

# CHARLESTON

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## **ADMIRALTY & MARITIME LAW LL.M. PROGRAM**

**2017-2018**

Licensed by the South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201, and Telephone number 803.737.2260. Licensure indicates only that minimum standards have been met; it is not an endorsement or guarantee of quality. Licensure is not equivalent to or synonymous with accreditation by an accrediting agency recognized by the U.S. Department of Education.

The Charleston School of Law is fully accredited by the American Bar Association. The Council of the ABA Section of Legal Education and Admissions to the Bar approved the law school's application Aug. 4, 2011, at its meeting in Toronto, Canada.

The Section of Legal Education can be contacted at 321 North Clark St., Chicago, IL 60654 or by phone at 312.988.6738.

**DISCLAIMER - THIS CATALOG IS NOT A CONTRACT.** The information in this 2018-2019 Catalog is accurate and current to the best knowledge available as of August 2017. The Charleston School of Law expressly reserves the right to change tuition, fees, programs of study, academic requirements (including those required for degrees), lecturers, teaching staffs, the announced academic calendar, and other matters described in this Catalog with reasonable prior notice, in accordance with established procedures, and when such adjustments are made in response to circumstances beyond the School's control that are necessary to ensure sound operation of the Charleston School of Law. Therefore, information contained herein should not be considered to remain valid throughout an entire program of study; it may be necessary for the School to alter program requirements before the start of any enrollment period. Subsequent changes in this information will be contained in updates to the Catalog made available on the Charleston School of Law website at [www.charlestonlaw.edu](http://www.charlestonlaw.edu). The most recent information contained in this Catalog is considered to have authority over information contained in other publications within the School when discrepancies occur

The Charleston School of Law is an equal opportunity institution of higher education and conforms to all applicable law prohibiting discrimination and is committed to nondiscrimination on the basis of race, color, religion, national origin, social condition, sex, sexual orientation, age, or disability in the administration of admission policies, educational policies, financial aid, employment, or any other school programs or policies. For further information, contact the Director of Human Resources, Ms. Shera Silvis, at 843.377.4904.

**For More Information:**

**[www.charlestonlaw.edu](http://www.charlestonlaw.edu)**

Address all correspondence to:  
Charleston School of Law  
P.O. Box 535  
Charleston, SC 29402  
843.329.1000

For additional information on the Law School Admission Test visit [www.LSAC.org](http://www.LSAC.org) or call Law Services at 215.968.1001.

Cover Picture: The Arthur Ravenel Jr. Bridge, Charleston South Carolina

Updated April 2018  
Volume No. II

**This Catalog contains information about the  
LL.M. DEGREE IN ADMIRALTY AND MARITIME LAW  
at the Charleston School of Law.**

**For information about the JURIS DOCTOR DEGREE  
at the Charleston School of Law,  
please visit the website at [www.charlestonlaw.edu](http://www.charlestonlaw.edu).**

**For the Current Academic Calendar, please visit the website:  
<http://charlestonlaw.edu/academics/academic-calendar/>.**

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This Catalog incorporates by reference all policies and procedures of the **Charleston School of Law Academic Catalog and Student Handbook**, located at [www.charlestonlaw.edu](http://www.charlestonlaw.edu).

# LL.M. Admission Policy

## **LL.M. Admission Requirements**

The Charleston School of Law begins to review files as they are completed and continues to review files until all seats in the program are filled. The application deadline for the LL.M. program is June 1 for fall admission. An application to the Charleston School of Law LL.M. program requires the following:

1. Bachelor's degree from an accredited college or university.
2. J.D. from an ABA-approved law school, except for international students.
3. International applicants with law degrees from schools outside the United States must obtain the approval of the Associate Dean for Academic Affairs to ensure that the degree granting school is the equivalent of an ABA accredited school.
4. Completed and signed application for admission. Applications are available at [www.LSAC.org](http://www.LSAC.org).
5. LSAC LL.M. Credential Assembly Service (LLM CAS) Law School Report. Registration for the LL.M. CAS is available at [www.LSAC.org](http://www.LSAC.org).
6. A minimum of two letters of recommendation, at least one from a law faculty member, a lawyer or a judge. Applicants should use the LSAC Letter of Recommendation (LOR) service.
7. Personal statement.
8. Current resume.
9. Transcripts from all undergraduate, graduate, and professional schools attended. Transcripts from the degree-granting institution(s) must indicate the degree(s) earned and date conferred. All transcripts should be submitted by the school(s) directly to LSAC.

