

**MINUTES OF THE BOARD OF DIRECTORS MEETING
OF THE MARITIME LAW ASSOCIATION OF THE UNITED STATES**

**Held at the
Marriott Long Wharf Hotel, Boston,
on
July 13, 1996**

The meeting was called to order by President James F. Moseley at 9:30 a.m.
In addition to President Moseley, the following officers were present:

Howard M. McCormack, First Vice President
William R. Dorsey, III, Second Vice President
Elizabeth L. Burrell, Secretary
Marshall P. Keating, Treasurer
Raymond P. Hayden, Membership Secretary
Chester D. Hooper, Immediate Past President

The following Board members were present:

George William Birkhead
Patrick J. Bonner
Lawrence J. Bowles
George D. Gabel, Jr.
Donald C. Greenman
Neal D. Hobson
James B. Kemp, Jr.
Raymond L. Massey
Marion E. McDaniel, Jr.
Gordon D. Schreck
Jerome C. Scowcroft
Thomas J. Wagner

At the invitation of President Moseley, Past President Kenneth H. Volk of
Portsmouth, Past President Richard W. Palmer of Philadelphia and Thomas S.
Rue of Mobile were present.

President Moseley welcomed the new board members-Lawrence J. Bowles, Marion E. McDaniel, Jr., Gordon D. Schreck, and Thomas J. Wagner-and thanked Past Presidents Volk and Palmer for their participation and guidance.

President Moseley then presented a certificate of appreciation to Marshall P. Keating for his outstanding contribution to the Association during his eighteen years of service as Treasurer.

TREASURER'S REPORT

After expressing his gratitude for the certificate, Treasurer Marshall P. Keating of New York reported on the cash on hand as of July 8, 1996, which reflected the Association's sound financial condition. Upon motion duly made and seconded, the Treasurer's report was approved and accepted.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary, Raymond P. Hayden of New York, reported that the total membership of the Association as of July 12, 1996 was 3,606 members. He presented seventeen applicants for Associate Lawyer membership. Upon motion duly made and seconded, the candidates for Associate Lawyer memberships were unanimously elected.

Membership Secretary Hayden also reported, with regret, the death of members Daniel B. Douglass of Ft. Lauderdale, Florida and Gustave R. Dubus, III, of Savannah, Georgia.

Membership Secretary Hayden advised that the Directory for 1996-1997 had gone to the printers on June 17, 1996 and should be in the hands of the membership by the fall meeting.

SECOND VICE PRESIDENT'S REPORT

Upon motion duly made and seconded, the minutes of the May 2, 1996 Board of Directors meeting were unanimously approved.

Second Vice President William R. Dorsey of Baltimore spoke about the role of the Second Vice President in coordinating the work of the Association's Committees. During the weeks of the Fall and Spring General Meetings, the Second Vice President holds a meeting of Committee Chairs at which the accomplishments and current projects of each Committee are highlighted. In order to update the section of the Directory describing the Association's purposes, organization and activities, Committee Chairs will be asked to draft a short statement of the achievements of their Committees over the last five years. Committee Chairs will also be asked to draft a very short statement of the functions of their Committee for inclusion in the Directory.

Second Vice President Dorsey also discussed the records of the Association and how they are maintained. In the course of this discussion, Board member Marion E. McDaniel, Jr. of Houston advised that the University of Houston School of Law has Houston Marine Insurance Seminar documents going back for a number of years. Former President Volk advised that the Microform Consortium in Hawaii keeps the documents of the Association in their original form and on microfiche.

PRESIDENT'S REPORT ON COMMITTEE ACTIVITY

President Moseley reported that Immediate Past President Chester D. Hooper continues to be the COGSA Committee Liaison and has frequently traveled to Washington, D.C. to urge Congress to act favorably on the Association's proposed COGSA legislation. Immediate Past President Hooper reported that he was optimistic that COGSA will eventually become law. He reported that the staff at the State Department and Senate seem interested in the proposal and that the Association's favorable reputation within the U.S. Congress as a well known and highly regarded organization will assist in achieving success in this endeavor.

