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

Held In The Jones Room, 52nd Floor
Jones, Walker, Waechter, Poitevent, Carrere & Denegre
201 St. Charles Avenue New Orleans, Louisiana

on
November 12, 2004
9:30 A.M.

The November 12, 2004 meeting was called to order by President Thomas S. Rue at 09:30 a.m. In addition to President Rue, the following officers also were present:

Lizabeth L. Burrell, First Vice President
Warren J. Marwedel, Second Vice President
James W. Bartlett, III, Secretary
Patrick J. Bonner, Treasurer
Philip A. Berns, Membership Secretary
Raymond P. Hayden, Immediate Past President

The following directors also were present:

Robert G. Clyne	Edward L. Lebreton, III
Christopher O. Davis	Richard M. Leslie
Robert S. Glenn, Jr.	John P. Schaffer
Glenn G. Goodier	Harold K. Watson
Robert J. Gruendel	M. Hamilton Whitman, Jr.
Sandra L. Knapp	John M. Woods

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the August 14, 2004 meeting were unanimously approved and accepted. The minutes of the August 14, 2004 meeting of the Board of Directors will be published in the Fall 2004 issue of the PROCEEDINGS.

TREASURER'S REPORT

Treasurer Patrick J. Bonner of New York presented the Treasurer's report for the three months ended July 27, 2004. He reported that as of October 31, 2004, the MLA had cash of approximately \$126,000, which is approximately \$27,000 ahead of last year.

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Dues collections as of October 31, 2004 are strong, with approximately 87.6% of billed dues collected.

Treasurer Bonner proposed two resolutions relating to banking. He first proposed that he be authorized to open two new accounts for the November 2005 MLA meeting in Scottsdale, Arizona. Upon motion duly made and seconded, this proposal was unanimously approved. Mr. Bonner also proposed that he be authorized to open two accounts at Citibank for the MLA's reserve funds: a reserve account and an insured money market account. Upon motion duly made and seconded, this proposal was unanimously approved.

Upon motion duly made and seconded, the Treasurer's report was unanimously approved and accepted. A copy of the Treasurer's formal written report for the three months ended July 27, 2004 will be appended to the original of these minutes.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary Philip A. Berns of San Francisco reported that 12 Associate members had applied for elevation to Proctor. Mr. Berns recommended that the applications be approved and, upon motion duly made and seconded, the following members were elected as Proctors:

Alexander M. Giles of Baltimore
Carl D. Gray of Norfolk
Christopher A. Kenny of Boston
Lynn M. Luker of New Orleans
Marc G. Marling of Savannah
Russell D. Melton of Minneapolis
J. Ashley Roach of Washington, D.C.
Peter Skoufalos of New York
Daniel A. Tadros of New Orleans
Joseph Denny Terry of Houston
Kevin J. Thornton of Atlantic City
A. Christopher Young of Philadelphia

Mr. Berns also recommended the admission of 23 lawyers nominated for Associate membership. Upon a motion duly made and seconded, the applications of the following 23 Associate members were approved:

Matthew H. Ammerman of Houston
Christopher D. Buck of Annapolis
Samuel Chi of Silver Spring

Toni Ellington of Oklahoma City
Michael A. Green of Wilmington, N.C.
Parker Harrison of New Orleans
Tracy J. Hayes of New Orleans
Pamela M. M. Holcomb of Fort Lauderdale
Marissa A. Jacobs of New York
R. Scott Jenkins of New Orleans
Jessica Langston McClellan of Savannah
Anthony Robert Owens of Juneau
Pamela L. Schultz of New York
Vanessa W. Servat of New Orleans
Kassandra Slangan of New York
Eric Sommers of Providence
Lewis G. Spencer of New Orleans
Susanne C. Stark of New York
Alan C. Trachtman of New York
W. John Vernon of Baltimore
William P. Wynne of New Orleans
Ladonna Grey Wilson of New Orleans
Dawei Zhang of New Orleans

