

[12119]

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

Held at the  
Held by telephonic conference call and at the offices of  
Hill Rivkins Loesberg O'Brien Mulroy & Hayden, New York,  
on  
August 25, 1999

The meeting was called to order by President Howard M. McCormack at noon. In addition to President McCormack, the following officers were present:

William R. Dorsey, III, First Vice President  
Raymond F. Hayden, Second Vice President  
Lizabeth L. Burrell, Secretary  
Patrick J. Bonner, Treasurer  
Winston Edward Rice, Membership Secretary  
James F. Moseley, Immediate Past President

The following Board members were present in person or telephonically:

James W. Bartlett, III	Bruce A. King
Geoffrey F. Birkhead	George J. Koelzer
David G. Davies	Robert B. Parrish
Vincent M. De Orchis	James T. Shirley
John B. Gooch	

**SECRETARY'S REPORT**

Secretary Lizabeth L. Burrell of New York reported on the special Centennial Proceedings and the Centennial General Meeting.

Upon motion duly made and seconded, the minutes of the May 6, 1999 meeting of the Board of Directors and the Secretary's report were unanimously approved and accepted. The minutes of the March and May 1999 Board meetings will be published in the business portion of the Proceedings of the Spring 1999 Centennial General Meeting.

### **TREASURER'S REPORT**

Treasurer Patrick J. Bonner of New York presented the Treasurer's Report for the three months ending on April 30, 1999 and reported on the cash on hand and investments as of July 31, 1999, both of which reflect a further reduction in the Association's assets. This reduction resulted in part from certain extraordinary expenditures and in part from the Association's increased participation in the international arena.

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

### **MEMBERSHIP SECRETARY'S REPORT**

Membership Secretary Rice presented sixteen applicants for Associate Lawyer membership. Upon motion duly made and seconded, the candidates for Associate Lawyer membership were unanimously elected.

Membership Secretary Rice presented a proposal that Douglas P. Larsen, Counsel to the Military Sealift Command, be named an ex-officio member, and that the Honorable Carolyn Dineen King, United States Circuit Court Judge for the United States Court of Appeals for the Fifth Circuit, be named a judicial member. Upon motion duly made and seconded, these candidates were unanimously elected.

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

Walter E. Maloney of Convent Station  
Harry A. Gavalas of New York

As of August 24, 1999, the Association had 3,574 members. As of August 25, 1999, after the changes approved by the Board at its meeting, the total membership was 3,590.

The Membership Secretary also reported on the status of the website, which is expected to be up and running by Labor Day.

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. Rice's written report are appended to the original of these minutes.



## **PRESIDENT'S REPORT**

President McCormack reported on his attendance as the Association's representative at meetings of the Association of Average Adjusters of the United Kingdom, the Canadian Association of Average Adjusters and the Southeast Admiralty Law Institute (SEALI). President McCormack will also represent the Association at the Houston Marine Insurance Seminar in September 1999, at which he will present a paper discussing the Fourth Circuit's recent decision on the TITANIC, entitled *The TITANIC Venture: Who Owns the Ocean Deep?*

## **COMMITTEE AND STUDY GROUP REPORTS**

### **Study Group on ALI Restatement of Marine Insurance**

President McCormack reported that the American Law Institute was not prepared to undertake at this time a project to draft a Restatement of Marine Insurance. President McCormack will seek the views of this Study Group to determine its further activities.

### **Environmental Crimes Subcommittee**

President McCormack reported that Board member and Subcommittee Chair Alfred J. Kuffler was gathering information about the Coast Guard's all-district instructions on dealing with possible environmental crimes. Mr. Kuffler is also looking into the possibility of a meeting with the Environmental Crimes Subsection of the Department of Justice to discuss the Association's views on this subject.

### **Special Committee on Site Selection for the 2001 Fall Meeting**

President McCormack reported that after the Board's approval of San Diego as the site for the Association's next resort meeting, Committee Chair M. Hamilton Whitman, Jr., of Baltimore had made arrangements with the Del Coronado Hotel for the Association to hold its 2001 meeting there on October 13 through 21 of that year.

## **INTERNATIONAL ACTIVITIES**

### **Comité Maritime International**

President McCormack reported that the Association continues to devote considerable effort to answering CMI questionnaires on a variety



of subjects. The Association's responses have been drafted by Board member Jean E. Knudsen, Chair of the Committee on Marine Insurance and General Average (marine insurance), members Howard L. Myerson and Jonathan S. Spencer (general average), and Michael Marks Cohen, Chair of the Committee on Comité Maritime International, and Vincent M. DeOrchis, Chair of the Committee on Carriage of Goods (transportation of goods). The CMI Executive Council will meet in London to discuss the issues raised in the questionnaires.

The CMI will hold a plenary session in Singapore in February 2001, and the Association's CMI Committee is addressing topics likely to be taken up at this meeting.

### **International Maritime Organization**

First Vice President William R. Dorsey, III, reported that there will be a meeting of the IMO Legal Committee in London during October 1999, which Immediate Past President James F. Moseley will attend as advisor to the U.S. delegation. The main topic of discussion will probably be the protocol to the 1974 Athens Convention on Passenger Claims, in particular, the issues of whether there will be a right of direct action against a cruise line's insurers, raising the limits of liability and whether legal responsibility will continue to be based on a negligence standard or on strict liability. Questions about the jurisdiction and venue provisions of the proposed protocol posed to the Association by the Coast Guard have been addressed by Edward F. LeBreton, III, of New Orleans, and Ann G. Miller, of San Francisco, Chair of the Committee on Cruise Lines and Passenger Ships.

### **UNESCO Convention on Underwater Cultural Heritage**

First Vice President Dorsey reported on discussions with our government representatives in the Department of Justice, NOAA, the State Department and others agencies about the issues raised by this proposed Convention. There will be a further meeting of national delegations in April 2000.

### **PROPOSED LEGISLATION ON CARRIAGE OF GOODS**

Board member Vincent M. De Orchis of New York, Chair of the Committee on Carriage of Goods, reported on activities undertaken to garner industry-wide support for the proposed legislation in order to promote



congressional action. For example, Mr. De Orchis has had discussions with representatives of the NIT League, Propeller Club, FIATA, the Transportation Intermediaries Association and AWO to urge them to push for the introduction of the Association's proposal before the end of the year.

Mr. De Orchis also reported on the differences between the Association's original proposal and the current draft legislation, most of which resulted from rephrasing by Lloyd G. Ator, the Senate legislative drafter who was assigned to make the language of the Association's proposal conform to the structure and wording now favored by the Senate.

Upon motion duly made and seconded, the Board directed the Steering Committee of the Committee on Carriage of Goods to report to the Board on changes to the Association's original proposal that have been developed since the proposal's adoption by the Association in May 1996, and authorized the Steering Committee to continue its activities to promote passage of such legislation in the meantime.

#### **AMICUS REQUESTS**

President McCormack advised that after the Board's approval of the request that the Association participate as *amicus curiae* in support of the petition for *certiorari* in *INTERTANKO v. United States*, No. 97-35010, James P. Cooney, Chair of the Association's Committee on Uniformity of U.S. Maritime Law, had drafted and filed an excellent brief.

The Supreme Court subsequently granted *certiorari*, and upon a vote taken by poll, the Board approved filing an *amicus* brief on the merits.

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There being no further business to come before the Board, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,

/s/ Lizabeth L. Burrell  
Secretary