....................... 36:123

The Fifth Circuit Finds that Criminal Sanctions for a Falsified Oil Record Book Are Consistent with International Law in United States v. JHO. Note (Roy H. Sparks) ............... 33:563


If the United States Doesn’t Prosecute Them, Who Will? The Role of the United States as the ‘World’s Police’ and Its Jurisdiction over Stateless Vessels. Comment (Kyle Salvador Scalfani) .............. 26:373

The Law of the Flag and Maritime Criminal Jurisdiction: A New Rule To Replace an Outdated, Inconvenient Doctrine. Comment (Guy Manchuk) ............... 32:221


Recent Developments in the Criminal Enforcement of Maritime Environmental Laws. David G. Dickman ...................... 24:1
Red Sky at Morning: The Horizon for Corporations, Crew Members, and Corporate Officers as the United States Continues Aggressive Criminal Prosecution of International Pollution from Ships. Comment (Andrew Homer) .......... 32:149
Sources of American Maritime Criminal Law.
L. Stephen Cox ................................ 26:145

CRUISE LINES
Aye, Aye to the Full Release: The Fifth Circuit Clarifies How a Joint Tortfeasor Can Settle Successfully and Seek Contribution. Comment (Lauren E. Burke) ............ 36:197
Balancing Bargaining Power: The Eleventh Circuit Overreaches to Destroy the Public Policy Defense at the Initial Enforcement Stage of Arbitration in Lindo v. NCL (Bahamas), Ltd..
Note (Nicholas A. Machen) ............ 36:839
Base Wages May Now Be Just the Tip of the Maintenance and Cure Iceberg—The Eleventh Circuit Recognizes an Injured Seaman’s Projected Gratuities as Part of the Unearned Wages Calculation: Flores v. Carnival Cruise Lines.
Note (Tondra Jo Phillips) ............ 20:189
Classifying Cruise Ships as Common Carriers under the Shipping Act, a Jurisdictional Struggle: American Association of Cruise Passengers v. Carnival Cruise Lines.
Note (Daniel E. Eldredge) ............ 15:397
Cruise Industry Liens Against the U.S. Penalty Wage Act.
Comment (Susan Lee) ............ 31:141
Thomas A. Dickerson ............ 28:447
Cruising with Terrorism: Jurisdictional Challenges to the Control of Terrorism in the Cruising Industry.
Comment (Aaron Buzawa) ............ 32:181
Forgotten Fears Present Imminent Threats to the Maritime Shipping and Recreation Industries: The Risk Posed by the Availability of Sea Mines.
Comment (Jason Reddish) ............ 29:125
Note (Michael J. Compagno) ............ 14:381
Medicine on the Seas.
Robert D. Peltz and Vincent J. Warger ............. 27:425
Personal Injury, Recent Developments in Maritime Law.
Douglas M. Muller and Julius H. Hines ............ 22:513
Michael J. Maloney ............ 24:705
Strict Liability or Negligence: What Standard of Care Applies When Crewmembers Assault Passengers on Cruise Ships?
Comment (Philip H. Budwick) ............ 19:353
Won’t You Let Me Take You on a Sea Cruise: The Americans with Disabilities Act and Cruise Ships.
Curtis D. Edmonds ............ 28:271

DAMAGES
Allisions in the Artificial Archipelago: Economic Damages and Offshore Oilmen in the Oil and Gas Circuit.
Comment (Bryant E. Gardner) ............ 24:299
An Analytical Framework for Maritime Preemption Cases Involving Wrongful Death Damages—The Legacy of Miles, Yamaha, Amtrak, and Others.
Paul T. Hofmann ............ 23:409
“Ask Me No Questions and I’ll Tell You No Lies”: The Doctrine of Uberrimae Fidei in Marine Insurance Transactions.
John P. Kavanagh, Jr ............ 17:37
The Citadel Survives a Naval Bombardment: A Policy Analysis
of the Economic Loss Doctrine.
Steven R. Swanson ......................... 12:135

Claiming Contribution Against Time-
Barred Joint Tortfeasors: Does a
McDermott Proportionate Share
Approach to Damage Allocation
Offer the Most Equitable Solution?
Note (Sean Wion)......................... 34:657

Claiming Damages in Multimodal
Transport: A Need for
Harmonisation.
Simone Lamont-Black .................. 36:707

Clearing Up the Confusion with the
Application of Section 910(f) of the
LHWCA: Phillips v. Marine
Concrete Structures, Inc.
Note (Neil Levine)...................... 16:251

Collision at Sea: Admiralty
Proportionate Damages Rule v.
Sovereign Immunity in Third-Party
Indemnification Suits Involving
Military Personnel.
Comment (Debra F. Gambrill)....... VII:79

Contrasting Views
Guevara v. Maritime Overseas
Corp.: Supporting the Decision.
Philip S. LaPenta and
Susan Emma Olick ..................... 20:331
Opposing the Decision.
Paul S. Edelman ....................... 20:349
Counterpoint: An Excerpt from—
Dooley v. Korean Air Lines Co.: Are Survival Actions Lost to Davey
Jones’ Locker Where DOHSA Applies?
Note (Christine Ann Guard)......... 23:245

The Current Status of the Availability
of Prejudgment Interest in
Admiralty.
Comment (David Gray Douglas) ...... 17:283

Damages Available in Personal Injury
Claims After Miles, Yamaha, and
Amtrak.
Donald C. Radcliff.................... 23:383

Damages for Loss of Use
G. Hamp Uzzelle, III ................. 18:179

Damages—Inflation as a Factor—
Applicability in Federal Courts.
Earl C. Pitre ......................... II/1:21

Dimming the Bright-Line Rule: The
Fifth Circuit Lowers Its
Requirement To Bring Claims for
Purely Economic Losses.
Note (Bradley J. Schwab)............ 36:791

Division of Collision Damages:
Common Law, Civil Law, Maritime
Law and Conflicts of Law.
William Tetley, Q.C................... 16:263

Drowning in Unoccupied Waters:
Estate of Fajardo v. Maersk Line
Agency.
Note (Timothy R. Lord).............. 15:423

The Effect of Settlement on
Nonsettling Join Tortfeasors in
Maritime Law.
Comment (Eric D. Suben).......... 17:301

The Elimination of Punitive Damages
for Seamen: How Far Does Miles
Reach?
Comment (William J. Pallas)...... 18:89

Elimination of Loss of Society
Damages in General Maritime Law:
Cater v. Placid Oil Co.
Note (Alberta L. Adams)........... 16:377

Enforcing a Seaman’s Right to
Medical Care After Atlantic
Sounding v Townsend.
Rod Sullivan ......................... 34:1

Exceptions to Negligence Claims for
Economic Loss Absent Physical
Damage to a Proprietary Interest?
The Fifth Circuit’s Answer in Taira
Lynn Marine Ltd. No. 5 v. Jay’s
Seafood, Inc.
Note (Gavin H. Guillot)............. 31:649

Federal District Courts Have No
Discretion When Awarding the
Double Wage Penalty—Griffin v.
Oceanic Contractors, Inc.
Note (Michael H. Torian)......... VII:149

Foreclosing on The Eclipse
Doctrine—A Plea for Equity in
Admiralty.
Comment (Thomas P. Adams)...... XI:301

Future Income Taxes May Be
Deducted from Jury Awards When
Claim is Based on Federal Law—
Fanetti v. Hellenic Lines.
Note (Andrew P. Burnside)........ VII:319

German Law: Damage to Persons,
Property, and the Environment.
Dr. Thomas Brinkmann .............. 22:545

Holding the Bag—Proportional Fault
and the Non-Settling Defendant:
Self v. Great Lakes Dredge & Dock Co. 
Note (Evan T. Caffrey) ................. 14:415

Inflation Factored into Award for Lost Earnings—Sauers v. Alaska Barge & Transport, Inc. 
Note (Michael P. Maslanka) ............. V:112

In re Amtrak: The Eleventh Circuit’s Leash on Yamaha. 
Note (Christopher B. Daniels) .......... 22:303

Note (Elizabeth D. Haecker) ............ 22:303

Note (Kathleen Sweeney Tillotson) ......... V:117

Note (Michael J. Compagno) ............ 14:381

McDermott v. AmClyde and the Rule of Proportionate Fault: Maritime Law Leads in Developing a Fair, Consistent, and Efficient Credit for Settlement Rule. 
Arden J. Lea and R. Jeffery Bridger ..................... 19:261

McDermott v. AmClyde: A Path Towards a Proportionate Fault Rule in Section 905(b) Actions. 
Robert E. Couhig, Douglass V. Freret II, and Jeffery E. Richardson 19:283

Natural Resource Damages under CERCLA and OPA: Some Basics for Maritime Operators. 
J. T. Smith II ............................................... 18:1

Note (Margaret M. Braun) ............. 13:171

Note (Omar F. Guerra Johansson) ......... 21:193

Comment (Brandon T. Morris) ............. 33:165

OilVoy Clauses—Vessel Late Arrival at Load Port: Recovery of Commercial Damages. 
James M. Textor ................................ 27:467

Personal Injury, Recent Developments in Maritime Law, Douglas M. Muller and Julius H. Hines .............................................. 22:513

Post-Calhoun Remedies for Death and Injury in Maritime Cases: Uniformity, Whither Goest Thou? 
Robert Force ............................................. 21:7

Comment (Jeb T. Terrien) ............. 20:441

The Problematic Nature of Contribution Actions for In Personam Defendants in Collision or Allision Cases. 
Comment (Brian Radcliffe) ............. 31:161

Punitive Damage Awards in Maritime Arbitration: A Legitimate Part of the Arbitrator’s Arsenal? 
Dion C. Raymos .......................... X:251

Note (Michael Reese Davis) ............. X:103

Punitive Damages in the Admiralty. 
Comment (Michael P. Maslanka) ....... V:223

Punitive Damages under the Jones Act. 
Robert Dahlquist .......................... VI:1

Comment (Jason P. Minkin) ............. 23:507
Damages Recovery of Cable Repair
Ship Cost Damages from Third
Parties That Injure Submarine
Cables.
Douglas R. Burnett .................. 35:103
Recovery for Cancerphobia and
Increased Risk of Cancer under the
Jones Act: Hagerty v. L&L Marine
Services, Inc.
Note (Marc J. Veilleux)............. 12:219
Recovery for Economic Loss under
Robins Dry Dock and the Oil
Pollution Act of 1990: Sekco
Energy, Inc. v. M/V Margaret
Chouest
Note (Cameron H. Totten)....... 18:167
Recovery of Economic Losses:
Robins Dry-Dock Remains a
Dominant Force—Louisiana ex. rel
Guste v. M/V Testbank.
Note (E. John Heiser) .......... X:283
Sailing the Statutory Seas Toward
Uniformity in Maritime Tort Law:
Miles v. Apex Marine Corp.
Note (C. Taylor Simpson)....... 15:449
Seize and Desist: Damages for
Wrongful Maritime Seizure.
Michael H. Bagot, Jr. and
Dana A. Henderson............... 25:117
Superseding Cause and Comparative
Fault after Reliable Transfer: Lone
Star Industries v. Mays Towing Co.
Note (James E. Hoffinan) ......... 16:411
A Tale of Spoiled Garlic and the
Second Circuit’s Flawed Approach
to Damage Mitigation in APL Co.
PTE Ltd. v. Blue Water Shipping
U.S. Inc.
Note (Daniel L. Burkard)......... 35:585
To Be an “Incident” or Not an
“Incident,” That Is the Question
Under the Oil Pollution Act of
1990: Gatlin Oil Co. v. United
States Revisited.
Note (Timothy Semenoro)....... 24:955
Tort Reform by the Judiciary:
Developments in the Law of
Maritime Personal Injury and Death
Damages.
Robert Force..................... 23:351
Towing the Line on Damages for
Purely Emotional Injuries
Cognizable under the Jones Act:
Plaisance v. Texaco, Inc.
Note (William R. Coats) ......... 17:331
United States Supreme Court Denies
Survival Action Under General
Maritime Law: Dooley v. Korean
Air Lines Co.
Note (Jason P. Minkin).......... 23:229
Waning Conventions: Remedying
Natural Resource Damages Caused
by Vessel-Source Oil Pollution
Under the Existing Regimes and the
Need To Reconcile.
Comment (S. Eric Lee)........ 35:293
Whittling Down Loss of Society in
Maritime Wrongful Death Actions:
Truehart v. Blandon.
Note (Matthew E. Roy)......... 14:393
Wrongful Denial of Maintenance and
Cure: Opening the Damages
Floodgate.
Comment
(Julie R. Wohlgemuth)......... 18:109
Y2K and the Maritime Industry.
Hal C. Welch and
Reginald R. White, III......... 24:125

DEATH
An Analytical Framework for
Maritime Preemption Cases
Involving Wrongful Death
Damages—The Legacy of Miles,
Yamaha, Amtrak, and Others.
Paul T. Hofmann .................. 23:409
Breaking Waves: The Ninth Circuit
Returns to the Text To Decide
DOHSA’s Applicability in Helman
v. Alcoa Global Fasteners, Inc.
Note (James Clement)........ 36:339
Counterpoint: An Excerpt from—
Dooley v. Korean Air Lines Co.:
Are Survival Actions Lost to Davey
Jones’ Locker Where DOHSA
Applies?
Note (Christine Ann Guard) ...... 23:245
Damages Recoverable for Maritime
Deaths.
Harold J. Lamy ..................... II/1:27
Drowning in Unoccupied Waters:
Estate of Fajardo v. Maersk Line
Agency.
Note (Timothy R. Lord).......... 15:423
Elimination of Loss of Society
Damages in General Maritime Law:
Cater v. Placid Oil Co.
Note (Alberta L. Adams)............ 16:377
The Elimination of Punitive Damages for Seamen: How Far Does Miles Reach?
Comment (William J. Pallas)........ 18:89
Note (Laura Louise Magner)....... XI:319
The Fifth Circuit Navigates Between Scylla (Higginbotham) and Charybdis (Gaudet)—Bodden v. American Offshore, Inc.
Note (William J. Appel)............. VII:11
Finding Federalism in the Admiralty: “The Devil’s Own Mess” Revisited.
J. B. Ruhl........................................... 12:263
In re Amtrak: The Eleventh Circuit’s Leash on Yamaha.
Note (Christopher B. Daniels)..... 22:303
In re Goose Creek Trawlers, Inc.: Wards of the Court? With Friends Like These, Who Needs Enemies? Exploring the Nature of the Yamaha Exception.
Note (Louis G. Spencer)............. 22:693
An Introduction to Personal Injury and Death Claims in the People’s Republic of China.
Robert Force and Xia Chen......... 15:245
Note (John F. Keating, Jr.)......... VI:87
Note (Elizabeth D. Haecker)....... IV:149
Just Another Variation on the Miles Theme?: Gentles v. G&H Towing Co.
Note (Megan E. Haggerty)......... 22:673
Note (Kevin J. Neese)............... 15:151
Note (Andrew A. Braun)............. V:81
A Maritime Survival Remedy: Is There Life After Higginbotham?
Joseph F. Smith, Jr................. VI:185
Maritime Wrongful Death: Higginbotham and the Search for Uniformity.
Comment (E. Phelps Gay).......... III:289
Note (Margaret M. Braun)......... 13:171
Note (Michael Crain).................. 35:595
Note (Omar F. Guerra Johansson).... 21:193
Post-Calhoun Remedies for Death and Injury in Maritime Cases: Uniformity, Whither Goest Thou?
Robert Force............................... 21:7
Removability of High Seas Death Claims Filed in State Court after Tallentire.
Barbara A. Clark...................... 12:317
Rights, Remedies and Recovery for Wrongful Death under Maritime Law.
Eldon E. Fallon............................ 1:32
Sailing the Statutory Seas Toward Uniformity in Maritime Tort Law: Miles v. Apex Marine Corp.
Note (C. Taylor Simpson).......... 15:449
State Court has Jurisdiction Over Wrongful Death on the High Seas—Rairigh v. Erlbeck.
Note (Pamela R. Perron).......... VI:79
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Statutory Frolic of Its Own? A Divided Fourth Circuit Calms the</td>
<td></td>
</tr>
<tr>
<td>Seas of the Suits in Admiralty Act Discretionary Function Exception</td>
<td></td>
</tr>
<tr>
<td>Circuit Split. Note (Ryan M. McCabe) ..................................</td>
<td>30:457</td>
</tr>
<tr>
<td>Survivors Left Adrift with No Predictable Remedy in Sight: Wahls</td>
<td></td>
</tr>
<tr>
<td>trum v. Kawasaki Heavy Industries, Ltd. Note (Thomas R. Walker) .......</td>
<td>19:211</td>
</tr>
<tr>
<td>Tort Reform by the Judiciary: Developments in the Law of Maritime</td>
<td></td>
</tr>
<tr>
<td>Personal Injury and Death Damages. Robert Force ........................</td>
<td></td>
</tr>
<tr>
<td>The Time Limitation Period for Wrongful Death Actions under General</td>
<td></td>
</tr>
<tr>
<td>Maritime Law—Public Administrator of County of New York v. Angela</td>
<td></td>
</tr>
<tr>
<td>Compania Naviera, S.A. Note (John Marks Moore, III) .................</td>
<td>IV:362</td>
</tr>
<tr>
<td>Uniformity of Maritime Law and the Supreme Court: Till Death Do Us</td>
<td></td>
</tr>
<tr>
<td>Part. Lizabeth L. Burrell ..............................................</td>
<td>25:153</td>
</tr>
<tr>
<td>United States Supreme Court Denies Survival Action Under General</td>
<td></td>
</tr>
<tr>
<td>United States Admiralty Law as an Enclave of Federal Common Law.</td>
<td></td>
</tr>
<tr>
<td>William H. Theis .........................................................</td>
<td>23:73</td>
</tr>
<tr>
<td>Whitting Down Loss of Society in Maritime Wrongful Death Actions:</td>
<td></td>
</tr>
<tr>
<td>Truehart v. Blandon. Note (Matthew E. Roy) .............................</td>
<td>14:393</td>
</tr>
<tr>
<td>Wrongful Death—Exclusive Remedy Provision of State Workmen’s</td>
<td></td>
</tr>
<tr>
<td>Compensation Act Cannot be Employed to Deprive Plaintiff of Moragne</td>
<td></td>
</tr>
<tr>
<td>Remedy—Thibaudaux v. Atlantic Richfield Co. Note (William H. Frankel)</td>
<td>IV:165</td>
</tr>
<tr>
<td>The Flow of Authority To Stop the Flow of Oil: Clean Water Act</td>
<td></td>
</tr>
<tr>
<td>Section 311(c) Removal Authority and the BP/DEEPW ATER HORIZON Oil</td>
<td></td>
</tr>
<tr>
<td>Spill. Frederick J. Kenney, Jr., and Melissa A. Hamann ...............</td>
<td>36:349</td>
</tr>
<tr>
<td>Liability, Compensation and Financial Responsibility Under the Oil</td>
<td></td>
</tr>
<tr>
<td>Pollution Act of 1990: A Review of the Second Decade. Lawrence I.</td>
<td></td>
</tr>
<tr>
<td>Kiern .................................................................</td>
<td>36:1</td>
</tr>
<tr>
<td>DEFENSES</td>
<td></td>
</tr>
<tr>
<td>Comment (Sandra A. Larkin) ............ 20:403</td>
<td></td>
</tr>
<tr>
<td>Application of the Hague Rules’ “Perils of the Sea” Defense in</td>
<td></td>
</tr>
<tr>
<td>Australia: The Bunga Seroja. Martin Davies ................................</td>
<td>23:449</td>
</tr>
<tr>
<td>The Nautical Fault Debate (the Hamburg Rules, the U.S. COGSA 95, the STCW 95, and the ISM Code). Leslie Tomasello Weitz ..........</td>
<td>22:581</td>
</tr>
<tr>
<td>The Ninth Circuit Fails to Mend the Inter-Circuit Split Regarding the</td>
<td></td>
</tr>
<tr>
<td>Not Too “Latent” a Discovery: The Diagnosis of an Oil Rig Worker’s Lung Disease Satisfies the Discovery Rule in Pretus v. Diamond Offshore Drilling, Inc. Note (Christopher M. Douse) .........</td>
<td>34:607</td>
</tr>
<tr>
<td>The Relationship, If Any, Between Misrepresentation and the Reimjury: The Fifth Circuit Suggests That Willful Concealment of a Preexisting Medical Condition May Constitute Contributory Negligence</td>
<td></td>
</tr>
</tbody>
</table>
in Johnson v. Cenac Towing, Inc. Comment (Mahsa Soheil) .......... 35:367
Superseding Cause: Still a Viable Defense in Admiralty. William Jones Miller......................... 18:211

