

Admiralty & Maritime

Overview

While Admiralty & Maritime law encompasses a wide range of legal matters, it is also an extremely specialized field. Businesses and individuals involved in seafaring and maritime-related industries therefore are best served in their legal matters by attorneys who are experienced in, and devote their practices to, this area of law. Munsch Hardt's Admiralty & Maritime attorneys collectively have more than 50 years of experience as practitioners in this field and dedicate their practices to this area.

Clients active in all aspects of the marine and energy-related fields turn to Munsch Hardt for advice and counsel, including dredging contractors and operators, offshore supply vessel operators, offshore drilling and well services companies, offshore staffing and manning providers and commercial diving operators. We also represent major and independent energy companies, oil and gas producers and operators, oilfield services companies, energy investors and pipeline owners and operators.

Providing comprehensive legal services, our Admiralty & Maritime practice helps clients negotiate and draft advantageous contracts, defend against litigation and other claims, ensure regulatory compliance, buy and sell marine assets and manage maritime risks. The wide spectrum of legal issues we handle includes:

- Application of state and federal maritime statutes, including Outer Continental Shelf Lands Act (OCSLA) and Oil Pollution Act (OPA)
- Personal injury and wrongful death claims, including claims arising under the Jones Act and Death on the High Seas Act (DOHSA)
- Products liability
- Regulatory and compliance issues, as well as governmental investigations by the United States Coast Guard and Bureau of Safety and Environmental Enforcement (BSEE)
- Contract disputes, including claims and demands for defense and indemnification under maritime law
- Collisions, allisions and loss of station claims
- Cargo loss or damage claims
- International arbitrations
- Marine insurance coverage
- Marine reinsurance
- Marine subrogation
- Oil and gas claims
- Oil pollution
- Purchase and sale of vessels

We are skilled in defending against maritime workers' personal injury claims, including those brought by seamen under the Jones Act and by longshoremen under the Longshore & Harbor Workers' Compensation Act (LHWCA). This includes defense of:

- Seamen's claims for the unseaworthiness of the vessels, maritime negligence under the Jones Act, and claims for maintenance and cure benefits.
- Actions by longshoremen, who can claim generous benefits from their employers under the LHWCA, and also sue vessels under LHWCA §905(b).

At Munsch Hardt, our deep industry experience, extensive resources and fully integrated service model give us the flexibility and horsepower to develop cost-effective strategies to resolve every issue your business may encounter. Our multidisciplinary approach encompasses the following practices:

BANKRUPTCY, RESTRUCTURING & INSOLVENCY

Recognized by *Chambers USA* since 2005, our Bankruptcy, Restructuring & Insolvency group has extensive experience representing all major constituencies in bankruptcy, restructuring and insolvency matters. We are adept at every facet of the bankruptcy and restructuring process, which allows our clients to better evaluate possible outcomes, develop strategies, assess risks and ultimately plan for the future.

CORPORATE & SECURITIES

We represent dynamic, growing businesses in transactions and other matters that are critical to their success. Our services include mergers and acquisitions; venture capital; private equity; family office investments; business succession planning; technology contracts and intellectual property licensing; corporate governance and special board committees; securities offerings and capital raises; outsourced counsel services; executive compensation; joint ventures; and transactional tax planning and controversies.

ENVIRONMENTAL

We work with our shipping clients, including oil companies, on a variety of environmental laws and help clients understand and comply with a myriad of state and federal environmental laws applicable to vessels and the shipping industry. We advise clients on issues relating to the MARPOL Oil Pollution Act (OPA); River and Harbors Act (RHA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Occupational Safety and Health Administration (OSHA) and the Federal Water Pollution Control Act (Clean Water Act). We also assist in the development and implementation of environmental compliance programs to reduce the risk of potentially significant fines, penalties and criminal proceedings.

FINANCE

When clients partner with Munsch Hardt, they partner with some of the best and most experienced finance attorneys in the industry. In fact, there are few law firms involved in as many complex lending transactions as Munsch Hardt. Our Finance attorneys represent lenders from a variety of disciplines within the industry, including banking institutions, non-regulated lenders, private equity and hedge funds, as well as domestic and foreign financial institutions.

IMMIGRATION

The Firm offers immigration and other corporate assistance to foreign shipowners seeking to place foreign citizens within U.S. subsidiary companies, including processing L-1A, L-1B, H-1Bs, E-2 Treaty Executives/Managers visa petitions. We also assist with OCS work authorization obtainment from the U.S. Coast Guard and apply for related visas with U.S. consulates abroad.

LABOR & EMPLOYMENT

Our attorneys offer extensive experience representing companies in Admiralty & Maritime employment matters. The Firm defends Americans with Disabilities (ADA) claims, Fair Labor Standards Act (FLSA) claims, and Workplace Safety and Health (OSHA) claims, as well as general employment issues such as employment contracts, covenants not to compete, incentive compensation, discrimination and much more.

LITIGATION

The Munsch Hardt Admiralty & Maritime attorneys advise and represent clients in a broad spectrum of matters, ranging from defense of claims for injuries under the Jones Act, Outer Continental Shelf Lands Act (OCSLA) and Longshore and Harbor Workers' Compensation Act (LHWCA), to defense of maritime contractual disputes, product liability claims, environmental claims and prosecution and defense of collisions, allisions, hull, cargo and other property damage claims. Our litigators have handled high-profile, high-stakes commercial disputes with a track record of obtaining successful results in cases with regional and national significance.

Experience

Maritime Doctrine

Successfully presented a case to the Texas Supreme Court resulting in the adoption of the Search and Rescue Doctrine, and the application of this maritime doctrine in a manner requiring the reversal and rendering of a judgment. The client Munsch Hardt represented earlier had a substantial judgment entered against it when the client was represented by predecessor counsel.

Jones Act

Won dismissal of Jones Act claims for offshore exploration and drilling clients based upon lack of vessel status of deepwater floating gas production and drilling platform.

Maritime Litigation

Successfully defend offshore drilling company in litigation arising from fatal electrocution occurring aboard semi-submersible in territorial waters of Angola.

Maritime Doctrine

Prevailed in a case presented to the U.S. Court of Appeals for the Fifth Circuit resulting in the adoption of the Primary Duty Doctrine Defense. The application of this maritime doctrine allowed Munsch Hardt to maintain an extraordinarily minimal judgment of less than \$10,000, which had earlier been awarded against our client by the trial court with respect to a wrongful death claim.

Maritime Statutory Amendments

Successfully marshaled through the Texas Legislature a Bill modifying the venue statutes so as to substantially limit the reliance upon a plaintiff's residence as a basis for venue. The statutory amendments significantly reduced the volume of litigation experienced by our clients engaged in the dredging industry particularly and the maritime industry generally.

Manufacturing Immigration Counsel

Represents a manufacturer and distributor of Personal Protective Equipment for the offshore and maritime industry in processing L-1A, L-1B, H-1Bs, E-2 Treaty Executives/Managers visa petitions.

Practice Leaders



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Related Practices

Bankruptcy, Restructuring & Insolvency
Corporate & Securities
Finance
Immigration
Labor & Employment
Litigation
Environmental

Related Industries

Construction
Energy
Transportation

Newsroom

Press Release: Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

Speech: Risk Indemnification and Mitigation in the Maritime Labor Sector

Speech: The Need for Speed - Project Acceleration, Tech Trends & Logistics

In The News: Munsch Hardt Poaches Two Attorneys From Houston's Old Guard

Press Release: Munsch Hardt Expands Energy and Maritime Practice Through Addition of Two Attorneys in Houston Office

In The News: Dallas Law Firm Moves Into New Houston Digs