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

Held by telephonic conference call and at the offices of  
Hill Rivkins & Hayden, New York,  
on  
March 3, 2000

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

Raymond P. 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	Jean E. Knudsen
Denise S. Blocker	George J. Koelzer
David G. Davies	Alfred J. Kuffler
Vincent M. DeOrchis	Robert B. Parrish
John B. Gooch, Jr.	James T. Shirley

**SECRETARY'S REPORT**

Secretary Lizabeth L. Burrell of New York reported on the publication and distribution of two volumes of Proceedings for the Spring 1999 Centennial meeting and the Proceedings for the 1999 Fall Meeting in Orlando. The announcements and materials for the May 2000 General Meeting, including the committee meeting schedule and CLE program, will be mailed to the membership shortly, and all arrangements have been made for the upcoming meeting.

Upon motion duly made and seconded, the minutes of the October 11 and 15, 1999 meetings of the Board of Directors and the Secretary's report were unanimously approved and accepted. The minutes of the August and October 1999 Board meetings were published in the Proceedings of the Fall 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 October 31, 1999, and reported on the cash on hand and investments as of October 31, 1999, both of which reflected extraordinary expenditures during 1999 for the Centennial celebrations, the development and implementation of a website, correction of a Y2K problem with our database, and travel expenses incurred in connection with our participation as advisors on international conventions and in connection with the Association's COGSA proposal.

In an effort to reduce costs, Mr. Bonner noted that members who are in arrears on their dues payments will be dropped from the membership.

Treasurer Bonner reported that since the period covered by his report, we have received dues payments. Nonetheless, we must continue to exercise a policy of fiscal caution in view of other Association projects and activities that will require expenditures over the next two years, including the upcoming CMI meeting in Singapore.

Treasurer Bonner noted that the Association has consistently lost money on the Fall dinner dances in New York and urged members to support this event with their attendance. President McCormack will seek members' views on how to increase participation in the Fall dinners.

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

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## **MEMBERSHIP SECRETARY'S REPORT**

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

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

Tallman Bissell  
Harry A. Gavalas of New York

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Charles S. Gleason of Melbourne Beach  
Charles G. Herbermann, Jr. of Raleigh  
Frank J. Marston of Tallahassee  
Donald F. Mooney of New York  
James F. Spahn of Holiday  
Max Taylor of Cos Cob

After the Orlando meeting in October 1999, the Association had 3,531 members. As of March 3, 2000, after the changes approved by the Board at its meeting, the total membership was 3,547.

The Membership Secretary also reported on the status of the website and invited the Board to recommend links and other improvements to the existing elements of the site, which currently includes a listing of the Committees, the Articles of Association, the "Purposes, Organization and Activities" that currently appears in the directory, the By-Laws, a calendar of events of interest to maritime practitioners, and database access, which can be searched geographically or alphabetically.

A hard copy paper directory will be published in early summer.

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 that positions on the Comité Maritime International's Executive Council will be filled at a meeting in London in May 2000.

President McCormack will attend as the Association's representative at the April 27, 2000 meeting of the Executive Committee of the Canadian Maritime Law Association and at a meeting of the Federal Judges of Canada on April 28, 2000.

President McCormack reported that the officers are considering the impact of the Orlando meeting on our planning for future resort meetings, including guaranteeing a lower number of attendees in our contracts with hotels. Many favorable reports have been received about the

Orlando meeting, indicating that a meeting with fewer attendees can still be very successful. Consideration is also being given to changing the resort number from odd to even years.

President McCormack also reported that a President's Newsletter will be published in March to bring the members up to date with current Association activities.

## **COMMITTEE AND STUDY GROUP REPORTS**

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

On motion duly made and seconded, the Board approved the mission statement conveyed by the Study Group's Chair, Edward V. Cattell, Jr., of Philadelphia, in his February 23, 2000 letter.

### **Environmental Crimes Subcommittee**

Subcommittee Chair Alfred J. Kuffler reviewed with the Board the history of the Association's involvement in the meeting of the Subcommittees on Coast Guard and Maritime Transportation of the U.S. House of Representatives' Committee on Transportation and Infrastructure concerning Coast Guard Policies and Procedures for the Criminal Enforcement of Environmental Laws. In President McCormack's letter to the House Subcommittees, he suggested how some of the problems concerning the dual role of the Coast Guard in spill incidents might be dealt with, including, for example, the extension of a qualified privilege for vessel personnel communicating with the Coast Guard during containment and clean-up efforts. More recently, Mr. Kuffler has attempted to open up a dialogue with the Environmental Crimes Unit at the Department of Justice and other government agencies in order to explore these issues.