DIRECT ACTION STATUTES

DOCUMENTATION
Rethinking the Easy Way Out: Flags of Convenience in the Post-September 11th Era. Comment (Maria J. Wing)............. 28:173
Ship Registers: An International Update. Update (Julie A. Perkins)............. 22:197
The Vessel Documentation Act of 1980. Comment (Meredith L. Hathorn).......... VII:303
Vessel Registration in Selected Open Registries. Comment (Jane Marc Wells).......... VI:221

FEDERAL MARITIME COMMISSION
Between a Dock and a Hard Place: The D.C. Circuit Declares the Puerto Rico Ports Authority an Arm of the State Entitled to Sovereign Immunity in Puerto Rico Ports Authority v. Federal Maritime Commission. Note (Blair Brogan) ................. 33:515

FEDERAL RULES OF CIVIL PROCEDURE
Admiralty Jurisdiction and Procedure, Recent Developments in Maritime Law. David B. Sharpe ......................... 21:473
The Final Chapter? The Second Circuit Once Again Addresses Rule B Attachments of Electronic Funds Transfers in Consuh Delaware LLC v. Schabin Engenharia Limitada. Note (Ian Taylor) .......... 33:575
Forum Selection Clause Survey 2009-2010. (Michael B. Pemberton, Mark Dicicco and Jonathan Segarra) ................. 36:719
Controversies.
Note (Brian K. McGarry) .................. 33:539

Note (Brian K. McGarry) .................. 33:539

The Position in the United States on Foreign Forum Selection and Arbitration Clauses, Forum Non Conveniens, and Antisuit Injunctions.
Robert Force .................................. 35:401

The Problematic Nature of Contribution Actions for In Personam Defendants in Collision or Allision Cases.
Comment (Brian Radcliffe) .............. 31:161

Transnational Service of Process and Discovery in Federal Court Proceedings.
Phillip A. Buhler............................... 27:1

FEDERAL RULES OF EVIDENCE
Admiralty Jurisdiction and Procedure, Recent Developments in Maritime Law.
David B. Sharpe ............................... 21:473

Beech Aircraft Corp. v. Rainey: The Supreme Court’s Broad Interpretation of Federal Rule of Evidence 803(8)(c) Makes Waves in the Admiralty Community.
Note (Stephen H. Shapiro) .............. 14:405

Coast Guard Employees and Reports of Marine Casualty Investigations: Their Role in Litigation.
Comment (Ronald K. Schuster) ....... 23:207

“Evaluative Reports” and “Predecessor in Interest” Construed to Admit Coast Guard Hearing Report and Testimony under Federal Rules of Evidence—Lloyd v. American Export Lines, Inc.
Note (Susan Sarah Smith) ................. IV:155

Marine Casualty Reporting and Investigation.
Joseph W. Janssen, Jennifer A. Kerr and John W. Keller, III ............. 24:167

Mayday or All Ahead Full for Junk Science: Cella v. United States.
Note (Paul D. McFarlane) ............... 18:149

FINANCE
U.S.-Flag Vessel Financing and Citizenship Requirements Update.
Constantine G. Papavizas ............... 32:35

FOREIGN LAW
Martin Davies ................................. 23:449

Argentina: A New Development in Direct Actions Against Indemnity Insurers.
Update (Mayela Rosas) ................. 22:191

Arrest and Detention of Ships and Other Property in Nigeria.
Chudi Nelson Ojukwu ....................... 28:249

Thomas Carbonneau ......................... 22:131

The English High Court of Admiralty
Charles S. Cumming .......................... 17:209

Dr. Thomas Brinkmann ..................... 22:545

Ademumi-Odeke ............................... 31:425

International Recent Developments: Australia.
Kate Lewins .................................... 36:537

International Recent Developments: China—Vessel-Source Oil Pollution Compensation.
Hongjun Shan ................................. 36:563

International Recent Developments: Denmark.
Anders Møllmann ............................. 36:573

International Recent Developments: European Union—Maritime Passenger Transport.
Massimilano Piras ............................ 36:627

International Recent Developments: Italy.
Valentina Corona .............................. 36:585

International Recent Developments: United Kingdom.
Theodora Nikaki .............................. 36:601

The Law of the Flag and Maritime Criminal Jurisdiction: A New Rule To Replace an Outdated,
Inconvenient Doctrine.  
Comment (Guy Manchuk) ............. 32:221

Legal Qualities of Transport Documents.  
Hugo Tiberg ..................................... 23:1

Liability of Classification Societies from the British Perspective:  
*The Nicholas H.*  
Note (Colleen E. Feehan) ............. 22:163

Maritime Arbitration in Hong Kong.  
Peter S. Caldwell ............................... 22:155

Multimodal Transports in the United States and Europe—Global or Regional Liability Rules?  
Vibe Ulfbeck ..................................... 34:37

Risk, Shipping, and Roman Law.  
H. Edwin Anderson, III ..................... 34:183

Shipping, Competition, and Dumping:  
The European Community’s Liner Shipping Regulations.  
Terry Marquez ................................. 23:139

Lixing Zhang ..................................... 14:209

Hugo Tiberg ..................................... 24:857

**FORUM NON CONVENIENS**

Note (Richard D. Bertram) ............. IX:297

Failing To Reach the “Harbour” of the U.S. Limitation Fund: The Fourth Circuit Allows a Party To Dismiss Its Own Limitation Action on *Forum Non Conveniens* Grounds in *Compania Naveira Joanna SA v. Koninklijke Boskalis Westminster NV.*  
Note (Han Deng) ......................... 34:591

Note (Laura L. Roos) ..................... VIII:383

Note (Anne L. Lewis) ..................... X:295

Note (Michael M. Butterworth) .... 13:179

Hung Out to Dry, But Still Dripping Wet: The United States Supreme Court's Docks *Forum Non Conveniens* in *Miller v. American Dredging Co.*  
Note (Julie C. Ashby) ..................... 18:347

William Tetley, Q.C. ..................... 17:139

Robert Force ..................................... 35:401

Transnational Maritime Litigation: Selected Problems.  
Harold K. Watson ..................... VIII:87

**FORUM SELECTION**

Balancing Bargaining Power: The Eleventh Circuit Overreaches To Destroy the Public Policy Defense at the Initial Enforcement Stage of Arbitration in *Lindo v. NCL (Bahamas), Ltd.*  
Note (Nicholas A. Machen) ........ 36:839

Note (Jayson Haile) ..................... 28:625

(Arjya B. Majumdar and Ryan M. McCabe) ............. 31:745

(Blair Brogan, Nicholas H. Berg and Jonathan A. Hirsch) ............. 33:661
Forum Selection Clause Survey 2009-2010.
Michael B. Pemberton, Mark DiCicco and Jonathan Segarra 35:719
Adewale A. Olawoyin 29:255
The Position in the United States on Foreign Forum Selection and Arbitration Clauses, Forum Non Conveniens, and Antisuit Injunctions.
Robert Force 35:401
Strange Ways: COGSA, the Action In Rem, and Sky Reefer’s Progeny.
Comment (Aaron A. Radicke) 32:203
FUNDAMENTAL BREACH
Fundamental Breach: Has the Baby Gone Out with the Bathwater?
Michael Wagener 29:45
GAMING/GAMBLING BOATS
Calling All Bets on Gaming Boat Vessel Status: An Analysis of How the Fifth Circuit Is Consistent with Stewart v. Dutra.
Comment (Stephen W. Grant, Jr.) 34:331
GENERAL MARITIME LAW
Counterpoint: An Excerpt from—Dooley v. Korean Air Lines Co.: Are Survival Actions Lost to Davey Jones’ Locker Where DOHSA Applies?
Note (Christine Ann Guard) 23:245
Does Sieracki Still Rule the Seas?: Coats v. Penrod Drilling Corp.
Note (Michelle M. O’Daniels) 17:101
The Effect of Settlement on Nonsettling Joint Tortfeasors in Maritime Law.
Comment (Eric D. Suben) 17:301
Note (Alberta L. Adams) 16:377
Note (Laura Louise Magner) XI:319
The Fifth Circuit Passes the Buck: Whether Maritime Law or OCSLA Applies to Contracts Involving Drilling Platforms on the Outer Continental Shelf?: Smith v. Penrod Drilling Corp.
Note (David Gray Douglas) 17:89
Note (Virginia Boulet) 17:295
Note (John F. Keating, Jr.) 17:87
Just Another Variation on the Miles Theme?: Gerdes v. G&H Towing Co.
Note (Megan E. Haggerty) 22:673
Note (Kathleen Sweeny Tillotson) V:117
William Tetley, Q.C. 23:317
Maritime Law—The Nature and Importance of Its International Character.
James Allsop 34:555
Mixed Oil and Gas Contracts Performed on Navigable Waters—Maritime or Nonmaritime? Confusion Reigns in State Territorial Waters: Davis & Sons, Inc. v. Gulf Oil Corp.
Note (Paul R. Briere) 16:389
The Myth of Uniformity in Maritime Law.
Robert D. Peltz .................................. 21:103

Note (Margaret M. Braun) .......... 13:171

David W. Robertson .................. 35:467


Comment (Jason P. Minkin) .......... 23:507

The *Robins Dry Dock Rule*: The Tar Baby of Maritime Tort Law.
Comment (Trey D. Tankersley) .......... 25:371

Shipment of Dangerous Cargo by Sea.
Robert Force .......................... 31:315

Take a Bow: Is It Time for the Preliminary Contract Doctrine To Make Its Exit?
Comment (Ryan C. Davis) ............ 35:219

The Time Limitation Period for Wrongful Death Actions under General Maritime Law—Public Administrator of *County of New York v. Angela Compania Naviera, S.A.*
Note (John Marks Moore, III) .......... IV:362

Note (Jason P. Minkin) ............ 23:229

United States Admiralty Law as an Enclave of Federal Common Law.
William H. Theis .......................... 23:73

Note (Matthew E. Roy) ............ 14:393

Y2K and the Maritime Industry.
Hal C. Welch and Reginald R. White, III .......... 24:125

**HIMALAYA CLAUSE**

A Carrier by Any Other Name: Is It Time To Expand the Definition of a COGSA Carrier?
Note (Kevin Baldwin) .......... 35:389

Himalaya Strain?—A Forensic Examination of *Norfolk Southern Railway v. James N. Kirby, Pty Ltd.* and *Doe v. Celebrity Cruises, Inc.*
Attilio M. Costabel .......... 29:217

The Ninth Circuit Breathes Life into a Vessel as a Himalaya Beneficiary: *Mazda Motors of America, Inc. v. M/V Cougar Ace*.
Note (Gillian Gurley) ............ 34:619

**HISTORY**

Two Hundred Years of Maritime New Orleans: An Overview.
Essay (Sally K. and William D. Reeves) .......... 35:183

**IMMIGRATION**

Note (Michael Crain) .......... 35:595

Not Leaving the Issue on the Shelf: Applying Federal Immigration on the Outer Continental Shelf.
Comment (Michael Raudebaugh) .......... 35:345

**IN REM PROCEEDINGS**

Comments on the American Rule of In Rem Liability.
David M. Collins .................. X:71

Due Process and Rule C: The Constitutionality of the Admiralty In Rem Action.
Comment (Constance M. Walker) .......... VI:249

If It Can Be Towed, Then It’s a Vessel: The Eleventh Circuit Reveals Flaws in the Overinclusive Definition of “Vessel” for Maritime Liens in *City...*
of Riviera Beach v. That Certain Unnamed Gray Vessel.
Note (Courtney Collins) .................. 36:779
Finders Weepers, Losers Keepers:
The Eleventh Circuit Denies Salvage Company’s Claims to a Sunken Military Vessel Found in International Waters in *Odyssey Marine Exploration, Inc. v. Unidentified Shipwrecked Vessel.*
Note (Christine Nicole Burns) .............. 36:803

The Ninth Circuit Breathes Life into a Vessel as a Himalaya Beneficiary: *Mazda Motors of America, Inc. v. M/V Cougar Ace.*
Note (Gillian Gurley) ......................... 34:619

The Personification of the Vessel in United States Civil In Rem Actions and the International Law Context.
George K. Walker............................ 15:177

Practical Guide to Admiralty Supplemental Rules A through E.
Keith B. Letourneau.......................... 22:417

Strange Ways: COGSA, the Action In Rem, and *Sky Reefer’s* Progeny.
Comment (Aaron A. Radicke) ............... 32:203

INSURANCE

Argentina: A New Development in Direct Actions Against Indemnity Insurers.
Update (Mayela Rosas) ...................... 22:191
Asbestosis Litigation and Marine Insurance.
Brian P. Brancato.............................. 20:105

John P. Kavanagh, Jr.......................... 17:37

Comment (Christopher M. Douse) .............. 35:267

Note (James P. Koelzer) ...................... 19:177

Note (Paul Riermaier) ....................... 35:645

Compulsory Removal and the P & I Policy: Fifth Circuit Applies its Objective Test and Rejects the Second Circuit’s Term of Art Approach—*Continental Oil Co. v. Bonanza Corp.*
Note (L. Alan Rivers) ......................... IX:312

Direct Actions in Marine Insurance: A Jurisprudential Overview.
Arthur A. Crais, Jr ............................. I:63

Duties and Liabilities of Marine Insurance Brokers and Agents.
Richard A. Montgomery ..................... VII:33

The Enforceability of Arbitral Clauses Contained in Marine Insurance Contracts Against Nonsignatory Direct Action Claimants.
Victoria Holstein-Childress .................. 27:205

Kathleen B. Curr .............................. 18:71

Indemnity on the Outer Continental Shelf—A Practical Primer.

Ademumi-Odeke ............................... 31:425

Insuring Contractual Indemnity Agreements under CGL, MGL, and P & I Policies.
William E. O’Neil, Esq ........................ 21:359

The Irony of *Uberrimae Fidei*: Bad Faith Practices in Marine Insurance.
Jeffery B. Struckhoff ......................... 29:287

Liability of Marine Surveyors, Adjusters, and Claims Handlers.
Claude L. Stuart and Evan T. Caffrey ............... 22:1
The Louisiana Direct Action Statute Loses Its Teeth: How the Fifth Circuit in Todd v. Steamship Mutual Underwriting Ass’n Opened the Door To Allow Insurers To Enforce Arbitration Agreements Against the Direct Action Plaintiff.

Note (Zachary M. VanVactor)...........35:659

Marine Insurance Law in China.

Kevin X. Li, Tingzhong Fu, Ling Zhu and Yunlong Liu ...32:425

Marine Insurance Principles: Contract Formation and Interpretation.

Alex L. Parks................................III:129


Robert Bocko, Susan R. Bogart, James F. Moseley, Jr., Douglas M. Muller, Shannon S. Sanfilippo, Stephen C. Smith and Christopher Young...........................................20:5


Chris Reeder.................................15:285

Marine P & I Insurers No Longer Safe from the Louisiana Direct Action Statute (If They Ever Were): Grabbs v. Gulf International Marine, Inc.

Note (Mark C. Elmer).........................18:371

Marine Protection and Indemnity Insurance: Conduct, Intent, and Punitive Damages.

Stephen Martin..............................28:45


Note (Craig G. Kline) ....................23:479

Not Your Average Coffee Shop:


Jeremy A. Herschaft.......................29:489

Other States Should “Get with the Program” and Follow Louisiana’s Lead: An Examination of Louisiana’s Direct Action Statute and Its Application in the Marine Insurance Industry.

Jonathan C. Augustine ..................27:109


Note (Jennifer Ancona)....................21:593

Panel Discussion on Uniformity: Admiralty Law Institute 1999 ........23:585

Primary and Excess Insurers—“Friends or Foes?”

George A. Frilot, III.........................14:201

A Proposal To Reduce Confusion in the Law of Marine Insurance.

Graydon S. Staring.........................V:21

Removal and Remand of Admiralty Suits.

