

U.S. Supreme Court Nixes Punitive Damages for Unseaworthiness

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Resolving a split between the Federal Circuit Courts of Appeals, the U.S. Supreme Court held in the case of *Dutra Group v. Batterton* that sailors injured as a result of unseaworthy conditions on their vessels may not seek punitive damages from vessel owners. The plaintiff in the case, Christopher Batterton, was a deckhand on vessels owned and operated by the Dutra Group. He was injured when his hand was smashed between a bulkhead and a door that blew open because the compartment within had over-pressurized. He sued Dutra for his injuries, claiming, among other things, that the vessel was unseaworthy, and sought punitive damages. Dutra moved the trial court to dismiss the punitive damages claims, arguing that they were not available for unseaworthiness claims as a matter of law. The trial court disagreed, as did the Ninth Circuit Court of Appeals. The decision highlighted a split between the Circuit Courts of Appeal, with the Ninth Circuit in California joining the Eleventh Circuit in Florida to allow punitive damages, while the Fifth Circuit along the Gulf Coast and the First Circuit in New England has held such damages to be unavailable.

In 6-3 decision written by Justice Alito, the Court held that allowing punitive damages for injuries arising from unseaworthiness would disrupt the uniformity of maritime law by allowing a different recovery under the general maritime law of unseaworthiness than would be allowed for the same injuries under the Jones Act—the statute granting seafarers a recovery for injuries caused by employer negligence. Under the Jones Act, damages for injuries and personal injury are strictly compensatory, and the statute does not allow nonpecuniary damages such as loss of society or punitive damages.

The majority acknowledged that punitive damages were a part of the common law and had been allowed in cases where shipowners wrongfully withheld maintenance and cure—medical care and living expenses—for sailors injured in the service of their ship. However, the Court stated that allowing punitive damages for maintenance and cure claims had a long historical basis, while there was no history of such recovery for seafarer personal injuries under the Jones Act or in unseaworthiness cases.

The Court concluded that because the Jones Act and general maritime law claims for injuries due to unseaworthiness are parallel actions for personal injuries to seamen, the rule of recovery should be the same. The Court explained that “we are particularly loathe to impose more expansive liabilities on a claim governed by strict liability than Congress has imposed for comparable claims based on negligence.” Instead, the Court suggested, it would be wiser to “leave to the political branches the development of novel claims and remedies.”

The Court also pointed out the absurdities that could result from recognizing claims for punitive damages for unseaworthiness claims. For one example, since an earlier case, *Miles v. Apex Marine*, had held that recovery for the wrongful death of a seaman is limited to compensatory damages, allowing punitive damages for personal injury due to unseaworthiness would mean a sailor injured due to unseaworthiness would be able to recover punitive damages, but the sailor's estate would not be able to recover punitive damages if the sailor died.

The Court also noted that unseaworthiness claims are against the vessel's owner while Jones Act claims are against the vessel operator. Therefore, a rule allowing punitive damages for unseaworthiness would permit punitive damage claims against a passively-involved shipowner, but not against the actively-involved vessel operator exercising actual control over the vessel and its operations.

In addressing Batterton's arguments that it should allow punitive damages as a matter of policy, if not precedent, the Court noted that allowing punitive damages for unseaworthiness claims would put American shipping companies at a disadvantage to foreign vessel operators, and would discourage foreign-owned vessels from employing American seafarers. In one perhaps eye-raising aside, Justice Alito also rejected the argument that punitive damages are an appropriate remedy based on the court's traditional special regard for the welfare of seaman. Noting that times have changed since the early cases that viewed mariners as "wards of admiralty," he stated that "the special solicitude to sailors has only a small role to play in contemporary maritime law."

Justice Ginsburg, writing in a dissent joined by Justices Breyer and Sotomayor, would have allowed recovery for punitive damages in unseaworthiness cases. She noted that the Court had previously held in *Exxon Shipping Co. v. Baker* that punitive damages are normally available in maritime cases, and stated that the Jones Act does not prohibit punitive damages for unseaworthiness. Pointing out that punitive damages are intended to deter and punish "lawless misconduct," she went on to argue that deterring such misconduct is particularly imperative with regard to sailors, who face unique hazards in the service of their ships.

Regardless, the law is now clearly established that with regard to seafarers, recovery for personal injuries or death will be limited to compensatory damages only. The slip opinion for the case is available [here](#).

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