1. Purpose of Examination

The Admiralty & Maritime Law Certification Examination consists of a combination of fact patterns and multiple choice questions. The exam is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in admiralty & maritime law and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer.”

2. Examination Content

Topics that may be covered on the Admiralty & Maritime examination include:

I. ADMIRALTY JURISDICTION

A. Historical Development

1. U.S. Constitution Art. III, §2
2. Judiciary Act of 1789, §9
3. Jurisdiction based on suits
4. "Navigable Waters of the United States"
5. "Traditional Maritime Activity"
6. "Maritime Contract"
   a. Contracts Within Admiralty Jurisdiction
   b. Contracts Outside Admiralty Jurisdiction
7. Exclusive Federal Jurisdiction/Preemption

B. Modern Concepts of Admiralty Jurisdiction

1. "Vessel"
2. Jurisdiction Over Recreational Vessels/Pleasure Craft
3. “Vessel in Navigation”
4. “Maritime Nexus”
5. Ship Agency Agreements/Contracts
6. Marine Insurance Negotiations/Procurement
7. “Uniformity”
8. Emerging Concepts of Admiralty Jurisdiction
9. Other "Maritime" Cases
   a. Recreational Swimming
   b. Recreational Scuba Diving
   c. Water Skiing
   d. Causative Link
10. Admiralty Extension Act

C. Exclusive Admiralty Jurisdiction
1. Proceedings for Maritime Attachment and Garnishment
2. Proceedings In Rem
3. Actions for Exoneration From or Limitation of Liability
4. Admiralty Actions Against the United States
5. Actions Under the Death On the High Seas Act
6. Actions to Foreclose a Preferred Ship's Mortgage
7. Actions to Foreclose a Maritime Lien
8. Actions for a Pure Salvage Award

D. State Court Jurisdiction Over Admiralty Actions
1. The Saving to Suitors Clause
2. Uniformity and General Maritime Law
3. Application of State Law in Admiralty cases
4. Substantive Law in State Court Admiralty Cases
5. Consequences of Admiralty Jurisdiction in State Court
   a. On Fla. Statutes of Limitations
   b. On Fla. Tort Reform Act
      (1) Joint and Several Liability
      (2) Fabre/Messmer
   c. Measure of Damages

E. Removal
1. Admiralty Actions Generally
2. Exclusive Admiralty Jurisdiction-28 U.S.C. § 1441(e)
3. Jones Act
II. **ADMARALTY PRACTICE & PROCEDURE**

A. **Federal Rules of Civil Procedures**

1. Unification, 1966-Rules 1, 2 & 3
2. Pleading Admiralty and Maritime Claims-Rule 9(h)
3. Third Party Practice-Rule 14(c)
   a. Admiralty Claims Distinguished-Admiralty Rule 56
4. Joinder of Maritime Claims-Rule 18(a)
5. Joinder of In Rem Claims- Rule 20(a)
6. Trial By Jury-Rule 38(e)
7. Suits on Surety Bonds-Rule 65.1
   Admiralty and Maritime Claims-Rule 82
9. Local Admiralty Rules Permitted-Rule 83
   a. Local Admiralty Rules in Florida

B. **Supplemental Rules For Certain Admiralty And Maritime Claims**

1. Scope of Rules-Rule A
2. Attachment and Garnishment-Rule B
   a. When Available
   b. Provisions of Local Rules

3. **Actions In Rem- Rule C**
   a. When Available
   b. Complaint
   c. Judicial Authorization and Process
   d. Notice
   e. Ancillary Process
   f. Claim and Answer; Interrogatories
   g. Provisions of Local Rules

4. **Possessory, Petitory and Partition Actions-Rule D**
   a. Provisions of Local Rules

5. **Actions In Rem and Quasi In Rem-Rule E**
   a. Applicability
   b. Complaint; Security
   c. Process
   d. Execution of Process
(1) Deposit
(2) Procedure for Release From Arrest
e. Release of Property
   (1) Special Bonds
   (2) General Bonds
   (3) Release By Stipulation
f. Restricted Appearances
g. Disposition of Property; Sales
   (1) Interlocutory Sales
h. Provisions of Local Rules