Kenneth G. Engerrand ......................21:383

Rights and Duties of Primary and Excess Insurance Carriers.

Margaret M. Sledge and Gerald M. Baca .................................15:59

Statutory and Contractual Indemnification and Forum Selection, Including the Oil Patch.

Edward S. Johnson and Cindy T. Matherne .................24:85

To Report or Not To Report, That Is the Question: Are Protection and Indemnity Clubs Responsible Reporting Entities Under MMSEA Section 111?

Comment (Daniel L. Burkard).............36:213

Uberrimae Fidei—Once Entrenched, Always Entrenched: The Third Circuit Joins the Majority in AGF Marine Aviation & Transport v. Cassin, But Is That Enough?

Note (Stephen C. Richman)................33:553

Unexplained Losses in Marine Insurance.

Geoffrey Brice Q.C. .......................16:105
Untying the Gordian Knot and Opening Pandora’s Box: The Need for a Uniform Federal Maritime Rule of Uberrimae Fidei with Respect to Marine Insurance. Comment
(Paula Hamilton Lee) 19:411

Thomas J. Schoenbaum 23:267

INTERNATIONAL LAW

“Ask Me No Questions and I’ll Tell You No Lies”: The Doctrine of Uberrimae Fidei in Marine Insurance Transactions.
John P. Kavanagh, Jr. 17:37

Benefits and Burdens of Third Parties Under Exception Clauses in Bills of Lading.
Chen Liang 24:225

Breaking the Liability Limits in Multimodal Transport.
Duygu Damar 36:659

Bringing It All Back Home: The Fifth and Second Circuits Allow Domestic Prosecutions for Oil Record Book Violations on Foreign-Flagged Vessels.
Comment (Nicholas H. Berg) 34:253

The Carrier’s Duties Under the Rotterdam Rules: Better the Devil You Know?
Theodora Nikaki 35:1

Claiming Damages in Multimodal Transport: A Need for Harmonisation.
Simone Lamont-Black 36:707

The CMI Charts a Course on the Sea of Electronic Data Interchange: Rules for Electronic Bills of Lading.
Comment (Richard Brett Kelly) 16:349

COGSA and Choice of Foreign Law Clauses in Bills of Lading.
Alan Nakazawa and B. Alexander Moghadam 17:1

COGSA Section 4(5)’s “Fair Opportunity” Requirement: U.S. Circuit Court Conflict and Lack of International Uniformity; Will the United States Supreme Court Ever Provide Guidance?
Daniel A. Tadros 17:17

Comment (Christopher M. Douse) 35:267

Contrariety: Divergent Theories of State Involvement in Shipping Finance Between the United States and the European Union.
Angelo L. Rosa 29:187

Crashing Through the Ice: Legal Control of the Northwest Passage or Who Shall Be “Emperor of the North.”
Comment (Roy A. Perrin, III) 13:139

Hugo Tiberg 26:641

Hugo Tiberg 27:593

Division of Collision Damages: Common Law, Civil Law, Maritime Law and Conflicts of Law.
William Tetley, Q.C. 16:263

European Union Legal Measures in Response to the Oil Pollution of the Sea.
Małgorzata Anna Nesterowicz 29:29

Evaluating the Continuing GATS Negotiations Concerning International Maritime Transport Services.
J. Michael Taylor 27:129

Fifth Amendment Due Process, Foreign Shipowners, and International Law.
Stephen R. Swanson 36:123

The Fifth Circuit Finds that Criminal Sanctions for a Falsified Oil Record Book Are Consistent with International Law in United States v. JHO.
Note (Roy H. Sparks) 33:563

Flags of Terror: An Argument for Rethinking Maritime Security Policy Regarding Flags of
<table>
<thead>
<tr>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience. Comment</td>
<td>32:277</td>
</tr>
<tr>
<td>(Alexander J. Marcopoulos)</td>
<td></td>
</tr>
<tr>
<td>Historic Wreck Salvage: An International Perspective.</td>
<td>33:347</td>
</tr>
<tr>
<td>Craig Forrest</td>
<td></td>
</tr>
<tr>
<td>International Law of the Sea: Reconciling the Law of Piracy and</td>
<td>27:257</td>
</tr>
<tr>
<td>Terrorism in the Wake of September 11th.</td>
<td></td>
</tr>
<tr>
<td>Comment (Tina Garmon)</td>
<td></td>
</tr>
<tr>
<td>The International Liability and Compensation Regime for Oil</td>
<td>32:1</td>
</tr>
<tr>
<td>Pollution from Ships—International Solutions for a Global Problem.</td>
<td></td>
</tr>
<tr>
<td>Måns Jacobsson</td>
<td></td>
</tr>
<tr>
<td>The International Maritime Organization and Maritime Security.</td>
<td>30:1</td>
</tr>
<tr>
<td>Rosalie Balkin</td>
<td></td>
</tr>
<tr>
<td>International Measures To Protect Oil Platforms, Pipelines, and</td>
<td>31:377</td>
</tr>
<tr>
<td>Submarine Cables from Attack.</td>
<td></td>
</tr>
<tr>
<td>Stuart Kaye</td>
<td></td>
</tr>
<tr>
<td>International Recent Developments: European Union—Maritime Passenger Transport. Massimilano Piras.</td>
<td>36:627</td>
</tr>
<tr>
<td>Jurisdiction and Arbitration in Multimodal Transport. Yvonne Baatz</td>
<td>36:643</td>
</tr>
<tr>
<td>The Law of the Flag and Maritime Criminal Jurisdiction: A New Rule To Replace an Outdated, Inconvenient Doctrine. Comment (Guy Manchuk)</td>
<td>32:221</td>
</tr>
<tr>
<td>Legal Qualities of Transport Documents. Hugo Tiberg.</td>
<td>23:1</td>
</tr>
<tr>
<td>Limits of Coast Guard Authority to Board Foreign Flag Vessels on the High Seas. Rachel Canty</td>
<td>23:123</td>
</tr>
<tr>
<td>Maritime Injunction in the Maritime Procedure Law of P.R.C. Alex Cao</td>
<td>26:581</td>
</tr>
<tr>
<td>Maritime Law—The Nature and Importance of Its International Character. James Allsop</td>
<td>34:555</td>
</tr>
<tr>
<td>Multimodal Transports in the United States and Europe—Global or Regional Liability Rules? Vibe Ulfbeck</td>
<td>34:37</td>
</tr>
<tr>
<td>The Nautical Fault Debate (the Hamburg Rules, the U.S. COGSA 95, the STCW 95, and the ISM Code). Leslie Tomasello Weitz</td>
<td>22:581</td>
</tr>
<tr>
<td>The 1989 Salvage Convention and the Lloyd’s Open Form (LOF) Salvage Agreement 1990. Nicholas J.J. Gaskell</td>
<td>16:1</td>
</tr>
<tr>
<td>The Pennsylvania Rule: No Longer the Rule. Francesca Morris</td>
<td>32:131</td>
</tr>
</tbody>
</table>
The Personification of the Vessel in United States Civil In Rem Actions and the International Law Context. George K. Walker ......................... 15:177
Piracy: New Efforts in Addressing This Enduring Problem. Multiple Authors ....................... 36:65
Protection Afforded to Captured Pirates Under the Law of War and International Law. Michael H. Passman ................... 33:1
Relations Between the Rotterdam Rules and the Convention on the Carriage of Goods by Road. Cécile Legros .................. 36:725
Shipping, Competition, and Dumping: The European Community’s Liner Shipping Regulations. Terry Marquez .................. 23:139
Transnational Service of Process and Discovery in Federal Court Proceedings: An Overview. Phillip A. Buhler .................. 27:1
The Treatment, by the Federal Court of Canada, of Denisse and Equivalent Identity of Carrier Clauses in Liner Bills of Lading. David F.H. Marler .................. 26:597
The United States and Ukraine Sign New Three-Year Bilateral Port Agreement. Update (Colleen E. Feehan) ........ 22:201
Uniformity of International Private Maritime Law—The Pros, Cons, and Alternatives to International Conventions—How to Adopt an International Convention. William Tetley, Q.C ............... 24:775
Waning Conventions: Remedyng Natural Resource Damages Caused by Vessel-Source Oil Pollution Under the Existing Regimes and the Need To Reconvene. Comment (S. Eric Lee) ............ 35:293

JONES ACT

Bound To Arbitrate: The Fifth Circuit Considers an Arbitration Agreement in a Settlement for Maintenance and Cure. Note (Brooke E. Wright) ............ 32:619
Causation Issues in FELA and Jones Act Cases in the Wake of McBride. David W. Robertson .................. 36:397
The Cognizability of Sexual Harassment Claims Resulting in Purely Emotional Injury Under the Jones Act: Martinez v. Bally’s Louisiana, Inc. Note (Meagen Leary) ............ 27:359
Compulsory River Pilots Granted Jones Act Seaman Status—Sounding the Death Knell of the “Fleet
Doctrine”: Evans v. United Arab Shipping Company.
Note (Katie Smith Matison)........... 16:421
The Current State of Affairs for
Claims of Negligent Infliction of
Emotional Distress Under the Jones
Act and Federal Employer’s
Liability Act.
Comment (Alberto Struck)........... 30:353
The Discombobulated State of FELA
and Jones Act Jurisprudence and a
Prognostication for Seamen’s
Claims for Purely Emotional
Injuries.
Comment (Lance P. Martin)........... 19:433
Does Sieracki Still Rule the Seas?:
Coats v. Penrod Drilling Corp.
Note (Michelle M. O’Daniels)........... 17:101
Does the Jones Act Apply to Offshore
Alternative Energy Projects?
Constantine G. Papavizas and
Gerald A. Morrissey III........... 34:377
The Elimination of Punitive Damages
for Seamen: How Far Does Miles
Reach?
Comment (William J. Pallas)........... 18:89
An Employer’s Common Ownership
or Control Over Several Vessels is
Unnecessary for Recovery under
the Jones Act— Bertrand v:
International Mooring & Marine,
Inc.
Note (Samuel M. Rosamond, III)........... VIII:398
Harboring Doubt: How Will the Fifth
Circuit Apply Stewart v. Dutra
Construction Co.? 
Carl J. Barbier and Clay J. Garside.... 31:1
Hybrid Torts and Vicarious Liability
Under the Jones Act: Testing the
Limits of Course and Scope.
Comment (Charles Rothermel)........... 36:289
The Jones Act and Commercial
Divers: Perilous Maritime Duties
may Satisfy the Robinson Test—
Wallace v. Oceanering
International.
Note (James Wesley Sowell)........... IX:323
The Jones Act Does Not Bar Recovery
of Nonpecuniary Damages under
the General Maritime Law in
Seamen’s Wrongful Death
Actions—Hlodan v. Ohio Barge
Line.
Note (John F. Keating, Jr.)........... VI:87
Jones Act Seamen and the Award for
Loss of Society: A Post-
Higginbotham Analysis—Ivy v:
Security Barge Lines, Inc.
Note (Elisabeth D. Haecker)........... IV:149
The Jones Act Seaman—An
Endangered Species: Pizzitolo v:
Electro-Coal Transfer Corp.
Note (Gerald M. Baca)........... 12:385
Just Another Variation on the Miles
Theme? Gerdes v. G&H Towing Co.
Note (Megan E. Haggerty)........... 22:673
The Legacy of Miles v. Apex Marine
Corp.
Robert Force ........... 30:35
Mayday or All Ahead Full for Junk
Science: Cella v. United States.
Note (Paul D. McFarlane)........... 18:149
Meeting the Requirements for a Valid
Seaman’s Release: Borne v. A&P
Boat Rentals No. 4, Inc.
Note (James L. Yates)........... 12:229
A New Highlight on an Old Doctrine
and the Evaporation of the Fleet
Rule: Munguia v. Chevron, U.S.A.,
Inc.
Note (Georgia Brady Powell)........... X:326
No Recovery for Medical Monitoring
Costs in Personal Injury Claims—
In re Marine Asbestos Cases.
Note (Shannon E. Hoff)........... 26:675
No Special Solicitude for Seamen’s
Wives: Fifth Circuit (Again) Finds
No Recovery for Loss of Society
under a Negligence Theory— Beltia
v. Sidney Torres Marine Transport,
Inc.
Note (Maria Elizabeth Breaux)........... VIII:371
Only in Louisiana Can You Find a
Diver That’s a Seaman: Wisner v:
Professional Divers of New
Orleans.
Note (Kris Elliott)........... 24:919
Punitive Damages under the Jones
Act.
Robert Dahlquist ........... VI:1
Recent Decisions Determining Seaman Status under the Jones Act.
Donald A. Hoffman .................. VI:173

Recovery for Cancerphobia and Increased Risk of Cancer under the Jones Act: Hagerty v. L&E Marine Services, Inc.
Note (Marc J. Veilleux) .............. 12:219

The Relationship, If Any, Between Misrepresentation and the Reinjury: The Fifth Circuit Suggests That Wilful Concealment of a Preexisting Medical Condition May Constitute Contributory Negligence in Johnson v. Cenac Towing, Inc.
Comment (Mahsa Soheil) .......... 35:367

The Savings to Suitors Clause vs. The Limitation of Liability Act: A Compromise as Found in Lewis v. Lewis & Clark Marine, Inc.
Note (George Tadross) .......... 26:695

Note (Matt Cline) ........ 21:603

Richard J. Arnau vent .......... XI:273

“Seaman” Status and the Jones Act: Bach v. Trident Steamship Co.
Note (Julie R. Wohlgemuth) ....... 17:115

Note (Todd D. Lochner) .......... 22:287

The Seaman Status Situation: Historical Perspectives and Modern Movements in the U.S. Remedial Regime.
Comment (Shailendra U. Kulkarni) .. 31:121

Seamen’s Injuries, Recent Developments in Maritime Law.
Edward J. Powers ................. 21:529

Seamen’s Releases: the Factor’s to Look at When Determining Their Validity: Resner v. Arctic Orion Fisheries.
Note (Matt Cline) ........ 21:603

Comment (Jason P. Minkin) ...... 23:507

Showdown in the Fifth Circuit: Legros v. Panther Services Group, Inc.
Note (Kenneth J. Riemer) ...... 13:341

Splicing the Net: A Legislative Answer to the Problem of Seaman Status under the Jones Act.
Comment (Evan T. Caffrey) ...... 14:361

Standard of Care in Jones Act Negligence Cases—From Slight to Ordinary Care: Gautreaux v. Scurlock Marine, Inc.
Note (Ronald K. Schuster) ...... 22:315

The Standard of Care in a Seaman’s Personal Injury Action—Has the Jones Act Been Slighted?
Brian J. Miles .................... 13:79

Comment (Ross I. Landau) ......... 32:249

John Richard Fitzgerald .......... 26:177

Towing the Line on Damages for Purely Emotional Injuries Cognizable under the Jones Act: Plaisance v. Texaco, Inc.
Note (William R. Coats) ......... 17:331

U.S. Customs Service Enforcement of Section 27 of the Jones Act: Continuity of Voyage Cases.
J. Stephen Street .................. III:205

Waiver of the Right of Non-Rmovability of Jones Act Claims:
Lirette v. N.L. Sperry Sun, Inc.
Note (Steven C. Kline) .......... 12:397

Wrongful Denial of Maintenance and Cure: Opening the Damages Floodgate.
Comment (Julie R. Wohlgemuth) ............... 18:109

JURISDICTION
Admiralty Jurisdiction in Continental Countries.
K.D. Kerameus .......................... VIII:329

Admiralty Jurisdiction and Procedure,
Recent Developments in Maritime Law.
David B. Sharpe .......................... 21:473

Admiralty Jurisdiction at the
Millennium.
Armand M. Paré, Jr. ...................... 24:187

Aloha, Bench Trial!
Counterclaimant’s
Jury Right Sinks Plaintiff’s 9(h)
Designation: Wilmington Trust
v. United States District Court
for the District of Hawaii.
Note (Spiro J. Verras) ..................... 16:435

The Applicability of State Law in
Maritime Cases after Yamaha
Motor Corp. v. Calhoun.
David W. Robertson .......................... 21:81

The AVCO Exception to the Well
Plead Complaint Doctrine as
Applied to the LHWCA: Aaron v.
National Union Fire Ins. Co.
Note (Richard Hartshorn Langan II) ........ 16:235

Beware! Defective Appurtenances: A
Discussion of the “Substantial
Relationship” Requirement for
Invoking Admiralty Jurisdiction in
the Products Liability Context.
Comment (Donald Lance Cardwell) ........ 36:237

Bound To Arbitrate: The Fifth Circuit
Considers an Arbitration Agreement
in a Settlement for Maintenance and
Cure.
Note (Brooke E. Wright) .................. 32:619

Bringing in the Mother Lode: The
Second Circuit Rides in the Wake
of Marino-Garcia—United States v.
Pinto-Mejia. Note (Charles Leonard-Christopher
Vaccaro) ................................. X:141

Bringing It All Back Home: The Fifth
and Second Circuits Allow
Domestic Prosecutions for Oil
Record Book Violations on
Foreign-Flagged Vessels.
Comment (Nicholas H. Berg) ................. 34:253

Choice of Law Analysis: The Solution
to the Admiralty Jurisdictional
Dilemma.
Joseph F. Smith, Jr. .......................... 14:1

Classifying Cruise Ships as Common
Carriers under the Shipping Act, a
Jurisdictional Struggle: American
Association of Cruise Passengers v.
carnival Cruise Lines.
Note (Daniel E. Eldredge) ............... 15:397

The Contemporary Contours of
Admiralty Jurisdiction.
David J. Bederman and
John E. Wierwille ......................... 31:291

Cruising into Federal Court: The
Availability of Federal Admiralty
Jurisdiction for Pleasure Craft Tort
Cases After Foremost Insurance
Co. v. Richardson.
Comment (Charles H. Livaudais, Jr.) ........ 12:347

Cruising with Terrorism:
Jurisdictional Challenges to the
Control of Terrorism in the Cruising
Industry.
Comment (Aaron Buzawa) .............. 32:181

Delgado v. Reef Resort Ltd.: The Fifth
Circuit Fails To Throw Scuba
Divers a Lifeline.
Note (Jennifer Ferrara) ..................... 29:471

The Disappearing Act: Removal
Jurisdiction of an Admiralty Claim.
Steven F. Friedell ......................... 30:75

