

PRESENTED AT

32nd Annual David W. Robertson Admiralty and Maritime Law Conference

February 2, 2024
Houston, TX

**Brief Recount of Initial Admiralty Jurisdiction and
Modern Interpretation**

**Presented by:
Carra Miller**

Author:
Dylan Presswood
Schouest, Bamdas, Soshea, BenMaier &
Eastham, PLLC

Brief Recount of Initial Admiralty Jurisdiction and Modern Interpretation
By Dylan Presswood
Schouest, Bamdas, Soshea, BenMaier & Eastham, PLLC

Introduction	2
I. Brief Recount of Initial Interpretation of Admiralty Jurisdiction	2
Basis of Admiralty and Maritime Law	2
Separation of State and Federal Control for Maritime Law	3
Admiralty Jurisdiction for Maritime Torts (Nexus and Locus Requirements)	5
Application of Saving to Suitors	7
II. Modern Interpretations of Admiralty Jurisdiction	8
Recent Application of Nexus and Locus Requirements	8
In re Klassen, No. 3:22-CV-1056, 2023 WL 3330210 (M.D. Tenn. May 9, 2023)	8
Stewart v. Wang, No. 20-VC-179, 2023 WL 3647361 (W.D. Wis. May 25, 2023)	10
United States v. Mckee, 68 F.4th 1100 (8th Cir. 2023)	12
Newbold v. Kinder Morgan SNG Operator LLC, 65 F.4th 175 (5th. Cir. 2023)	14
Belk v. Entergy Louisiana, LLC, No. CA-22-1443, 2022 WL 17083381 (E.D. La. Nov. 18, 2022)	17
Paxton v. Georgia Power Co., No. 4:22-CV-81, 2022 WL 17834062 (M.D. Ga. Dec. 21, 2022)	19
Recent Application of Saving to Suitors Clause	23
Earls v. Papasideris, No. 4:22-CV-3554, 2023 WL 3035379 (S.D. Tex. Mar. 17 2023)	23
III. Conclusion	26

Introduction

The following seeks to outline recent interpretation and treatment of admiralty jurisdiction in the United States. The first section covers historical interpretation and treatment of specific jurisdictional aspects that have been addressed in recent court decisions. The second section focuses on analyzing select recent cases that have provided a new interpretation for the jurisdictional aspects addressed in the first section within the United States. Finally, the third section briefly contrasts the modern with the historic interpretations to outline the progression of the judiciary's interpretation of admiralty jurisdiction in the United States.

I. Brief Recount of Initial Interpretation of Admiralty Jurisdiction

Basis of Admiralty and Maritime Law

At the basis of Admiralty Jurisdiction lies the power conferred on Congress to create inferior courts as they deem necessary and the power to make all laws which shall be necessary and proper for ensuring the proper governance of the United States.¹ Congress has the authority to grant specific jurisdiction in areas of law to the federal courts. Sections 24 and 256 of the Judicial Code grants “exclusive jurisdiction ‘of all civil causes of admiralty and maritime jurisdiction’” to the federal courts where common law is not sufficient to grant a means of recovery.²

The origination of modern Admiralty and Maritime law can be traced back to ancient codes and traditional customs of various seafaring nations.³ These various codes and traditions would be

¹ See U.S. CONST. art. I, § 8.

² See *Panama R. Co. v. Johnson*, 264 U.S. 375, 387 (1924)

³ See Robert Force and Martin J. Norris, *Law of Maritime Personal Injuries*, §1:c3 Historic Development (5th ed. Dec. 2022).

distilled down into both constitutional provisions, “which extends the judicial power of the United States to ‘all cases of admiralty and maritime jurisdiction,’” and statutory rules that have been drafted and implemented by Congress.⁴ Notably, the United States Supreme Court accounted for these various traditions playing influence in maritime law by recounting how “such a . . . system of law existed in colonial times and during the Confederation and commonly” applied to embody the general maritime law with adjustments to accommodate the needs of the time.⁵

This power to accommodate the law lies squarely with the United States Congress and does not leave room for states to implement laws that potentially conflict. There can be no conflict with either passed statutes or the general control Congress holds over governing the realm of interstate maritime law, where they hold original jurisdiction.⁶

Separation of State and Federal Control for Maritime Law

Despite Congress conferring original jurisdiction for maritime claims on federal courts and implementing statutory control, States have attempted to push back and assert their own control and jurisdiction in the maritime realm. One such example can be found by looking within the general history of the Longshore and Harbor Workers’ Compensation Act. Throughout the early 20th century, States were beginning to enact their own forms of worker’s compensation programs for both maritime and non-maritime employees.⁷ These were born out of a desire to protect the

⁴ *See id.*

⁵ *See id.* (referencing *Panama R. Co. v. Johnson*, 264 U.S. 375 (1924)).

⁶ *See id.*; *Panama R. Co.*, 264 U.S. at 390-91 (noting that laws encroaching on the admiralty jurisdiction the constitution gives to Congress can be found invalid).

⁷ *See* Robert Force and Martin J. Norris, *Law of Maritime Personal Injuries*, §2.2 Historic Development (5th ed. Dec. 2022).

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Primer on Maritime Torts Jurisdiction

Also available as part of the eCourse

[2024 David W. Robertson Admiralty and Maritime Law eConference \(audio only\)](#)

First appeared as part of the conference materials for the
32nd Annual David W. Robertson Admiralty and Maritime Law Conference session
"Primer on Maritime Torts Jurisdiction"