

**MINUTES OF THE BOARD OF DIRECTORS MEETING  
OF THE MARITIME LAW ASSOCIATION OF THE UNITED STATES  
Held At The  
Hyatt Regency Hotel, Kauai, Hawaii  
on  
Monday, October 16, 1995**

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The Meeting was called to order by President, Chester D. Hooper at 9:37 a.m. In addition to President Hooper, the following officers were present:

James F. Moseley, First Vice-President  
Howard M. McCormack, Second Vice-President  
William R. Dorsey, III, Secretary  
Marshall P. Keating, Treasurer  
Lizabeth L. Burrell, Membership Secretary  
George W. Healy, III, Immediate Past President

The following Board Members were present:

George F. Chandler, III  
John A. Edginton  
Thomas S. Rue  
George William Birkhead  
George D. Gabel, Jr.  
Neal D. Hobson  
James B. Kemp, Jr.

Patrick J. Bonner  
Brendan P. O'Sullivan  
Donald C. Greenman  
Raymond L. Massey

Also present or joining the meeting in progress by invitation were:

Joseph P. Tabrisky of Jacksonville  
Robert J. Zapf of New York  
Warren J. Marwedel of Chicago  
Ex-President Graydon S. Staring of San Francisco  
David McI. Williams of Baltimore  
John P. Schaffer of Stamford

### **SECRETARY'S REPORT**

Secretary William R. Dorsey, III of Baltimore reported that the Minutes of the Board of Directors Meeting held in Baltimore on August 12, 1995, had been circulated to all of the members of the Board and had been mailed to the membership. Upon motion duly made and seconded, the Minutes of the Board of Directors Meeting of August 12, 1995, were approved and accepted.

Upon motion duly made and seconded, the Secretary's Report was approved and accepted.

### **TREASURER'S REPORT**

Treasurer Marshall P. Keating of New York reported on the cash on hand and investments as of September 30, 1995, which reflected the Association's sound financial position. Treasurer Keating then recommended that membership dues be raised. He pointed out that there had been no raise in membership dues for ten (10) years and that the excess of expenses over dues was about \$60,000 per year. After considerable discussion, and upon motion duly made and seconded, the Board unanimously approved raising the annual dues by the amount of Ten Dollars (\$10.00) for those members in practice for less than five (5) years, and by Fifteen Dollars (\$15.00) for all other dues paying members, effective for the fiscal year commencing May 1, 1996.

Treasurer Keating also reported that the new Directory had been mailed to the membership. He also indicated that we now have subscriptions to CMI publications.

Upon motion duly made and seconded, the Treasurer's Report was approved and accepted.

## **MEMBERSHIP SECRETARY'S REPORT**

Membership Secretary Lizabeth L. Burrell of New York reported that the total number of members of the Association is 3,677. She presented the names of twenty-six (26) applicants for Associate membership, one (1) applicant for Judicial membership, the Honorable Jacques L. Weiner, Jr., United States Circuit Court Judge for the United States Court of Appeals for the Fifth Circuit, and one (1) candidate for Academic membership, Professor Henry J. Bourguignon of the University of Toledo School of Law. The twenty-six (26) Associate applicants, one (1) Judicial applicant, and one (1) Academic applicant were unanimously elected and approved.

Membership Secretary Burrell announced that one of our non-lawyer members, Charles S. Cumming of New York, had been admitted to the bar and had become an Associate member.

Upon motion duly made and seconded, the Membership Secretary's Report was approved and accepted and is appended to the original of these Minutes along with the list of names of the successful candidates for membership.

## **ARRANGEMENT COMMITTEES**

Warren A. Marwedel of Chicago reported on the status of the arrangements for the meeting in Kauai. President Hooper extended his compliments and thanks to Mr. Marwedel and the other members of his Committee for a job well done. Board Member Thomas S. Rue of Mobile reported on arrangements for the Fall 1997 Meeting, which will take place at the Marriott Desert Springs Hotel in Desert Springs, California.

## **MEETING OF COMMITTEE CHAIRS**

Second Vice-President Howard McCormack of New York reported on the meeting of Committee Chairs held on Monday, October 16 at 7:15 a.m. At this meeting the Committee Chairs, or their designees, outlined the plans and projects of their respective Committees. Mr. McCormack also presented to the Board a bound copy of the reports that he had received from the Committee Chairs.

## **LONG RANGE PLANNING COMMITTEE**

First Vice-President James F. Moseley of Jacksonville recommended the establishment of a Long Range Planning Committee to focus and report to the

Board of Directors on concerns and issues facing the Association as directed by the President. Attached to these Minutes is a copy of a letter from Mr. Moseley to the members of the Board outlining particular issues that could be addressed by such a Long Range Planning Committee. With the unanimous concurrence of the Board of Directors, President Hooper indicated that he intended to form such a Committee.