Distress Signal Requesting Guidance
in Determination of Admiralty
Subject Matter Jurisdiction: Delta
Country Venture, Inc. v. Magana.
Note (Stacey Kuch) ......................... 18:137

Drug Enforcement on the High Seas:
Stateless Vessel Jurisdiction over
Shipboard Criminality by Non-
Resident Alien Crewmembers—
Note (Lawrence Bruce Mandala) ........ XI:163

The Ebb and Flow of East River:
Consideration of the Supreme
Court’s Decision on Products
Liability in Shipbuilding Contracts.
Michael H. Bagot, Jr. .................. 30:137
The Eleventh Circuit Applies a Broad Definition of “Vessel” to Admiralty Tort Jurisdiction: Bunge Corp. v. Freeport Marine Repair, Inc.
Note (Shannon Hoff) ...................... 26:399

The Enforceability of Forum Selection Clauses in Maritime Bills of Lading: An Update.
C. Andrew Waters ............................ 15:29

Federal Regulation of Domestic Ocean Commerce: Crossroads in Jurisdictional Authority and Regulatory Philosophy.
Amy Loeserman Klein and Charles Friedlander ................................ VIII:299

Fighting Fishers: The Ninth Circuit Extends Maritime Jurisdiction to a Wage Dispute and Fist Fight Aboard a Vessel in Graver v. Lesman Fisheries, Inc.
Note (Brandon T. Morris) ............ 32:633

Foreclosure on The Eclipse Doctrine—A Plea for Equity in Admiralty.
Comment (Thomas P. Adams) ................ XI:301

Foreign Sovereign Immunities Act is Exclusive Basis for Exercising Subject Matter Jurisdiction in Suits Against Foreign States: Argentine Republic v. Amerada Hess Shipping Corp.
Note (Jami J. Campisano) ............. 13:327

The Foreign Sovereign Immunities Act: Where Did Our Remedies Go?
Steven L. Roberts and James B. Warren .......................... III:155

(Arjya B. Majumdar and Ryan M. McCabe) ................. 31:745

Good Seamen Never Tangle Their Lines or Never the Twain Shall Meet: An Analysis of the Constitutional and Jurisdictional Delineations of United States v. Reeh.
Note (Mary H. Mason) .................... 12:209

Harboring Doubt: How Will the Fifth Circuit Apply Stewart v. Dutra Construction Co.?
Carl J. Barbier and Clay J. Garside .... 31:1

How Far Does the FMLA Reach? The Ninth Circuit Grants a Maritime Lien to a Foreign Necessaries Provider in Trans-Tec Asia v. M/V Harmony Container.
Note (Ian Taylor) ......................... 33:337

If It Can Be Towed, Then It’s a Vessel: The Eleventh Circuit Reveals Flaws in the Overinclusive Definition of “Vessel” for Maritime Liens in City of Riviera Beach v. That Certain Unnamed Gray Vessel.
Note (Courtney Collins) ............... 36:779

Note (Sean D. Kennedy) .................. 32:593

Note (Christopher M. Ordoyne) .... 34:633

In re Needham: The Fifth Circuit Expands Federal Jurisdiction Under the Oil Pollution Act.
Note (Patrick Spicknall) ................. 29:161

The Iver Chaser Case.
Gordon W. Paulsen and Elisa M. Pugliese .................. 13:1

Jurisdiction and Arbitration in Multimodal Transport.
Yvonne Baatz .................. 36:643

Jurisdiction in Section 905(b) Actions—Wrong Test Doomed to Wrong Results. Comment (Brent P. Abadie) .................. 13:121

Jurisdictional Conflicts Between the Federal Maritime Commission and the Interstate Commerce Commission.
Timothy Shane O’Neill .................. VI:51

Keepers, Weepers, or No Finders at All: The Effect of International Trends on the Exercise of U.S. Jurisdiction and Substantive Law in the Salvage of Historic Wrecks.
Comment (Brooke Wright) ............... 33:285

The Law of the Flag and Maritime Criminal Jurisdiction: A New Rule To Replace an Outdated, Inconvenient Doctrine.
Comment (Guy Manchuk) ............... 32:221
Law Wars: The Battle Between Bankruptcy and Admiralty.
Ramsay McCullough.................. 32:457

Note (Kevin J. Neese).................. 15:151

Litigation Against a State Trader—A No-Win Contest.
Jon Magnusson....................... II:1

Note (Rachael S. Durrett)............. 26:667

Comment (Ian F. Taylor)............... 34:211

Merchants, Traders, and Pirates: The Birth of the Admiralty Clause.
James J. Woodruff, II.................. 26:563

Mixed Oil and Gas Contracts Performed on Navigable Waters—Maritime or Nonmaritime?
Confusion Reigns in State Territorial Waters: Davis & Sons, Inc. v. Gulf Oil Corp.
Note (Paul R. Briere).................. 16:389

Moving Cargo Between Ship and Land Transportation Held to be Maritime Employment—P.C. Pfieffer Co. v. Ford.
Note (Bett Gibson Fernandez)........ V:97

Note (John O. Pickens, Jr.).......... 15:439

The Myth of Uniformity in Maritime Law.
Robert D. Peltz....................... 21:103

Navigating the Jurisdictional Fog: Sea Vessel, Inc. v. Reyes.
Note (Thomas R. Robinson)........... 19:475

Comment (Jillian L. Benda)......... V:97

OCS Indemnity Contracts: State Law or Maritime Law?—Grand Isle Shipyard v. Seacor Marine, LLC.
David W. Robertson................... 35:467
An Overview of the Considerations Involved in Handling the Cargo Case.
Michael F. Sturley.................... 21:263

Pleasure Boat Collisions in Navigable Waters Held to be Traditional Maritime Activity—Richardson v. Foremost Insurance Co.
Note (Patricia Ann Green)........... VI:107

The Position in the United States on Foreign Forum Selection and Arbitration Clauses, Forum Non Conveniens, and Antisuit Injunctions.
Robert Force.......................... 35:401

Present Effects of the Executive Jet Aviation Case on Maritime Tort Jurisdiction.
Bruce W. Dinwiddie..................... I:131

Public Use and Regulation of Artificial Waterways.
Comment (Henry A. Orphys)......... V:259

Removability of High Seas Death Claims Filed in State Court after Tallentire.
Barbara A. Clark...................... 12:317

Removal and Remand of Admiralty Suits.
Kenneth G. Engerrand................ 21:383

Removal Jurisdiction of Saving Clause Suits as Civil Actions within the Original Jurisdiction of the District Courts.
Joshua M. Morse, III............... IV:197

Resetting the Executive Jet Compass Again—Smith v. Pan Air Corp.
Note (Laurence R. De Buys, IV).... VIII:186

The Return of Section 905(b) Vessel Negligence Claims to the Realm of Traditional Maritime Torts: Richendollar v. Diamond M Drilling Co., Inc.
Note (Roy A. Perrin, III)............. 12:405

Take a Bow: Is It Time for the Preliminary Contract Doctrine To Make Its Exit?
Comment (Ryan C. Davis)............. 35:219
The Saving to Suitors Clause vs. The Limitation of Liability Act: A Compromise as Found in Lewis v. Lewis & Clark Marine, Inc.
Note (George Tadross) 26:695
The Seventh Circuit Restores the “Locality Test” as the Lone Jurisdictional Determinant in Cases Involving Vessels on Navigable Waters in Tagliere v. Harrah’s Illinois Corp.
Note (Ross I. Landau) 31:669
Shipbrokers’ Commissions: Entitlement, Standing, and Jurisdiction.
H. Edwin Anderson, III 24:55
Lixing Zhang 14:209
Shipyard Workers and Asbestos Tort Claims: The Supreme Court’s Post-Grubart Silence Creates Jurisdictional Uncertainty.
Comment (Owen Blood) 33:313
Comment (Laura L. Roos) IX:273
Strange Ways: COGSA, the Action In Rem, and Sky Reefer’s Progeny.
Comment (Aaron A. Radicke) 32:203
The Supreme Court and Maritime Jurisdiction.
Lawrence D. Bradley, Jr. 25:207
Surviving Preemption: State Remedies and the LHWCA: Stevedoring Services of America v. Eggert.
Note (Michael J. Wray) 21:229
Note (Laurence E. Stuart) 18:401
Comment (Ross I. Landau) 32:249
United States Admiralty Jurisdiction over Collisions on the High Seas: Forum Non Conveniens and Substantive Law.
Patricia A. Krebs IX:43
Note (Michael D. Driscoll) 32:607
Note (Robert C. Adams) 20:163
Waiver of the Right of Non-Removability of Jones Act Claims: Lirette v. N.L. Sperry Sun, Inc.
Note (Steven C. Kline) 12:397
The Wake of Executive Jet—A Major Wave or a Minor Ripple.
Joseph A. Calamari IV:52
Whose Interests Are More Important: Should a Plaintiff’s Rule 9(h) Designation “Trump” a Counterclaimant’s Right to Jury Trial?
Comment (Mark Thomas Mahfouz) 27:277
Young v. Players Lake Charles, L.L.C.: Extending Maritime Law Too Far?
Note (Ricardo Rivas) 24:939

LEASE FINANCING

The Emergence of Lease Financing for Vessel Engaged in Coastwise Trade.
Comment (Ashley S. Hugunine)… 30:411

LEGISLATION

Comment (Jeff Kvandal) 26:353
Close-Hauling Toward Simplified Eligibility Under the Longshore and Harbor Workers’ Compensation Act: A Proposal for Congressional Action or Judicial Clarification To Rectify Persistent Ambiguity.
Nicole J. Dulude and Todd Greenwood ........................................... 35:45
Cruise Industry Liens Against the U.S. Penalty Wage Act.
Comment (Susan Lee) ................................................ 31:141
The Flow of Authority To Stop the Flow of Oil: Clean Water Act
Section 311(c) Removal Authority and the BP/DEEPWATER HORIZON Oil Spill.
Frederick J. Kenney, Jr., and Melissa A. Hamann ......................... 36:349
“I Immediately Regret This Decision”: The Sixth Circuit’s Misinterpretation of the PWSA.
Note (Emily Lowder) ................................................ 36:829
In re Needham: The Fifth Circuit Expands Federal Jurisdiction Under the Oil Pollution Act.
Note (Patrick Spicknall) .............................................. 29:161
Lawrence I. Kiern .................................................. 36:1
The Louisiana Direct Action Statute Loses Its Teeth: How the Fifth Circuit in Todd v. Steamship Mutual Underwriting Ass’n Opened the Door To Allow Insurers To Enforce Arbitration Agreements Against the Direct Action Plaintiff.
Note (Zachary M. VanVactor) ...................................... 35:659
Maritime Transportation Security Act of 2002 (Potential Civil Liabilities and Defenses).
Christopher E. Carey .............................................. 28:295
Note (Michael Crain) .............................................. 35:595
Eric J. Lobsinger .................................................. 32:61
The State of Our Seafaring Nation: What Course Has Congress Laid for the U.S. Maritime Industry?
Comment (Timothy Semenoro) ..................................... 25:355
They Receive, and They’re A Carrier, But They’re Not a Receiving Carrier: The Second Circuit Follows Regal-Belaire and Reverses Precedent on Carmack Amendment Application.
Note (Sarah Dawkins) ............................................. 35:607
Three’s a Crowd: The Unhappy Interplay Among the New York Convention, FAA and McCarran-Ferguson Act.
Comment (Zachary M. VanVactor) .................................. 36:313
U.S.-Flag Vessel Financing and Citizenship Requirements Update.
Constantine G. Papavizas ........................................... 32:35

LETTERS OF CREDIT
Letters of Credit.
G. Hamp Uzzelle, III .............................................. X:47

LIABILITY
Breaking the Liability Limits in Multimodal Transport.
Duygu Damar .................................................. 36:659
Claiming Damages in Multimodal Transport: A Need for Harmonisation.
Simone Lamont-Black ............................................. 36:707
The DEEPWATER HORIZON Disaster—Some Liability Issues.
Ruwantissa Abeyratne ............................................ 35:125
The Erika Judgment—Environmental Liability and Places of Refuge: A Sea Change in Civil and Criminal Responsibility that the Maritime Community Must Heed.
Vincent J. Foley and Christopher R. Nolan .................................. 33:41
Hybrid Torts and Vicarious Liability Under the Jones Act: Testing the Limits of “Course-and-Scope.”
Comment (Charles Rothermel) ...................................... 36:289
Lawrence I. Kiern .................................................. 36:1
Multimodal Transports in the United States and Europe—Global or
Regional Liability Rules?
Vibe Ulfbeck ........................................34:37
Recovery of Cable Repair Ship Cost
Damages from Third Parties That
Injure Submarine Cables.
Douglas R. Burnett .........................35:103
The Relationship, If Any, Between
Misrepresentation and the Reinjury:
The Fifth Circuit Suggests That
Willful Concealment of a
Preexisting Medical Condition May
Constitute Contributory Negligence
in Johnson v. Cenac Towing, Inc.
Comment (Mahsa Soheill) ...............35:367
“Said To Contain”: Fear of Incurring
Liability Creates a Disincentive for
Cargo Carriers To Improve
Shipping Container Security by
Examining Cargo.
Comment (Kevin P. Maney) ...........35:317
Shipbrokers’ Liability: An American
Overview.
Michael W. Lodwick .....................23:45

LIENS
An Agreement to Supply Credit Card
Services to a Cruise Ship Charterer,
Without More, Is Not a
“Necessary” Under the Federal
Maritime Liens Act: Effjohn
International Cruise Holdings, Inc.
v. M/V Enchanted Isle.
Note (Richard Preston) ..............27:613
Keep ’em Separated: The Fourth
Circuit Extends the Coverage of
Choice of Law Provisions To
Determine the Existence of
Maritime Liens in Triton Marine
Fuels Ltd., S.A. v. M/V Pacific
Chukotka.
Note (Michael Raudebaugh) ............34:647
A Comparative Analysis of Maritime
Lien Priority Under United States
And Chinese Maritime Law.
Donglai Yang ..................................23:465
Comparative Maritime Liens: Anglo
and Latin Based Law in the
Americas.
Ivon D’Almeida Pires Filho ............. IX:245
Cruise Industry Liens Against the U.S.
Penalty Wage Act.
Comment (Susan Lee) .................31:141
Current Developments in the
American
Law of Maritime Liens and
Mortgages.
Charles S. Haight, Jr. .................. IX:1
The End of Maritime Liens for
Master Leases of Containers: How
Do You Provide These Fungible
Necessaries to a Fleet of Vessels?
Timothy K. Borchers .....................18:33
Ensuring that Maritime Liens Remain
Tied to Temporal Priority—Bank
One, Louisiana N.A. v. Mr. Dean
MV.
Note (Jeffery Nichols) ..............27:655
Fifth Circuit Extends Maritime Lien to
Time Charter Contract Before
Cargo is Loaded: E.A.S.T., Inc. of
Stamford, Connecticut v. M/V Alaia.
Note (Timothy R. Hager) ..............15:133
How Far Does the FMLA Reach? The
Ninth Circuit Grants a Maritime
Lien to a Foreign Necessaries
Provider in Trans-Tec Asia v. M/V
Harmony Container.
Note (Ian Taylor) .......................33:337
Is the Government’s Right to Set-Off
under 31 U.S.C. § 3728 Squared
Away or Lost at Sea?: Hornbeck
Offshore Operators v. Ocean Line
of Bermuda.
Note (Thomas H. Van Horn) ...........19:513
Leased Equipment On Board Vessels
and Preferred Maritime Wage
Liens: Kesselring v. F/T Arctic
Hero.
Note (Lance P. Martin) .............19:199
Liens for Necessaries and Arrest of
Ships under Greek Law.
Dr. Panayotis Sotiropoulos ..........12:299
Maritime Lien Status for Unpaid Hull
or Liability Insurance Premiums:
Whether the Nonpayment of Hull
and Protection and Indemnity
Insurance Premiums Should Create
a United States Maritime Lien
Against the Insured Vessel in Favor
of the Insurer.
Chris Reeder .........................15:285
Maritime Liens, Rights of Retention,
and Mortgage of Vessels Under the
Legislation of the Russian
Federation.
Dmitri A. Pentsov........................... 26:609
Meaning and Construction of “Furnishing” and “Necessaries” under the Federal Maritime Lien Act.
Comment
(Margaret M. Braun)..................... 12:337
The Origin, Development, and Future of Maritime Liens and the Action In Rem.
Niell Hutton................................ 28:81
Paying Twice for a Public Vessel’s Necessaries in the Eleventh Circuit.
Thomas Van Horn.......................... 20:123
Anthony Michael Sabino............... 17:51
The Problematic Nature of Contribution Actions for In Personam Defendants in Collision or Allision Cases.
Comment (Brian Radcliffe).............. 31:161
Lixing Zhang............................... 14:209
Stevedores and Maritime Liens.
William Tetley, Q.C. ..................... VIII:269
Stricti Juris in Motion: The Third Circuit Declines to Extend Maritime Liens to Replacement Vessels in PNC Bank Delaware v. F/V Miss Laura.
Note (Ryan M. McCabe)................. 30:427
The Supplier Strikes Back: Under What Circumstances Can a Subcontracting Necessaries Supplier Assert a Maritime Lien?
Comment (Blair Brogan)............... 34:279

LIMITATION OF LIABILITY
Breaking the Liability Limits in Multimodal Transport.
Duygu Damar.............................. 36:659
Conflicts of Limitation Laws in the United States and the United Kingdom: Solving the Riddle of Norwalk Victory.
Comment (Robert J. Morris, III).... 34:303
Note (Elizabeth C. Harper).............. 23:265
Comment (Marc D. Isaacs).............. 27:335
The Eleventh Amendment, Flotilla Doctrine, and Other Flanking Maneuvers: Recent Efforts by Claimants To Avoid the Application of the Limitation of Liability Act.
Joseph E. Lee III and Stuart P. Sperling.......................... 29:29
Failing To Reach the “Harbour” of the U.S. Limitation Fund: The Fourth Circuit Allows a Party To Dismiss Its Own Limitation Action on Forum Non Conveniens Grounds in Compania Naviera Joanna SA v. Koninklijke Boskalis Westminster NV. Note (Han Deng).............. 34:591
Note (Stephen J. Galati)............... X:117
The Fifth Circuit Clarifies the Application of COGSA’s Prescriptive and Per-Package Limitations: Servicios-Expoxarma, C.A. v. Industrial Maritime Carriers, Inc.
Note (Bryant E. Gardner)............... 23:249
The Flotilla Doctrine: Is Liverpool Simply Outdated or Is It Time To Abandon Ship?
Comment (Shannon A. Thornhill)..... 33:261
The “Function of the Vessel”—A New Definition of “Seagoing” under the Limitation of Liability Act: Matter of Talbott Big Foot, Inc.
Note (David R. Kunz)................... 14:187
An Historical Trek Through the Judicial Interpretations of § 187 of
the Limitation of Vessel Owner’s Liability Act: The Evolution of the Literal versus the Statutory Purpose Approach. Comment (Katie Smith Matiso) .................. 17:73