In order to make these discussions and any further action by the Association more fruitful, Mr. Kuffler asked that members who know of criminal prosecutions arising from marine spills to write to him so that the Association can accumulate data to illustrate the very real risk of chilling cooperation during the aftermath of a spill, thus perhaps magnifying its effects.

## **INTERNATIONAL ACTIVITIES**

### **Comité Maritime International**

President McCormack forwarded to the Board a report by Frank L. Wiswall, Jr., of Castine, Vice President of the CMI, on the CMI Executive

Council meeting of November 1999, as well the formulation of the agenda for the CMI plenary session that will take place in Singapore on February 12 through 17, 2001. One of the topics will be the consideration of the results of the new CMI questionnaire on general average, which is being answered by Jean E. Knudsen of New York, Chair of the Association's Committee on Marine Insurance and General Average.

President McCormack reported on plans being undertaken for the CMI plenary by Michael Marks Cohen of New York, Chair of the Association's Committee on the CMI. Association members planning to attend that meeting will be given preparatory work, and the Committee will have meetings outside those which coincide with Association meetings in order to lay the groundwork for a well-organized delegation to the Singapore meeting. The issues likely to be treated at that meeting, which include transport law, piracy, marine insurance, general average and repatriation of abandoned seafarers, as well as certain proposed conventions.

Mr. DeOrchis reported on the January 2000 meeting of the CMI International Study Group on Issues of Transport Law, which he attended together with the Association's other delegates, Past President Chester D. Hooper, and George F. Chandler, III, former Committee Chair. Professor Michael Sturley is the group's Rapporteur. The purpose of the meeting was to consider methods of bringing about greater uniformity in international transport by harmonizing and filling gaps in existing international regimes for transport. While the group was unable to reach a consensus about the scope of needed work, they did agree that multimodal transport was an appropriate subject for the group's attention.

#### **UNCITRAL**

President McCormack reported on the meeting of the UNCITRAL working group on arbitration, which will meet in Vienna in March 2000 to examine the 1958 New York Convention on Recognition and Enforcement of Arbitral Awards. The Association will send a delegate to the working group.

In July 2000, UNCITRAL will be having a two-week meeting, setting aside a day for a colloquium on issues of transport law for the CMI which Mr. DeOrchis and Mr. Cohen will attend in order provide a commercial viewpoint.

#### **International Maritime Organization**

President McCormack reported that the IMO Legal Committee will

meet at the end of March 2000 in London. First Vice President William R. Dorsey will attend both Legal Committee meeting and the U.S. Coast Guard's Shipping Coordinating Committee in mid-March at which issues to be raised at the London meeting will be discussed. The likely focus of the London meeting will be the proposed Convention on Bunker Pollution, the draft Protocol to the 1974 Athens Convention on Passenger Claims and the proposed Convention on Wreck Removal.

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

President McCormack reported that the UNESCO meeting is scheduled to take place in Paris in July 2000. The Association may be able to send an advisor to the U.S. delegation from the State Department.

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

Vincent M. DeOrchis, Chair of the Committee on Carriage of Goods, reported that in late February, he and Past President Chester D. Hooper met with representatives of industry groups interested in the Association's COGSA proposal, as well as Senator Hutchinson's full staff. This meeting was viewed as a very positive step because it is the first called by the Senate staff. Carl Benzel, a democratic staff member of the Senate Committee on Transportation, has been helpful, particularly since he has a background in maritime law, and is seeking a cosponsor for the bill. Some consideration is being given to introducing the bill in both the House and the Senate simultaneously.

Mr. DeOrchis also met with Professor Tetley, who has been very critical of the Association's proposal. After discussion, Professor Tetley indicated that the modifications to the original proposal had made it more acceptable. Mr. DeOrchis will also attend the CMLA Executive Committee meeting in April to discuss the proposal.

President McCormack praised Mr. DeOrchis' article in *Fairplay* explaining the proposal. President McCormack sent copies of the article to the presidents of the CMI's constituent maritime law associations, and many have commented that it gave them a very helpful insight into the workings and effects of our proposal. President McCormack also praised Mr. DeOrchis' extraordinary efforts in connection with the COGSA proposal.

Immediate Past President James F. Moseley suggested that articles and other materials explaining the proposal be collected and made available to those interested in the subject.

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**AMICUS BRIEFS**

President McCormack reported on the December 7, 1999 argument in the Supreme Court in of *INTERTANKO v. Locke*, in which the Association had submitted in an *amicus* brief.

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There being no further business to come before the Board, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

/s/ Lizabeth L. Burrell  
Secretary

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