



***2006 Amendment to Jones Act Venue
Provision Require Jury Trials to be Filed in
the Judicial District in Which the Employer
Resides or Has Its Principal Office***

ENERGY AND
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In October 2006, Congress amended and recodified the Jones Act. Previously venue in Jones Act actions was basically wherever the defendant did business. Under the 2006 amendment, however, a separate venue provision was inserted setting a mandatory venue for Jones Act claims brought “at law,” as opposed to in admiralty. In admiralty there is no right to a jury. As a result, many maritime personal injury attorneys file their Jones Act suits at law requesting a jury. In such case, the Jones Act now sets mandatory venue where the employer resides or has a principal office:

Venue – an action under this section shall be brought in a judicial district in which the employer resides of the employer’s principal business is located.

46 U.S.C. § 30104 (2007).

In *Corley v. Osprey Ship Management, Inc.*, 2007 W.L. 201263 (S.D. Fla. 2007), the U. S. District Court for the Southern District of Florida enforced the new mandatory venue provision. In *Corley*, the defendant was incorporated in Delaware and had its principal office in Maryland. The events giving rise to the claim occurred in Yemen. The defendant sought dismissal alleging venue was improper because it neither resided nor had its principal office within the Southern District of Florida. The court found the new venue provision in the Jones Act to be mandatory. The plaintiff had pled that a “substantial part of the events” that gave rise to the claim occurred within the Southern District of Florida and that the defendants did a substantial amount of business within that district. They also alleged that the plaintiff resided there. The court noted that under the statute, the allegations were insufficient to support mandatory venue in the Southern District of Florida as the plaintiff did not claim defendant resided nor had a principal of business there. The court dismissed the claim noting that the proper venue would be Delaware where the defendant resided, or Maryland where it had its principal office.



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