In re Illinois Marine Towing, Inc.: How “Several” Can Mean “Single” in a Limitation of Liability Complaint. Note (Sean D. Kennedy) .............. 32:593

In re Tetra Applied Technologies: The Saving to Suitors Clause vs. The Right To Seek Exoneration in Federal Court: Exoneration Is Not the Same as Limitation. Note (Matthew Guy) ..................... 29:503


The International Liability and Compensation Regime for Oil Pollution from Ships—International Solutions for a Global Problem. Måns Jacobsson ................... 32:1

Is a LASH Lighter a Vessel for Purposes of Shipowner Limitation of Liability? Comment (Robert S. Crowder) ..... 22:255


Limitation of Liability and Direct Actions: The Relevant Fund. Frederick W. Swaim, Jr. .................... IV:215

Limitation of Liability in Oil Pollution Cases: In Search of Concurrus or Procedural Alternatives to Concurrus. Robert Force and Jonathan Gutfreund .................. 22:331

Limitation of Liability and Recreational Vessels. Michael B. McCauley ..................... 16:289


Limitation, Non-Responsibility and Disclaimer Clauses. William Tetley, Q.C. ................... XI:203


Limiting Limitation: In re The Glacier Bay. Note (Kathleen B. Carr) ............... 16:403


Prosecuting a Limitation Action Has a Price to Foreign Shipowners: Karim v. Finch Shipping Co. Note (Daniel H. Wooster) ....... 26:705

Protective Stipulations and the Single Claimant Exception in Limitation of Liability Proceedings. Comment (Michael L. Bono) ............ 17:257

The Shipowners’ Limitation of Liability Act: Still Afloat or Sinking Fast? Jill A. Schaar ......................... 24:659


The Wreck Act and Limitations of Liability—Antithetic Concepts?
Comment
(J. Clifford Rogillio) ............... IV:132

LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT
Assignment under 933(b) Precludes Longshoreman from Pursuing Third-Party Claim—Rodriguez v. Compass Shipping.
Note (Phyllis Brasher) ............... VI:96
Assumption of the Risk by Any Other Name . . ., Improperly Stowed Cargo and the Vessel's Duty to Warn: Derr v. Kawasaki Kisen.
Note (James B. Abston) ............. 13:163
At Work on Islands in a Sea of Inconsistencies—Fixed-Rig Workers under the LHWCA: Munguia v. Chevron U.S.A., Inc.
Note (James E. Nelson) ............. 18:389
The AVCO Exception to the Well-Pleaded Complaint Doctrine as Applied to the LHWCA: Aaron v. National Union Fire Ins. Co.
Note (Richard Hartshorn Langan II) .... 16:235
Awards and Conflicts of Interest under Section 933 of the Longshoremen and Harbor Workers' Compensation Act: The Longshoreman Bandied About Again.
Comment (F. Nash Bilisoly) .......... III:265
Breaking Down the Boundaries of Seaman Status: Southwest Marine, Inc. v. Gizoni.
Note (Lisa S. Zamaludin) ............. 17:127
Charting the Chaotic Offshore Waters: The Validity of Contractual Indemnity Provisions Pertaining to Injuries Sustained Offshore.
Comment (Larissa Sanchez) ........ 31:177
Clearing Up the Confusion with the Application of Section 910(f) of the LHWCA: Phillips v. Marine Concrete Structures, Inc.
Note (Neil Levine) ................. 16:251
Close-Hauling Toward Simplified Eligibility Under the Longshore and Harbor Workers' Compensation Act: A Proposal for Congressional Action or Judicial Clarification To RectifyPersistant Ambiguity.
Nicole J. Dulude and Todd Greenwood ....................... 35:45
The Common Fund Doctrine Held Inapplicable to Longshoreman-Initiated Actions under the LHWCA—Bloomer v. Liberty Mutual Insurance Co.
Note (Bonnie O’Neill Brethé) .... V:271
The Content of the Negligence Action by Longshoremen Against Shipowners under the 1972 Amendments to the Longshoremen’s and Harbor Workers' Compensation Act.
James A. George ...................... II:15
Does Sieracki Still Rule the Seas?: Coats v. Penrod Drilling Corp.
Note (Michelle M. O’Daniels) ......... 17:101
Expanding the Scope of “Navigable Waters” Under the LHWCA: Kollias v. D & G Marine Maintenance.
Note (Aimee P. Kullman) ............ 19:189
Falling In and Out of Coverage: Jurisprudential Legislating Eviscerates the Status Requirement of the Longshore and Harbor Workers' Compensation Act.
George R. Alvey, Jr. and John O. Pieksen, Jr. .................. 19:227
A First Shot at Determining the “Retail Outlet” Exclusion: The Ninth Circuit Holds that a Tourist Photographer at Pearl Harbor Is Excluded from the Longshore and Harbor Workers’ Compensation Act.
Peru v. Sharpshooter Spectrum Venture, L.L.C.
Note (Lindsay A. Sakal) ............. 32:657
Harboring Doubt: How Will the Fifth Circuit Apply Stewart v. Dutra Construction Co.?
Carl J. Barbier and Clay J. Garside ... 31:1
Note (Brent P. Abadie) ............... 12:373
Interaction of the Aggravation Rule and the Credit Doctrine under the Longshoremen’s and Harborworkers’ Compensation Act:
Strachan Shipping Co. v. Nash
Note (Alexander N. Beard) ............ 12:199

Note (Gerald M. Baca) ............ 12:385

Jurisdiction in Section 905(b) Actions—Wrong Test Doomed to Wrong Results.
Comment (Brent P. Abadie) ......... 13:121

The LHWCA Situs Requirement—Adjoining Area Construed Broadly in Keeping with the Remedial Purpose of the Act—Texports Stevedore Co. v. Winchester.
Note (Stephen P. Hall) ......... VI:118

Longshoremen’s Actions under the 1972 Amendments: An Alternative to Cox and Canizzo—Cox v. Flota Merchant Grancolombiana;
Canizzo v. Farrell Lines, Inc.
Note (Henry A. Orphys) .......... IV:174

Longshoremen’s Negligence Actions Against Shipowners after the 1972 Amendments to the Longshoremen’s and Harbor Workers’ Compensation Act: An End to Circular Liability?—Edmonds v. Compagnie Generale Transatlantique.
Note (Marshall G. Weaver) ........ IV:341

Moving Cargo Between Ship and Land Transportation Held to be Maritime Employment—P.C. Pfeiffer Co. v. Ford.
Note (Bett Gibson Fernandez) ........ V:97

Narrowing the Scope of “Maritime Employment” under the LHWCA: Herb’s Welding, Inc. v. Gray.
Note (J. Michael Nussbaum) ........ X:311

Negligence Actions by Longshoremen Against Shipowners under Section 905(b) of the Longshoremen’s and Harbor Workers’ Compensation Act.
David W. Robertson ........... III:1

Personal Injury, Recent Developments in Maritime Law.
Douglas M. Muller and Julius H. Hines .......... 22:513

Possible Credit Defenses under the 1972 Amendments to the Longshoremen’s and Harbor
Workers’ Compensation Act.
J. Dwight LeBlanc, Jr. ............... II:1:1

The Return of Section 905(b) Vessel Negligence Claims to the Realm of Traditional Maritime Torts: Richendollar v. Diamond M Drilling Co., Inc.
Note (Roy A. Perrin, III) .......... 12:405

The Seaman Status Situation: Historical Perspectives and Modern Movements in the U.S. Remedial Regime.
Comment (Shailendra U. Kulkarni) .... 31:121

Section 905(b) Liability of Owner-Steady. COMMENTS
Comment (Andrew P. Burnside) .... VIII:347

Section 905(b) and a Standard of Negligence: Cosmos or Chaos?
Comment (Steven E. Goldman) ........ IV:305


Showdown in the Fifth Circuit: Legros v. Panther Services Group, Inc.
Note (Kenneth J. Riemer) .......... 13:341

The Sieracki-Ryan Construct Continues to Rule from the Grave—Aparicio v. Swan Lake.
Note (Debra F. Gambrill) .......... VI:302

The “Something More” Requirement under Section 5(b) of the Longshore Act: Singleton v. Guangzhou Ocean Shipping Co.
Note (Jay W. Eng) ................. 21:205

The Special Fund under the Longshore and Harbor Workers’ Compensation Act.
Stuart Housel Smith ............ XI:71

Special Fund Relief under the Longshore Act—The Manifest Requirement.
Hon. Thomas Schneider .......... 13:51

A Standard of Negligence for Shipowner Liability under Section 905(b) Espinoza v. United States Lines, Inc.
Note (Stephen Goldman) ........... III:325
Surviving Preemption: State Remedies and the LHWCA:

Stevedoring Services of America v. Eggert.
Note (Michael J. Wray) .................. 21:229

Time and Voyage Charterer Liability under Section 905(b) of the Longshore and Harbor Workers’ Compensation Act: A Sensible Solution has a Ghost of a Chance.
Douglas J. Ende............................ 14:239

Note (Alex Plaum) ...................... 35:617

A Vessel or Not a Vessel—That is the Question: The Definition of the Term “Vessel” under the Longshore and Harbor Workers’ Compensation Act.
Comment (John T. Lozier) ............ 20:139

Washington Metropolitan Area Transit Authority v. Johnson: The Sudden Rise and Rapid Fall of General Contractor Tort Immunity under the LHWCA.
Richard J. Arsenault .................... IX:19

LOUISIANA OILFIELD INDEMNITY ACT

Charting the Chaotic Offshore Waters:
The Validity of Contractual Indemnity Provisions Pertaining to Injuries Sustained Offshore.
Comment (Larissa Sanchez) ......... 31:177

Classifying Primary Obligations in Mixed Maritime Contracts:
Thurmond v. Delta Well Surveyors.
Note (Michael D. Sledge) .......... 13:225

Note (Henry D. Olinde) .............. XI:329

The Fifth Circuit Passes the Buck:
Whether Maritime Law or OCSLA Applies to Contracts Involving Drilling Platforms on the Outer Continental Shelf?
Smith v. Penrod Drilling Corp.
Note (David Gray Douglas) ......... 17:89

Indemnity on the Outer Continental Shelf—A Practical Primer.
Julia M. Adams and Karen K. Milhollin ............... 27:43

Mixed Oil and Gas Contracts
Performed on Navigable Waters—Maritime or Nonmaritime?
Confusion Reigns in State Territorial Waters: Davis & Sons, Inc. v. Gulf Oil Corp.
Note (Paul R. Brierre) ................. 16:389

Offshore Update—Five Years after Passage: Contractual Indemnity, Defense and Insurance under the Louisiana Oilfield Indemnity Act.
Diogenis C. Panagiotis .................. X:203

Statutory and Contractual Indemnification and Forum Selection, Including the Oil Patch.
Edward S. Johnson and Cindy T. Matherne ...................... 24:85

MAINTENANCE AND CURE

AIDS and the Doctrine of Maintenance and Cure.
Comment (Jon Byron Coats, Jr.) ............... 24:283

Ain’t No Money in the Cure:
Arbitration Trumps Solicitude
When Enforcing Postinjury Arbitration of Seamen’s Personal Injury Claims.
Comment (Matthew K. Maruca) ... 33:229

Around the world on Eight Dollars a Day: The Binding Effect of Maintenance Rate Provisions in Collective Bargaining Agreements.
Comment (E. Jane Rolling) ........... 18:317

Base Wages May Now be Just the Tip of the Maintenance and Cure Iceberg—The Eleventh Circuit Recognizes an Injured Seaman’s Projected Gratuities as Part of the Unearned Wages Calculation: Flores v. Carnival Cruise Lines.
Note (Tondra Jo Phillips) ............. 20:189

Bound To Arbitrate: The Fifth Circuit Considers an Arbitration Agreement in a Settlement for Maintenance and Cure.
Note (Brooke E. Wright) .............. 32:619
Enforcing a Seaman’s Right to Medical Care After Atlantic Sounding v. Townsend.
Rod Sullivan................................. 34:1

Note (Richard Brett Kelly) ............. 16:225

Personal Injury, Recent Developments in Maritime Law.
Douglas M. Muller and Julius H. Hines............................ 22:513

Note (Michael Reese Davis) ............ X:103

Questioning the Use of a Declaratory Judgment in a Maintenance and Cure Action: Rowan Companies v. Griffin.
Note (Ashley E. Rea)....................... 15:159

Seamen’s Injuries, Recent Developments in Maritime Law.
Edward J. Powers................................. 21:529

Note (Flynn Jennings) .................... XI:311

Wrongful Denial of Maintenance and Cure: Opening the Damages Floodgate.
Comment (Julie R. Wohlgemuth).......... 18:109

MARINE CONTRACTS
Charting the Chaotic Offshore Waters: The Validity of Contractual Indemnity Provisions Pertaining to Injuries Sustained Offshore.
Comment (Larissa Sanchez) ............... 31:177

The Contemporary Contours of Admiralty Jurisdiction.
David J. Bederman and John E. Wierwille......................... 31:291

Comment (Ian F. Taylor) ................. 34:211

OCS Indemnity Contracts: State Law or Maritime Law?—Grand Isle Shipyard v. Seaco Marine, LLC.
David W. Robertson........................... 35:467

Jason R. Harris................................. 34:167

Note (Benjamin Brown) ............... 29:489

Take a Bow: Is It Time for the Preliminary Contract Doctrine To Make Its Exit?
Comment (Ryan C. Davis) .............. 35:219

MARITIME ADMINISTRATION
Note (Richard W. Westling) .............. XI:341

MCCARRAN-FERGUSON ACT
Kathleen B. Carr.............................. 18:71

Three’s a Crowd: The Unhappy Interplay Among the New York Convention, FAA and McCarran-Ferguson Act.
Comment (Zachary M. VanVactor) ....... 36:313

MEDIATION
The Increasing Role of Mediation in Resolving Shipping Disputes.
Charles L. Measter and Peter Skoufalos.......................... 26:515

MEMORIAM
Lord Brandon of Oakbrook, MC, PC: An Appreciation.
David Steel, Justice ....................... 24:i
MORTGAGES, SHIP MORTGAGES, AND THE SHIP MORTGAGE ACT

Current Developments in the American Law of Maritime Liens and Mortgages.
Charles S. Haight, Jr. ........................... IX:1

Plugging the Leaks in the Ship Mortgage Act: *Nate Leasing Co. v. Wiggins.*
Note (Gilbert L. Fontenot) ............. 16:213

OIL POLLUTION

Allisions in the Artificial Archipelago: Economic Damages and Offshore Oilmen in the Oil and Gas Circuit.
Comment (Bryant E. Gardner) ....... 24:299

Bringing It All Back Home: The Fifth and Second Circuits Allow Domestic Prosecutions for Oil Record Book Violations on Foreign-Flagged Vessels.
Comment (Nicholas H. Berg) ............... 34:253

The DEEPWATER HORIZON Disaster—Some Liability Issues.
Ruwantissa Abeyratne .................. 35:125

The Double Hull Requirement of the Oil Pollution Act of 1990: Does It Constitute a Regulatory Taking?
Comment (Criston Cicala) ............... 24:877

The Erika Judgment—Environmental Liability and Places of Refuge: A Sea Change in Civil and Criminal Responsibility that the Maritime Community Must Heed.
Vincent J. Foley and Christopher R. Nolan .............................................. 33:41

European Union Legal Measures in Response to the Oil Pollution of the Sea.
Malgorzata Anna Nesterowicz .... 29:29

The Fifth Circuit Finds that Criminal Sanctions for a Falsified Oil Record Book Are Consistent with International Law in *United States v. JHO.*
Note (Roy H. Sparks) .................. 33:563

The Flow of Authority To Stop the Flow of Oil: Clean Water Act Section 311(c) Removal Authority and the BP/DEEPWATER HORIZON Oil Spill.
Frederick J. Kenney, Jr., and Melissa A. Hamann ............. 36:349

In re Needham: The Fifth Circuit Expands Federal Jurisdiction Under the Oil Pollution Act.
Note (Patrick Spicknall) .............. 29:161

The International Liability and Compensation Regime for Oil Pollution from Ships—International Solutions for a Global Problem.
Måns Jacobsson ........................... 32:1

International Measures To Protect Oil Platforms, Pipelines, and Submarine Cables from Attack.
Stuart Kaye .................................. 31:377

Lawrence I. Kiern ........................... 24:481

Lawrence I. Kiern ...................... 36:1

Liability of Third Parties for Oil Spill Cleanup Costs under the Federal Water Pollution Control Act and under General Maritime Law.
William M. Duncan .................. X:25

Limiting Limitation: *In re The Glacier Bay.*
Note (Kathleen B. Carr) .............. 16:403

The Maritime Compliance Program: Foghorn Protection for the Shipowner.
Dennis L. Bryant, Esq. ............... 24:591

Monitoring Costs under the Oil Pollution Act of 1990: A Blank Check for the Coast Guard?
Sergio J. Alarcon and Flynn M. Jennings .................. 21:419

J. T. Smith II ........................... 18:1

The Oil Pollution Act of 1990.
Antonio J. Rodriguez and Paul A.C. Jaffe ........................... 15:1

Comment (Brandon T. Morris) ....... 33:165
Note (Paul Balanon) .......... 28:555

Recent Developments in the Criminal Enforcement of Maritime Environmental Laws.
David G. Dickman .............. 24:1

Note (Cameron H. Totten) ........ 18:167

Red Sky at Morning: The Horizon for Corporations, Crew Members, and Corporate Officers as the United States Continues Aggressive Criminal Prosecution of International Pollution from Ships.
Comment (Andrew Homer) ..... 32:149