6. **Limitation of Liability-Rule F**
   a. Time For Filing Complaint; Security
   b. Complaint
   c. Claims Against Owner; Injunction
   d. Notice to Claimants
   e. Claims and Answer
   f. Insufficiency of Fund or Security
   g. Venue; Transfer
   h. Provisions of Local Rules

C. **Vessel Arrests**
   2. Substitute Custodians
   3. Issuance of Warrants
   6. Letters of Undertaking
   7. Notice By Publication-Supp. R. C(4)
   8. Post-Seizure Hearings
   9. Default
   10. Interlocutory Sale-Supp. R. E(9)(b)
   11. U.S. Marshal's Sale
       a. Bidding a Judgment
       b. Extinguishment of Liens
       c. Confirmation of Sale
   12. Deficiency Judgments

D. **Suits Against The United States**
   1. Suits In Admiralty Act
      a. Administrative Requirements
b. Statute of Limitations
2. Public Vessels Act
3. Federal Tort Claims Act

E. Venue
1. Venue in Admiralty Cases
2. *Forum Non Conveniens*
3. Forum Selection Clauses

F. Interlocutory Appeals
2. Appealable Interlocutory Admiralty Orders

G. Maritime Arbitration
1. Enforceability of Foreign Arbitration Clauses
   a. Recreational Vessels
   b. Bills of Lading
   c. Charter Parties

III. MARINE INSURANCE

A. Choice of Law
2. "Well Entrenched Federal Precedent"
3. Fla. Statutes on Marine Insurance

B. Hull Insurance
1. Insurable Interest
2. Named Peril Policies
   a. Assailing Thieves
   b. Barratry
   c. Perils of the Sea
   d. Other Like Perils
3. "All Risk" Policies
4. Burdens of Proof
5. Agreed Value
6. Inchmonee
   a. Due Diligence
   b. Latent Defect
7. Sue and Labor
8. Running Down Clause
9. Free of Capture and Seizure
10. Fortuitous Loss
   a. Ordinary Wear and Tear
   b. Inherent Vice
11. Proximate Cause and Unexplained Loss

C. Warranties, Disclosures and Representations
   1. Utmost Good Faith
      a. Fla. Statutes
      b. Materiality
   2. Express Warranties
      a. Fla. Statutes
      b. Effect of Breach
      c. Navigational Limits
      d. Pleasure Use
      e. Chartering
      f. Held Covered
   3. Implied Warranty of Seaworthiness
   4. Breach of Warranty by Owner Coverage

D. Liability Insurance
   1. Exclusions
   2. Endorsements
   3. Protection & Indemnity Insurance Distinguished

IV. LIMITATION OF LIABILITY

A. Shipowners’ Limitation of Liability Act
   1. 46 U.S.C. 30501 et. seq.
      a. Who is an "owner"
      b. Privity or Knowledge
   2. Loss of Life or Bodily Injury
      a. Knowledge of Master or Managing Agent
   3. Limitation Act as Basis of Jurisdiction

B. The Limitation Proceeding
   1. Exoneration
      a. Burden of Proof
   2. Time for Filing of Claim
a. Statute of Limitations
b. What Constitutes a Demand
3. Security
4. The Injunction
   a. Concursus of Claims
   b. Single Claimant
   c. Publication of Notice
5. The Limitation Fund
   a. The Flotilla Rule
   b. Due Appraisement
   c. Pro Rata Distribution

C. Limitation Practice
1. Venue
2. Claims Subject to Limitation
3. Claims Not Subject to Limitation
4. Effect of Exoneration
5. Effect of Default
6. Late Claims
7. Counter and Cross Claims
8. Pleading Limitation as a Defense
   a. Federal Court
   b. State Court
9. Conflict of Limitation Laws

V. MARITIME LIENS
A. Nature and Sources Of Maritime Liens
1. Characteristics
2. Personification
3. Relationship to In Rem Action
4. Property subject to a Maritime Lien
5. Duration