## *TOEFL Score and International Applicants*

Applicants should be aware that competency in English is critical to success in the LL.M. program at the Charleston School of Law, and that demonstrated fluency in English is an important consideration in evaluating applications. International applicants are required to demonstrate proficiency in English by completing the Test of English as a Foreign Language (TOEFL) within two years prior to submitting the application. For information and questions about the TOEFL, please contact Educational Testing Service (ETS). Applicants should arrange to take the TOEFL at the earliest possible date in order to ensure that their application is completed by the deadline. Please request that official scores be sent directly to the Charleston School of Law.

## **Deadlines**

The priority application deadline for all LL.M. applicants can be found on the website, <http://charlestonlaw.edu/prospective-students/admiralty-and-maritime-law/>. All applicants are encouraged to apply as early as possible.

### **Personal Statement**

Personal statements should be uploaded as an attachment with your application to LSAC. The admission committee considers many applicants with strong credentials and makes difficult decisions regarding whom to admit to fill the limited number of seats at the Charleston School of Law. Applicants should provide a candid evaluation of themselves detailing any information that he/she believes will assist the committee in considering their application. Applicants should provide evidence of their abilities and strengths, examples of leadership abilities, maturity, organizational skills and motivation to study law. Applicants may also wish to provide, as an addendum, information regarding any educational and financial obstacles that have been overcome, or disabilities that may have affected academic performance.

### **Letters of Recommendation**

The Charleston School of Law requires the submission of two letters of recommendation. Applicants who have been out of school for some time may provide letters of recommendation from an employer. LL.M applicants should have at least one letter of recommendation from a law faculty member, an attorney or a judge. Recommendations should be uploaded through LSAC's Letter of Recommendation (LOR) service.

### **Personal Interviews**

Formal interviews are not a part of the normal application process; however, applicants are always welcome to visit the school, attend a class and meet with current students and members of the faculty.

### **Student Conduct**

All LL.M. students are bound by the Academic Catalog and Student Handbook, which may be found at <http://charlestonlaw.edu/academics/academic-catalog/>.

### **Accreditation**

The School received full accreditation from the American Bar Association on August 4, 2011.

## **LL.M. PROGRAM REQUIREMENTS**

The Charleston School of Law in Charleston, South Carolina, offers an advanced degree program in Admiralty and Maritime Law. The course of study leading to the award of the LL.M. degree consists of twenty-four (24) credit hours. At least eighteen (18) credit hours must consist of courses from the offerings listed below; Admiralty I and Admiralty II are required courses. The remaining six (6) hours may be chosen from the general curriculum of the Charleston School of Law. This will permit the completion of all degree requirements in one academic year, consisting of two twelve credit hour semesters. Ordinarily this will be a Fall-Spring sequence of courses. No maritime courses are offered during Summer Session.

Completion of course requirements in one academic year is not required, and some students may wish to complete the required 24 hours over a longer period of time. The aim of the program is to provide both variety and depth in the courses offered, covering the field from the general, introductory level to the sub-specialties comprising admiralty and maritime law. Courses will be taught by experienced practitioners, as well as Charleston School of Law faculty. The course offerings will provide each student with the opportunity to advance in any of these various sub-specialties and to tailor their studies beyond the basics to their individual professional interests.

### **Required courses (3 credit hours each):**

- Admiralty I, 710 or 7010  
Coverage includes the unique constitutional and jurisdictional features of admiralty and maritime law, including tort and contract jurisdictional rules, special admiralty substantive rules and procedures, including the creation of maritime liens and actions in rem, coverage of all maritime lien claims, and injury and death actions involving seafarers, non-seafarers, longshoremen and harbor workers. (3 credit hours)
- Admiralty II, 7015  
A survey of select maritime law subjects, including collision, salvage, limitation of liability and products liability in admiralty.