Shipowner Liability Arising from Violations of Statutory Work-Hour Limits.
Comment (Robert D. Tracy) .... 22:635

State Authority Under the Oil Pollution Act of 1990: *Federalist Elixir,* or Should the Supreme Court Sink *Intertanko v. Locke?*
Comment (Daniel G. Rauh) .... 24:323

To Be an “Incident” or Not an “Incident,” That Is the Question Under the Oil Pollution Act of 1990: *Gatlin Oil Co. v. United States Revisited.*
Note (Timothy Semenoro) ..... 24:955

*United States v. Locke: After a Rough Passage, Intertanko Crosses the Bar of State Regulation to Reach the Safe Harbor of Preemption.*
Note (Michael F. Vitt) .......... 25:573

*United States v. Massachusetts: Federal Preemption of State Oil Spill Statutes.*
Note (Michael D. Driscoll) .... 32:607

Vetting Clauses.
David W. Martowski ........... 26:123

Waning Conventions: Remedying Natural Resource Damages Caused by Vessel-Source Oil Pollution Under the Existing Regimes and the Need To Reconvene.
Comment (S. Eric Lee) .......... 35:293

OUTER CONTINENTAL SHELF

Not Leaving the Issue on the Shelf: Applying Federal Immigration on the Outer Continental Shelf.
Comment (Michael Raudebaugh) ..... 35:345

OCS Indemnity Contracts: State Law or Maritime Law?—*Grand Isle Shipyard v. Seacor Marine, LLC.*
David W. Robertson .......... 35:467

Note (Alex Plaum) .......... 35:617

OUTER CONTINENTAL SHELF LANDS ACT

A Broad Overview of the Outer Continental Shelf Lands Act Amendments of 1978.
Comment (Stanhope B. Denegre) .... 34:108

Charting the Chaotic Offshore Waters: The Validity of Contractual Indemnity Provisions Pertaining to Injuries Sustained Offshore.
Comment (Larissa Sanchez) ....... 31:177

Coast Guard Preemption of Occupational Safety and Health Administration Regulatory Authority on the Outer Continental Shelf—*Marshall v. Nichols.*
Note (Bryan Pedeaux) .......... 30:288

Note (Vincent J. Foley) ....... 19:165

Does the Jones Act Apply to Offshore Alternative Energy Projects?
Constantine G. Papavizas and Gerald A. Morrissey III .......... 34:377

Drilling Through the Muddied Waters on the Outer Continental Shelf: An Examination of the Fifth Circuit’s Recent Decision in *Demette v. Falcon Drilling Co.*
Note (E. Stewart Spielman) 26:683
The Fifth Circuit Passes the Buck: Whether Maritime Law or OCSLA Applies to Contracts Involving Drilling Platforms on the Outer Continental Shelf: Smith v. Penrod Drilling Corp. Note (David Gray Douglas) 17:89
Mixed Oil and Gas Contracts Performed on Navigable Waters—Maritime or Nonmaritime? Confusion Reigns in State Territorial Waters: Davis & Sons, Inc. v. Gulf Oil Corp. Note (Paul R. Briere) 16:389
Not Leaving the Issue on the Shelf: Applying Federal Immigration on the Outer Continental Shelf. Comment (Michael Raudebaugh) 35:345
The Outer Continental Shelf Lands Act: Vesting State Courts with Concurrent Jurisdiction—Gulf Offshore Co. v. Mobil Oil Corp. Note (Meredith L. Hathorn) VI:327

PERSONAL INJURIES
Ain’t No Money in the Cure: Arbitration Trumps Solicitude When Enforcing Postinjury Arbitration of Seamen’s Personal Injury Claims. Comment (Matthew K. Maruca) 33:229
Balancing Bargaining Power: The Eleventh Circuit Overreaches To Destroy the Public Policy Defense at the Initial Enforcement Stage of Arbitration in Lindo v. NCL (Bahamas), Ltd. Note (Nicholas A. Machen) 36:839
Blackjack or Bust: Personal Injury Suits on Riverboat Casinos. Comment (Brian P. Brancato) 19:133
Breaking Down the Boundaries of Seaman Status: Southwest Marine, Inc. v. Gizoni. Note (Lisa S. Zamaladin) 17:127
Causation Issues in FELA and Jones Act Cases in the Wake of McBride. David W. Robertson 36:397
Charting the Chaotic Offshore Waters: The Validity of Contractual Indemnity Provisions Pertaining to Injuries Sustained Offshore. Comment (Larissa Sanchez) 31:177
Close-Hauling Toward Simplified Eligibility Under the Longshore and Harbor Workers’ Compensation Act: A Proposal for Congressional Action or Judicial Clarification To Rectify Persistant Ambiguity, Nicole J. Dulude and Todd Greenwood 35:45
Compulsory River Pilots Granted Jones Act Seaman Status—Sounding the Death Knell of the “Fleet Doctrine”: Evans v. United Arab Shipping Company. Note (Katie Smith Matison) 16:421
Damages Available in Personal Injury Claims After Miles, Yamaha, and Amtrak. Donald C. Radcliff 23:383
Does Sieracki Still Rule the Seas?: Coats v. Penrod Drilling Corp. Note (Michelle M. O’Daniels) 17:101
The Elimination of Punitive Damages for Seamen: How Far Does Miles Reach? Comment (William J. Pallas) 18:89
Foreign Seamen, Personal Injury, and Products Liability: Two Forum Non Conveniens Tests—All of
Offshore Co.
Note (Anne L. Lewis) .................. X:295

Forum-Selection Clauses and Seaman
Personal Injury: A Modern
Analytical Framework with
International Emphasis.
Comment
(Ryan Kelly McLemore) .......... 25:327

In re Amtrak: The Eleventh
Circuit’s Leash on Yamaaha.
Note (Christopher B. Daniels) ..... 22:303

An Introduction to Personal Injury and
Death Claims in the People’s
Republic of China.
Robert Force and Xia Chen .. 15:245

Introduction: A Seaman’s Personal
Injury Action—Some Practical
Points.
J. Dwight LeBlanc, J. Francois
Allain, and Michael J. Mestayer .... IV:17

Malpractice on the Love Boat:
Note (Michael J. Compagno) .... 14:381

Medicine on the Seas.
Robert D. Peltz and
Vincent J. Warger .......................... 27:425

New Cargo from Old Ports: Recent
Significant Maritime Personal
Injury Cases.
Alvin B. Rubin and
David P. King .......................... VIII:1

No Recovery for Medical Monitoring
Costs in Personal Injury Claims—
In re Marine Asbestos Cases.
Note (Shannon E. Hoff) .... 26:675

Not Too “Latent” a Discovery: The
Diagnosis of an Oil Rig Worker’s
Lung Disease Satisfies the
Discovery Rule in Pretus v.
Diamond Offshore Drilling, Inc.
Note (Christopher M. Douse) ...... 34:607

Personal Injury, Recent Developments
in Maritime Law.
Douglas M. Muller and
Julius H. Hines ................... 22:513

Post-Calhoun Remedies for Death and
Injury in Maritime Cases:
Uniformity, Whither Goest Thou?
Robert Force .......................... 21:7

A Quantum Study of Awards for
Maritime Related Personal Injuries.
(Dawn Barrios) .................. II/1:59

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Jeffery Breit) .................. II/2:129

Admiralty Personal Injury Awards.
(Jeffery Breit) .................. III:103

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Jeffery Breit) .................. IV:185

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Sanford E. Warren, Jr.) ............ VII:171

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Laurence R. DeBuys, IV) .... VIII:199

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(M. Walker Baus) ................ IX:153

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Michael Reese Davis) ............ XI:179

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Sanford E. Warren, Jr.) ............ XI:179

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Mary Gaylene Cole) .......... 12:245

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Steven H. Shapiro) .......... 13:237

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Steven M. Stastny) .......... 15:319

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(David Gray Douglas and
Valeria St. Vicina) ..... 17:377

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Robert S. Green, Mark S. Rubin,
and Thomas H. Van Horn) .... 19:529

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
(Jeffrey B. Carra and
Amelia Sweetland) ............ 21:645

A Quantum Survey of Reported
Admiralty Personal Injury Awards.
A Quantum Survey of Reported Admiralty Personal Injury Awards. (Kimberly A. Gershon and Barbara L. Ristow) .................... 23:609


A Quantum Survey of Reported Admiralty Personal Injury Awards. (Wiley Richmond Beevers) ............ 27:671

A Quantum Survey of Reported Admiralty Personal Injury Awards. (Matthew Guy) .................... 29:511

A Quantum Survey of Reported Admiralty Personal Injury Awards. (Arjya B. Majumdar and Ryan M. McCabe) .................... 31:697

A Quantum Survey of Admiralty Personal Injury Awards. (Blair Brogan, Nicholas H. Berg, and Jonathan A. Hirsh) .................... 33:603

A Quantum Survey of Admiralty Personal Injury Awards. Michael B. Pemberton, Mark DiCicco and Jonathan Segarra .................... 35:671

The Relationship, If Any, Between Misrepresentation and the Reinjury: The Fifth Circuit Suggests That Willful Concealment of a Preexisting Medical Condition May Constitute Contributory Negligence in Johnson v. Cenac Towing, Inc. Comment (Mahsa Soheil) .................... 35:367

“Seaman” Status and the Jones Act: Bach v. Trident Steamship Co. Note (Julie R. Wohlgemuth) .................... 17:115


Shipowner Liability Arising from Violations of Statutory Work-Hour Limits. Comment (Robert D. Tracy) ............ 22:635

Shipyard Workers and Asbestos Tort Claims: The Supreme Court’s Post-Grubart Silence Creates Jurisdictional Uncertainty. Comment (Owen Blood) .................... 33:313


A Statutory Frolic of Its Own? A Divided Fourth Circuit Calms the Seas of the Suits in Admiralty Act Discretionary Function Exception Circuit Split. Note (Ryan M. McCabe) .................... 30:457

Strict Liability or Negligence: What Standard of Care Applies When Crewmembers Assault Passengers on Cruise Ships? Comment (Philip H. Budwick) ..... 19:353


Towing the Line on Damages for Purely Emotional Injuries Cognizable under the Jones Act: Plaisance v. Texaco, Inc. Note (William R. Coats) .................... 17:331


Wrongful Denial of Maintenance and Cure: Opening the Damages Floodgate. Comment (Julie R. Wohlgemuth) .................... 18:109

TITLE BY SUBJECT INDEX

2012]

Outer Continental Shelf Lands Act.
Note (Alex Plaum).......................... 35:617

PILOTAGE
A Comparison of Louisiana’s Regulation of State-Commissioned Pilotage with That of Other Maritime States.
Comment (Matthew A. Lynch)............ 29:81
Note (Dana M. Shelton)................. 19/1:485
The Problematic Nature of Contribution Actions for In Personam Defendants in Collision or Allision Cases.
Comment (Brian Radcliffe).............. 31:161
River Pilot, Marine Surveyor, and Third-Party Inspector Liability.
Frederick B. Goldsmith.................. 26:463

PIRATES AND THIEVES
Comment (Christopher M. Douse)......... 35:267
Note (Lawrence Bruce Mandala)......XI:163
International Law of the Sea: Reconciling the Law of Piracy and Terrorism in the Wake of September 11th.
Comment (Tina Garmon)................. 27:257
Piracy: New Efforts in Addressing This Enduring Problem.
Kevin Kelley et al. ...................... 36:65
Lawrence J. Kahn .......................... 20:293
Protecting the Booty: Creating a Regulatory Framework To Govern Increased Use of Private Security Companies in the Fight Against Pirates.
Dana M. Parsons ......................... 35:153
Protection Afforded to Captured Pirates Under the Law of War and International Law.
Michael H. Passman ..................... 33:1
To Incorporate or Not to Incorporate; That is the Question: B & F Trawlers, Inc. v. United States.
Note (Elton A. Foster).................. 14:175
Note (Timothy M. Morrison).......... 27:631
Yacht Theft: Loss by Pirates or Assailing Thieves?
Lawrence C. Delay...................... IV:277

POLLUTION
Allisions in the Artificial Archipelago: Economic Damages and Offshore Oilmen in the Oil and Gas Circuit.
Comment (Bryant E. Gardner)......... 24:299
Canada’s Oversight of Arctic Shipping: The Need for Reform.
Lee Clark .................................. 33:79
CERCLA Vis-à-Vis Maritime Law, Recent Developments in Maritime Law.
Charles B. Anderson and Marisa Marinelli ...................... 21:501
The Double Hull Requirement of the Oil Pollution Act of 1990: Does It Constitute a Regulatory Taking?
Comment (Criston Cicala).............. 24:877
Federal Water Pollution Control Act—The Exclusive Remedy for Recovery by the United States of Oil Spill Cleanup Costs—United States v. Dixie Carriers, Inc.
Note (Gerolyn Petit Roussel)........... V:296
The Flow of Authority To Stop the Flow of Oil: Clean Water Act Section 311(c) Removal Authority and the BP/DEEPWATER HORIZON Oil Spill.
Frederick J. Kenney, Jr., and Melissa A. Hamann .................. 36:349
“I Immediately Regret This Decision”:  
The Sixth Circuit’s  
Misinterpretation of the PWSA.  
Note (Emily Lowder).......................... 36:829
In the Wake of the PRESTIGE  
Disaster: Is an Earlier Phase-Out of  
Single-Hulled Oil Tankers the  
Answer?  
Comment (Elizabeth Galiano) ...... 28:113
Interaction of the Federal Water  
Pollution Control Act with the  
Limitation of Liability Act and the  
General Maritime Law.  
Bonnie Garland Guss...................... VI:199
Latest Developments in International  
Maritime Environmental  
Regulation.  
(Winter 2008)  
Eric B. Rothenberg and  
Robert S. Nicksin ......................... 33:137
Liability, Compensation, and Financial  
Responsibility Under the Oil  
Pollution Act of 1990: A Review of  
the First Decade.  
Lawrence I. Kiern .......................... 24:481
Liability, Compensation, and Financial  
Responsibility Under the Oil  
Pollution Act of 1990: A Review of  
the Second Decade.  
Lawrence I. Kiern .......................... 36:1
Liability of Charterers and Cargo  
Owners for Pollution from Ships.  
Charles B. Anderson and  
Colin de la Rue............................ 26:1
Liability of Third Parties for Oil Spill  
Cleanup Costs under the Federal  
Water Pollution Control Act and  
under General Maritime Law.  
William M. Duncan ....................... X:25
Limitation of Liability in Oil Pollution  
Cases: In Search of Concursus or  
Procedural Alternatives to  
Concursus.

Robert Force and  
Jonathan Gutoff ....................... 22:331
Limiting Limitation: In re The  
Glacier Bay.  
Note (Kathleen B. Carr).............. 16:403
The Maritime Compliance Program:  
Foghorn Protection for the  
Shipowner.  
Dennis L. Bryant, Esq. ............. 24:591
Monitoring Costs under the Oil  
Pollution Act of 1990: A Blank  
Check for the Coast Guard.  
Sergio J. Alarcon and  
Flynn M. Jennings .................... 21:419
Natural Resource Damages under  
CERCLA and OPA: Some Basics  
for Maritime Operators.  
J. T. Smith II ......................... 18:1
The Oil Pollution Act of 1990.  
Antonio J. Rodriguez and Paul  
A.C. Jaffe .................. 15:1
Recent Developments in the Criminal  
Enforcement of Maritime  
Environmental Laws.  
David G. Dickman .................... 24:1
Recovery for Economic Loss under  
Robins Dry Dock and the Oil  
Pollution Act of 1990: Sekco  
Energy, Inc. v. M/V Margaret  
Chouest  
Note (Cameron H. Totten)........... 18:167
Representing Corporate and Individual  
Clients in Criminal Prosecution for  
Environmental Pollution: A Primer.  
Lindsay A. Larson, III and  
Jean Paul Picou Overton .......... 19:113
Rule B: Alive and Well in the Ninth  
Circuit—Polar Shipping, Ltd. v.  
Oriental Shipping Corp.  
Note (Pamela Marshall West)...... VII:159
Shipowner Liability Arising from  
Violations of Statutory Work-Hour  
Limits.  
Comment (Robert D. Tracy)....... 22:635
Slick Maneuvering: The Fifth Circuit  
Finds Liability for Oil Pollution  
Exists Outside the Federal Water  
Pollution Control Act—United  
States v. M/V Big Sam.  
Note (Jon Schuyler Brooks) ...... VIII:171
Sovereign Immunity, Rule F, and the  
Oil Pollution Act of 1990: The  
Eleventh Circuit Attempts to Clear
the Waters in *Bouchard Transportation Co. v. Updegraff*.
Note (Daniel G. Rauh) ........... 23:541

The Water Pollution Control Act and the Wreck Act: Maritime Tort Liability and Congressional Intent (if any).
Albert Tate, Jr. ......................... IX:197

To Be an “Incident” or Not an “Incident,” That Is the Question Under the Oil Pollution Act of 1990: *Gatlin Oil Co. v. United States Revisited*.
Note (Timothy Semenoro) ....... 24:955

**PORT SECURITY**

Cruising with Terrorism: Jursidictional Challenges to the Control of Terrorism in the Cruising Industry.
Comment (Aaron Buzawa) ............ 32:181

Comment (K. Lamar Walters, III) . 30:311

Eric J. Lobsinger ....................... 32:61

Regulation Consolidation: How Recent United States Customs and Commission Pronouncements Will Cause a Sea of Change.
Comment (Jennifer M. Ferrara) .... 30:335

“Said To Contain”: Fear of Incurring Liability Creates a Disincentive for Cargo Carriers To Improve Shipping Container Security by Examining Cargo.
Comment (Kevin P. Maney) ........... 35:317

**PORTS AND HARBORS**

Between a Dock and a Hard Place: The D.C. Circuit Declares the Puerto Rico Ports Authority an Arm of the State Entitled to Sovereign Immunity in *Puerto Rico Ports Authority v. Federal Maritime Commission*.
Note (Blair Brogan) ...................... 33:515

Forgotten Fears Present Imminent Threats to the Maritime Shipping and Recreation Industries: The Risk Posed by the Availability of Sea Mines.
Comment (Jason Reddish) ....... 29:125

