

NAVIGATING THE MURKY WATERS OF ADMIRALTY AND BANKRUPTCY LAW

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I. Introduction

- A. Nature of Maritime Industry
- B. Marine Insolvency and History
- C. Policy of Maritime Law
- D. Policy of Bankruptcy Law



U.S. Constitution, Article III

“The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.”

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U.S. Constitution, Article I, Section 8, Clause 4

“To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.”

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II. Relationship between Maritime Law and Bankruptcy Law

A. Difficulties

B. Law Review Article: Stewart F. Peck, "Navigating the Murky Waters Admiralty and Bankruptcy Law," 87 Tulane Law Review 955 (2013) (Included in written materials)

C. In re Millenium Seacarriers, Inc., 419 F.3rd 83 (2d. Cir. 2005)

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In re Millenium Seacarriers, Inc., 419 F.3d 83 (2d. Cir. 2005)

- "We address in this opinion the complex question of the scope of bankruptcy jurisdiction when the debtor's estate consists of maritime assets."
- "Jurisdictional conflicts between admiralty and bankruptcy have long perplexed courts and scholars."

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