

32ND ANNUAL  
DAVID W. ROBERTSON ADMIRALTY AND  
MARITIME LAW CONFERENCE  
HOUSTON, TEXAS

February 2, 2024

**A VIEW FROM THE BENCH:  
ADMIRALTY LAW IN THE FIFTH**

Honorable Jennifer Walker Elrod  
United States Court of Appeals  
for the Fifth Circuit  
Houston, Texas

Kenneth G. Engerrand  
President, Brown Sims, P.C.  
Houston, Texas

## **TABLE OF CONTENTS**

1. *Douglass v. Nippon Yusen Kabushiki Kaisha*, 46 F.4th 226 (5th Cir. 2022) (en banc)
2. *Poincon v. Offshore Marine Contractors, Inc.*, 9 F.4th 289 (5th Cir. 2021)
3. *Beech v. Hercules Drilling Co.*, 691 F.3d 566 (5th Cir. 2012)
4. *SCF Waxler Marine, L.L.C. v. ARIS T M/V*, 24 F.4th 458 (5th Cir. 2022)
5. *United States v. Nature's Way Marine, L.L.C.*, 904 F.3d 416 (5th Cir. 2018)

**1. *Douglass v. Nippon Yusen Kabushiki Kaisha*,  
46 F.4th 226 (5th Cir. 2022) (en banc)**

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 30, 2021

Lyle W. Cayce  
Clerk

---

No. 20-30382

---

STEPHEN DOUGLASS, *individually and as personal representative of* THE ESTATE OF SHINGO ALEXANDER DOUGLASS; DORA HERNANDEZ, *individually and as personal representative of* THE ESTATE OF NOE HERNANDEZ; LAN HUYNH, *individually and as personal representative of* THE ESTATE OF NGOC TRUONG HUYNH; DARROLD MARTIN, *individually and as personal representative of* THE ESTATE OF XAVIER ALEC MARTIN; ERIN REHM, *individually and as personal representative of* THE ESTATE OF GARY LEO REHM, Jr.; LLOYD WAYNE RIGSBY, JR., *individually and as personal representative of* THE ESTATE OF DAKOTA KYLE RIGSBY; CARMEN SIBAYAN, *individually and as personal representative of* THE ESTATE OF CARLOS VICTOR GANZON SIBAYAN,

*Plaintiffs—Appellants,*

*versus*

NIPPON YUSEN KABUSHIKI KAISHA,

*Defendant—Appellee,*

CONSOLIDATED WITH

---

No. 20-30379

---

Also available as part of the eCourse

[A View from the Bench: Admiralty Law in the Fifth Circuit](#)

First appeared as part of the conference materials for the  
32<sup>nd</sup> Annual David W. Robertson Admiralty and Maritime Law Conference session  
"A View from the Bench: Admiralty Law in the Fifth Circuit"