

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

**Held at the
Association of the Bar of the City of New York, New York, New
York
on
April 30, 1998**

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
Lizabeth L. Burrell, Secretary
Marshall P. Keating, Treasurer
Raymond P. Hayden, Membership Secretary
Chester D. Hooper, Immediate Past President

The following Board members were present:

Denise S. Blocker	Alfred J. Kuffler
Patrick J. Bonner	Raymond L. Massey
Lawrence J. Bowles	Marion E. McDaniel, Jr.
David G. Davies	Gordon D. Schreck
Donald C. Greenman	James T. Shirley

At the invitation of President Moseley, Edward V. Cattell, Jr., of Philadelphia, Chair of the Study Group on the Marine Insurance Act, Theodore S. Cunningham of New York, Chair of the Special Committee on the Centennial, Robert B. Parrish of Jacksonville, Chair of the Committee on Navigation, Coast Guard and Government Regulations, and Professor Michael F. Sturley of Austin were also present at the meeting.

SECRETARY'S REPORT

Secretary Lizabeth L. Burrell of New York reported that the Proceedings of the Fall 1997 meeting had been distributed to the membership, and included the minutes of the July and October 1997 Board meetings as approved and adopted by the Board.

The Secretary also reported that arrangements have been made with the Association of the Bar of the City of New York for the Association's general meetings on November 6, 1998 and May 7, 1999, and for the Board meetings in New York.

Upon motion duly made and seconded, the minutes of the March 6, 1998 meeting of the Board of Directors and the Secretary's report were unanimously approved and accepted. The minutes of the March 6, 1998 Board meeting will be published in the Proceedings of the Spring 1998 General Meeting.

TREASURER'S REPORT

Treasurer Marshall P. Keating of New York reported on the cash on hand and investments as of April 28, 1998 and the results of the Palm Desert meeting, all of which reflected the Association's sound financial condition. The Treasurer also presented audited financial reports for the fiscal years ending April 30, 1996 and April 30, 1997.

Treasurer Keating also reported on the change in our data processing facilities in Buffalo.

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

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary Raymond P. Hayden of New York presented twenty-one applicants for Associate Lawyer membership. Upon motion duly made and seconded, the candidates for Associate Lawyer membership were unanimously elected.

The Membership Secretary reported that five applicants had been recommended for Non-Lawyer membership. Those recommendations are:

Thomas M. Connelly
Claire L. Dallen
Thomas Langan
Naresh M. Maniar
Gary S. Mauseth

Upon motion duly made and seconded, the five Non-Lawyer applicants were unanimously elected to Non-Lawyer membership.

Upon motion duly made and seconded, Steven R. Swanson was proposed and approved as a new Academic member.

Membership Secretary Hayden reported that the Proctor Admissions Committee had recommended that thirteen Associate Lawyer members be advanced to Proctor status. They are:

F. Joseph Bersch	Peter A. McLaughlan
Steven W. Block	Steven E. Mulder
Andrew J. Garger	Dennis M. O'Bryan
G. Beauregard Gelpi	Albert E. Peacock, III
Robert B. Kemp	Edward James Powers
Hyun Kim	Steven P. Vangel
Timothy R. Lord	

Upon motion duly made and seconded, the recommendations of the Proctor Admissions Committee were approved and the thirteen Associate Lawyer members were granted Proctor status.

Membership Secretary Hayden also reported, with regret, the death of the following members:

Thomas A. Brown of Houston
Eli Ellis of New York
Past Membership Secretary Richard E. Repetto of New York
Donald M. Waesche of New York
Past Executive Committee Member Harry L. Haehl

As of April 29, 1998, the total membership of the Association was 3,534 members. As of April 30, 1998, after the changes in membership approved by the Board at its meeting, the total membership was 3,585.

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

The list of all the successful candidates for membership and Mr. Hayden's written report are appended to the original of these minutes.

