

[14586]

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

Held at the Hilton Mystic Hotel  
Mystic, Connecticut

on  
August 5, 2006  
9:00 a.m.

The August 5, 2006 meeting was called to order by President Elizabeth L. Burrell at 9:05 a.m. In addition to President Burrell, the following officers also were present:

Warren J. Marwedel, First Vice President  
Patrick J. Bonner, Second Vice President  
James W. Bartlett, III, Secretary  
Robert G. Clyne, Treasurer  
Philip A. Berns, Membership Secretary  
Thomas S. Rue, Immediate Past President

The following directors also were present:

Joseph E. Basenberg  
Dennis L. Bryant  
Christopher O. Davis  
David J. Farrell, Jr.  
Grady S. Hurley  
Allan R. Kelley

John D. Kimball  
Sandra L. Knapp  
Stephen V. Rible  
John M. Ryan  
Harold K. Watson  
John M. Woods

**SECRETARY'S REPORT**

Secretary James W. Bartlett, III of Baltimore reported that a blast e-mail had gone out to the MLA membership relating to the 2006 Fall Meeting in San Francisco on October 3-7, 2006.

Upon motion duly made and seconded, the minutes of the May 4, 2006 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the May 4, 2006 meeting of the Board of Directors will be published in the Spring 2006 issue of the PROCEEDINGS.

### **TREASURER'S REPORT**

Treasurer Robert G. Clyne of New York presented the Treasurer's report for the three months ended April 30, 2006. He reported that as of April 30, 2006, the MLA had \$356,783.98 in cash and investments.

Treasurer Clyne made a motion that President Burrell, Second Vice-President Bonner, and Treasurer Clyne be made signatories to the money market account. After being seconded, the motion passed unanimously.

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 April 30, 2006 will be appended to the original of these minutes.

### **MEMBERSHIP SECRETARY'S REPORT**

Membership Secretary Philip A. Berns of Henderson, Nevada reported that ten applications for admission to the MLA as Associate members had been received, and he recommended the admission of those lawyers. Upon motion duly made and seconded, the applications of the following ten Associate members were approved:

T. Alexander Devine of Coral Gables, Florida  
Richard P. Fiske of Washington, D.C.  
Derek S. Merman of Houston, Texas  
Mark M. Murakami of Honolulu, Hawaii  
Wayne A. Parker of New York, New York  
Michael R. Vaughn of Alameda, California  
Garth S. Wolfson of New York, New York  
Byron Christopher Romain of Moscow, Russia  
Byron E. Countryman of Los Angeles, California  
David E. Russo of San Francisco, California

By special approval of the Board by an e-mail vote taken on June 27, 2005, Cheri A. Chestnut of New York, New York had been elected as an Associate member.

An application for reinstatement was received from Joseph A. Kilborn of Mt. Kisco, New York. A motion for the approval of the Board for the reinstatement of Mr. Kilborn as a Proctor member, after being duly seconded, was passed unanimously.

Mr. Berns reported with regret the deaths of the following MLA members:

Herbert M. Lord of New York, New York  
August C. Burns of Newport Beach, California  
RADM Maurice J. Bresnahan of Buzzard's Bay, Massachusetts  
Henry W. Magenheimer of Chatham, New Jersey  
Warren M. Faris of New Orleans, Louisiana

After the admission of the ten Associate members and the reinstatement of the one Proctor member, the total membership of the MLA is 3,087.

Mr. Berns reported that it is hoped that the 2066–2007 MLA Directory will be sent to the members prior to the 2006 Fall Meeting.

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.

#### **COMMITTEE ASSIGNMENTS**

President Burrell emphasized the importance of Board liaisons to Committees playing a role in those Committees. The Board liaison should report back to the Board if a Committee Chair is not effective, should ensure that there are accurate Committee votes, and should have input into the scheduling of the Committee meetings.

The Board unanimously approved the waiver of the Proctor status requirement for Cheri A. Chestnut as Chair of the Dinner Committee and John J. Driscoll, Jr. as Vice Chair of the Committee on Salvage. The Board liaisons reported on the activities and status of their respective Committees.

#### **BOARD SUBCOMMITTEES: MISSION STATEMENTS AND REPORTS**

##### **Committees**

Second Vice-President Bonner, Chair of the Board Subcommittee on Committees, reported his Subcommittee is studying the question of the Committee schedules for the New York meetings. One suggestion is to minimize overlap of the meetings of the larger Committees. Another is to "pair"

similar memberships, so that the meetings of those Committees can be held one after the other at the same site.

### **Finance**

Treasurer Robert G. Clyne, Chair of the Board Subcommittee on Finance, reported the Subcommittee met telephonically on July 20, 2006. The Subcommittee adopted the following mission statement: "To assist the Treasurer in the performance of his or her duties, to work to ensure the Association's financial health, and to make recommendations where necessary in such matters as financial reporting, dues increases, budget, and audit procedures."

### **Membership**

Philip A. Berns, Chair of the Board Subcommittee on Membership, reported that a major need is for the MLA to make itself more "locally available" to members. The concept of regional MLA Meetings, including lunches, speakers, cocktail parties, was discussed with the possibility that MLA Board members or officers could attend. Another possibility is coordinated meetings similar to that in San Francisco, with the Pacific Admiralty Seminar or the Tulane Admiralty Law Institute. It was generally agreed that the non-lawyers' committee should be an open committee.

