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**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 6, 2004

9:30 a.m.

The May 6, 2004, 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 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	

At the invitation of President Raymond P. Hayden, David Loh, of New York, Spring Dinner Chairman, was also present at the meeting.

SECRETARY'S REPORT

Secretary, Warren J. Marwedel, of Chicago, gave an update on the Law Library Micro Forum Consortium of Hawaii proposal to put MLA documents on their website.

Upon motion, duly made and seconded, the minutes of the March 27, 2004 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 Spring 2004 issue of the PROCEEDINGS.

TREASURER'S REPORT

Treasurer, Patrick J. Bonner, of New York, presented the Treasurer's Report. The MLA is about \$42,000.00 ahead of last year, with approximately \$261,000.00 in the bank. Approximately \$288,000.00 in dues has been collected thus far, ahead of last year.

Mr. Bonner reported that the main costs are printing, board meetings, and travel. All attempts are being made to keep these costs in line.

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 Ten (10) applications for proctor membership, seventeen (17) applications for associate lawyer membership, two (2) applications for non-lawyer membership.

Mr. Berns regretfully reported the deaths of the following MLA members:

Benjamin Thompson of Portland, ME
Robert Mayer of Portola Valley, CA
T. Keith Marshall, III of Charleston, SC
Hon. Ralph W. Nimmons of Jacksonville, FL
Samuel C. Gainsburgh of New Orleans, LA
Samuel D. Delich of San Francisco, CA
John B. Sidell of San Diego, CA
Hon. Jacob Mishler of New York, NY
Brooks P. Hoyt of Tampa, FL
Louis J. Gusmano of Hinsdale, IL
Harry C. Blackston of Virginia
George Waddell of Sausalito, CA

Guy Fernandez, husband of Board member Joanne Zawitoski
of Baltimore, MD

Nick Healy's wife, Margaret, of New York
Marshall Keating's wife, Pegeen, of New York

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Mr. Berns reported that as of May 6, 2004, the Association had a total membership of 3,127. Of that number, 1503 are proctor members.

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 Hayden reported on the current status of COGSA/UNCITRAL, and the MLA's working group activities relating to the UNCITRAL draft on the Carriage of Goods. He indicated the working group was, in fact, meeting at the UN during MLA week. He further indicated that Mary Ellen Carlson, of the State Department, and Jay Paré met and had a chance to discuss issues concerning the draft at the Carriage of Goods Committee meeting.

Comité Maritime International (CMI) Colloquium

President Raymond P. Hayden made a follow-up report on the formal CMI session to be held in Vancouver, Canada, from May 30 through June 5, 2004. Topics to be discussed will include the UNCITRAL draft, the York-Antwerp Rules, pollution and CLC fund revisions, as well as marine insurance, place of refuge and maritime security. There will also be lectures on the Athens and Salvage conventions.

Information on the Vancouver meeting may be obtained from the CMI website at www.cmi2004.com.

International Maritime Organization (IMO)

There was an IMO Legal Committee meeting in London from April 19 to April 23, 2004, attended by President Raymond P. Hayden and First Vice-President Thomas S. Rue. There will be a follow up meeting from October 25 to October 29, 2004.

President Hayden reported there was nothing decided at the meeting, but there were interesting discussions on SUA, with some nations objecting to language linking non-proliferation conventions to the SUA Convention.

There were continuing discussions on wreck removal and seaman repatriation, with no action being taken.

Patrick Bonner reported that the IMO Legal Committee has been directed to develop a convention to deal with issues of repatriation and compensation for stranded seafarers.

COMMITTEE AND STUDY GROUP REPORTS

Glenn Goodier, of New Orleans, gave a brief outline of the plan 2004 meeting to be held in New Orleans from November 11 to November 13, 2004. This meeting will implement some of the suggestions made by Liz Burrell's *ad hoc* committee, and will have committee meetings on Thursday and Friday in conference rooms of local New Orleans maritime firms, as well as a reception and buffet. The General Meeting will be held on Saturday morning. The Thursday night cocktail reception will be at the Board of Trade building and the Friday night buffet will be at the Plimsoll Club.

FALL MEETING 2005

First Vice-President, Thomas S. Rue reported that there will be a preliminary inspection of the Fairmont Princess Hotel in Scottsdale, Arizona later this year. The meeting dates are from November 2 through November 5, 2005.

***Ad Hoc* on the MLA**

Second Vice-President, Lizabeth Burrell, chair of the special *Ad Hoc* Committee on Enhancing MLA Membership and Participation further reported on her committee's activities. The third report of the special committee is now on the MLA website.

Part of the report makes recommendations for streamlining committee structure, and updating duties and responsibilities of committee chairs. It was recognized that the committees are the back bone of the MLA, and the committee structure and guidelines will further enhance the work of the Organization, while maintaining the professionalism and social networking so important to this Association.

The committee restructuring was discussed at the meeting of the committee chairs earlier in the week, and the changes will be implemented over the next few weeks and months.

Fisheries Committee

President Hayden, and others, discussed the Fisheries Committee study and analysis of the valuation of fishing licenses and how they interact with maritime liens. Philip Berns, noted that licenses may have a much higher value than the actual vessel, and that banks financing these vessels want to have a UCC right in these licenses, rather than having them be considered part of the vessel and subject to a maritime lien.

President Hayden has asked that the Fisheries Committee consult with other committees having an interest in this subject before any resolutions are brought to the Board or Membership.

Maritime Criminal Law and Procedure Committee

The Board discussed the ongoing criminalization of environmental laws and the growing concern of industry and seafarers, even though the Department of Justice maintains that the risk of criminal prosecution is small. The Committee on Maritime Criminal Law and Procedure is studying this issue and will be making recommendations to the Board sometime in the future.

