

SAFE HARBOR

A monthly newsletter for the Maritime worker from
The Law Offices of Lyle C. Cavin, Jr.

February 2016



Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



BEWARE OF EMAIL



A few months ago we began discussing the perils of Facebook and how shipowners can use it against you. A similar problem arises with email. The first thing that you need to be aware of is using a shipboard computer as the company owns it and everything that is on it. In fact, there is probably a provision stating this in your MOU or in the company's policies. Therefore, you should never use the shipboard computer to communicate privately with anyone, especially about an injury. Even if you are using your personal email account, the company may still be able to access it. You may think that after you have suffered an injury it is harmless to send an email to reassure your family members that you are ok. This can be very damaging to your case down the line, because the company will use it to show that you weren't really hurt aboard ship or that the injury was minimal. In a similar fashion, be very careful about emailing other crewmembers, especially through the company email. Generally the company "owns" these emails also, and they will have access to them also. In short, do not make a paper trail when a phone call will do the trick!

QUESTION FROM THE BRIDGE



I was injured aboard ship and was taken off the ship in a foreign port. While I was there waiting for my flight to leave, I emailed a fellow crewmember to see if he wanted to meet me at a bar to kill some time. Now the company somehow has the email and says I am exaggerating my injury. What gives?

Jim B. in San Pedro

Most likely you emailed the crewmember at a work email address without realizing it and the company has access to it. Another possibility is that your fellow crewmember turned it over to the company voluntarily, possibly as part of the accident investigation. There are some legal arguments to prevent the shipowner from being able to use this email against you, however it is far better to not have to explain yourself in the first place. Just remember that the shipowner's and their investigators are ruthless in their efforts to hurt your claim and proceed with caution when using email!

TEMPORARY ADDRESS CHANGE

We have relocated to San Francisco while our new Oakland space undergoes renovation from fire damage. We have offices on both sides of the Bay to serve you! Look for our Oakland opening sometime in late spring. In the meantime, please contact us at:

The Law Offices of Lyle C. Cavin, Jr.
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San Francisco, CA 94133

Our phone and fax remain the same
Ph: 510-444-2501 Fax: 510-444-4209
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About Our Law Firm

For more than four decades, merchant mariners, longshoremen, fishermen and harbor workers plying their trades at sea, on the docks, on our U.S. coastal waters and inland waterways have turned to the maritime law firm of Lyle C. Cavin, Jr. & Associates in Oakland. Today, we are proud to be recognized as one of the preeminent maritime law firms serving injured marine workers nationwide, as well as one of the most successful personal injury litigation firms serving victims of negligence in the San Francisco Bay Area and throughout the West Coast.

Team Approach to Every Personal Injury and Jones Act Claim

When you retain Lyle C. Cavin, Jr. & Associates for a Jones Act injury claim; or personal injury claim, you don't get just one attorney, you get our entire team of dedicated professionals. Our attorneys offer more than 150 combined years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

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