

[14423]

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

Held in the Salon Princesa
The Fairmont Scottsdale Princess
7575 East Princess Drive
Scottsdale, Arizona

on
November 3, 2005
2:00 p.m.

The November 3, 2005 meeting was called to order by President Thomas S. Rue at 2:08 p.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:

Dennis L. Bryant	Stephen V. Rible
Robert J. Gruendel	John M. Ryan
Christopher O. Davis	Harold K. Watson
Allan R. Kelley	M. Hamilton Whitman, Jr.
Sandra L. Knapp	John M. Woods

At the invitation of President Rue, Marion E. McDaniel, Jr., John A. Edginton, Ben L. Reynolds, Dennis Minichello, and Kevin G. O'Donovan also attended the meeting.

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the August 20, 2005 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the August 20, 2005 meeting of the Board of Directors will be published in the Fall 2005 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, 2005. He reported that as of July 27, 2005, the MLA had cash and investments of \$334,066.01, which represents an improvement of approximately \$40,000 over that figure for this time last year. Since July 27, 2005, the MLA has incurred various additional expenditures in the form of Comité Maritime International dues, an advance for the spring MLA dinner at Pier 60 in New York, and a working account for the Scottsdale meeting.

Treasurer Bonner reported that approximately 86.7% of this year's dues have been collected. Treasurer Bonner provided a copy of the statement of cash receipts and disbursements as of April 30, 2005 prepared by the MLA's independent auditors.

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, 2005 will be appended to the original of these minutes.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary Philip A. Berns of Henderson, Nevada reported that six Associate member applications for Proctor status were received and approved by the Proctor Admissions Committee. Mr. Berns moved for the approval of the elevation of the six Associate members to become Proctor members. The motion was seconded, and the following Associate members were approved for Proctor status by a unanimous vote of the Board of Directors:

John A.C. Cartner of Washington, D.C.
Anthony R. Filiato of New York, New York
F. Max Hardberger of Lacombe, Louisiana
Robert B. Hopkins of Baltimore, Maryland
Christopher W. Nicoll of Seattle, Washington
Jason P. Waguespack of New Orleans, Louisiana

Pursuant to Section 203 of the MLA By-laws, an application was received nominating Mary Helen Carlson of the Office of Legal Advisor for Private International Law of the United States Department of State for mem-

bership in the MLA and requesting a waiver of the four-year requirement for achieving Proctor status. The Proctor Admissions Committee recommended that the four-year requirement be waived. By a unanimous vote of the Board of Directors, Mary Helen Carlson was approved as a Proctor member.

Mr. Berns recommended the admission of 18 lawyers for Associate membership. Upon motion duly made and seconded, the applications of the following 18 Associate members were approved:

Kim A. Alexander of San Francisco, California
Timothy J. Bergere of Philadelphia, Pennsylvania
Keith A. Brady of New York, New York
Conte Cicala of San Francisco, California
John H. Cigavic of San Francisco, California
Mark J. Condon of Minneapolis, Minnesota
Michael D. Eriksen of West Palm Beach, Florida
Edward P. Flood of New York, New York
Matthew Johnson of Minneapolis, Minnesota
Brian Judge of Washington, D.C.
Atlantis Tillman Langkowski of San Francisco, California
Ian James Lennard of New York, New York
John J. Levy of Cherry Hill, New Jersey
Thomas P. Marian of The Woodlands, Texas
Anthony J. Mazzeo of Washington, D.C.
Jean Claude Mazzola of White Plains, New York
Thomas Kent Morrison of New Orleans, Louisiana
Eric Troels Wiberg of Charlestown, Massachusetts

The application for reinstatement of a former member, Stephen J. Maher of Albany, New York was received, Mr. Berns reported. Upon motion duly made and seconded, the reinstatement of Stephen J. Maher as an Associate member was approved.

Mr. Berns reported that three applicants had been recommended as Non-lawyer members. Upon motion duly made and seconded, the following three persons were approved as Non-lawyer members:

James V. McGuire of New York, New York
John Stanley Poulson of New York, New York
Mark A. Cheglkov of New York, New York

Mr. Berns reported with regret the death of the following MLA member:

The Honorable Constance Baker Motley of New York, New York

After the admission of the 18 new Associate members, the reinstatement of one Associate member, and the admission of three Non-lawyer members, the total membership of the MLA is 3,142.

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

Director Dennis L. Bryant, who also is Chair of the MLA *Ad Hoc* Committee on the Title 46 Codification, reported that the bill, which was reported out of the House Judiciary Committee on July 14, 2005, is languishing somewhat in Congress, but it is still expected that Congress will approve the bill during the current session.