President Moseley reported that all Committee Chairs, Vice Chairs and Subcommittee Chairs have been appointed for 1996 to 1997.

President Moseley praised the contributions of the Committees and efforts of Past President Gordon Paulsen, editor of the MLA report, in making this such a valuable, timely and scholarly publication.

President Moseley urged Board Members to contact the Chairs of the Committees to which they are liaisons, and to assist in communication between the Committees and the Board.

In connection with the appointment of Secretaries for the Committees, President Moseley recalled that twenty years ago, Past President David R. Owen of Baltimore, had considered it helpful, where appropriate, to appoint relatively young members of the Association as Committee Secretaries so younger members could grow into positions of increasing leadership. President Moseley has appointed 12 young lawyers as Committee Secretaries. In connection with some of these appointments, President Moseley consulted with both the Chair of the Young Lawyers Committee, A. Andrew Tsukamoto of New York, as well as with the Chair of the Committee to which the appointment was being made.

President Moseley also presented the proposal of the Young Lawyers Committee that the Young Lawyers Committee be considered an administrative Committee so that its members could also serve on two substantive Committees. Upon motion duly made and seconded, the Board unanimously approved the proposal of the Young Lawyers Committee.

With respect to the Government Liaison, President Moseley reported that the Committee had been changed from a standing committee to a special position, such as that of the Association's parliamentarian. Philip A. Berns, the Association's Government Liaison, will continue to identify appropriate government officials who might be invited to join the Association and thus improve the communication between the Association and various government bodies. Superintendents of the various maritime academies and other government officials have been asked to join and participate in the Association.

AMICUS BRIEFS

President Moseley reported on the strain put on Association resources by the numerous Amicus requests received by the Association. In order to streamline the process, a form has been developed which will be published in the Directory and sent to each person requesting the Association's participation as Amicus. The form is designed to assist in the determination of whether the request complies with the requirements of MLA By-law 702. The form will also require the requestors to indicate the names of all counsel, the timing of the action and

other procedural information in order to assist the President and the First and Second Vice Presidents in evaluating the request and to allow adequate consideration of the issues presented. The requirement of By-law 702..1 that Amicus participation be "sparingly authorized" was reviewed.

LEGISLATIVE UPDATE

President Moseley reported that he has visited Washington, D.C. several times, together with Immediate Past President Hooper and Chairman of the Carriage of Goods Committee, Vincent M. DeOrchis of New York, in order to meet with the staff counsel of the State Department about the Association's proposal to amend COGSA.

The Association's group also met with Karyn Booth, counsel to the National Industrial Transportation League, which represents most U.S. shippers.

President Moseley reported that Second Vice President Dorsey had arranged for a separately bound version of the report on COGSA to be made available for distribution as an MLA document.

President Moseley reported on the OPA issues of concursus and Natural Resource Damage Assessment, issues on which the Association has expressed views to Congress. Amendments to NRDA seem unlikely.

LIMITATION CONVENTION

Board member Donald C. Greenman of Baltimore, Chair of the Limitation Committee, reported on the Protocols to the 1976 Limitation Convention. The Coast Guard is seeking the Association's views on the Protocol. The potential for breaking limitation once the ISM Code comes into force and the U.S. courts' current degree of enforcement of the domestic limitation statute were also discussed.

PRESIDENT'S REPORT

President Moseley reported on his most enjoyable experience as a guest of the British Average Adjustors Association in May 1996. President Moseley also praised the coordination between the Canadian Average Adjustors and Canadian MLA which he observed during their June 1996 meeting.

President Moseley also attended June SEALI meeting and expressed the desirability of closer relations between the two organizations.

President Moseley will be a speaker at the Houston Marine Insurance Seminar in September and at the LSU seminar in October. Though the LSU seminar will conflict with the Fall MLA meeting, the calendar developed by First Vice President Howard M. McCormack of New York should help to avoid similar conflicts in the future.

