



# LAW TIPS

One of the pleasures of practicing law is helping people resolve legal questions they come face to face with in their lives. Some of these situations are pleasant – such as selling your house for a profit or buying your dream house – while others cause various levels of anxiety – such as when someone owes you money or when you have been charged with a crime. We hope these law tips will entertain as well as enlighten you. **PLEASE REMEMBER** these are only tips and no legal decision should be made without first obtaining advice specific to your particular situation.

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## ***GUEST ABOARD!***

Warm weather has finally pushed its way into the area. The boat has been pulled from under its winter cover and the bottom has been coated with glistening paint for a new season. If you're just about ready to leave the dock, it's time for the appearance of an annual Spring-time migrant, the common fat-bellied, back-slapping guest. They are noted for shoes that leave marks on your deck and promises that they won't drink too much beer. Those who claim they are related to you are harder to avoid than others of this species but, whatever your defensive skills, you will eventually end up with one of these freeloaders on your boat. While you will groan at the thought of being confined in a small space with someone you would avoid at the grocery store, it is doubtful you have truly considered the legal repercussions should one of them roll over the side of fall down the companionway.

350,000 Americans are injured on boats each year, with 40% of these injuries requiring medical treatment beyond first aid, so injuries on the water are not uncommon. And it's a good chance a good percentage of these unfortunate people are guests. What can your guest do after he's had time in the hospital to think about his injuries? One possibility is a lawsuit. Against you. That's why you need to know the rules so that you can avoid potential lawsuit situations.

Your legal duty toward your guests is to use reasonable care while they are on your boat. If you breach this duty, and the breach results in injury, you may be liable to the guest for the damages he or she suffered. This is called negligence. You didn't intend for the injury to happen, but you did something or failed to do something that was the proximate cause of the accident. A good example is failing to take safety precautions before starting the engine so that an explosion occurs. Another is failing to warn of an approaching low bridge. A third is leaving a hatch open so that a guest falls below deck. A fourth is operating the boat so that it strikes another boat or a dock, causing your guest to fall. And so on.

Alcohol plays a role in 30% of the accidents that occur, so simply curbing someone's drinking (including your own) is one way of cutting down on accidents. Not giving your boat to someone who is incompetent or under the influence is another way of avoiding a lawsuit, even when you're not aboard.

Where can they sue you? In state court for sure, but also in admiralty court, which is part of the federal court system. A 'vessel,' which brings accidents under maritime law, can be as small as a jetski. But you never intended on getting an education in the law when you bought your boat so it's far better to prepare before you go to sea and avoid the problem before it occurs. And check out your insurance policy. It may be your best friend once your 'guest' decides you should pay for what happened.

**FROM THE LAW OFFICE OF CASEY R. STEVENS, P.C.  
4300 RIDGEWOOD CENTER DRIVE, SUITE -A  
WOODBIDGE, VA 22192, 703-897-1777, CASEYRSTEVENS@STAFFNET.COM**

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