

[13644]

**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
on
May 2, 2003
9:30 a.m.

The meeting was called to order by President Raymond P. Hayden at 9:30 a.m. In addition to President Hayden, the following officers were also present:

Thomas S. Rue, First Vice President
Lizabeth L. Burrell, Second Vice President
Warren J. Marwedel, Secretary
Patrick Bonner, Treasurer
Philip A. Berns, Membership Secretary
William R. Dorsey, III, Immediate Past President

The following Board members were present:

Robert G. Clyne	Mary Elisa Reeves
James Patrick Cooney	James F. Whitehead, III
Robert S. Glenn, Jr.	Robert J. Zapf
Glenn G. Goodier*	JoAnne Zawitoski
Richard M. Leslie	
Armand J. Parè	*Attended by telephone
Alan Van Praag	

At the invitation of President Hayden, Past President James F. Mosley, of Jacksonville; Past President Chester D. Hooper, of New York; Past President Howard M. McCormack, of New York and Robert B. Parrish, of Jacksonville, were also present at the meeting.

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the March 18, 2003, meeting of the Board of Directors and the Secretary's Report were unanimously approved and accepted. The minutes of this meeting and the March 18, 2003, meeting will be published in the Spring 2003 issue of the PROCEEDINGS.

TREASURER'S REPORT

Treasurer Patrick J. Bonner, of New York, presented the Treasurer's Report for the quarter ending January 28, 2003. He reported on the cash on hand and indicated that dues collections were running about 82%, up slightly from last year. The \$10.00 dues increase reflected an increase of \$15,000.00 in dues billing this year. It is anticipated that a balance of about \$16,000.00 will be in the bank at the end of the year.

Upon motion duly made and seconded, the Treasurer's Report was unanimously approved and accepted. A copy of the Treasurer's formal written report will be appended to the original of these minutes.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary Philip A. Berns, of San Francisco, presented eight (8) applicants for proctor membership, twenty-two (22) applicants for associate lawyer membership, three (3) applicants for non-lawyer membership, and one (1) application for re-instatement.

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

James M. Leonard of Huntington, N.Y. (member since 1956)
Edward J. Heine, Jr. of New York, N.Y. (member since 1954)
Richard H. Sommer of Montville, N.J. (member since 1955)
James W. Crabtree of Charlotte, N.C. (member since 1974)
Robert J. Williams of Garden City, N.Y. (member since 1983)
Stephen D. Johnson, Jr. of Metairie, LA (member since 1983)

Mr. Berns reported that the Association had a total membership of 3,149. Of that number, 1,527 are Proctor Members.

Mr. Berns also indicated that the submission date for changes to the membership directory was April 11, 2003, and that changes for officers, directors, chairs and vice-chairs will be May 16, 2003.

Upon motion duly made and seconded, the Membership Secretary's Report was unanimously approved and accepted, including the list of all successful candidates for membership. A copy of Mr. Berns written report will be appended to the original of these minutes.

INTERNATIONAL ACTIVITIES

COGSA/UNCITRAL Working Group

President Chester D. Hooper, of New York, reported that the MLA Working Group attended the CMI International Subcommittee Meeting in London in February of this year. The UNCITRAL Working Group met at the UN on March 24 through April 4, 2003, to discuss issues of transport law. The text of the draft instrument, dated January 8, 2002, is on the UNCITRAL website at www.uncitral.org. It appears that the European members are agreeable to the door-to-door concept, with certain provisos, and that the Europeans are also more inclined to reach accommodation with American views in an attempt to persuade the Americans to adopt any resulting convention. There will be another meeting in Vienna in October of this year.

As an alternative to the door-to-door carriage under a single carriage document, the draft instrument authorizes parties to agree that it will apply only to the port-to-port part of the carriage with the ocean carrier acting as a freight forwarder for inland carriage. More information may be obtained from the MLA and UNCITRAL websites.