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

George L. Waddell of Sausalito, California
Jennings B. Jones, Jr. of Cameron, Louisiana
Michael W. Lodwick of Costa Mesa, California
J. Edmond Decastro of Buffalo, New York
Robert Clements of Lake Charles, Louisiana
The Honorable Whitman Knapp of New York, New York
Ronald Payne of Fort Lauderdale, Florida
James H. Ackerman of Long Beach, California
Michael P. Crocker of Sykesville, Maryland
The Honorable Milton Pollack of New York, New York
William M. Kimball of New York, New York
Geoffrey F. Birkhead of Norfolk, Virginia
Dr. Allan Philip of Copenhagen, Denmark
Gordon K. Wright of San Marino, California
The Honorable Reynaldo G. Garza of Brownsville, Texas
The Honorable Joseph C. Howard of Baltimore, Maryland
Tom Ostensen of Riverside, Connecticut
C. Edgar Cloutier of New Orleans, Louisiana

After the admission of the 23 new Associate Members, the total membership of the MLA is 3146.

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

DISCUSSION ITEMS AND REPORTS

Title 46 Codification

President Rue reported that it does not appear that legislation enacting the codification of Title 46 of the United States Code will pass Congress by the end of the current session. It is expected to be enacted next year by the 109th Congress.

Reducing Crime And Terrorism At America's Seaports Act (S.2653)

President Rue reported that this bill, which was sponsored by Senator Biden of Delaware, never got out of Committee.

Convention On The Protection Of The Underwater Cultural Heritage

President Rue reported that John D. Kimball, Chair of the MLA Study Group On Underwater Cultural Heritage, reported that the Convention on the Protection of Underwater Cultural Heritage, which was adopted by the plenary session of the 31st General Conference of UNESCO on November 2, 2001, has only been ratified by Panama and Bulgaria. The United States is opposed to the Convention, as are most of the other maritime countries in the world.

MLA Fall Meeting In Scottsdale, Arizona, November 2-6, 2005

The fall meeting of the MLA will be held at The Fairmont Princess Resort in Scottsdale, Arizona on November 2-6, 2005. Marion E. McDaniel, Jr. of Houston, the Chair of the Arrangements Committee for this meeting, advises that the facility is excellent and seems ideally suited for an MLA meeting.

Standing Committee Reorganization

President Rue reported that attendance at the various recently reorganized Standing Committee meetings in New Orleans seemed to be excel-

lent. Committees constituted through the merger of two or more Committees are going through a period of adjustment, but this seems to be going well.

Special *Ad Hoc* Committee on Enhancing MLA Membership and Participation

First Vice-President Burrell, Chair of the Special Committee, reported that the Special Committee has dealt with most of the crucial issues that faced it. The Special Committee will be meeting on Saturday, November 13, 2004, to address the following subjects: (1) website issues; (2) enhancing the role and visibility of the board of directors; (3) expanding continuing legal education programs at MLA meetings; (4) MLA publications; (5) relationships with other legal organizations; and (6) membership and dues issues.

A discussion followed concerning the possibility of having future MLA fall meetings in even-numbered years in cities other than New York. It was generally agreed that this meeting in New Orleans appeared to be going very well, with good attendance at the various Standing Committee meetings. The social events also appeared to be well-attended.

Hague Convention

President Rue reported that Alan Van Praag, who is monitoring the Hague Convention regarding the enforceability of choice-of-law and foreign clauses in commercial contracts, advises that Jeff Kovar of The State Department wants to know the position of the MLA on the scope of that proposed convention. President Rue will direct the International Organizations, Conventions, and Standards Committee to study the issue and make a recommendation.

NTSB Forum on Mandatory Use of Pfd's on Recreational Boats

The National Transportation Safety Board held a public forum on August 25, 2004 in Washington, D.C., the subject of which was the mandatory use of personal flotation devices on recreational boats. Frank Digiulio, Vice-Chair of the Recreational Boat Committee, attended on behalf of the MLA. It appears that the NTSB wants powerboat manufacturers to sell a complete package, *i.e.*, including pfd's. Mr. Digiulio will continue to monitor this for the MLA.

