

# *Litigating Jones Act Claims*

## **The Good, The Bad & The Ugly**

**THE  
GOOD**



**THE  
BAD**



**AND THE  
UGLY**



# *Pre-suit and Preliminary Evaluation*



- **Initial Demand in a Jones Act Case**

- **Response**



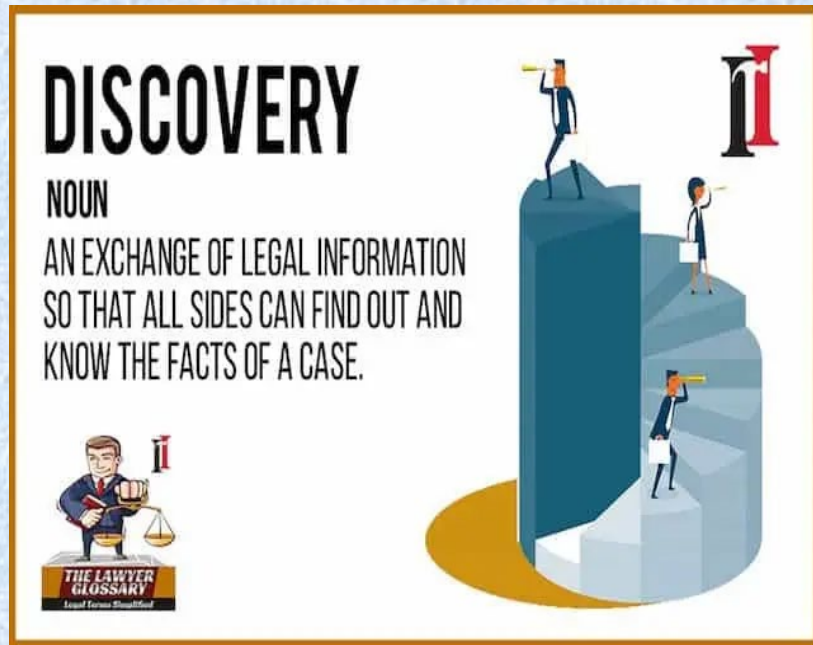
- **Preliminary Evaluation**

# The Jones Act Lawsuit

- **Venue** – State courts have less experience with Jones Act suits
- **Judge or Jury trial?**
- **Pleading Style** – Other seaman's remedies – unseaworthiness and maintenance and cure
- **Rule 12 Motions**
- **Pre-Discovery ADR**



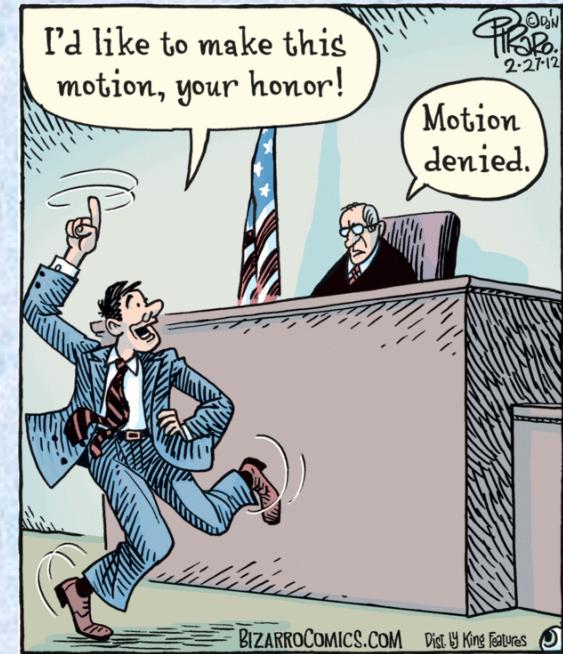
# Discovery – *if it were only as simple as this picture...*



- Written Discovery – Requests for admissions, interrogatories, requests for production
- Depositions – Plaintiff’s deposition, third party depositions, doctors’ depositions
- Experts – IME physician, safety expert, vocational rehabilitation counselor, and economist
- Inspections – Vessels and premises

# Pre-trial

- Pre-trial Motions – Motions for Summary Judgment, Motions *in Limine*, Daubert Motions, etc.
- Mock Trials – When to use, how to use, and common misuse
- Jury Consultants – Research, develop themes, voir dire strategy



# Trial



- **Attorney Presentation Style**
- **Witness Call Strategy**
- **Use of Visual Aids**
- **Jury Monitoring**
- **Body Language**



# Post Trial Actions (in the hallway and beyond!)

- **The Admiralty and Maritime Bar is a small town – you will see opposing counsel again!**
- **Do not engage if heated remarks are directed at you first**
- **Consideration of appeal?**



# Questions or Comments?



# THANK YOU!