B. Maritime Liens Based on Contract
1. Authority to Create Lien
2. Persons Disqualified From Holding Liens
3. Sources of Maritime Liens
   a. Necessaries
   b. Wages
c. Charter parties
d. Salvage
e. Preferred Mortgages
f. Advances and Assignments
g. Subrogation

4. Maritime Lien Act
5. Prohibition of Liens

C. Maritime Liens Based on Tort

1. Collision
2. Personal Injury and Death
3. Other Torts

D. Priority of Maritime Liens

1. Custodia Legis
2. Preferred Maritime Liens
3. Preferred Mortgages
4. Classes of Other Liens

E. Extinction of Maritime Liens

1. Laches
2. Waiver
3. Sale
4. Foreclosure

F. Preferred Ship Mortgages

1. Significance of the Preferred Ship Mortgage
2. The Maritime Lien Act
   a. Filing and Perfecting Mortgages
   b. Requirements of a Preferred Mortgage
   c. Citizenship Requirements
   d. Documentation Requirements
3. Judicial Enforcement of Preferred Mortgages
   a. Attorney Fees
4. Perfecting Liens on Mortgaged Vessels
5. State Laws Regarding Liens on Vessels
6. Security Interests in State Numbered Vessels
7. Self-Help Re-Possession
8. Enforcement of Foreign Ship Mortgages
VI.  SALVAGE

A.  General Principles Of Salvage

1. Nature of Marine Salvage
2. Salvage Defined
   a. The Sabine
   b. Maritime Peril
3. Persons Entitled to Claim Salvage
4. Persons Not Entitled to Claim Salvage
5. Property Subject to Salvage
6. Towing and Salvage Distinguished
   a. Lien Status
7. Contract Salvage
   a. The Elfrida
   b. Formation
8. Salvage Agreements
   a. Authority to Execute
   b. Duress
9. Life Salvage
10. Abandoned Vessels
11. Treasure Salvage
   a. Law of Finds
12. Insurance Coverage

B.  The Salvage Award

1. Statute of Limitations
2. The Salvage Lien
3. Liability of Hull Insurers
4. Salvage Services
5. Elements of Salvage Award
   a. Public Policy
   b. The Blackwall
   c. Amount of the Award
6. Measure of Post Salvage Value
7. Enhancement of the Salvage Award
   a. Professional Salvors
   b. Environmental Issues
8. Negligence of Salvors
9. Misconduct of Salvors
10. Salvage Arbitration Agreements
11. Application and Interpretation of International Convention on Salvage (SALCON)

VII. GENERAL AVERAGE

A. Basic Principles
   1. Nature of General Average
   2. General Average Sacrifice
   3. General Average Contribution
   4. General Average Adjustment

B. York-Antwerp Rules
   1. Background and Development
   2. Lettered Rules
   3. Numbered Rules

C. General Average Claims
   1. Statute of Limitations
   2. Liens
   3. Guarantees
   4. Effect of Fault
      a. The Jason
      b. Jason Clause
      c. New Jason Clause
   5. Separation of Interests
   6. Special Charges

VIII. CHARTER PARTIES

A. Nature of Charter Party
   1. Historic Background
   2. Formation of the Agreement
   3. Types of Charter Parties

B. Demise Charters
   1. Elements of a Demise Charter
   2. Consequences of a Demise Charter
C. **Time Charters**
   1. Elements of a Time Charter

D. **Voyage Charters**
   1. Contracts of Affreightment

E. **Charter Party Warranties & Covenants**
   1. Undertakings By Owner
   2. Undertakings by Charterer
   3. Cancelling Clause
   4. Frustration

F. **Breach of Charter**
   1. Damages
   2. Reciprocal Liens
   3. Withdrawal From Service
   4. Arbitration

IX. **CARRIAGE OF GOODS**

A. **Background**
   1. The Limitation of Liability Act
   2. The Fire Statute
   3. The Harter Act
   4. The Hague Rules
   5. Federal Bills of Lading or "Pomerene Act"
   6. Carmack Amendment

