

Attorney, Maritime ◀

BRIEFLY: Like the skies, the waterways are crowded with commercial and pleasure craft. The amount of vessels indicates that many persons are buying them—and relying on maritime lawyers, like David, to do it legally. The number of craft cruising around also results in accidents—another reason to rely on a good lawyer.

David Sails Clients Through Complex Sales

And Incidents On Navigable Waters

“Maritime law has *history*,” David asserts. Unlike corporate, personal injury, or contract law, it dates back centuries to the British Courts of Admiralty. “That makes me feel like I’m involved in something a little bigger, more esoteric.”



► David gives a client the options of sailing under a United States flag or under the flag of another country.

An associate attorney in the firm of Alley, Maass, Rogers & Lindsay, P.A., in Palm Beach, Fla., David specializes in admiralty law and commercial maritime transactions. He spends much of his time advising and working out legal contracts for clients purchasing megayachts. He also represents defendants in personal injury and

property damage cases that result from incidents anywhere on navigable water.

“A maritime lawyer has to have practical knowledge,” he points out. “He has to know what a gunnel is, where the bow and stern are. The best way to learn what you need to know is by actually getting out there on a boat.” He himself learned by serving as a petty officer in the U.S. Coast Guard.

Lawyers also need strong writing and speaking skills, he adds. “Just like a blacksmith has a hammer and anvil, a lawyer has paper and pen and must develop the ability to communicate effectively and argue a position on behalf of a client.”

Raised in San Diego, Calif., David enlisted in the Coast Guard. Boot camp at Cape May, N.J., was tough, both mentally and physically. But he considers it to be one of the best experiences of his life. He learned to become a responsible, hard-working member of a team working toward a common goal.

Afterward, he was assigned to a Coast Guard cutter stationed in South Portland, Maine. He maintained the ship’s electrical engineering systems. He also served as an emergency rescue swimmer, fire fighter, and zodiac coxswain during numerous law enforcement and search-and-rescue missions in the North Atlantic.

A transfer to a station on Governor’s Island, N.Y., followed. Each evening after duty, he took the ferry to Manhattan; then the subway to City College of New York to attend night classes in general subjects. By the time his four-year tour

FOR THE RECORD



David
Maritime Attorney
Alley, Maass, Rogers &
Lindsay, P.A.
Florida

EDUCATION

- ▶ City College of New York, Manhattan, N.Y. Took evening courses in English, math, biology, history, and economics while stationed with the U.S. Coast Guard on Governor's Island, N.Y. Had completed two years of college by the time he was discharged.
- ▶ University of California at Berkeley. Bachelor's degree in political science with an emphasis on federal judiciary and constitutional law one year. Active in student government, the College Republican organization, and local politics.
- ▶ University of Miami School of Law, Miami, Fla. Law degree with an emphasis on constitutional law and admiralty and maritime law.

WORK HISTORY

- ▶ Delivered pizza, flipped burgers during high school.
- ▶ Petty officer second class, U.S. Coast Guard, four years. Attended 13 weeks of boot camp at Cape May, N.J. Stationed in South Portland, Maine, for one year; on Governor's Island, N.Y., for two years. Maintained electrical engineering systems aboard Coast Guard cutters in North Atlantic. Served as an emergency rescue swimmer, fire fighter, and zodiac coxswain on numerous search-and-rescue missions.
- ▶ Law clerk, then associate member, Hayden & Milliken, P.A., Miami, Fla., four years. Served as a law clerk while attending law school. Became a member of the firm, handling civil litigation in the field of admiralty and maritime insurance defense.
- ▶ Law intern, Office of the Public Defender, Miami-Dade County, Fla. Conducted pretrial motion practice and calendar call.
- ▶ Associate member, McAlpin & Brais, P.A., Miami, Fla., one year. Provided general litigation services dealing with admiralty and maritime law. *"Litigation is like the trenches where everybody has to start out to obtain the basic fundamentals of practicing law because every lawyer is expected to be able to go into court and argue a case before a judge or a jury. If you don't get those basic trench experiences, you're not going to be an effective lawyer."*

JOB BENEFITS

- ▶ Medical insurance; bonuses; retirement plan; free snack bar and bagels on Friday mornings.

of duty was up, he had completed two years of college.

Wishing to continue his education, David returned to California and enrolled at the university's Berkeley campus, majoring in political science. He also participated in student government activities and became involved in local politics and the College Republicans organization. "This gave me the opportunity to interact with politicians and politically motivated people in the community," he says. "Having an extra-curricular social reputation in the field of your choice is always good. A lot of lawyers are connected in some way with politicians and people of influence."