### **Website**

Warren J. Marwedel, Chair of the Board Subcommittee on Website, reported that the MLA Website and Technology Committee is in the process of revising its mission statement to clarify its responsibilities.

## **DISCUSSION ITEMS AND REPORTS**

### **CLE Financial Aid Policy**

As an accredited provider of continuing legal education (CLE) for the State of New York, it is necessary that the MLA implement a financial aid policy. The Committee on Continuing Legal Education drafted and proposed a financial aid policy. A motion was made and duly seconded to adopt the proposed financial aid policy, and the Board unanimously approved the following MLA Financial Aid Policy:

**Financial Aid Policy of The Maritime Law Association  
of the United States**

CLE financial aid assistance is available for attorneys who wish to attend CLE courses sponsored by The Maritime Law Association of the United States, but who find it difficult to attend due to cost considerations.

CLE financial aid assistance is available for all attorneys based upon attorney income as outlined in the following schedule:

Unemployed:	Full Scholarship
Income up to \$15,000:	75% Discount
Income from \$15,000 to \$30,000:	50% Discount
Income above \$30,000:	No Discount

Applications should be submitted by letter in writing via mail or e-mail to the Chair of the MLA's CLE Committee. Contact information for the CLE Committee Chair can be found on the MLA's website at [www.mlaus.org](http://www.mlaus.org), or in the MLA Directory. The letter should state the applicant's income level and the level of financial assistance sought. Please include the applicant's name, address, daytime phone and fax numbers, and e-mail address. At the discretion of the CLE Committee and the MLA Board of Directors, income verification may be required before financial aid is awarded. Applications should be submitted no later than one month prior to the offered course.

Note: Financial aid is not available for programs offered at no charge and does not cover portions of registration fees intended to cover provisions such as food, drinks, and/or accommodations, rather than the cost of CLE.

***Ad Hoc Committee on Environmental Crimes***

President Burrell, Past President Rue, and Michael Chalos met last week with industry people in New York to discuss this subject. Another meeting will be held in Washington, D.C. on September 11, 2006. There will be a meeting on October 3, 2006 in San Francisco with the United States Coast Guard and the Department of Justice in an effort to come up with "best practices" guidelines.

***ABA House of Delegates***

James F. Moseley, the MLA Delegate to the ABA House of Delegates, in a letter dated July 18, 2006 made various recommendations concerning

how he should vote at the ABA House of Delegates Meeting. Upon motion duly made and seconded, the Board agreed with all of Mr. Moseley's recommendations.

### **CMI Questionnaires**

Questionnaires have been received from the CMI with respect to limitation of liability for cargo claims and places of refuge. The Chair and Vice-Chair of the Committee on Carriage of Goods have proposed answers to the questionnaire on limitations of liability applicable to cargo claims. It is felt that some refinement needs to be made to these answers, and then the answers will be submitted. Tony Whitman, Chair of the Committee on Regulation of Vessel Operations, is going to consult with the United States Coast Guard before finalizing proposed answers to the questionnaire on places of refuge.

### **Proposed Resolution Addressing the UNCITRAL Draft Instrument**

In a letter dated July 19, 2006, the Committee on Arbitration and ADR proposed a resolution for adoption by the MLA at the next General Meeting addressing the UNCITRAL draft instrument as prepared at the 16th Session of UNCITRAL Working Group III respecting choice of court and arbitration clauses for cargo loss and damage claims. The letter constituted the majority report of the Committee on Arbitration and ADR. The Chair of the Committee on Arbitration and ADR, Armand M. Paré, Jr., attended the Board meeting to discuss this proposal. Also attending the Board Meeting by telephone were Chester D. Hooper, who serves as an MLA representative on the United States delegation to UNCITRAL Working Group III, and Donald C. Greenman, Chair of the Committee on Carriage of Goods.

An extensive discussion followed concerning certain provisions of the UNCITRAL draft instrument and the most effective way to address those concerns. It ultimately was decided that the Committee on Arbitration and ADR and the United States delegation to UNCITRAL share the same concerns with the current UNCITRAL draft instrument, but that some of the wording of the proposed MLA resolution should be modified. Mr. Paré, Mr. Hooper, and other members of the Committee on Arbitration and ADR will meet in an attempt to come up with a modified resolution on which the MLA membership can vote at the General Meeting on October 7.

**Presidential Activities**

President Burrell reported that she had attended the following meetings or events:

- A. Average Adjusters Association Meeting and Dinner, London—May 11, 2006.
- B. Canadian Maritime Law Association Meeting, Halifax, N.S.—June 15–17, 2006.

Future Officer and Board Meetings

- A. MLA Fall Meeting, San Francisco, California—October 3–7, 2006.
- B. Officers Meeting, Washington, D.C.—January 2007.
- C. Officers and Board Meetings (joint meeting with Canadian Maritime Law Association Board), Tulane Admiralty Law Institute, New Orleans, Louisiana—March 13–16, 2007.

There being no further business to come before the Board of Directors, the meeting was adjourned at 11:56 a.m.

Respectfully submitted,  
James W. Bartlett, III, Secretary