

**SUPREME COURT OF THE UNITED
STATES**

No. 91-1950

AMERICAN DREDGING COMPANY, PETITIONER v.
WILLIAM ROBERT MILLER

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF LOUISIANA

[February 23, 1994]

JUSTICE SOUTER, concurring.

I join in the opinion of the Court because I agree that in most cases the characterization of a state rule as substantive or procedural will be a sound surrogate for the conclusion that would follow from a more discursive preemption analysis. The distinction between substance and procedure will, however, sometimes be obscure. As to those close cases, how a given rule is characterized for purposes of determining whether federal maritime law pre-empts state law will turn on whether the state rule unduly interferes with the federal interest in maintaining the free flow of maritime commerce.