



**MORNING  
EDITION**  
with Bob Edwards



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## **Profile: Family of boating accident victim appeal case to US Supreme Court**

BOB EDWARDS, host: In 1995, 41-year-old Jeanne Sprietsma of Illinois died after she fell off the bow of a 16-foot speedboat. Her family believes she'd be alive today if the boat manufacturer had installed a safety guard on the propeller. The family sued the boat company in state court. The case was thrown out, then the family appealed. This morning, the US Supreme Court hears the case. NPR's Allison Aubrey reports.

ALLISON AUBREY reporting:

It was a tragic slip on a small Tennessee lake that brings Rex Sprietsma to the nation's high court this morning. His wife had been water-skiing with three friends on what was supposed to be the first day of their summer vacation. Her fall thrust her in the path of the boat's unprotected propeller, cutting off her hand and gashing her spleen.

Several months after her death, Sprietsma started researching the use of propeller guards. He learned the military used them on some of their rescue vessels and that the device was indeed manufactured, although not required, for engines like the one in the boat his wife had been aboard. To him, it just didn't make sense not to have the protection.

Mr. REX SPRIETSMA (Plaintiff): My analogy would be that of a fan. You know, you have a guard over the fan, it really doesn't prevent the fan from operating and you getting air blown at you, but it does prevent children from sticking their fingers in and getting hurt.

AUBREY: When he brought suit against Mercury Marine, the manufacturer of the boats, he figured a state court jury would be left to decide whether his wife's estate was entitled to damages. But instead, the state court dismissed the case, ruling that Mr. Sprietsma's claim that the boat was defective, a claim based on state common law, was pre-empted or overridden by the federal Boat Safety Act. Leslie Brueckner of [Trial Lawyers for Public Justice](#) is Mr. Sprietsma's lawyer.

Ms. LESLIE BRUECKNER (Attorney): Our allegation is that the manufacturer could have made this boat safer by installing some sort of a propeller guard on the motorboat engine.

AUBREY: Brueckner will try to convince the high court justices today that there's no reason why this case shouldn't be heard by a jury. She says the Illinois court was wrong to dismiss the case, because, she argues, the federal boat safety law never prescribed any regulations for propeller guards. She explains the Coast Guard did study the issue, but ultimately decided they lacked sufficient data to require the guards.

Ms. BRUECKNER: So there's never been any kind of federal determination that propeller guards are a bad idea. The Coast Guard has continued to study the issue, and yet boat manufacturers have used the federal government's inaction in this area as an excuse to avoid liability.

AUBREY: Not so, argue lawyers for the Maritime Law Association, who filed a friend-of-the-court

brief on behalf of the boat manufacturer. Maritime attorney Josh Forrest(ph) explains the Coast Guard found evidence that propeller guards sometimes raised the risk of accidents by making boats more difficult to steer. He says that's why the Coast Guard decided not to require them, and explains manufacturers viewed this decision as the national standard. Forrest adds without such a uniform standard, manufacturers would be doomed.

Mr. JOSH FORREST (Attorney): You could have one rule in Illinois and a different rule in Tennessee or Kentucky or Louisiana, and the manufacturers, who are selling these products nationally, don't know to what standard they're going to be held.

AUBREY: The narrow question the court will decide in this case is whether or not the federal pre-emption doctrine, which holds that national laws trump state ones when the two conflict, was rightly applied by the state court. Richard Epstein

of the University of Chicago Law School says, unfortunately for Mr. Sprietsma, it looks to him like a pretty clear-cut case.

Mr. RICHARD EPSTEIN (University of Chicago): It does seem pretty clear that there had been an elaborate federal compromise that had been reached with respect to what kinds of boats are and are not safe, and once that is reached, you can't allow it to be undermined, given the supremacy clause, by state decisions that go to the contrary.

AUBREY: If the Supreme Court agrees with this position and upholds the Illinois decision, Rex Sprietsma will never get his case before a jury. His lawyers say this would be a loss not only for Sprietsma, but for hundreds of other victims of maritime accidents. Allison Aubrey, NPR News, Washington.

EDWARDS: The time is 19 minutes past the hour.