

Cruise Ship Liability Part I

Now that summer is officially here, it's time to take that well-planned vacation. Whether traveling by air, land, or sea, it's not often we stop to think about what can go wrong while traveling. Truth be told accidents can happen anywhere, and quite often they happen because we're not prepared. However, there are some instances where accidents occur, and we are not at-fault, caused by the negligence or recklessness of another.

These accidents are primarily known in the legal world as "liability", and experienced Personal Injury attorneys will tell you that some are more difficult than others to understand, litigate, and ultimately win. When it comes to cruise lines, one thing is certain: these liability claims are complex and not as straightforward as hotel or airline liability.

Where hotel and airline liability are fairly concise in what's required for an outcome in favor of the plaintiff, cruise line liability becomes murky when dealing with Maritime Law (also known as "admiralty law"). Every common carrier (rail line, bus line, airline, and cruise line) must exercise reasonable care for passengers. There is no exception to this law. In the event of negligence on the part of a cruise line, admiralty law supplies that the cruise operator will be held liable for any passenger injuries caused by "willful actions". For those who aren't familiar with legal jargon, let's provide a quick analysis of several terms that may be helpful when researching cruise line liability.

The dictionary defines the following terms:

Willful actions: referring to acts which are intentional, conscious and directed toward achieving a purpose. Some willful conduct which has wrongful or unfortunate results is considered "hardheaded," "stubborn" and even "malicious." Example: "The defendant's attack on his neighbor was willful." ¹

Maritime law: Also called "*admiralty law*" or "*the law of admiralty*," the laws and regulations, including international agreements and treaties, which exclusively govern activities at sea or in any navigable waters. In the United States, federal courts have jurisdiction over maritime law.²

Aside from these important legal terms, those who are seeking further information on specific state laws should also familiarize themselves with cruise line statutes and regulations in their area. Florida lays out their state statutes for water vessels and regularly updates them with any changes to the law.

Wading in complex legal waters

The laws surrounding cruise lines are difficult for inexperienced attorneys to fully understand. It becomes a complex, lengthy and expensive process to file a claim after becoming injured on a

cruise ship. A board-certified attorney will know how to go about the process and which actions must be filed in order to get their case in front of a judge in as little time as possible. Without an experienced attorney, the process can become a literal "ship wreck".

But, what makes a cruise line claim so complicated? Here's the short answer: it's the fact that while injured cruise line passengers are told that they must file any accident claims in regards to recovering damages based on the state that's indicated on the back of their ticket, the cruise ship itself is usually not registered within the United States. This practice is employed due to the safety regulations being far more relaxed in countries such as the Bahamas.

It's the insurance company's goal to silence accident victims

That's why a Personal Injury attorney must familiarize themselves with *Maritime Law*. Victims who attempt to navigate the legal system alone will find themselves being bullied by the insurance company and ultimately, it may cost them the compensation they rightfully deserved. Insurance companies employ deceitful practices in order to keep victims from being compensated for their pain and suffering to the full extent of the law. It's all about their bottom line. For a compassionate Personal Injury attorney, it's about the right to justice.

Insurance companies want cruise accident victims to believe they're not entitled to compensation simply because the ship was not registered in the U.S. Sadly for many accident victims this would be enough to make them give up. However, this is not true, and an attorney whose tried previous cruise line cases will pursue the right of their client to recover the maximum amount of damages.

Consent before cruising

Those who have traveled on a cruise before will know that the cruise line's policies are usually laid out in full on the back of the ticket. When purchasing tickets to travel on a cruise ship, the passenger is consenting to those policies. There are several "limited liability" waivers that some cruise lines will add in addition to their terms and conditions.

The aforementioned terms may release them from things such as "*mental anguish*" and other emotional liability to the passenger in the event they become the victim of an accident onboard the ship. As such, it in no way releases the cruise operator from physical harm inflicted upon a passenger in the event of negligence due to unsafe practices onboard the ship.

Up next: Care, contracts, compensation

In Part 2 of "*What is Cruise Ship Liability*" we'll wrap up our *Travel Liability* series with a detailed look at how a skilled Personal Injury attorney must present a cruise operator's negligence to a judge. We'll also give our readers a chance to dive deeper into the complexities behind "willful intent" and what that means within the scope of Personal Injury law. Finally, we'll provide an attorney's experienced insight into foreseeability on the part of cruise ship employees, carefully

explaining the ins-and-outs of "reasonable care" to better inform our readers of this commonly used legal term.

Contact us to schedule a complimentary consultation. There's no obligation. Take the first step and call today: (877). 529-0080

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