Comité Maritime International (CMI) Colloquium

President Raymond P. Hayden reported that the CMI Colloquium (seminar) will be held in Bordeaux, France from June 11 through the 13. In attendance will be President Hayden, Past President Howard M. McCormack., First Vice-President Thomas S. Rue, Second Vice-President Elizabeth L. Burrell and George Chandler of the Committee on Electronic Communication and Commerce.

The subject matter to be discussed will include questions on electronic trade, transport documents, general average, issues of transport law and other areas of international law including place of refuge and marine insurance. Information concerning the CMI Colloquium may be obtained from the CMI website at www.comitemaritime.org.

There will be a formal CMI plenary session in Vancouver, Canada from May 30 through June 5, 2004. Information may be obtained from the CMI website at www.cmi2004.org.

Past President Howard M. McCormack, of New York, reported on the CMI Working Group on General Average. Mr. McCormack is the only

American on the CMI Working Group on General Average. He reported that the cargo side of the International Union Of Marine Insurance (IUMI) is seeking to make changes to reduce cargo's responsibility in the event of a general average loss. Cargo argues that it does not want to be responsible for ships not properly maintained, where cargoes are often more valuable than the ships that carry it. Mr. McCormack has posted a very extensive paper on these issues on the MLA website.

International Maritime Organizations (IMO)

Immediate Past President William R. Dorsey, III, of Baltimore reported on the activities of the IMO Legal Committee. At the fall meeting held in London last October, the committee finalized the amendments to the Athens Convention. The legal committee was also meeting in London this week addressing issues of Place of Refuge, Wreck Removal, the Suppression of Unlawful Acts against the Safety of Marine Transportation to Combat Terrorism (SUA) and Provisions of Financial Security regarding seafarers rights. Mr. Dorsey said the U.S. Government is not certain which federal agency will take the lead in any attempt to adopt the Protocol to the Athens Convention. It is believed that, at some point, the U.S. will try to adopt the Protocol. In the past, the MLA has expressed opposition to the Protocol and will have to give its opinion again should the U.S. try to adopt it. There will be another meeting of the IMO Legal Committee in London on October 13, 2003.

COMMITTEE AND STUDY GROUP REPORTS

American Bar Association Relations Report

Past President James F. Moseley, of Jacksonville, the MLA's delegate to the ABA House of Delegates, reported on the activities of the ABA and its upcoming meeting in San Francisco in August of this year. Of particular interest was the House of Delegates Resolution 302 regarding Senate Bill 413 on cases involving asbestosis and the issue concerning a threshold test for any claim.

Mr. Moseley also reported on the passing of the ABA's New Model Code and recommends that members monitor their state bar associations to see if any of the new provisions have been adopted.

Mr. Moseley also reported on the status of the ABA's contemplated review of the Foreign Sovereign Immunities Act, and the possible review of

uniformity proposals for marine insurance. Mr. Moseley will make a further report after the August ABA meeting.

Fisheries Committee re Maritime Liens

President Hayden reported that the Fishing Committee and Marine Finance Committee will study the issue raised in David Farrell, Jr.'s memo regarding maritime liens attaching to fishing permits and report further on these issues.

***Ad Hoc* Committee on Enhancing MLA Membership and Activities**

Second Vice-President Lizabeth L. Burrell, of New York, chair of the special *ad hoc* committee working on enhancing MLA membership and member participation in MLA activities gave a preliminary report on the status of the committee's work to date. She indicated that the committee had certain guiding principles and goals designed to maintain the character of the Association; including education, written materials, committee work, networking; while responding to the changes in the practice of maritime law including economic and social issues. Ms. Burrell reported the committee is still organizing the information gathered, and expects to present a report to the Board of Directors, for its consideration, at the next meeting this summer. This report is expected to contain observations and recommendations involving the structure and location of meetings, modifications to printed and electronic dissemination of MLA materials, as well as trying to address the economic and social issues of member participation.