Tests the Waters

As he neared graduation, David applied for admission to several law schools. He chose the University of Miami School of Law because it specializes in maritime law, his interest.

While studying law, he clerked for the maritime law firm of Hayden & Milliken, P.A. He also interned in the Miami-Dade County public defender's office, gaining 220 hours of criminal defense experience.

David received his Juris Doctor degree with an emphasis on constitutional law and admiralty and maritime law. While studying for the state bar exam, he continued to clerk at Hayden & Milliken. After he passed the two-day test, he joined the firm as an associate member, handling admiralty and maritime insurance defense cases. To argue cases in federal court, he took another lengthy federal government exam.

Over the next two years, David wrote scores of legal briefs and argued numerous cases in state and federal courts, switching law firms to broaden his experience. "Litigation is hard work, and, after a while, the long hours got old," he says. "You have to work late during the week and on weekends. Eventually, I began looking for a change in direction."

He got his opportunity when Alley, Maass, Rogers & Lindsay, a world-renowned maritime law firm that specializes in contract work and handles few litigation cases, recruited him. He joined the firm as an associate. Here, he handles the legal issues in admiralty and maritime commercial transactions, marine insurance, and

liability. He also defends personal injury claims brought by cruise ship passengers, seamen, and recreational boaters and matters concerning cargo.

Typically, he represents a client buying a multi-million-dollar megayacht. “Brokers bring us a lot of business,” he notes. “They understand that someone who’s buying a \$5 million boat doesn’t want to just hand over the money. They want some advice. Once we get involved, the deal becomes our responsibility. So brokers bring buyers and sellers together, but we’re the ones who make sure everybody is legally protected and the deal actually happens.”

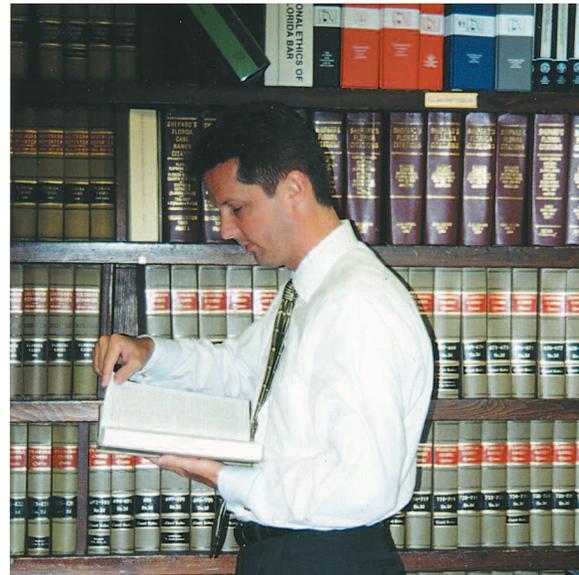
A first question David asks would-be buyers is under which flag they want to sail. “They usually ask me if it matters. And I reply, ‘Do you want to pay tax? If you’re using a boat here in the U.S., you’re going to have to pay 6 percent of the value of the boat for the privilege.’” Six percent of \$5 million is a significant amount, he points out. “And, if the boat is purchased from another country, an additional 1.5 percent of its value is added on as customs duty.”

Though some wish to fly the American flag and willingly pay necessary taxes, others want to avoid them. “I help these clients form offshore foreign corporations to take title to the boat,” David says. “This is perfectly legal.” Typically, they will register the boat in the Cayman Islands, the British Virgin Islands, or St. Vincent and the Grenadines. He arranges for a documentation agent to apply for registration and have the boat inspected and surveyed so all specifications can be listed.

Follows the Rules

After the purchase is final, he often continues to represent the client in matters concerning the boat. He might monitor where the boat docks. And the client might consult him about crew and associated immigration matters. “A U.S.-flagged boat, for example, cannot be under the command of a non-U.S. citizen,” he explains. “If it is, it’s subject to seizure and forfeiture.” In addition, foreign crew members must have visas to work in the United States.

A ship’s crew also must meet minimum training levels, which vary with the country in which the boat is registered. “You have to understand what the Cayman Islands requires, what England



► *Maritime law has a long tradition, dating back to the 18th century, David says.*

requires, and what Bermuda or the British Virgin Islands require. If you don’t follow through on all these different regulations, you can get yourself in trouble.”

Yesterday, David’s day began with a call from a client whose \$3 million boat had been “arrested” or impounded until a lien holder had been satisfied. The client, unhappy with repairs made to the boat, was refusing to pay for them. In response, the marine services company that had done the repairs had slapped a lien on the boat to force payment. David had prepared paperwork detailing his client’s allegation that the repairs were of poor quality. The matter was scheduled to come up before a judge at 8 the next morning.