B. **Carriage of Goods By Sea Act**
   1. Applicability
   2. Definitions
   3. Duties of Carrier
   4. Responsibilities and Liabilities of Carrier
   5. Rights and Immunities of Carrier
   6. Other Provisions
   7. Visby Amendments
   8. Hamburg Rules

1. Statutes of Limitation
2. Contracts of Affreightment Subject to Statutes
3. Parties Subject to Statutes
4. Losses Not Caused By Unseaworthiness or Fault
5. Unseaworthiness
6. Custody of Cargo
7. Errors in Management and Navigation
8. Notice of Claim and Time for Suit
9. Damages and Package Limitations
10. Himalaya Clause
11. Clause Paramount
12. Intermodal Carriage

X. COLLISION

A. Basis of Liability

1. Collision Defined
2. Allision
3. Presumptions
4. Rule of the Pennsylvania
5. Compulsory Pilots
6. Errors in Extremis
7. Last Clear Chance

B. Rules of the Road

1. Application
2. General Prudential Rule
3. Lookout
4. Safe Speed
5. Risk of Collision
6. Action to Avoid Collision
7. Steering and Sailing Rules
8. Responsibilities Between Vessels
9. Conduct of Vessels in Restricted Visibility
10. Sound and Light Signals
11. Definitions
C. Collision Damages

1. Basic Principles
2. Both to Blame Collisions
3. Innocent Cargo
4. Choice of Law

XI. MARITIME PERSONAL INJURY AND WRONGFUL DEATH

A. Seaman's Claims

1. Seaman's Status
2. Maintenance and Cure
   a. Atlantic Sounding v. Townsend
3. Breach of Warranty of Seaworthiness
4. Jones Act
   a. Statute of Limitations
   b. Venue
   c. FELA
   d. Burden of Proof
5. Foreign Seaman
   a. Hellenic Lines Ltd. v. Rhoditis
   b. Lauritzen v. Larsen
6. Right to Trial By Jury
7. Damages

B. Longshore and Harbor Worker's Claims

1. Covered Workers
2. Covered Employment
3. Longshore and Harbor Workers Compensation Act
4. Coverage
5. Exclusiveness of Liability
6. Effect of Failure to provide Coverage
7. Liability of Third Parties

C. Passengers

1. Ticket Limitations
   a. Carnival Cruise Lines v. Shute
2. Standard of Care
3. Negligence of Ship's Doctors
4. Sexual Assault
D. Wrongful Death
1. Death on the High Seas Act
3. Sea-Land Services Inc. v. Gaudet
4. Mobil Oil Corp. v. Higginbotham
5. Recoverable Damages
   a. Miles v. Apex Marine
   b. Calhoun v. Yamaha
E. Contribution and Indemnification
1. McDermott v. Amclyde

XII. REGULATION OF THE MARITIME INDUSTRY
A. Marine Pollution and Environmental Law
B. Vessel Documentation
C. Licensing of Personnel
D. Vessel Inspection and Regulation
E. Marine Casualty Reporting and Investigation
F. Regulation of Passengers for Hire
G. Exxon Valdez v. Baker
H. Marpol, 33 U.S.C. § 1908

XIII. RECREATIONAL VESSELS
A. Maritime Products Liability
B. Warranty Claims and Damage to Other Property
C. State/Federal Regulation of Recreational Vessels
D. Charters of Recreational Vessels

XIV. MARITIME CONTRACTS
A. Concepts
   1. "direct and substantial link"
   2. Preliminary Contracts
   3. Mixed Contracts
   4. Oral Contracts/Statute of Frauds
B. Issues
   1. Admiralty Jurisdiction
   2. Contractual Warranties
      a. Implied Warranties
      b. Express Warranties
c. Limitation of Warranties

3. Exculpatory Clauses
   a. "Red Letter" Clauses
   b. Public Policy
   c. Limitations on Damages
   d. Limitations on Liability

XV. TUG, TOW & PILOTAGE

A. Towage
   1. Obligation of Tug to Tow
   2. Standard of Care
   3. Burden of Proof
   4. Towage Contracts
   5. Exculpatory Clauses
   6. Warranty of Workmanlike Performance
   7. Duties of the Tow
   8. Flotilla Rule/Dominant Tug

B. Pilotage
   1. Regulatory Jurisdiction
   2. Liabilities of Pilots and Pilot Associations
   3. Liability of Vessel for Pilot Negligence
   4. Liability of Vessel Owner for Pilot Negligence
   5. Duty of Master under Compulsory Pilotage
   6. Status of Pilots as Seamen/Maritime Workers

Examinees will be tested on law that was in effect prior to February 1 of the year the exam is administered.