President Hayden expressed his thanks for the committee's hard work and indicated the importance of this type of analysis. Various members of the Board reported that other organizations are going through similar self-examinations, to make sure they keep up with the times and remain relevant to the varied interests of their memberships.

As part of this process, President Hayden asked First Vice-President Thomas S. Rue of Mobile to form a small committee to make a recommendation for the Fall 2004 meeting.

Resolution – John W. Sims

The Board passed a resolution recognizing Former President John W. Sims of New Orleans for his contributions to the MLA, as a lawyer and as a person.

Retiring Board Members

President Raymond P. Hayden thanked retiring Board Members, James K. Carroll, of New Orleans, Mary Elisa Reeves of Philadelphia, Alan Van Praag of New York and James F. Whitehead, III of Seattle for their hard work and contribution to the work of the Board of Directors.

August Board of Directors Meeting

Retiring Director James Whitehead, III of Seattle, reported that the August meeting of the Board of Directors will be held in Seattle on August 1 and 2, 2003. The local MLA membership will provide a CLE presentation on the practice of maritime law in the Northwest.

FALL MEETING – 2003

Robert B. Parrish, of Jacksonville, Chair of the Bermuda Arrangements Committee reported on plans for the Fall meeting at the Fairmount Southampton Princess Hotel. Mr. Parrish reported that the committee is still working on various aspects of the meeting including a reception to be held off hotel property. There will be sports activities on Wednesday, October 29, 2003, with the President's Reception later that evening. Seminars will be held on October 30 and 31, 2003, with the General Meeting being held on Saturday morning, November 1, 2003, and the Dinner Dance on Saturday evening. Mr. Parrish indicated the Dinner Dance will be Bermuda Formal, which will be described in greater detail in the fall meeting materials. Members will not have to bring their tuxedos.

Committee Chairs

President Raymond P. Hayden reported the following changes in committee chairs:

Committee Name:	Carrier Security
Incoming Chair:	Bruce G. Paulsen
Outgoing Chair:	Gordon D. Schreck
Committee Name:	Classification Society
Incoming Chair:	Robert G. Clyne
Outgoing Chair:	Richard H. Brown, Jr.
Committee Name:	Comité Maritime International
Incoming Chair:	Christopher S. Davis
Outgoing Chair:	Michael Marks Cohen

[13650]

Committee Name:	Electronic Communication and Commerce
Incoming Chair:	John Paul Jones
Outgoing Chair:	Glen T. Oxton
Committee Name:	International Law of the Sea
Incoming Chair:	Lawrence B. Brennan
Outgoing Chair:	Dr. Samuel P. Menefee
Committee Name:	Young Lawyers
Incoming Chair:	Lawrence J. Kahn
Outgoing Chair:	Joshua S. Force
Committee Name:	River and Towing
Incoming Chair:	Beauregard Gelpi
Outgoing Chair:	F. William Mahley

PRESIDENTIAL ACTIVITIES

President Raymond P. Hayden, of New York, reported on his activities involving the Tulane Maritime Law Seminar on March 19-21, 2003, in New Orleans; the John Brown Moot Court Competition in Seattle on April 11-12, 2003; and the AIMU Seminar presentation on April 28, 2003.

Calendar

- A. Annual Meeting of Average Adjusters, London - May 8, 2003.
- B. The CMI Colloquium Bordeaux, France - June 10 - 13, 2003.
- C. Fall Meeting of the Association at the Fairmont Southampton Princess Hotel in Bermuda - October 29, 2003 to November 1, 2003.
- D. CMI Conference in Vancouver, Canada - May 30 - June 5, 2004.

Future Officer and Board Meetings

- A. The Officers will meet in Seattle, WA on August 1, 2003.
- B. The Board of Directors will meet in Seattle, WA on August 2, 2003.

[13651]

- C. The Officers will meet in Bermuda on Wednesday, August 29, 2003.
- D. The Board of Directors will meet in Bermuda on Thursday, October 30, 2003.

There being no further business to come before the Board, the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

/s/ Warren J. Marwedel
Secretary