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

Held at the Boca Raton Resort, Boca Raton, Florida

On

October 29, 2003

and

November 1, 2003

The October 29, 2003, meeting was called to order by President Raymond P. Hayden at 4:00 p.m., and the November 1, 2003, meeting was called to order at 8:30 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 J. Bonner, Treasurer
Philip A. Berns, Membership Secretary
William R. Dorsey, III, Immediate Past President

The following Board members were present:

Robert G. Clyne	Richard M. Leslie
James P. Cooney	Armand M. Paré
Robert S. Glenn, Jr.	John P. Schaffer
Glenn G. Goodier	M. Hamilton Whitman, Jr.
Robert J. Gruendel	Robert J. Zapf
Edward L. LeBreton, III	JoAnne Zawitoski

At the invitation of President Raymond P. Hayden, Past President James F. Moseley, of Jacksonville, Arrangements Committee Chair Robert B. Parrish, of Jacksonville, and Marion McDaniel, of Houston, the 2005 Fall Arrangements Committee Chair, were also present at the meeting.

SECRETARY'S REPORT

Secretary, Warren J. Marwedel, of Chicago, reported that Law Library Micro Forum Consortium, of Hawaii, has agreed to put all of the MLA microfilmed documents on the web, with no charge to the MLA. The MLA will also receive free disks of all of the documents in a form compatible with the MLA website.

The Secretary also reported that the DIRECTORY, PROCEEDINGS, and the MLA REPORT will be combined in one mailing at a substantial savings to the Association.

Upon motion, duly made and seconded, the minutes of the August 2, 2003, meeting of the Board of Directors, and the Secretary's Report, were unanimously approved and accepted. The minutes of this meeting will be published in the Fall 2003 issue of the PROCEEDINGS.

TREASURER'S REPORT

Treasurer Patrick J. Bonner, of New York, presented the Treasurer's Report and the Accountants Statement of Cash Receipts and Disbursements through April 30, 2003. He reported that as of October 23, 2003, the MLA had cash of approximately \$149,000.00, the same figure as a year ago. He further reported that the dues increase had no appreciable effect on membership.

The Treasurer reported on efforts to reduce expenses, but noted that many annual costs, such as printing, are fixed and not susceptible to significant reduction.

Mr. Bonner reported that he expected the \$35,000.00, advanced to the Fall 2003 Arrangements Committee, would be repaid; and that at the end of the year the Association would have a balance of between \$20,000.00 - \$25,000.00.

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 seventeen (17) applicants for associate lawyer membership. He also reported proctor applications for the following members:

Richard J. Nikas, of Costa Mesa
Michael S. McDaniel, of Los Angeles
Douglas John Shoemaker, of Houston
James C. Winton, of Houston

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Mr. Berns reported the nominations of three (3) non-lawyer member as follows:

Paul J. Ferguson
V.P New York Regional Claim Manager
AI Marine Adjusters
New York, New York

Victor Y. Goldberg
V.P. Ship Management
Marine Transport Corp.
Weehawken, NJ

Fred Robertie
CEO/President
American Hull Insurance Syndicate
New York, New York

Mr. Berns reported that the Association had a total membership of 3,176. Of that number, 1,528 are proctor members.

On 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 Hayden reported on the current status of COGSA/UNCITRAL, and the MLA's working group activities. He reported that the U.S. Department of State has been consulting with various governmental and transportation groups on a compromise on defenses, limitations and forum selection.

Director Jay Paré, of New York, reported that the current UNCITRAL draft on carriage of goods is available on the UNCITRAL website. In reviewing the draft, he reported there are issues concerning the impact on freedom of contract which may have to be addressed by the MLA. While the draft reportedly covers both common and private carriage, the overall

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impact of the document seems to deal primarily with common or public carriage. There are limitations on a carrier's ability to deviate from the instrument, thus restricting private carriage.

President Hayden noted that the MLA will have to address these issues and give advice to the State Department.

There was a working group meeting in Vienna in October of 2003, and there will be another meeting in New York next spring. The current draft of the instrument may be found on the UNCITRAL website at www.uncitral.org.

The Arbitration and Carriage of Goods Committees will be looking at the draft and are expected to prepare a paper with analysis and recommendations.