Tale of Two Ports: Is Consolidation the Panacea for the Economic Ills of the Louisiana Ports?
Comment (Mark R. Beebe) ........... 13:309
*Tan Hi* and Containerized Cargo in the Philippines.
Randolph J. Friedman ............... XI:297

**PRODUCTS LIABILITY**

Beware! Defective Appurtenances: A Discussion of the “Substantial Relationship” Requirement for Invoking Admiralty Jurisdiction in the Products Liability Context.
Comment (Donald Lance Cardwell) . 36:237

The Citadel Survives a Naval Bombardment: A Policy Analysis of the Economic Loss Doctrine.
Steven R. Swanson .................... 12:135

Just Another Variation on the *Miles* Theme?: *Gerdies v. G&H Towing Co.*
Note (Megan E. Haggerty) ........... 22:673

Maritime Products Liability in the United States.
Robert Force .......................... XI:1

An Overview of Products Liability Law in a Maritime Context.
Paul S. Edelman ........................ V:159

Product Liability: Is It Available to Longshoremen Suing the Vessel?
Newton R. Brown ........................ II:2:117

Note (Linda M. Eckles) ............... VII:130

Note (Timothy Keslar) ............... 33:527
RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

    Mark Sidel ..................... Symposium, 99

Adrift at Sea: The Muddled Relationship Between Civil RICO and Maritime Law.
    Robert M. Jarvis .............. Symposium, 111

Civil RICO’s Cause of Action: The Landscape After Sedima.
    Douglas E. Abrams .......... Symposium, 19

The Effect of RICO on Maritime Arbitration.
    William P. Byrne ............. Symposium, 77

An Introduction to RICO.
    Joseph C. Sweeney ........... Symposium, 7

Pleading Maritime RICO.
    Curtis E. Pew ................. Symposium, 69

A Short History of Maritime Fraud.
    R. Glenn Bauer ............... Symposium, 11

Taking RICO to Sea: A Primer on the Use of RICO for the Maritime Bar.
    Sanford E. Balick.......... Symposium, 53

Maritime RICO—A Corporate Counsel’s Concerns.
    Manuel R. Llorea ............. Symposium, 95

Maritime RICO as Seen by an Arbitrator.
    Jack Berg ..................... Symposium, 85

RECENT DEVELOPMENTS

Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
    David W. Robertson and Michael F. Sturley ..................... 35:493

International Recent Developments:
    Australia.
        Kate Lewins ......................... 36:537

International Recent Developments:
    China—Vessel-Source Oil Pollution Compensation.
        Hongjun Shan ...................... 36:563

International Recent Developments:
    Denmark.
        Anders Møllmann ................. 36:573

International Recent Developments:
    European Union—Maritime Passenger Transport.
        Massimilano Piras ............... 36:627

International Recent Developments:
    Italy.
        Valentina Corona ................ 36:585

International Recent Developments:
    United Kingdom.
        Theodora Nikaki .................. 36:601

Latest Developments in International Maritime Environmental Regulation.
    (Winter 2008)
        Eric B. Rothenberg and Robert S. Nickson .................. 33:137

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
    (Summer 2003) .................... 27:495

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
    (Fall 2004)
        David W. Robertson and Michael F. Sturley ................ 29:369

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
    (Fall 2005)
        David W. Robertson and Michael F. Sturley ................ 30:195

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
    (Summer 2007)
        David W. Robertson and Michael F. Sturley ................ 31:463
Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
(Summer 2008)
David W. Robertson and Michael F. Sturley ................. 32:493

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
(Summer 2009)
David W. Robertson and Michael F. Sturley ......................... 33:381

Recent Developments in Admiralty and Maritime Law at the National Level and in the Fifth and Eleventh Circuits.
(Summer 2010)
David W. Robertson and Michael F. Sturley ......................... 34:443

Recent Developments in Admiralty Law in the United States Supreme Court, the Fifth Circuit, and the Eleventh Circuit.
(Spring 2000)
Edith H. Jones and Kenneth G. Engerrand ......................... 24:741

Recent Developments in Maritime Law (Summer 2004).
Kathleen K. Charvet and Heather A. Waterman .................... 28:375

Recent Developments in Maritime Law (Winter 2001) ................ 26:193

Recent Developments in Maritime Law (Summer 1998) .............. 22:551

Recent Developments in Maritime Law (Summer 1997) .............. 21:473

Recent Developments in Maritime Law (Summer 1996) .............. 20:361

Recent Developments in Maritime Law (Summer 1995) .............. 19:301

Recent Developments in Maritime Law (Summer 1994) .............. 18:259

REGULATION OF SHIPPING

Comment (Alexander J. Marcopoulos) ...................... 32:277

The Filed Rate Doctrine under the Interstate Commerce Act and the Shipping Acts.
Thorne Bledsoe McCallister ................. 19:81

Hiding Behind “Tradition”? Should U.S. Vessel Traffic Centers Exercise Greater Direction and Control over Vessels in Their Areas?
Craig H. Allen ........................................ 34:91

The New Convention on Standards of Training, Certification, and Watchkeeping: What, If Anything, Does It Mean?
Comment (G. Hans Sperling) ....................... 22:595

Protecting the Booty: Creating a Regulatory Framework To Govern Increased Use of Private Security Companies in the Fight Against Pirates.
Dana M. Parsons ........................................ 35:153

John Isaac Blanck Jr. ................................... 31:35

Second Circuit Limits COGSA Strict Liability for Shippers of Dangerous Goods in Contship Containerlines, Ltd. v. PPG Industries, Inc.
Note (Andrew Homer) ................................... 31:199

Shipment of Dangerous Cargo by Sea.
Robert Force ........................................... 31:315

United States v. Locke: After a Rough Passage, Intertanko Crosses the Bar of State Regulation to Reach the Safe Harbor of Preemption.
Note (Michael F. Vitt) ................................... 25:573

U.S.-Flag Vessel Financing and Citizenship Requirements Update.
Constantine G. Papavizas ................................ 32:35

RESEARCH TOOLS

Comment (Shane Pollin) .................. 22:205
Surveying the Serbonian Bog: A Brief
History of a Judicial Metaphor.
Parker B. Potter, Jr. .......................... 28:519

RIVERBOAT CASINOS
Blackjack or Bust: Personal Injury
Suits on Riverboat Casinos.
Comment (Brian P. Brancato) ........... 19:133
Gambling on Seaman Status: The
Plight of Riverboat Casino
Employees in Light of Amended
State Gaming Statutes.
Comment (Courtney P. Cochran) .... 29:139
Hertz v. Treasure Chest Casino: No
Dice for Jones Act Claims Aboard
Moored Riverboat Casinos.
Note (Martin Doyle) ...................... 28:591
Riverboat Casinos and Admiralty and
Maritime Law: Place Your Bets!
Brian D. Wallace, Evan T. Caffrey
and Evans Martin McLeod ............. 28:315
A Theoretical Possibility of
Navigation: An Analysis of the
Vessel Status of Watercraft Casinos
in the Wake of Stewart v. Dutra
Construction Co.
Comment (Ross I. Landau) ............ 32:249

ROTTERDAM RULES
Breaking the Liability Limits in
Multimodal Transport.
Duygu Damar .............................. 36:659
The Carrier’s Duties Under the
Rotterdam Rules: Better the Devil
You Know?
Theodora Nikaki .......................... 35:1
Claiming Damages in Multimodal
Transport: A Need for
Harmonisation.
Simone Lamont-Black .................... 36:707
Jurisdiction and Arbitration in
Multimodal Transport.
Yvonne Baatz .............................. 36:643
Multimodal Transport Reform and the
European Union: A Treaty Change
Approach.
Bevan Marten ............................. 36:741
Multimodalism and Through
Transport—Language, Concepts,
and Categories.
D. Rhidian Thomas ..................... 36:761
The Regal-Beloit Decision:
What, If Anything, Would Happen
to the Legal Regime for
Multimodal Transport in the United
States If It Adopted the Rotterdam
Rules.
Robert Force ............................. 36:685
Relations Between the Rotterdam
Rules and the Convention on the
Carriage of Goods by Road.
Cécile Legros ............................ 36:725

SAFETY REGULATIONS
Hiding Behind “Tradition”? Should
U.S. Vessel Traffic Centers Exercise
Greater Direction and Control over
Vessels in Their Areas?
Craig H. Allen ............................ 34:91
Welcome Aboard, OSHA:
Occupational Safety and Health
Regulations May Apply to
Uninspected Vessels in State
Waters.
Comment
(Daniel H. Wooster) ................. 27:227

SAVAGE
The 1989 Salvage Convention and the
Lloyd’s Open Form (LOF) Salvage
Agreement 1990.
Nicholas J.J. Gaskell ...................... 16:1
Aspects of the Impact of Negligence
upon Maritime Salvage in United
Kingdom Admiralty Law.
D. Rhidian Thomas ..................... II/2:57
The CHERRY VALLEY Case: How
Wrong Can Economists Be About
Salvage?
M.B.W. Sinclair .......................... 31:57
Contracting for Salvage Services.
Alex Rynecki and
George L. Waddell .................... III:225
The Day Historic Preservation
Principles Saved
the TITANIC from a Second Maritime Disaster.
Note (Laura Gongaware) ............ 36:817
The Doctrine of State Succession
and the Law of Historic
Shipwrecks,
the Bell of the Alabama:
United States v. Steinmetz.
Note (William J. Pallas) ............. 17:343
Falgout Bros. v. S/V Pangaea:
Judicial Paternalism or Judicial
2012] TITLE BY SUBJECT INDEX 911

Activism?
Note (Jason H. Lamb).................. 22:683

“Finders, Keepers” Revised for the
High Seas:  Columbus-America
Discovery Group v. Atlantic Mutual
Insurance.
Note (Todd B. Siegler).................. 17:353

Finders Weepers, Losers Keepers:
The Eleventh Circuit Denies
Salvage Company’s Claims to a
Sunken Military Vessel Found in
International Waters in Odyssey
Marine Exploration, Inc. v.
Unidentified Shipwrecked Vessel.
Note (Christine Nicole Burns)...... 36:803

Great Lakes Exploration Group v.
Unidentified Wreck:  Navigating
Federalism and Arrest Procedure in
Post-Deep Sea Shipwreck
Controversies.
Note (Brian K. McGarry)......... 33:539

Historic Wreck Salvage:  An
International Perspective.
Craig Forrest.......................... 33:347

Keepers, Weepers, or No Finders at
All:  The Effect of International
Trends on the Exercise of U.S.
Jurisdiction and Substantive Law in
the Salvage of Historic Wrecks.
Comment (Brooke Wright)......... 33:285

The Law of Salvage:  Criteria for
Compensation of Public Service
Vessels.
Simon W. Tache ....................... IX:79

The Legal Rights and Liabilities of
Cargo in a Salvage Situation.
James J. Donovan and Gerard S.
Doyle, Jr................................ V:1

Making Sense of the Muddle:  Deep
Sea Research Takes on the
Abandoned Shipwreck Act and the
Eleventh Amendment in California
Note (Kristin A. Gasser)......... 23:567

Nagasaki Spirit:  A Recent Decision
Affecting Marine Salvage and
Environmental Concerns.
Note (Aaron Gilligan)............. 22:619

Recovery of Cable Repair Ship Cost
Damages from Third Parties That
Injure Submarine Cables.
Douglas R. Burnett .................. 35:103

Salvage Rights and Intellectual
Property:  Are Copyright and
Trademark Rights Included in the
Salvage Rights to the R.M.S.
TITANIC?
Comment (Rachel J. Lin)......... 23:483

Salvaging Historic Wrecks.
Robert D. Peltz .................... 25:1

Salver Negligence.
Geoffrey Brice, Q.C. .......... 22:569

Saving Steel over Souls:  The Human
Cost of U.S. Salvage Law.
Comment
(Susanne M. Burstein)........... 27:307

Scuttle the Abandoned Shipwreck Act:
The Unnecessary
Unconstitutionality of American
Historic Shipwreck Preservation.
Nathan Murphy .................. 36:159

Sea Hunt, Inc. v. Unidentified
Shipwrecked Vessels:  Defining a
Standard of “Abandonment” for the
Shipwreck of a Sovereign.
Note
(Kyle Salvador Sclafani)....... 25:559

Stricti Juris in Motion:  The Third
Circuit Declines to Extend
Maritime Liens to Replacement
Vessels in PNC Bank Delaware v.
F/V Miss Laura.
Note (Ryan M. McCabe)........ 30:427

When Lost Liners Become Found:  An
Examination of the Effectiveness of
Present Maritime Legal and
Statutory Regimes for Protecting
Historic Wrecks in International
Waters with Some Proposals for
Change.
Rob Regan ...................... 29:313

SEAMEN, HARBOR WORKERS,
AND OTHER MARITIME WORKERS

AIDS and the Doctrine of
Maintenance and Cure.
Comment
(Jon Byron Coats, Jr)............ 24:283

AIDS, the American Seaman, and the
Law of Personal Injury.
Judith A. Mellman .............. 13:101

Ain’t No Money in the Cure:
Arbitration Trumps Solicitude
When Enforcing Postinjury
Arbitration of Seamen’s Personal
<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injury Claims. Comment (Matthew K. Maruca)</td>
<td>33</td>
<td>2229</td>
</tr>
<tr>
<td>The Americans with Disabilities Act and Shipboard Jobs: A Primer.</td>
<td>22</td>
<td>231</td>
</tr>
<tr>
<td>Assumption of the Risk by Any Other Name. Improperly Stowed Cargo and the Vessel's Duty to Warn: <em>Derr v. Kawasaki Kisen.</em></td>
<td>33</td>
<td>163</td>
</tr>
<tr>
<td>Attempting to Make Sense of the LHWCA: <em>Bienvenu v. Texaco.</em></td>
<td>24</td>
<td>929</td>
</tr>
<tr>
<td>Balancing Bargaining Power: The Eleventh Circuit Overreaches To Destroy the Public Policy Defense at the Initial Enforcement Stage of Arbitration in <em>Lindo v. NCL (Bahamas), Ltd.</em></td>
<td>36</td>
<td>839</td>
</tr>
<tr>
<td>Becker v. Tidewater: The Fifth Circuit Clarifies the Exception to <em>Chandris v. Latsis</em>'s Thirty Percent Temporal Benchmark for Jones Act Seaman Status.</td>
<td>28</td>
<td>583</td>
</tr>
<tr>
<td>Breaking Down the Boundaries of Seaman Status: <em>Southwest Marine, Inc. v. Gizoni.</em></td>
<td>17</td>
<td>127</td>
</tr>
<tr>
<td>Can Seamen-Employees Reap the Monetary Benefit of Their Own Negligence?: The Fifth Circuit's Answer in <em>Withhart v. Otto Candies, L.L.C.</em></td>
<td>30</td>
<td>447</td>
</tr>
<tr>
<td>Causation Issues in FELA and Jones Act Cases in the Wake of <em>McBride.</em></td>
<td>36</td>
<td>397</td>
</tr>
<tr>
<td>Charting the Chaotic Offshore Waters: The Validity of Contractual Indemnity Provisions Pertaining to Injuries Sustained Offshore.</td>
<td>31</td>
<td>177</td>
</tr>
<tr>
<td>Close-Hauling Toward Simplified Eligibility Under the Longshore and Harbor Workers' Compensation Act: A Proposal for Congressional Action or Judicial Clarification To Rectify Persistent Ambiguity, Nicole J. Dulude and Todd Greenwood</td>
<td>35</td>
<td>45</td>
</tr>
<tr>
<td>Compulsory River Pilots Granted Jones Act Seaman Status—Sounding the Death Knell of the “Fleet Doctrine”: <em>Evans v. United Arab Shipping Company.</em></td>
<td>16</td>
<td>421</td>
</tr>
<tr>
<td>Damages Available in Personal Injury Claims After <em>Miles, Yamaha,</em> and <em>Amtrak.</em></td>
<td>27</td>
<td>335</td>
</tr>
<tr>
<td>Disorder in the Court: A Critical Examination of Jurisprudence Interpreting the Decision of the United States Supreme Court in <em>Harbor Tug &amp; Barge Co. v. Papai.</em></td>
<td>31</td>
<td>141</td>
</tr>
<tr>
<td>Does <em>Sieracki</em> Still Rule the Seas?: <em>Coats v. Penrod Drilling Corp.</em></td>
<td>28</td>
<td>135</td>
</tr>
<tr>
<td>Elimination of Loss of Society Damages in General Maritime Law: <em>Cater v. Placid Oil Co.</em></td>
<td>16</td>
<td>377</td>
</tr>
<tr>
<td>The Elimination of Punitive Damages for Seamen: How Far Does <em>Miles</em> Go?</td>
<td>35</td>
<td>407</td>
</tr>
</tbody>
</table>
Reach?
Comment
(William J. Pallas)............................... 18:89
Enforcing a Seaman’s Right to Medical Care After Atlantic Sounding v. Townsend.
Rod Sullivan................................. 34:1
A First Shot at Determining the “Retail Outlet” Exclusion: The Ninth Circuit Holds that a Tourist Photographer at Pearl Harbor Is Excluded from the Longshore and Harbor Workers’ Compensation Act in Peru v. Sharpshooter Spectrum Venture, L.L.C.
Note (Lindsay A. Sakal)........................ 32:657
The Future of Vessel Status in the Fifth Circuit—Will a Floating Production Storage and Offloading Platform Be Deemed a Jones Act Vessel?
Comment (Jeffrey Nicholas)................. 28:153
Gambling on Seaman Status: The Plight of Riverboat Casino Employees in Light of Amended State Gaming Statutes.
Comment (Courtney P. Cochran).......... 29:139
Note (Virginia Boulet)....................... VI:295
Note (Brent P. Abadie)...................... 12:373
Hybrid Torts and Vicarious Liability Under the Jones Act: Testing the Limits of Course and Scope.
Comment (Charles Rothermel)............. 36:289
In re Goose Creek Trawlers, Inc.: Wards of the Court? With Friends Like These Who Needs Enemies? Exploring the Nature of the Yamaha Exception.
Note (Louis G. Spencer)................... 22:693
Interaction of the Aggravation Rule and the Credit Doctrine under the Longshoremen’s and Harborworkers’ Compensation Act: Strachan Shipping Co. v. Nash.
Note (Alexander N. Beard)............... 12:199
Note (James Wesley Sowell) .......... IX:323
The Legacy of Miles v. Apex Marine Corp.
Robert Force................................. 30:35
Liability of Marine Surveyors, Adjusters, and Claims Handlers.
Claus L. Stuart, Ill and Evan T. Caffrey............................. 22:1
Meeting the Requirements for a Valid Seaman’s Release: Borne v. A&P Boat Rentals No. 4, Inc.
Note (James L. Yates)...................... 12:229
Narrowing the Scope of “Maritime Employment” under the LHWCA: Herb’s Welding, Inc. v. Gray.
Note (J. Michael Nussbaum)............... X:311
Note (Georgia Brady Powell)............. X:326
Note (Michael Crain)....................... 35:595
Not Leaving the Issue on the Shelf: Applying Federal Immigration on the Outer Continental Shelf.
Comment (Michael Raudebaugh).......... 35:345
Not Too “Latent” a Discovery: The Diagnosis of an Oil Rig Worker’s Lung Disease Satisfies the Discovery Rule in Pretus v. Diamond Offshore Drilling, Inc.
Note (Christopher M. Douse) .......... 34:607
Only in Louisiana Can You Find a Diver That’s a Seaman: Wisner v. Professional Divers of New Orleans.
Note (Kris Elliott)......................... 24:919
John Isaac Blanck Jr.......................... 31:35
The Relationship, If Any, Between Misrepresentation and the Reinjury:
The Fifth Circuit Suggests That Willful Concealment of a Preexisting Medical Condition May Constitute Contributory Negligence in *Johnson v. Cenac Towing, Inc.* Comment (Mahsa Soheil) ........... 35:367