Comité Maritime International

Director Christopher O. Davis, who is Chair of the Committee on International Organizations, Conventions, and Standards and is a Councillor on the Executive Council of the CMI, reported that the CMI Colloquium on February 12-15, 2006 in Cape Town, South Africa will address the subjects of fair treatment of seafarers, places of refuge, and other timely subjects.

President Rue reported that he had received a questionnaire from the CMI concerning the clarification of procedural rules in limitation conventions, specifically the LLMC Convention, CLC, and HNS Convention. The United States is not a signatory to any of these conventions, and therefore it was felt by the Board of Directors that the MLA need not respond to the CMI questionnaire.

UNCITRAL

A meeting of the UNCITRAL Working Group on Transport Law will be held in Vienna in late November 2006. A determination will be made of whom the MLA will send as its representatives to this meeting.

Proposed ABA Resolutions on U.S. Oceans Policy

President Rue, Past President James F. Moseley, and First Vice-President Burrell will be following up on the MLA's cooperation and communication with the ABA Standing Committee on Environmental Law relating to the three resolutions passed by the ABA House of Delegates in August 2005. The MLA also will monitor developments with respect to these resolutions in Congress.

MLA Website

Kevin G. O'Donovan of Philadelphia, Chair of the MLA Website and Technology Committee, reported to the Board of Directors concerning the upgrade of the MLA website and demonstrated the interactive features of the website.

2005 Fall Meeting

Marion E. McDaniel, Jr., Chair of the 2005 Fall Meeting Arrangements Committee, reported that 151 MLA members and 34 invited guests had registered for the meeting.

2006 Spring Meeting

The dinner in connection with the 2006 MLA Spring Meeting in New York will be held on May 5, 2006 at Pier 60 at 20th Street and the Hudson River.

2006 Fall Meeting

John A. Edginton of Point Richmond, California, a member of the Arrangements Committee for the 2006 MLA Fall Meeting, reported that the meeting will be held at the Sheraton Palace Hotel, 2 New Montgomery Street, San Francisco, California 94105 on October 3-7, 2006. The meeting will be held in conjunction with the Pacific Admiralty Seminar, which will take place on Friday, October 6. The MLA dinner will take place on Thursday, October 5, 2006 at the Sheraton Palace Hotel, and a separately ticketed dinner will take place at the California Culinary Academy on Friday, October 6. Committee meetings will take place on October 4 and October 5 at the Sheraton Palace Hotel. The General Meeting will be held on Saturday, October 7, 2006.

Upon motion duly made and seconded, the Board of Directors authorized Mr. Edginton to negotiate the best terms possible with the Sheraton Palace Hotel and to present the proposed contract to the Officers for approval and signature.

Fall 2007 Meeting

Ben L. Reynolds of Houston and Dennis Minichello of Chicago, members of the Site Selection Committee for the Fall 2007 MLA Meeting, reported concerning possible sites for the meeting. The Board of Directors authorized the site Selection Committee to further investigate two possible sites and to enter into preliminary negotiations concerning meeting arrangements and costs.

Hague Convention

President Rue reported that Alan Van Praag of New York attended a U.S. State Department Advisory Committee meeting in Washington relating to the Hague Convention on Exclusive Choice of Court on May 9, 2005. The Advisory Committee adopted the MLA position that contracts for carriage of goods and for passengers at sea should be exempted from the Convention. This position was adopted by the State Department and ultimately was incorporated into the Convention. Also excluded are salvage contracts. All other types of contracts, including insurance and reinsurance contracts, are covered by the Exclusive Choice of Court Convention.

Arbitration and ADR Committee

The MLA Arbitration and ADR Committee proposed that it be authorized to prepare a list of approved maritime mediators or arbitrators to present to the United States District Court for the Southern District of New York. After discussion and a motion duly made and seconded, the Board of Directors voted that the Arbitration and ADR Committee should not provide a list of approved maritime mediators and arbitrators to the United States District Court for the Southern District of New York.

Presidential Activities

President Rue reported that he had attended the following meetings or events:

- A. Marine and Insurance Claims Association Meeting and Dinner—September 30–October 1, 2005
- B. U.S. Average Adjusters Association Meeting and Dinner—October 5–7, 2005.

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Future Officer and Board Meetings

A. Officers Meeting, Washington, D.C.—January 2006.

B. MLA Spring Meeting, New York, New York—May 2–5, 2006.

There being no further business to come before the Board of Directors, the meeting was adjourned at 4:35 p.m.

Respectfully submitted,
James W. Bartlett, III, Secretary