Comité Maritime International (CMI) Colloquium

President Raymond P. Hayden made a follow-up report on the CMI Colloquium held in Bordeaux, France in June of 2003 covering electronic trade, transport documents, general average, issues of transport law, place of refuge, and marine insurance. No action was taken. 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. The major topic will be consideration of the York Antwerp Rules.

International Maritime Organization (IMO)

President Hayden reported that he and First Vice President Thomas S. Rue, of Mobile, attended the IMO Legal Committee meeting in London last month. Issues discussed included SUA, Wreck Removal, and Ports of Refuge. The State Department is taking the lead in dealing with SUA, and there is a possibility there will be a diplomatic conference on SUA next fall.

The next IMO meeting will be in London from April 19 to 23, 2004, and a London meeting from October 25 to 29, 2004.

Canadian Maritime Law Association

President Hayden reported that Canadian Maritime Law Association President, Sean Harrington, has been made a federal judge. Peter Cullen is the new president of the CMLA.

COMMITTEE AND STUDY GROUP REPORTS

Committee Chairs

In recognizing the importance of effective committee leadership, Robert S. Glenn, Jr., of Savannah, is providing the Board with an interim report on his development of guidelines for committee chairs and officers. These guidelines will be reviewed and discussed at the next board meeting.

FALL MEETING 2003 – BOCA RATON

Robert B. Parrish, of Jacksonville, Chair of the Arrangements Committee, reported on the status and events of the 2003 Fall Meeting in Boca Raton, including the Herculean work of his committee in relocating the meeting from Bermuda to Florida, after a devastating hurricane hit Bermuda and severely damaged the Fairmont Southampton Princess Hotel. Bob gave special recognition to the MLA's meeting coordinators, Jerry Janove and Debra Jacobs, of Resort Meetings, for their quick location of an alternative meeting site.

President Hayden and the Board gave a very special thanks to Bob and his committee for their hard work in planning, what in effect was, two meetings.

ALTERNATIVE MEETING SITES

First Vice President Thomas S. Rue, of Mobile, reported on the activities of the *ad-hoc* committee for the Fall 2004 meeting. Mr. Rue reported on his meetings with MLA representatives in New Orleans, and the status of hotel and reception arrangements. He reported it would be a standard fall meeting with CLE, and committee meetings which would be held at various nearby MLA member offices. The tentative dates are November 11 to 13, 2004.

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 on enhancing MLA membership and participation, indicated that her committee's interim report is now on the MLA website. The committee is still reviewing and analyzing information, and encourages all members to review the interim report and send their comments to her for further review.

**National Conference for Commissioners for Uniform States Laws
(NCCUSL)**

Director Richard M. Leslie, of Miami, reported on the ABA review of a proposed study initiated by the National Conference of Commissioners for Uniform State Laws (NCCUSL) to draft a standard law for marine insurance. This would be similar in concept to the Uniform Commercial Code, adopted by the various states.

While the MLA has consistently supported uniformity of maritime law, the focus has always been on a federal approach rather than a state one. The MLA has been asked to consider what position, if any, to take on this proposed study.

President Hayden will refer this issue to the Insurance and Uniformity committees for their consideration and recommendations.

Fall Meeting 2005 – Scottsdale

Marion McDaniel, of Houston, chair of the 2005 Fall Arrangements Committee, reported on the status of the contract with the Fairmont Princess Hotel in Scottsdale. President Hayden will be appointing members to that committee. The dates are November 2 to 5, 2005.

PRESIDENTIAL ACTIVITIES

President Hayden reported on his activities including his speech at the IUMI meeting in Seville, Spain in September of 2003, and attendance at the Average Adjusters Dinner and MICA Dinner in October of 2003.

Calendar

- A. IMO Legal Meeting in London – April 19 to 23, 2004.
- B. Spring Meeting of the Association, New York – Friday, May 7, 2004.
- C. CMI Conference in Vancouver, Canada – May 30 through June 5, 2004.
- D. Fall meeting of the Association in New Orleans, November 11 to 13, 2004.

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Future Officer and Board Meetings

- A. Washington Officer's meeting January, 2004.
- B. March Board meeting 2004.
- C. Spring Board Meeting, New York, May 6, 2004.
- D. Fall Meeting 2004 – New Orleans, November 11 to 13.

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Warren J. Marwedel,
Secretary