Please note: If a student has successfully completed either, or both, of the above courses of their equivalent in law school, the requirement(s) may be waived, but the credit hour requirement may not be.

### **Additional course requirements:**

In addition to Admiralty I and Admiralty II, students must complete at least 12 credit hours from the offerings listed below:

- International Ocean Carriage, Payment Systems and Documentary Transactions, 781 or 7081  
This course will cover the law and practice governing interstate and international shipment of goods through South Carolina ports, and related documentary payment systems. The course will cover the practice and procedures followed by South Carolina ports in handling and accounting for goods, and securing payment for goods shipped. This includes the law and

practice applicable to bills of lading, receipts and other cargo bills, letters of credit, and the duties and liabilities of international ocean carriers and freight forwarders. (3 credit hours)

- Law of the Sea, 711 or 7011

A survey of the Law of the Sea and national, particularly United States, ocean policies. The Law of the Sea covers a range of highly diverse but related legal disciplines: admiralty and maritime law, international law, international crime (including white collar crime, terrorism, and piracy) on the high seas, environmental law, and commercial trade. Starting with the historical development of the law of the sea, the course will deal with such topics as maritime boundaries, high seas freedoms, terrorism and crime on the high seas, piracy, nationality of vessels, sovereignty over internal waters and ports, territorial seas, management of ocean fisheries, protection of marine species and marine environmental protection, mineral exploitation of the seabed (including, but not limited to, deep sea oil drilling), and, time permitting, shipwrecks and underwater cultural resources. This course will also examine the modern law of the sea as reflected in the United Nations Conference on the Law of the Sea. (3 credit hours)

- Marine Collision and Limitation of Liability, 8003

This course provides in-depth coverage of the substantive law governing liability for marine collisions and allisions, proof and presumption issues involved in litigating liability claims, and damages and their apportionment. Limitation of liability will be covered in depth, including the establishment of a limitation fund and the practice and procedure for its distribution among multiple claimants. (3 credit hours)

- Seminar: Multi-modal Transport of Goods, 9000

This seminar covers the logistical and technological tools employed by Marine Terminals (Ports) specializing in container shipment of goods between United States inland locations and locations in foreign countries, including inbound and outbound shipments, the applicable customs, and other governmental requirements and regulations relating to such shipments, and the liability regime applicable to them. Choice of law and choice of forum by involved parties (seller/shipper-buyer/consignee), and relevant statutory and General Maritime Law rules governing such shipments and the duties and potential liability of all parties involved will be covered in depth. This includes the primary commercial parties (seller and buyer) as well as all involved carriers, including ocean carriers and rail and truck “on-carriers.” The relevant documentation for such multi-party, multinational shipments will be examined in detail, including ocean bills of lading (for both “segmented” and “through” shipments), landside documents such as waybills, and commercial documents relevant to the payment system, including letters of credit, drafts, and bills of exchange. This course is designed to provide a detailed overview of both law and practice in international trade involving container ports. (3 credit hours)

- Marine Insurance, 8004

This course covers contracts for insurance covering vessels involved in maritime activities such as carriage of goods or passengers, or in recreational vessel use (hull insurance), insurance on cargo carried by a vessel (cargo insurance), and liability of maritime parties to others

(Protection and Indemnity Insurance). Coverage and liability issues and governing law are covered in depth. (3 credit hours)

- Seminar on Marine Insurance, 9100

This seminar compliments the Marine Insurance I course and will provide an in-depth examination of all types of marine insurance policies related to maritime activities, the insurance providers and their organization, administration and handling of claims, and the law and practice related to each type of insurance. (3 credit hours)

- Seminar: Personal Injury and Death Litigation, 9200

This is an advanced seminar on discovery, evidentiary issues, and trial in maritime personal injury and death cases. Liability and damages law in cases involving seafarers, non-seafarers, longshoremen and harbor workers will be covered, and preparation for and conduct of trial will include written, documentary and testimonial evidence, including the qualification, preparation and presentation of expert witnesses in liability and damage issues, including economics, occupational and medical evidence. Recurrent issues in both injury and death cases will be stressed, and both the plaintiff's and the defendant's perspective will be covered. The emphasis will be on the preparation for and conduct of trial, both jury and bench. (2 credit hours)

- Specialist Seminar and Supervised Research (9301, 9302, or 9303)

- This seminar may be taken as a 1, 2, or 3 credit hour course, as approved in advance.

