

SAFE HARBOR

A monthly newsletter for the Maritime worker
from

The Law Offices of Lyle C. Cavin, Jr.

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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.



ARE YOU BEING FORCED TO ARBITRATION?



Many maritime employers are following a trend to force their employees into arbitration following an injury claim. The obvious purpose is to prevent the injured worker from pursuing his remedies by means of a court or jury trial. Many employment contracts bury this provision in the small print and require its signing for the prospective employee to obtain the job. This is being seen mostly in non-union employment settings. Many courts are enforcing these provisions and denying injured workers their rights under the Jones Act. The ultimate decision on this issue has yet to be fully decided by the Supreme Court in terms of its conflict with the intent of the Jones Act. Be aware of what you are being asked to sign by your prospective employer!

QUESTION FROM THE BRIDGE

I recently was injured on a non-union tug and the employer has now notified me if I am not happy with their settlement offer I must proceed to arbitration. Is this possible as a merchant seaman?

Emmett, D Baton Rouge, LA



Answer: It might be enforceable if there was a clear explanation in the employment contract. If it is not in the contract, it is not enforceable. Even if it is in the contract there may be ways to get around it and file a civil suit with a jury trial. Consult an experienced maritime lawyer in Louisiana to get the proper advice. A court might hold that this provision conflicts with your rights under the Jones Act and General Maritime Law.

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 many years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

Law Offices of Lyle C. Cavin, Jr.

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