COMMITTEE AND STUDY GROUP REPORTS

Navigation, Coast Guard and Government Regulations

Robert B. Parrish of Jacksonville, Chair of the Committee on Navigation, Coast Guard and Government Regulations, reported that he had been advised of a Notice of Proposed Rule Making dated April 6, 1998 involving possible changes to the Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard affecting revocation and suspension of merchant mariners' licenses. Mr. Parrish consulted John P. Schaffer of Wilton, Chair of the Committee on Maritime Personnel, and the two Committees will form a joint study group to address the issue and coordinate comments.

Board member Alfred J. Kuffler of Philadelphia reported that he had learned of a Coast Guard Commandant's instruction regarding the role of the Coast Guard in enforcing criminal environmental statutes, including evidence-gathering procedures and criteria for initiation of criminal prosecutions, on which there will be hearings in Washington D.C. on May 14, 1998. First Vice President McCormack will obtain as much information as possible beforehand and send an Association observer to the hearing.

Practice and Procedure

At the March 6, 1998 Board meeting, President Moseley had reported that the Committee on Practice and Procedure unanimously approved a new set of local model admiralty rules, and distributed these Model Rules to the Board for review and comment. The Board's comments were provided to the Committee, and some were incorporated in a revised draft.

Study Group on Marine Insurance

Edward V. Cattell, Jr., of Philadelphia, Chair of the Study Group on the Marine Insurance Act, and Professor Michael F. Sturley of Austin reported that the American Law Institute may be interested in producing a Restatement of Marine Insurance. The timetable for such projects is usually five to ten years.

Mr. Cattell noted that the Study Group had come to have concerns about the feasibility of legislation to overcome the current problems in marine insurance law, many of which resulted from the Wilburn Boat decision. Apart from the difficulty of getting any such legislation passed, there would be a strong possibility that various groups would be successful in

modifying any legislation proposed by the Association and that disparate state laws might continue to be applied.

Professor Sturley had proposed a Restatement as a possible solution to these problems, especially because in some states, Restatements are positive law and in others, Restatements sections are adopted as positive law. Recently, the ALI has expressed interest in such a project to be jointly sponsored by the Association, with the Association providing its expertise in the drafting efforts.

Mr. Cattell and Professor Sturley suggested a restructuring of the Study Group to reflect a revised mission and to reflect the process employed by the ALI, in other words, having reporters to do the initial drafting and advisors to comment on the reporters' work. Mr. Cattell suggested that Association members with expertise in a variety of areas be appointed to the Study Group to assist with the drafting process, and that the resulting draft would then be reviewed by other Association Committees. Mr. Cattell will provide a preliminary plan to the Board for their August meeting and an outline of the proposed work plan and timetable by the Fall meeting, at which time it will be reviewed in full by the Board. In the meantime, the President will make appointments to the Study Group's membership.

Study Group on Strategic Planning

At the March 6, 1998 Board meeting, the report of the Study Group on Strategic Planning, which had been chaired by George L. Waddell of San Francisco, was distributed to the Board for review and comment. Before the April 30, 1998 Board meeting, President Moseley gathered the comments of the Board and summarized them for review. The Board discussed certain aspects of the Study Group's report, which will be a continuing agenda item and reflective tool for the Board over the coming years.

Special Committee on the Centennial

Theodore S. Cunningham of New York, Chair of the Special Committee on the Centennial, reported on the plans for our May 1999 meeting.

On the afternoon of Tuesday, May 4, 1999, there will be a maritime exhibition at the new Federal Courthouse in Manhattan sponsored by the United States Court of Appeals for the Second Circuit, the Federal Bar Council, the Ocean Liner Museum and the Association. There will be no charge for attendance at this function. On Wednesday, May 5, 1999, the Association will hold a black tie buffet at the Museum of Modern Art at which docents will be available to show members around the museum. This will be the main dinner function of the week. On Thursday, May 6, 1999, there will be a cocktail reception at the Boathouse in Central Park. On Friday, May 7,

1999, there will be another cocktail reception, possibly at the mayor's residence, Gracie Mansion.