3. Skills to be Tested:

Skill 1: Analysis of the Applicability of Admiralty and Maritime Law to a Situation:

   1.1 Familiarity with the Basis of Admiralty Jurisdiction
   1.2 Familiarity with the Consequences of Admiralty Jurisdiction
   1.3 Familiarity with Exclusive Admiralty Jurisdiction
   1.4 Familiarity with the Significance of the Saving to Suitors Clause
   1.5 Familiarity with the Concept of Maritime Contract
Skill 2: Knowledge of the General Maritime Law of the United States:

2.1 Familiarity with the Role and Importance of Uniformity
2.2 Familiarity with the Role of State Law
2.3 Familiarity with Choice of Law Principles Re: Federal-State Conflicts
2.4 Familiarity with Essential Concepts of Substantive General Maritime Law
2.5 Familiarity with Essential State Substantive Law Concepts Available
2.6 Familiarity with Critical Conflicts Between GML/Florida Law

Skill 3: Knowledge of Substantive and Procedural Aspects of Applicable Statutory Provisions:

3.1 Familiarity with the Jones Act
3.2 Familiarity with the Suits in Admiralty Act
3.3 Familiarity with the Public Vessels Act
3.4 Familiarity with the Admiralty Extension Act
3.5 Familiarity with the Foreign Sovereign Immunities Act
3.6 Familiarity with the Limitation of Liability Act
3.7 Familiarity with the Maritime Lien Act
3.8 Familiarity with The Longshoreman and Harbor Workers Compensation Act
3.9 Familiarity with the Carriage of Goods By Sea Act
3.10 Familiarity with the Harter Act
3.11 Familiarity with the Death on the High Seas Act
3.12 Familiarity with Other Applicable Federal Statutes
3.13 Familiarity with Applicable Florida Statutes
3.14 Familiarity with Applicable International Conventions

Skill 4: Knowledge of Admiralty Practice and Procedure:

4.1 Familiarity with Applicable Governing Statutes of Limitation
4.2 Familiarity with Concept/Applicability of Laches
4.5 Familiarity with Local Admiralty Rules Florida U.S. District Courts
4.6 Familiarity with Procedural Aspects of Vessel Arrests/In Rem Proceedings
4.7 Familiarity with the Procedural Aspects of Exoneration/Limitation Proceedings
4.8 Familiarity with Provisions Governing Venue in Admiralty Cases
4.9 Familiarity with Special Rules Concerning Burdens of Proof in Certain Admiralty Proceedings
4.10 Familiarity with Concepts Governing Right to Jury Trial
4.11 Familiarity with Principles Governing Removal of Admiralty/Maritime Actions
4.12 Familiarity with Special Rules Governing Damages in Certain Admiralty Proceedings
4.13 Familiarity with Special Rules Governing Contribution/Settlement Bar
Skill 5: Application of Substantive and Procedural Concepts to Problem Solving:

5.1 Identify Issues of Substantive and Procedural Admiralty and Maritime Law Raised by Hypothetical Factual Scenarios
5.2 Differentiate Facts and Issues Which Are Relevant From Those Which Are Not
5.3 Present a Reasoned Analysis of the Relevant Issues and Applicable Concepts of Substantive and Procedural Admiralty and Maritime Law Raised by the Factual Scenarios in a Clear, Concise and Well Organized Composition
5.4 Demonstrate the Ability to Apply the Applicable Concepts of Substantive and Procedural Admiralty and Maritime Law to Factual Scenarios and Develop Comprehensive Recommendations to Clients

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