This seminar may cover any issue of maritime law and practice which is not specifically addressed in depth in other courses or seminars. After consultation with any professor or instructor in the LLM program, any student may submit a written proposal to the LLM Program Director giving a precise description of the issue or subject proposed, and the advising professor or instructor who has agreed to supervise and review the proposed research. If approved by the Program Director, the student may write a research paper of at least thirty (30) double-spaced, type-written pages (excluding footnotes), under the supervision and sponsorship of the advising professor or instructor. This seminar is designed to permit the student to learn about other inevitable current or topical legal and practical issues in maritime law, which are not addressed in depth in the normal curriculum. The student is encouraged to employ all available human and library resources at the Law School to refine his or her ideas and conduct useful research. The supervising professor or instructor will assign a final grade for the written research paper.

- Salvage and Maritime Cultural Heritage, 8005

The historical development and current law and practice governing the law of salvage and finds, with special reference to United States law and practice. Salvage is an important and internationally common area of maritime law with great commercial importance. This course will cover the various types of salvage (pure, contract, and life), property subject to salvage, the legal requirements to seek legal protection as a salvor, and potential liability of marine salvors. The law and procedure for perfecting a salvage claim will be covered in depth. Current issues involving treasure salvage will also be thoroughly covered, as will international salvage conventions dealing with salvage and historical and environmental protection. (3 credit hours)

- Tug, Tow and Pilot, 8006  
This course covers the practical, legal and liability issues concerning towage (tow-boats, tug boats, push-boats, etc.), and pilotage (with special emphasis on mandatory harbor pilots in United States ports). Also covered are practical and legal issues concerning insurance for these essential maritime services, contracts for such services, and recurrent liability issues. The nature and history of specialized businesses and organizations involved in such vital services will be covered. (2 credit hours)
- Marine Environmental and Pollution Law, 8007  
This course primarily covers United States statutory and regulatory rules and practices affecting marine environmental and pollution issues. Both state and federal judicial and administrative jurisdiction will be covered, as will the primary substantive and procedural rules applicable to both judicial and administrative enforcement of marine environmental law. (2 credit hours)
- U.S. Maritime Policy, 8001  
Congress has been enacting laws that promote and regulate shipping since 1789. This course will trace the evolution of U.S. maritime law, the role of Congress in regulating and promoting this industry, and current maritime policy issues facing the industry and the Congress. (3 credit hours)
- U.S. Maritime Regulation, 8002  
This course will provide an overview of the regulation of U.S. international liner ocean shipping, including a familiarity with the structure and operations of the Federal Maritime Commission and an introduction to a practice before the Commission. The course will review the historical precedent that led to today's statutory and regulatory regime – with specific focus both on how modern maritime regulation operates as well as exploring potential developments which may result in further refinements in the near future. (3 credit hours)
- International Business Transactions, 642 or 7642  
This course addresses U.S. domestic, foreign and international law applicable to private cross-border transactions. These cross-border transactions include the sale of goods, project finance, cross-border distribution and franchising, cross-border technology licensing, formation of foreign branches and subsidiaries, and cross-border joint ventures and acquisitions. (3 credit hours)
- Maritime Liens and Mortgages, 8102 or 8103  
A course examining the theoretical and practical legal issues of maritime liens and mortgages, including legal problems associated with liens on vessels and cargo. The course will focus on the legal framework of maritime liens under the Maritime Lien Act, including the perfection and enforcement of maritime liens and ship mortgages, and the use of the ship mortgage as a financing instrument. (NOTE: Completion of the basic Admiralty course will be required; offered as either a 2 or 3 hour credit course)