#### **COMMITTEE ON RECREATIONAL BOATING**

Joseph P. Tabrisky of Jacksonville reported for the Recreational Boating Committee. He indicated that a poll by this Committee was currently being conducted on a resolution to be presented to the Association recommending proposed model legislation for licensing of recreational craft, in light of increasingly inconsistent legislation being adopted by various states.

#### **COMMITTEE ON CARRIAGE OF GOODS**

Board member George F. Chandler, III of Houston reported that the meetings to explain the Ad Hoc Study Group's proposed amendments to COGSA were taking place and going well. He anticipated that the proposed amendments would be brought before the Association for a vote at the May 1996 Meeting.

#### **ELECTRONIC BILLS OF LADING**

Board member Chandler also reported that the CMI and UNCITRAL would be undertaking formation of a joint working group to study the possibility of drafting model laws on electronic bills of lading.

#### **COMMITTEE ON ELECTRONIC COMMUNICATION AND COMMERCE**

Board member Chandler further reported that the formation of the Committee on Electronic Communication and Commerce, of which he is the Chair, was under way. He indicated that one of the requirements for membership on this Committee was the maintenance of an e-mail address.

#### **AD HOC SUBCOMMITTEE ON PUNITIVE DAMAGES**

John P. Schaffer of Stamford, Vice Chair of the Committees on Maritime Legislation and Maritime Personnel, reported that in view of recent decisions on punitive damages there was an open question as to whether there was any pur-

pose in further attempting legislative action on that subject. The Ad Hoc Subcommittee on Punitive Damages will continue to monitor developments and report to the Association as necessary.

In this connection, President Hooper indicated that the Board had declined an invitation to file an *amicus* brief in connection with a Petition for Certiorari in the case of *Guevera v. Maritime Overseas Corp.*, a case in which the Fifth Circuit held that punitive damages were not available in connection with a maintenance and cure claim.

#### **COMMITTEE ON NAVIGATION AND COAST GUARD MATTERS**

Board member Patrick J. Bonner of New York, Chair of the Committee on Navigation and Coast Guard Matters, reported that his and President Hooper's efforts to enlist the support of the Coast Guard to obtain amendments to the Coast Guard Authorization Bill with respect to the admissibility of Coast Guard reports had proved fruitful, and that the Coast Guard would be seeking amendments along the lines suggested by the Association.

#### **COMMITTEE ON MARINE FINANCE**

David McI. Williams of Baltimore, Chair of the Committee on Marine Finance, reported on the problems created by an amendment to 46 U.S.C. Section 12102(a) that would render a vessel titled in a state ineligible for documentation by the Coast Guard. He also indicated that there was an effort underway internationally to harmonize the rules concerning cross-border and insolvency proceedings as they apply to vessels and corporations. The Office of the Legal Advisor and the Secretary of State is organizing a study group to formulate input for an UNCITRAL meeting on this subject in October of next year. He has asked the Joint Subcommittee on Vessel Foreclosures and Insolvency to monitor this situation.

#### **COMMITTEE ON PRACTICE AND PROCEDURE**

Robert J. Zapf of New York, Chair of the Committee on Practice and Procedure, reported on the activities of the Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects. He indicated that at the most recent meeting of JIGE the question of whether or not there should be a new arrest convention was put forward. Accordingly, there had been no real progress made in coming up with the terms of a proposed new convention. He indicated that it was not likely that there would be any new arrest convention in the near future.

**BOARD OF DIRECTORS MEETING, SAN FRANCISCO,  
MARCH 1996**

Former President Graydon S. Staring of San Francisco reported on arrangements for a meeting of the Board of Directors to take place in San Francisco on Saturday, March 23, 1996. The Pan Pacific Hotel was selected as the hotel for the Board. The Board Meeting will probably take place at the World Trade Club.

**PRESIDENT'S REPORT**

President Hooper then gave his report. He indicated that he has asked the Chairman of the Committee on Alternative Dispute Resolution to work in conjunction with the SMA in developing proposed rules for mediation and conciliation. He also indicated that he had good meetings with the staff of INS and Congressional Staffers concerning a proposed amendment to H.R. 2202 relating to stowaways.

The President then requested that the Board authorize him to write to the Senate to ask the Senate to give its advice and consent to the President to accede to the Law of the Sea Convention. Upon motion duly made and seconded, that authorization was unanimously granted.

President Hooper then expressed his thanks to Edward LeBreton of New Orleans for speaking at the Houston Marine Seminar. He also expressed appreciation on behalf of the Association to Robert J. Zapf of New York for attending the JIGE meeting in London, substantially on his own funds, and to First Vice-President James F. Moseley, Second Vice-President Howard M. McCormack, Warren M. Faris of New Orleans, and Alfred J. Kuffler of Philadelphia for attending the London Commercial Courts Centenary at their own expense.

There being no further business to come before the Board, the meeting adjourned at approximately 11:44 a.m.

Respectfully Submitted,  
William R. Dorsey, III, Secretary