Having accomplished most of the social planning for the week, the Committee will now turn its attention to the professional activities, and will try to coordinate with related associations, such as Average Adjusters.

PROPOSED LEGISLATION ON CARRIAGE OF GOODS

Immediate Past President Hooper reported on the progress of the Association's proposed COGSA legislation. As reported earlier, the only industry group with continuing apprehensions about the effect of the proposed legislation is American Waterways Operators, who favor retention of the error in navigation defense. President Hooper advised that Senator Kay Hutchinson, Republican from Texas, has agreed to sponsor the bill and has expressed the view that those directly affected by the legislation appear to be in favor of its passage.

President Moseley reported that on April 5, 1998, all necessary materials were filed with the House of Representatives as well.

President Moseley thanked Professor Sturley for his exceptional help with this project.

INTERNATIONAL ACTIVITIES

International Maritime Organization

President Moseley reported on the continuing assistance being provided by the Association to the U.S. delegation to the IMO, and the effective communication among the Association, the Coast Guard and NOAA, particularly through USCG Rear Admiral Paul M. Blayney, Chief Counsel, USCG Captain Malcolm J. Williams, Jr., Chief of the Office of Maritime and International Law, and Lieutenant Commander Bruce P. Dalcher.

President Moseley advised that at the most recent IMO meeting, compensation and liability for bunkers and the Athens Convention were topics of discussion, as well as whether cruise ships must offer passengers some form of medical insurance.

Comité Maritime International

President Moseley reported that Charles B. Anderson of New York, Chair of the Committee on the CMI, and Membership Secretary Raymond P. Hayden of New York have been proposed as new titular members of the CMI. President Moseley also reported that he had proposed an amendment to the CMI By Laws that would provide that when a titular member reaches

the age of seventy, he would be exempted from inclusion in the number of titular members allocated to his national maritime law association.

President Moseley also reported that Robert J. Zapf, Chair of the Committee on Practice and Procedure, has continued to work on the Joint Intergovernmental Group of Experts ("JIGE") and that the CMI has circulated a position paper on JIGE's draft of a proposed new Arrest Convention. There will be a meeting in Zurich in about a year on the proposed Arrest Convention. The CMI will be a representative to this Convention.

PRESIDENT'S REPORT

President Moseley thanked the Board members whose terms were expiring for their valuable contributions to the Association. President Moseley noted that at the general meeting, retiring Committee Chairs would also receive certificates in recognition and appreciation of their service to the Association.

Upon motion duly made and seconded, President Moseley also presented and the Board unanimously passed resolutions honoring American Maritime Cases and the Canadian Maritime Law Association.

Upon motion duly made and seconded, President Moseley also presented and the Board unanimously passed a resolution authorizing the Association's Treasurer to make such arrangements as were necessary to continue to manage the Association's bank accounts and to substitute the names of new officers as signatories on Association accounts.

MEMORIAL RESOLUTIONS HONORING OFFICERS AND BOARD AND EXECUTIVE COMMITTEE MEMBERS

Over the years, the Board has passed Resolutions honoring deceased members who have made exceptional contributions to the Association and expressing the Association's sympathy to their families. The members honored by these Resolutions and the dates of the Resolutions, are as follows:

John T. Biezup, November 3, 1994
Leslie J. Buglass, August 12, 1995
J. Bond Smith, August 12, 1995
Richard B. Barnett, March 23, 1996
Randall C. Coleman, March 23, 1996
Robert G. McCreary, November 18, 1996
John Chamberlain Moore, October 31, 1997
Brendan P. O'Sullivan, October 31, 1997

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Francis P. O'Brien, October 31, 1997

Richard E. Repetto, March 6, 1998

Copies of these resolutions are appended to the original of these Minutes, the original resolutions have been given to the families of these late members.

There being no further business to come before the Board the meeting was adjourned at 12:00 p.m.

Respectfully submitted,
/s/ Lizabeth L. Burrell
Secretary