Committee Letterhead Stationery

President Rue reported that a Committee Chair has requested permission to use Committee letterhead stationery. It has been decided that Committee letterhead stationery will be permitted, but a uniform format will be required, and it is to be used only for communications between the Committee Chair and members of the Committee.

Law Student Section

The possibility of creating a law student section of the MLA is being considered. This was last considered by the Board Of Directors in 1997. First Vice-President Burrell is to put together a package of documents to be distributed to the Board of Directors, so that this issue can be discussed at the March Board Meeting.

Website Policy

On November 11, 2004, several of the MLA officers met with Professor John Paul Jones and Kevin G. O'Donovan of the Website and Technology Committee to discuss website policy. An attempt will be made to put parameters on the documents that are posted on the website.

Sale Of Membership Lists

President Rue reported that the MLA has received several requests for membership or email lists. It has been decided that the MLA will not sell its email lists, but it will continue to sell address labels of its membership.

Implementation of Self-Appointment Regime

The Board has received a proposal from Intercounsel to enhance the capabilities of the MLA website. First Vice- President Burrell, Second Vice-President Marwedel, and Treasurer Bonner will be the point persons to analyze this proposal. It is intended that an enhanced website will enable the implementation of the self-appointment regime for Committee membership. Committee voting will be possible through this enhanced website. The enhanced MLA website would include a members-only access point by which members could access certain functions through a password system. As an initial step in the self-appointment regime, we are asking all Committee Chairs to formulate a new, "official" Committee membership list for each Committee. When those lists are formulated, they will go on

the enhanced website and will constitute the Committee membership lists on which the self-appointment regime and Committee voting will be based.

Homeland Security Conference

President Rue reported that the MLA has been invited to attend a Homeland Security Conference that will be held on November 16-18, 2004 at the United States Coast Guard Academy in Connecticut. Treasurer Bonner will attend this conference on behalf of the MLA.

Amicus Requests

President Rue reported that two requests for MLA *amicus curiae* participation in appeals had been received. The first related to an appeal to the United States Court of Appeals for the Second Circuit in the *M/V MSC CARLA* case, in which a claim is asserted against a Korean shipyard under essentially a product liability theory under U.S. admiralty law. Issues include U.S. jurisdiction over the Korean shipyard and the application of U.S. Law. Pursuant to the MLA Bylaws, President Rue, First Vice-President Burrell, and Second Vice-President Marwedel considered the request for MLA participation and declined the request.

The second request came in *Spector v. Norwegian Cruise Lines*, in which *certiorari* has been granted by the United States Supreme Court. The issue is whether the American Disabilities Act is applicable to foreign-flag vessels calling at, and taking passengers from, U.S. ports. The MLA also declined *amicus* participation in this appeal.

Fisheries Committee Resolutions

President Rue reported that the Chair of the Fisheries Committee, David Farrell, Jr., will be presenting two resolutions at the MLA General Meeting on November 13, 2004. The resolutions will recommend the enactment of amendments to certain provisions of the Magnuson-Stevens Fishery Conservation and Management Act and the American Fisheries Act.

Presidential Activities

President Rue reported on his attendance at the following meetings or events:

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- A. Houston Marine Insurance Seminar, September 20, 2004
- B. MICA Dinner, New York City, October 1, 2004
- C. Average Adjusters Annual Meeting and Dinner, New York City, October 6-8, 2004
- D. IMO, London, October 25-29, 2004

Future Officer And Board Meetings

- A. Officers' Meeting, Washington, D.C. – January 2005
- B. Officers' Meeting (March 14, 2005) and Board of Directors Meeting (March 15, 2005) in New Orleans prior to the Tulane Admiralty Law Institute;
- C. MLA Spring Meeting, New York, Officers Meeting (May 4, 2005), Board of Directors Meeting (May 5, 2005), and General Meeting (May 6, 2005).
- D. Officers Meeting and Board of Directors Meeting at Montebello Inn, Québec, Canada, August 18-20, 2005

There being no further business to come before the Board of Directors, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,
James W. Bartlett, III, Secretary