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"Clear Negligence" in Costa Concordia Accident, Miami Maritime Lawyer Says

Brett Rivkind said there is a significant hurdle before lawsuits can be filed

By Ari Odzer



South Floridians aboard the Costa Concordia told their stories of the tragic experience.

Days later, it's still a surreal image: a modern cruise ship, the Costa Concordia, listing on its side off the coast of Italy.

"And I'm floored, I'm floored that something like that can happen now, in this time," said Arlene Sanchez, who cannot believe that her mother's dream vacation ended in disaster.

Her mother, Connie Barron, was on the ship with her boyfriend, Jay Garcia, when it ran aground Friday night.

"I get a call about 5:30 our time and I'm hearing screaming and all this craziness in the background and she's like 'hey,' and I'm like 'hi Mom, how ya doing?' and she says 'I don't have a lot of time, the boat is sinking, call your sisters, tell them that I'm trying to get on a life raft, and I can see the land from here, I will call you when I get there. And I said what?!" Sanchez recalled.

She said that her mom, like other passengers, described a chaotic, disorganized evacuation effort, with people "fighting for life vests" and jumping off the ship.

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Brett Rivkind, a Miami attorney with nearly 30 years of maritime law experience, expressed shock and dismay "that something like this could happen."

"There's clear negligence here, there's no question about that, so the thoughts are obviously there's going to be a lot of legal claims (coming) out of this incident," he said.

Costa Cruises admits human error was a factor, but Rivkind said there is a significant hurdle to cross before lawsuits can be filed.

"Well, this is Costa Cruise lines and this involves a cruise that originated outside of the United States and didn't touch a United States port, so according to their passenger contract, it would require any lawsuits to be filed in Italy," he said. While that is a hurdle to a lawsuit, it is not an impossible one, he added.

Sanchez said her mother said that they never had a "muster drill" on the Costa Concordia, even though they were aboard four nights. Rivkind said that was especially egregious.

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