- Charter Parties, 8203  
A course examining the legal and practical issues involved in charter parties, including the distinction between the various types of charters (demise, time and voyage), the contractual relationship between charterer, vessel owner, and third parties, and the legal liabilities associated with charter parties. (NOTE: Completion of Basic Admiralty course required; offered as 2 or 3 hour credit course)
- Advanced Marine Insurance, 9102 or 9103  
A course examining the legal and practical aspects of hull, cargo and protection and indemnity (“P&I”) insurance, including an analysis of standard hull and cargo insurance clauses, as well as the rules of the typical P&I policy. (NOTE: Completion of Basic Admiralty course required; offered as either a 3 hour course or a 2 hour seminar)
- Law of Coast Guard Operations, 8008  
The Law of Coast Guard Operations will cover the unique authorities and worldwide jurisdiction of the U.S. Coast Guard. The substantive topics covered in the course will draw on an array of international treaties, domestic statutory authorities, and regulations as well as case law which inform and guide the modern day Coast Guard. Specifically, the course will cover the Coast Guard’s role in addressing, among other things, narcotics enforcement, migrant interdiction, fisheries enforcement, environmental crimes and the responsibilities associated with the protection of ports, waterways, and coastal security and homeland defense. The course will address the Constitutional issues that arise from the Coast Guard’s role as the nation’s premier maritime law enforcement agency. These issues include activities such as arrest, detention, inspections, searches and seizures within the maritime context. Additionally, the course will address issues of civil and criminal liability associated with unlawful conduct in these areas. (3 credit hours)
- International Ship Financing, 7745  
This course will address the issues practitioners routinely confront in international vessel finance transactions from developing optimal transaction structures to coping with the intrinsic differences between maritime law and land based commercial law and the ever present conflicts of law issues inherent to an intrinsically cross-border industry. This class will explore the complex intersection of the provisions of Article 9 of the Uniform Commercial Code and ship mortgage and maritime lien law, as well as examine the ramifications of recent United States Supreme Court decisions that impact maritime financial transactions. (1 credit hour)
- Marine Salvage, 7748  
This two-day course will cover the elements of "pure" and "contract" salvage. The difference between the two has enormous financial implications for plaintiffs, defendants, and insurance carriers. Interpreting salvage rights has a significant impact on the maritime lien analysis, the framework for which will be studied as to various parties' rights. We will also examine the methodology of determining awards for pure salvage cases and study the differences between the various interpretations around the country under the general maritime law. (1 credit hour)

- Exercise of Remedies in Admiralty (Part I) – Mortgage Foreclosure and Marine Attachment, 7746  
This course will focus on the process of vessel arrests and foreclosure sales of vessels and will also cover the use of Rule B of the Supplemental Rules of Civil Procedure as means of enforcing claims of a maritime nature. The core of the course will take students through the mortgage foreclosure process from arrest through the interlocutory sale of vessel and ultimate adjudication of claims. (1 credit hour)
- Exercise of Remedies in Admiralty (Part II) – Maritime Liens and Vessel Arrest , 7747  
This course focuses on the peculiar admiralty law of maritime liens for purposes of in rem proceedings in federal court. Such liens include personal injury, ship mortgages, salvage, and necessaries. Students will be offered a practical look at drafting pleadings for maritime liens that qualify for in rem actions; how a vessel arrest works in federal court; how to navigate and interact with the various parties involved in making such decisions; and how to negotiate and / or litigate the release of a ship under arrest. (1 credit hour)

## Tuition Information

The degree requires twenty-four (24) credit hours, which may be completed in one academic year. Tuition for the 2018-2019 academic year is \$30,000. For information about financial aid, please contact the Office of Financial Aid by telephone at 843.377.1102 or via email at financialaid@CharlestonLaw.edu.

### Cancellation and Refund Policy

1. During the fall and spring semesters, the Charleston School of Law will provide to students who withdraw from the Law School a pro rata refund consistent with regulation 62-18 of the South Carolina Commission on Higher Education, but in no event less than:

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| • <b>Before fall or spring semester begins-</b> | 100% |
| • On calendar days 1-7 of semester              | 80%  |
| • On calendar days 8-14 of semester             | 60%  |
| • On calendar days 15-21 of semester            | 40%  |
| • On calendar days 22-28 of semester            | 20%  |
| • On and after calendar day 29 of semester      | 0%   |

## Gainful Employment Disclosures for the LL.M. Program

Please visit the website for Standard Disclosure Information:

<http://charlestonlaw.edu/about/gainful-employment-disclosures/llm-standard-disclosure/>.