5th Circuit: How to Determine Whether a Contract Is (Or Is Not) Maritime

After 30 years of wrestling with the cumbersome six-part test for determining whether a contract to perform services related to oil and gas exploration on navigable waters is maritime, the 5th Circuit took up a case earlier this year in an effort to streamline the test and bring clarity to an area of the law mired in uncertainty, reports **The Energy Law Blog** of Liskow & Lewis.

Deciding that several of the factors were either redundant or unnecessary, the court carved away at *Davis & Sons* until it was left with a two prong test, write **John Almy** and **William W. Pugh**.

Those two prongs are:

(1) Is the contract to provide services to facilitate drilling or production of oil and gas on navigable waters? and

(2) Does the contract provide or do the parties expect that a vessel will play a substantial role in the completion of the contract?

Read the article.