Representing the Mariner Accused of Drug Abuse: A Step-by-Step Guide. Patricia Spivey ........................................... 21:445

The Return of Section 905(b) Vessel Negligence Claims to the Realm of Traditional Maritime Torts: *Richendollar v. Diamond M Drilling Co., Inc.* Note (Roy A. Perrin, III) ......................... 12:405

Rights of Foreign Seamen in American Courts—The Law into the ‘80’s. Paul H. Dué ........................................ VII:265

“Seaman” Status and the Jones Act: *Bach v. Trident Steamship Co.* Note (Julie R. Wohlgemuth) ............. 17:115


The Seaman Status Situation: Historical Perspectives and Modern Movements in the U.S. Remedial Regime. Comment (Shailendra U. Kulkami) ........ 31:121

Seamen’s Injury, Recent Developments in Maritime Law. Edward J. Powers ......................... 21:529

Seamen’s Releases: The Factors to Look at When Determining Their Validity: *Resner v. Arctic Orion Fisheries.* Note (Matthew Cline) ............ 21:603

The Seaworthiness Doctrine and Shipboard Assault—*Deakle v. John E. Graham & Sons.* Note (Mark B. McMurry) .......... XI:152

Section 506 of the Merchant Marine Act of 1936: Permanent Waiver of Domestic Trade Restriction upon Repayment of Construction-Differential Subsidy—*Seabrain Shipbuilding Corp. v. Shell Oil Co.* Note (Michael W. Magner) ........ V:281

Shipowner Liability Arising from Violations of Statutory Work-Hour Limits. Comment (Robert D. Tracy) .......... 22:635


Shipyard Workers and Asbestos Tort Claims: The Supreme Court’s Post-*Grubart* Silence Creates Jurisdictional Uncertainty. Comment (Owen Blood) ........... 33:313


The *Sieracki-Ryan Construct* Continues to Rule from the Grave—*Aparicio v. Swan Lake.* Note (Debra F. Gambrill) .................. VI:302

The Special Fund under the Longshore and Harbor Workers’ Compensation Act. Stuart Housel Smith ................XII:71


Splicing the Net: A Legislative Answer to the Problem of Seaman Status under the Jones Act. Comment (Evan T. Caffrey) .......... 14:361

*Stacy v. Rederiet Otto Danielsen, A.S.*: The Ninth Circuit Exposes the Overinclusive Consequences of the Zone of Danger Test for Negligent
Infliction of Emotional Distress.
Note (Jarrod Rainey)................. 35:633
Standard of Care in Jones Act
Negligence Cases—From Slight to
Ordinary Care:  Gautreaux v:
Scurlock Marine, Inc.
Note (Ronald K. Schuster) ............ 22:315
The Standard of Care in a Seaman’s
Personal Injury Action—Has the
Jones Act Been Slighted?
Brian J. Miles ................................ 13:79
The Status of the Quasi-American
Bluewater Seaman in American
Courts.
Comment
(Brian Jay Corrigan) .................... X:269
Strict Enforcement of Collectively
Bargained Maintenance Rates:
Note (Flynn Jennings) ................. XI:311
Suits by Alien Seamen.
Paul S. Edelman .......................... III:27
A Theory of Immunity for the
“Company Man” Working on a
Jack-Up Drilling Barge.
John Richard Fitzgerald ............... 26:177
Time Charters, The New York
Produce Exchange Form, and
Personal Injury Liability.
Comment
(Edward C. Hammond) ................. 12:185
Towing the Line on Damages for
Purely Emotional Injuries
Cognizable
Under the Jones Act:
Plaisance v. Texaco, Inc.
Note
(William R. Coats) ..................... 17:331
Valladolid v. Pacific Operations
Offshore, LLP:  The Ninth Circuit
Finds No Situs-of-Injury
Requirement for Workers’
Compensation Claims Under the
Outer Continental Shelf Lands Act.
Note (Alex Plaum) ........................ 35:617
On the Waterfront:  The Supreme
Court Defines the ‘Status’ of
‘Maritime Employment.’
Comment
(Lawrence M. Merlin) ................. VIII:147
Welcome Aboard, OSHA:
Occupational Safety and Health
Regulations May Apply to
Uninspected Vessels in State
Waters.
Comment (Daniel H. Wooster) ......... 27:227
When Crewmembers Sexually Harass
or Assault Other Crewmembers:
Possible Causes of Action a
Seaman Can Bring Against
Employers and Vessel Owners.
Comment
(Elizabeth C. Harper) .................. 24:899
Whistleblower Protection:  Is
Retaliatory Discharge Allowed
Under the Employment-at-Will
Doctrine in Admiralty?
Comment
(Geoffrey A. Hoffman) ................. 21:171
Wilander—Light at the End of the
Labyrinth.
James A. George ......................... 16:131
Wrongful Denial of Maintenance and
Cure:  Opening the Damages
Floodgate.
Comment
(Julie R. Wohlgemuth) ................. 18:109

SEARCHES
The Preservation of Privacy Interests
at Sea:  The Need for Meaningful
Scope Limits on Custom Officials
and Coast Guard’s Sweeping
Authority to Search Vessels.
Comment (Lauren Estrin) .............. 29:105
Something Seems Fishy—The
Application of the Fourth
Amendment to Coast Guard
Searches of Vessels:  United States
v. Boynes.
Note (Lucy Jewel) ....................... 23:553

SEAWORTHINESS
Mobil Shipping & Transportation Co.
v. Wonsild Liquid Carriers, Ltd.:  
Seaworthiness Adapts to a New
Environment.
Note (Michael Rutledge) ............... 25:409
The Seaworthiness Doctrine and
Shipboard Assault—Deakle v. John
E. Graham & Sons.
Note (Mark B. McMurry) ............... XI:152
The Warranty of Seaworthiness in
Charter Parties:  Legal Methods of
Amelioration.
Robert B. Fisher, Jr. ..................... I:1
SERBONIAN BOG
Surveying the Serbonian Bog: A Brief History of a Judicial Metaphor.
Parker B. Potter, Jr. 28:519

SHIPBROKERS
The Impact of Information Technology upon the Shipbroking Profession.
Dimitrios Fiotakis 29:237
H. Edwin Anderson, III 30:1
Shipbrokers’ Commissions: Entitlement, Standing, and Jurisdiction.
H. Edwin Anderson, III 24:55
Shipbrokers’ Liability: An American Overview.
Michael W. Lodwick 23:45

SHIPBUILDING
Admiralty Claims Against the United States.
Clayton G. Ramsey and Vivienne Monachino V:31
“Built” or “Rebuilt”? That Is the Question: Risk of Losing the Coastwise Privilege After Vessel Modification Projects Outside the United States.
Comment (Han Deng) 35:241
Comment (Debra F. Gambrill) VII:79
The Suits in Admiralty Act: Sovereign Benevolence in Need of Reform.
Comment (Joseph R. Ballard) VII:283

SOVEREIGN IMMUNITY
Note (Daniel C. Rodgers) 13:211
Between a Dock and a Hard Place: The D.C. Circuit Declares the Puerto Rico Ports Authority an Arm of the State Entitled to Sovereign Immunity in Puerto Rico Ports Authority v. Federal Maritime Commission.
Note (Blair Brogan) 33:515
Comment (Debra F. Gambrill) VII:79
Commercial Mayhem on the (Trans-) Orient Express: Trans-Orient Marine Corp. v. Star Trading & Marine, Inc.
Note (Anne Pettigrew Birdsong) 16:203
Contrasting Judicial Approaches to Seamen’s Claims under the Foreign Sovereign Immunities Act.
Eric D. Suben 18:231
Finders Weepers, Losers Keepers: The Eleventh Circuit Denies Salvage Company’s Claims to a Sunken Military Vessel Found in International Waters in Odyssey Marine Exploration, Inc. v. Unidentified Shipwrecked Vessel.
Note (Christine Nicole Burns) 36:803
Foreign Sovereign Immunities Act is Exclusive Basis for Exercising Subject Matter Jurisdiction in Suits Against Foreign States: Argentine Republic v. Amerada Hess Shipping Corp.
Note (Jami J. Campisano) 13:327
Note (Kristin A. Gasser) 23:567
Note (Jaime Crow Waters) IX:337
The Restrictive Theory of Sovereign Immunity under the Foreign Sovereign Immunities Act: The Perspective of a Maritime Lienholder.
C. Taylor Simpson ............................ 19:37
Sovereign Immunity of Municipalities in Admiralty: A Look at Northern Insurance Co. of New York v. Chatham County, Georgia.
Note (Claiborne B. Smith)................. 31:689
Note (R. Hannah Garrett-Johnson)............ X:128
Note (Daniel G. Rauh)...................... 23:541
To Incorporate or Not to Incorporate; That is the Question: B & F Trawlers, Inc. v. United States.
Note (Elton A. Foster)....................... 14:175
STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING
Medicine on the Seas.
Robert D. Peltz and Vincent J. Warger ......................... 27:425
The New Convention on Standards of Training, Certification, and Watchkeeping: What, If Anything, Does It Mean?
Comment (G. Hans Sperling) .......... 22:595
STOWAWAYS
Alien Stowaways, the Immigration and Naturalization Service, and Shipowners.
Summary (Mary Mason) .............. 12:361
Detention Costs for Stowaways
Seeking Asylum: Congress Provides Relief for Carriers.
Update (Michelle Hendrix) ............ 22:703
Note (Amanda T. Fontenot)......... 13:191
Rusting in Drydock: Stowaways, Shipowners and the Administrative Penalty Provision of INA Section 273(d).
Robert M. Jarvis ............................... 13:25
SUBMARINE CABLES
Damages Recovery of Cable Repair Ship Cost Damages from Third Parties That Injure Submarine Cables.
Douglas R. Burnett ....................... 35:103
TAXATION
Comment (Paul Riermaier) .......... 36:257
TERRORISM
Cruising with Terrorism: Jurisdictional Challenges to the Control of Terrorism in the Cruising Industry.
Comment (Aaron Buzawa) ........... 32:181
Comment (Alexander J. Marcopoulos) ......... 32:277
Forgotten Fears Present Imminent Threats to the Maritime Shipping and Recreation Industries: The Risk Posed by the Availability of Sea Mines.
Comment (Jason Reddish) ............... 29:125
International Law of the Sea: Reconciling the Law of Piracy and Terrorism in the Wake of September 11th.
Comment (Tina Garmon) ............ 27:257
International Measures To Protect Oil Platforms, Pipelines, and Submarine Cables from Attack.
Stuart Kaye ................................. 31:377
Maritime Transportation Security Act of 2002 (Potential Civil Liabilities
**VESSSEL STATUS**

Calling All Bets on Gaming Boat

**VESSEL VALUATION**

Vessel Valuation: Problems and a Proposal.

**TONNAGE**

Supreme Court Strikes Down Personal Property Tax on Vessels Under Tonnage Clause in *Polar Tankers, Inc. v. City of Valdez, Alaska.*

**TRANSPORT DOCUMENTS**

Legal Qualities of Transport Documents.

**UNITED KINGDOM**

Conflicts of Limitation Laws in the United States and the United Kingdom: Solving the Riddle of *Norwalk Victory.*

<table>
<thead>
<tr>
<th>Title</th>
<th>Volume</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>and Defenses)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christopher E. Carey</td>
<td>28:295</td>
<td></td>
</tr>
<tr>
<td>918</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TULANE MARITIME LAW JOURNAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Vol. 3:65]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piracy: New Efforts in Addressing This Enduring Problem.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple Authors</td>
<td>36:65</td>
<td></td>
</tr>
<tr>
<td>Eric J. Lobsinger</td>
<td>32:61</td>
<td></td>
</tr>
<tr>
<td>“Said To Contain”*: Fear of Incurring Liability Creates a Disincentive for Cargo Carriers To Improve Shipping Container Security by Examining Cargo.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment (Kevin P. Maney)</td>
<td>35:317</td>
<td></td>
</tr>
<tr>
<td>TONNAGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supreme Court Strikes Down Personal Property Tax on Vessels Under Tonnage Clause in <em>Polar Tankers, Inc. v. City of Valdez, Alaska.</em></td>
<td>34:153</td>
<td></td>
</tr>
<tr>
<td>Comment (Paul Riermaier)</td>
<td>36:257</td>
<td></td>
</tr>
<tr>
<td>TOWAGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bisso is Dying, Should It Be Dead? Exculpatory Clauses in Towage Contracts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment (Mark E. Hegarty)</td>
<td>19:377</td>
<td></td>
</tr>
<tr>
<td>The Implied Warranty of Workmanlike Performance in Towing: A Viable Theory?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>George R. Alvey, Jr.</td>
<td>VII:1</td>
<td>V:59</td>
</tr>
<tr>
<td>TRANSPORT DOCUMENTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Qualities of Transport Documents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hugo Tiberg</td>
<td>23:1</td>
<td></td>
</tr>
<tr>
<td>UNITED KINGDOM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conflicts of Limitation Laws in the United States and the United Kingdom: Solving the Riddle of <em>Norwalk Victory.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comment (Robert J. Morris, III)</td>
<td>34:303</td>
<td></td>
</tr>
</tbody>
</table>
WAR RISK
Effects of War on Charter Parties.
R. Glenn Bauer............................ 13:13
The Iver Chaser Case.
Gordon W. Paulsen and
Elisa M. Pugliese.......................... 13:1

WARRANTIES
The Implied Warranty of Workmanlike
Performance in Towing: A Viable
Theory?
George R. Alvey, Jr.......................... VII:1
Warranties in the Law of Marine
Insurance: Some Suggestions for
Reform of English and American
Law.
Thomas J. Schoenbaum...................... 23:267

WORKERS’ COMPENSATION
Valladolid v. Pacific Operations
Offshore, LLP: The Ninth Circuit
Finds No Situs-of-Injury
Requirement for Workers’
Compensation Claims Under the
Outer Continental Shelf Lands Act.
Note (Alex Plaum)......................... 35:617

WRECK REMOVAL
The Day Historic Preservation
Principles Saved the TITANIC
from a Second Maritime Disaster.
Note (Laura Gongaware).............. 36:817
The Doctrine of State Succession
and the Law of Historic
Shipwrecks,
the Bell of the Alabama:
United States v. Steinmetz.
Note (William J. Pallas)................. 17:343
“Finders, Keepers” Revisited for the
High Seas: Columbus-America
Discovery Group v. Atlantic Mutual
Insurance.
Note (Todd B. Siegler)................. 17:353
Finders Weepers, Losers Keepers:
The Eleventh Circuit Denies
Salvage Company’s Claims to a
Sunken Military Vessel Found in
International Waters in Odyssey
Marine Exploration, Inc. v.
Unidentified Shipwrecked Vessel.
Note (Christine Nicole Burns)........ 36:803

Historic Wreck Salvage: An
International Perspective.
Craig Forrest.............................. 33:347
Keeplers, Weepers, or No Finders at
All: The Effect of International
Trends on the Exercise of U.S.
Jurisdiction and Substantive Law in
the Salvage of Historic Wrecks.
Comment (Brooke Wright)......... 33:285
The Louisiana Removal of Sunken
Vessels Act of 1985—State Wreck
Removal Statutes in Perspective.
Warren T.R. von Bittner, Jr............ XI:49
Scuttle the Abandoned Shipwreck Act:
The Unnecessary
Unconstitutionality of American
Historic Shipwreck Preservation.
Nathan Murphy......................... 36:159
Sea Hunt, Inc. v. Unidentified
Shipwrecked Vessels: Defining a
Standard of “Abandonment” for the
Shipwreck of a Sovereign.
Note (Kyle Salvador Sclafani)........ 25:559
Serious Snag in the Wreck Act: Non-
Negligent Owners’ Liability for
Removal of a Wreck.
Comment (Lee A. Handford)........... 15:103
When Lost Liners Become Found: An
Examination of the Effectiveness of
Present Maritime Legal and
Statutory Regimes for Protecting
Historic Wrecks in International
Waters with Some Proposals for
Change.
Rob Regan.............................. 29:313

The Wreck Act and Limitations of
Liability—Antithetic Concepts?
Comment (J. Clifford Rogillio)........... IV:132

WRONGFUL DISCHARGE
The Choice Between Safety and Job
Security: The United States Court
of Appeals for the Seventh Circuit
Discusses the Protection of Seamen
from Unlawful Discharge Under 46
River Transportation Co.
Note (Kristen A. Hernandez)........ 32:667
Shipowner Liability Arising from
Violations of Statutory Work-Hour
Limits.
Comment (Robert D. Tracy) ........ 22:635
Whistleblower Protection: Is
Retaliatory Discharge Allowed
under the Employment-at-Will
Doctrine in Admiralty.
Comment
(Geoffrey A. Hoffman) .............. 21:171