Next, David turned his attention to the closing of another client’s boat purchase. The law firm was holding millions of dollars in escrow until the transaction was complete. “I’m in Florida, and the seller’s lawyer is in England, but the boat is in the Bahamas, so the actual closing will take place in the Bahamas,” he comments. “I’ll fly there to be with my client when he signs the necessary papers. Then I’ll call my secretary and tell her to transfer the funds from my account to the seller’s account. As soon as the seller receives confirmation that the money has been transferred, he will turn over the keys.

“When a closing like this occurs,” he adds, “the law firm performs what we call a ‘fire drill.’ The whole team works together to ‘put out’ the situation.” Preparing for the closing and making

Maritime Attorney

travel arrangements for later in the week took him several hours.

After work, David spent the evening with his wife, an accountant. “My wife is a really creative person,” he says. “She paints, is interested in arts and crafts, and loves to do Spanish dancing, such as the salsa and marange.” His hobbies include target shooting, chess, and reading. He is still intensely interested in politics, current events, and history, especially military history. He travels around the state giving presentations on behalf of

the American Legion and also provides legal advice to the state chapter. “We have many programs that benefit children and youth as well as programs dealing with veterans affairs and rehabilitation,” he notes. “I go to a lot of schools and present American Legion medals. I’m also involved in Boys State, Boys Nation, and the National High School Oratorical Contest.”

And, occasionally, he actually goes out on a boat just for the fun of it.

DATA FILE

Attorney, Maritime

D.O.T.:110.117-018 O*NET:23-1011.00 HC:ESA

WORK DESCRIPTION

Specializes in admiralty and maritime law—handles sales transactions for clients, drawing up contracts, arranging closing, transferring money, and registering vessels under flags of specific countries; monitors hiring and immigration status of crew members to make sure government regulations are met; defends clients in personal injury and property damage suits related to boat ownership; represents clients in litigation proceedings involving marine insurance, liability issues, and cargo defense and recovery; supervises paralegals and administrative assistants.

WORKING CONDITIONS

In private office, bank offices, and courtrooms. Aboard ships. Frequent use of law library to research maritime case law. Much reading and writing. Some travel to off-shore locations for transaction closings.

PLACES OF EMPLOYMENT

Law firms; private practice; large shipping companies; insurance companies.

PERSONAL CHARACTERISTICS

Logic; responsibility; analytical ability; verbal ability; concentration; accuracy; intelligence; honesty; integrity; persistence; persuasiveness; business sense; ability to work as part of a team; initiative; self-confidence.

EDUCATION AND TRAINING

Law degree and passing of bar examination in the state in which one wishes to practice minimum.

JOB OUTLOOK

Faster than average growth (8% - 10%).

SALARY RANGE *U.S. median wage*

\$65.26 hourly, \$135,740 per year, depending on experience, employer, and location.

RELATED OCCUPATIONS

Legal Secretary
Paralegal
Judge

FOR MORE INFORMATION

The subject of this biography is not available to answer personal inquiries. For more information addresses are current as of publication date.

Maritime Law Association of the United States

Web Site: <http://mlaus.org/>

American Bar Association

Web Site: <http://www.americanbar.org/>

United States Coast Guard

Web Site: <http://www.uscg.mil>

Law School Admission Council

Web Site: <http://www.lsac.org>

At a recruiting office, library, or state employment office, read handbooks, pamphlets, and brochures about opportunities for military service. Ask a guidance counselor or recruiter about taking the Armed Services Vocational Aptitude Battery of tests.

To find information about similar careers, see *VocBio's Pathways* or *Cluster* search, computer listings, an encyclopedia, or books on careers found in your library, career center, or counseling or placement office. Look up the following words:

Admiralty Law, Attorney, Lawyer, Maritime Law. Also see the Business and Office, Public Service, and Transportation Careers clusters.

WHAT YOU CAN DO NOW

Visit a law firm specializing in maritime law and talk to attorneys there about what they do. Get a job or internship in a law office. Be a leader in student government and other school and community organizations. Participate in debate and speech events. Take courses in English, speech, drama, composition, political science, economics, history, psychology, accounting, business practices, and computers.

LIFESTYLE IMPLICATIONS

Attorneys often put in long hours and may work an irregular schedule to accommodate the needs of their clients. Much personal time may be spent socializing with major clients and high-profile members of the legal community. These factors may interfere with family life but may also be personally rewarding.

Persons are portrayed herein without regard to race, sex, or religious background. Careers discussed are to be considered acceptable for either sex.

Maritime Attorney. “David Sails Clients Through Complex Sales.” *VocBio* - Vocational Biographies. Web.