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Book Review: Benedict on Admiralty: Cruise Ships

Abstract

Robert M. Jams, editor-in-chief, *Benedict on Admiralty: Cruise Ships* (New York: Matthew Bender & Company Inc. Lexis Publishing, March 2000), www.bender.com, ISBN0- 8205-4392-6 Binder, 312 pp. (Appendices, Index) \$200.

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Book review: ***Benedict on Admiralty: Cruise Ships***

by Joan Remington

Robert M. Jarvis, editor-in-chief, Benedict on Admiralty: Cruise Ships (New York: Matthew Bender & Company, Inc./Lexis Publishing, March 2000), www.bender.com, ISBN0-8205-4392-6 Binder, 312 pp. (Appendices, Index) \$200.

Until now there was no legal text focusing solely on the law governing cruise ships. Admiralty law texts contained only cursory references to cruise law, leaving legal practitioners scrambling for information from a variety of sources in an effort to educate themselves about the business of cruise lines. *Cruise Ships*, which is Volume 10 of *Benedict on Admiralty*, fulfills this glaring absence of consolidated legal expertise.

Bob Jarvis, a professor of law at Nova Southeastern University in Fort Lauderdale, Florida, provides an excellent, easy-to-read and understand overview of the cruise industry. He takes the reader expertly and effortlessly through the history of cruise ships from

Samuel Cunard's *Britannia* built in 1839-40 as the first modern ocean liner, through the loss of the *Titanic* and the *Lusitania*, to the current era of the industry today and its leaders, Carnival (by number of passengers) and Royal Caribbean (the biggest ships).

From this historical base, the reader is taken on a journey through governmental regulation relating to cabotage, disability, financial responsibility in personal injury, death, and non-performance claims, gaming, health, liquor, and security by Lawrence W. Kaye of Kaye, Rose and Partners, LLP. Kaye advises the reader about restrictions on trade or navigation in coastal waters (cabotage), application of the Americans with Disabilities Act to foreign vessels, travel agent sued for failing to inform disabled passengers regarding inaccessibility issues, insurance indemnification requirements, Gambling Devices Act, transporting persons with commu-

nicable diseases, sanitation ratings, and conflict of U.S., state and foreign flag laws, among other relevant legal principals of interest to the practicing attorney and non-lawyer as well.

Interested in the complexities of the law and what your attorney is doing with all those billable hours relating to your travel agency or cruise line? Walter T. Johnson, a partner in Lillick & Charles, has written Chapter 3 to provide information on the complexities of practice and procedure, including subject matter jurisdiction, personal jurisdiction, service of process, venue, state versus federal court, forum issues, time limitations, class actions, and jury trials. John P. McMahon expands on these legal aspects covering forum-selection and choice of law clauses of interest to the practicing attorney in Chapter 4.

Chapter 5 may be of special interest to the travel agent booking clients and groups on those wonderful cruise vacations. This chapter covers the rights of and laws affecting passengers, providing a definition of a passenger, and information on and application of the contract of carriage, the standard of care owed to a passenger, and types of accidents that may occur on board ship.

Additionally, the travel agent may be interested in Chapters 8 and 9. The first deals with concessionaire liability in on board and off ship injuries to passengers. Not every passenger is promised that an "island is 'as safe as your home'

for the purposes of tours and sight-seeing" and then encounters a terrorist's exploding bomb resulting in death and injury.¹ However, the possibility of accidents during shore excursions is a reality, and it is prudent for travel agents to know their responsibilities in this instance. Chapter 9 covering ship-board medical care and the quality of care given passengers on a cruise is also helpful in providing information on what a passenger may expect in the way of health care during a cruise.

Although the primary audience of the text is practicing lawyers experienced in admiralty law and generalists who happen to get a cruise passenger case, the book is useful to cruise industry managers and executives (especially in the areas of risk management and claims specialists, as well as human resources people concerned with crew member selection, employment, and labor law covered in chapter six), travel agents (Chapter 10 deals with cruise line bankruptcies), and educators providing instruction in admiralty and cruise ship law.

Benedict on Admiralty was first published in 1850. A multi-volume encyclopedia on admiralty law currently in its seventh edition, *Benedict* is considered the leading source on admiralty law in the country. Cost of the complete work is \$2,660. Fortunately for the cruise industry, travel agents, and educators, Jarvis has compiled a comprehensive body of legal information on cruise ships that can be used as

a reference tool in the workplace as well as the classroom. While some of the readings may not be completely relevant to the non-lawyer, Volume 10, *Cruise Ships* provides a knowledge base for non-lawyers to understand the perils and pitfalls they may encounter or avoid relating to the cruise industry in today's litigious society.

Reference

¹ Robert M Jarvis, ed., *Cruise Ships, Volume 10 of Benedict on Admiralty* (New York: Matthew Bender & Company, Inc./Lexis Publishing, March 2000): chapter 8, page 7.

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