REPORT OF THE PLANNING AND ARRANGEMENTS COMMITTEE

Thomas S. Rue of Mobile, Chair of the Committee on Planning and Arrangements for the 1997 Fall Meeting, reported on the arrangements for the meeting at Desert Springs, California, which will take place during the week of October 26, 1997. In formulating arrangements for this meeting, an effort has been made to accommodate the need of many members to minimize time out of the office with the wish of other members to make the Association's resort meetings as an occasion for a vacation, the Arrangements Committee had tried to concentrate the business activities and Committee meetings on Wednesday through Friday of the meeting week, with the bulk of the Committee meetings on Wednesday and Thursday.

A significant change from prior resort meetings was proposed. There will be only one morning Seminar at the Palm Desert meeting. Members are heartily encouraged to attend these seminars, not only for the educational value to the attending members, but in recognition of the work and effort put into these presentations by the speakers.

REPORT OF THE SITE SELECTION COMMITTEE

First Vice President McCormack reported that he and Thomas S. Rue are working with Warren J. Marwedel of Chicago, Chair of the Site Selection Committee and Cliffe F. Laborde of New Orleans, Chair of the Committee on Planning and Arrangements for the 199 Fall Meeting, who expect to make a recommendation about the site for the 1999 meeting by the next Board of Directors meeting.

CMI

President Moseley reported that the next meeting of the CMI will take place from Sunday, June 8 through Friday, June 13, 1997 in Antwerp. At this meeting, the CMI will both look at its past achievements and try to determine a course for the future.

The Association will host a CMI colloquium during the Association's Centennial year.

President Moseley reported that Harold K. Watson of Houston attended the Wreck Removal International Subcommittee of the CMI and that a report on this meeting will be forthcoming.

MEMBER SERVICES

President Moseley reported that a new item will appear in the Association's haberdashery. As a result of many requests, a bow tie will now be available with a MLA logo. Samples of this new item have already been distributed to Judge Charles Briant, a speaker at the Association's 1995 fall meeting in Hawaii and to member John E. Moore.

NEWLY CREATED COMMITTEES

President Moseley reported that Past President Graydon Staring, Chair of the Ad Hoc Committee on State Certification Programs, will report at the October meeting about recommendations of that Committee in connection with the

activity of several states on certifying admiralty practitioners. The State Certification Committee and the Association's representative to the American Bar Association, James B. Kemp, Jr. of New Orleans, in order to address this issue in a coordinated matter.

George L. Waddell of San Francisco, Chair of the Strategic Planning Committee, will lead a Committee with a broad-based, geographically and chronologically diverse membership.

Ben L. Reynolds of Houston will head the Professionalism Committee. The effort of this Committee will be to maintain the high standards of professionalism that have historically existed within the maritime field and to build on this history to become leaders to other segments of the Bar. The goal again is to have a diverse membership, including judges that have been involved in professionalism issues as well as in the MLA.

NEW BUSINESS

Board member Lawrence J. Bowles of New York, who also heads the Committee on Proctor Admissions, advised that applicants for proctor status are not coming forward at an acceptable rate. There was a discussion of the efforts of the Young Lawyers Committee to advise Associate Lawyer members of their eligibility for proctor status and to encourage them to apply for this honor. Mr. Bowles will report further on ideas to improve the rate of application at the next Board meeting.

OLD BUSINESS

Treasurer Keating reported on the meetings of the Centennial Committee in New York. Subcommittees had been created to treat several elements of the Centennial meeting. Professor David J. Sharpe of Washington, D.C. advise on academic issues; Frank L. Wiswall, Jr. of Castine will liaise with the CMI. A report is anticipated in October about what is contemplated for the Centennial meeting. Oral histories will be taken during the summer for use in connection with the Centennial.

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Second Vice President Dorsey noted that the CMI will publish a booklet on what they have done in the past 100 years and that this may also be considered in connection with the MLA celebration of its Centennial.

There being no further business to come before the Board the meeting was adjourned at approximately noon.

Respectfully submitted,

Lizabeth L. Burrell,
Secretary
