Highlights of the 2026-2027 Edition

Thank you for subscribing to **The Law of Seamen, 5th**, now in a two-volume softbound format to enhance ease of use. This format replaces the binders and loose-leaf pages and will be updated annually with replacement volumes. Below, please find a sample of the important new materials included in this 2026-2027 Edition of The Law of Seamen, 5th.

- The Court of Appeals for the Fifth Circuit held that Section 16(a) of the Federal Arbitration Act allows an appeal from the denial of a motion to enforce an arbitration clause even when the denial is "without prejudice." *Hill v. Jackson Offshore Holdings, L.L.C.,* 175 F.4th 324 (5th Cir. 2026).
- The Court of Appeals for the Eleventh Circuit held that the Supreme Court's decision in *Outokumpu Stainless USA, LLC,* 561 U.S. 63 (2010), did not abrogate the Eleventh Circuit's decisions in *Bautista v. Star Cruises*, 396 F.3d 1289, 1294 (11th Cir. 2005) and *Lindo v. NCL (Bahamas), Ltd.*, 652 F.3d 1257, 191 L.R.R.M. (BNA) 2551, 2012 A.M.C. 409 (11th Cir. 2011), with regard to the arbitration of seaman's claims under the New York Convention. In addition, a venue and choice-of-law provision in a seafarer employment agreement did not conflict with an arbitration provision in separate "General Terms and Conditions" employment document. *Chemaly v. Lampert*, 174 F.4th 843 (11th Cir. 2026).
- The seaman's manslaughter statute does not require proof of gross negligence. The Court of Appeals for the Ninth Circuit stated: "Given a captain's heightened obligations, an ordinary negligence standard is sensible in the seaman's manslaughter context." *United States v. Boylan*, 167 F.4th 1266 (9th Cir. 2026).
- A land-based non-seaman may proceed in their unseaworthiness claim if they meet the requirements of *Seas Shipping Co. v. Sieracki*, 328 U.S. 85, 66 S. Ct. 872, 90 L. Ed. 1099, 1946 A.M.C. 698 (1946). The provisions of New York law to the contrary would conflict with the uniformity of maritime law and are inapplicable. *In re Verplanck Fire District*, 175 F. 4th 144 (2d Cir. 2026).
- Jones Act negligence may be established by circumstantial evidence. *Matter of Cooper Marine, Inc.* 2025 WL 3063322 (E.D. La. 2025).
- Although a seaman may not recover non-pecuniary damages, "[u]nder general maritime law, a plaintiff may recover

for emotional injury provided there is some physical contact." *Galland v. Harvey Gulf International Marine*, LLC, 2025 WL 2634339 (E.D. La. 2025).