John Brown Moot Court Competition

President Hayden and Membership Secretary Philip Berns discussed the MLA's participation in the John Brown Moot Court Competition, and the high quality of the briefs submitted by participating law students. Mr. Berns indicated he would follow up on trying to get the winning briefs, as well as the bench brief, posted to the MLA website.

National Conference for Commissioners for Uniform State Laws (NCCUSL)

Director Richard Leslie, of Miami, reported on the current status of the ABA review of the proposed study initiated by the National Conference for Commissioners for Uniform State Laws (NCCUSL) to draft a standard law for marine insurance. Mr. Leslie reported that the efforts by NCCUSL to draft such a marine insurance document has been dropped.

Practice and Procedure Resolution

Membership Secretary Philip A. Berns and Director Robert J. Zapf discussed a resolution being proposed by the Practice and Procedure Com-

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mittee on the issue of who gets notice of an action to enforce a maritime lien. The resolution, which has been discussed at prior General Meetings, is an attempt to clear up questions as to who is entitled to notice when a maritime lien is asserted.

The proposed resolution states as follows:

RESOLVED, that the Maritime Law Association of the United States hereby recommends amendments to 46 U.S.C. §31325(d) and Supplemental Rule C(4) of the Federal Rules of Civil Procedure relating to the persons who must be given notice of an action to enforce a maritime lien and to clarify that the notice requirements apply to all actions to enforce maritime liens. Specifically, 46 U.S.C. §31325(d) should be amended to add "the owner of the vessel or other property" and "any other person known to have an interest in or against the vessel or other property" as persons to whom notice must be given and the words "in the United States" should be deleted from 46 U.S.C. §31325(d)(2). Supplemental Rule C(4) should be amended by adding the words "or maritime lien" to the last sentence of Supplemental Rule C(4).

Nominating Committee Report

Immediate Past President, William R. Dorsey, III, of Baltimore, Chair of the MLA Nominating Committee, reported on the results on the Nominating Committee meeting held Wednesday, May 5, 2004. Nominations were as follows:

Officers

Thomas S. Rue, President
Lizabeth L. Burrell, First Vice-President
Warren J. Marwedel, Second Vice-President
James W. Bartlett, III, Secretary
Patrick A. Bonner, Treasurer
Philip A. Berns, Membership Secretary

Directors

Christopher O. Davis, of New Orleans
Sandra L. Knapp, of Chester Springs
Harold K. Watson, of Houston
John M. Woods, Director

Resolution of Appreciation

President Raymond P. Hayden presented a draft resolution of appreciation to Captain Joseph Ahern of the United States Coast Guard. The resolution reads as follows:

The Maritime Law Association of the United States expresses its appreciation for the services and exemplary assistance of Captain Joseph Ahern, United States Coast Guard, Chief, Office of Maritime and International Law, Washington, D.C.

Captain Ahern has been a dedicated officer of the United States Coast Guard, serving with distinction in numerous responsibilities and capacities. In his service to the Country and the Coast Guard, he has carried out his duties as Chief, Office of Maritime and International Law in an outstanding manner. These duties included participating as the head of the United States delegation to the International Maritime Organization, IMO Legal Committee and at the Bunkers Diplomatic Conference held in 2001 and the Athens Convention Diplomatic Conference held in 2002.

Although heavily involved in the aforementioned duties, Captain Ahern participated in numerous significant activities of The Maritime Law Association of the United States by making presentations to various and numerous Committees of the Association on topics of maritime law, marine ecology, governmental regulations, procedure, Coast Guard policy and other matters. In performing these tasks during the last four years, he has consistently educated and informed the members of The Maritime Law Association of the United States. Further, he brought to the Association not only expertise and knowledge, but a sense of camaraderie, friendship and collegiality. In doing so he brought the Coast Guard and the Association into a much closer relationship.

In consideration of the foregoing:

BE IT RESOLVED, that The Maritime Law Association of the United States expresses its sincere and profound appreciation for the services and assistance of Captain Joseph Ahern, and we express our gratitude to our professional colleague and friend.

BE IT FURTHER RESOLVED, that a copy of this Resolution be made a part of the permanent records of the Association.

Dinner Committee

David Loh, of New York, Chair of the Friday Night Dinner Committee, gave a report on the May 7, 2004 Dinner at the Marriott Marquis Hotel. He reported that attendance was expected to be over 1,000 members and guests. President Hayden and the Board thanked David for the hard work he and his committee have done over the past years for the New York dinners.

PRESIDENTIAL ACTIVITIES

President Raymond P. Hayden reported on his activities including his attendance at the IMO Legal Committee in London from April 19 to April 23, 2004 and his upcoming attendance at the Average Adjusters Dinner in London on May 13, 2004.

Calendar

- A. Annual Meeting of the Average Adjuster, London—May 13, 2004.
- B. CMI Conference in Vancouver, Canada—May 30 through June 5, 2004.
- C. Board of Directors meeting in Cleveland, August 13 to August 14, 2004.
- D. Fall meeting of the Association in New Orleans, November 11 to 13, 2004.

Future Officer and Board Meetings

- A. Board of Directors meeting in Cleveland, August 13 to August 14, 2004.
- B. Fall Meeting 2004 in New Orleans, November to 13, 2004.
- C. Officers Meeting in Washington, D.C., January, 2005.
- D. Spring Meeting 2005 in New York, May 6, 2005.
- E. Fall Meeting 2005 in Scottsdale, Arizona, November, 2005.

There being no further business to come before the Board, the meeting was adjourned at 11:45 a.m.

Respectfully submitted,

Warren J. Marwedel,
Secretary