

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

Held at The Palace Hotel  
San Francisco, California

on

October 5, 2006

8:00 a.m.

The October 5, 2006 meeting was called to order by President Elizabeth L. Burrell at 8:00 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

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Robert G. Clyne, Treasurer  
Philip A. Berns, Membership Secretary  
Thomas S. Rue, Immediate Past President

The following directors also were present:

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 the PROCEEDINGS of the Spring Meeting would be received by the membership within the next few days.

Upon motion duly made and seconded, the minutes of the August 5, 2006 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the August 5, 2006 meeting of the Board of Directors will be published in the Fall 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 July 31, 2006. He reported that the finances of the MLA are in good shape, with dues of approximately \$302,000.00 being collected. He reported that as of July 31, 2006, the MLA had \$370,790.93 in cash and investments.

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 31, 2006 will be appended to the original of these minutes.

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

Membership Secretary Philip A. Berns of Henderson, Nevada reported that the Proctor Admissions Committee had approved 15 Associate member applications for Proctor status. Mr. Berns moved for the approval of



the elevation of the 15 Associate members to become Proctor members. The motion was seconded, and the following Associate members were approved for Proctor status by unanimous vote of the Board of Directors:

W. Sean O'Neil of Houston, Texas  
Jason R. Harris of Wilmington, North Carolina  
Kristina Irvin of New Orleans, Louisiana  
Charles W. McCammon of Philadelphia, Pennsylvania  
Gregory W. Poulos of San Francisco, California  
Jennifer Tomlin Sanchez of San Francisco, California  
Peter Lindh of San Francisco, California  
Andrew I. Port of San Francisco, California  
Raymond M. Paetzold of San Francisco, California  
W. Brett Mason of Baton Rouge, Louisiana  
Jack Garyth Poulson of Juneau, Alaska  
Richard S. Tweedie of Philadelphia, Pennsylvania  
Barbara L. Ristow of Schaumburg, Illinois  
Todd D. Lochner of Annapolis, Maryland  
Sean A. Voyles of Norfolk, Virginia

Pursuant to Section 203 of the MLA By-Laws, an application was received nominating Rear Admiral John E. Crowley, Jr. for membership 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 unanimous vote of the Board of Directors, Rear Admiral John E. Crowley, Jr. was approved as a Proctor member.

Mr. Berns recommended the admission of 20 lawyers for Associate membership. Upon motion duly made and seconded, the applications of the following 20 Associate members were approved unanimously:

Mary A. Francis of San Ramon, California  
Annemarie Y. Torrez of San Ramon, California  
J. Rice Ferrelle, Jr. of Jacksonville, Florida  
Deborah Lawson of Houston, Texas  
John P. Cavanagh, Jr. of Mobile, Alabama  
Dean T. Buckius of Norfolk, Virginia  
Jared A. Washkowitz of San Francisco, California  
Deborah C. Waters of Norfolk, Virginia  
George R. Tadross of Philadelphia, Pennsylvania  
Patrick L. Beam of Aransas, Texas  
Brian L. Sykes of Norfolk, Virginia

CDR Christopher J. Spain of Washington, D.C.  
Michael C. Jacob of San Francisco, California  
Bradley T. Soshea of Houston, Texas  
Gregory W. O'Neal of Memphis, Tennessee  
Thomas C. Jorgensen of Long Beach, California  
Elissa M. Mulrooney of Memphis, Tennessee  
Bryant C. McGann of Norfolk, Virginia  
Oliver L. D. DuPont of New York, New York  
Richard Branca of New York, New York

Mr. Berns reported that two applications for reinstatement had been received, and he moved for the reinstatement of those two applicants. After the motion was seconded, Gerald L. Gorman was reinstated as a Proctor member, and Jennifer Lynn Hayes of Houston, Texas was reinstated as an Associate member.

Mr. Berns reported that five applications for Non-Lawyer members were recommended by the Non-Lawyer Committee. After motion duly made and seconded, the applications of the following Non-Lawyer members were approved:

Alex McCarthy of New York, New York  
Janice L. Jordan of Nashville, Tennessee  
Darrin L. Huck of Houston, Texas  
Richard W. Wood of Wilton, Connecticut  
Michael R. Gomez of Norfolk, Virginia

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

Joel M. Fain of Hartford, Connecticut  
John P. Hammond of New Orleans, Louisiana  
Emil A. Kratovil of Greenwich, Connecticut

Mr. Berns reported that the 2006-2008 MLA Directory was completed in September and should have been received by all members.

After the admission of the 20 Associate members and the reinstatement of one Proctor member and one Associate member, the total membership of the MLA is 3,100.

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**

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

President Burrell reported that the Committee on Arbitration and ADR was withdrawing its proposed resolution relating to 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. Therefore, the Committee on Arbitration and ADR would not be making a motion at the General Meeting on October 7, 2006.

As a result of what has been learned through the process of addressing this proposed resolution, Secretary Bartlett will draft proposed revisions to By-Law 504 to update it in light of current methods of communication.

### **Law Student Membership**

The subject of having law student members of the MLA has been under consideration for some time. The MLA recently polled law professors teaching admiralty courses and has received their input on the subject. A motion to admit law student members to the MLA was made, seconded, and passed by a majority vote of the Board of Directors. The Membership Subcommittee will prepare a proposal and By-Law amendment to implement this change.

### **Sponsors for Events**

The President's Welcome Reception held at the San Francisco World Trade Club was supported by sponsors, something that is somewhat of a departure from the MLA's usual practice. Other organizations similar to the MLA, however, do this regularly. A motion was made and seconded that the President or the President's delegate is to be the clearing house for all sponsorships of MLA events. This motion was adopted by the Board of Directors by a unanimous vote.

### **Transportation Lawyers Association**

By a unanimous vote, the Board of Directors approved the creation of a liaison to the Transportation Lawyers Association. The parameters of this liaison will be worked out in the future.

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

Immediate Past President Thomas S. Rue reported on the progress of the Ad Hoc Committee on Environmental Crimes. On July 31, 2006 an organizational meeting was held in New York. Other meetings were to follow on September 11, 2006 in New York and October 3, 2006 in San Francisco. Those meetings, however, never took place, and a meeting is now scheduled for October 10, 2006 in New York. President Burrell will attend that meeting.

### **CMI Questionnaires**

The Committee on Carriage of Goods prepared a proposed response to the CMI questionnaire on limitation levels applicable to maritime claims. Upon motion duly made and seconded, the response of the Committee on Carriage of Goods to the CMI questionnaire was approved by the Board of Directors.

The Committee on Regulation of Vessel Operations had received input from the United States Coast Guard regarding the CMI questionnaire on places of refuge. The Committee on Regulation of Vessel Operations has prepared a proposed response of the MLA to the CMI questionnaire that incorporates the input of the United States Coast Guard. Upon motion duly made and seconded, the proposed response to the CMI places of refuge questionnaire was approved by the Board of Directors.

### **Presidential Activities**

President Burrell reported that she had attended the Houston Marine Insurance Seminar on September 18–19, 2006.

### **Future Officer and Board Meetings:**

- A. Officers Meeting, Washington D.C.—January 9, 2007
- B. Joint Meeting with the Canadian Maritime Law Association Board in conjunction with the Tulane Admiralty Law Institute, New Orleans, Louisiana—March 13, 2007.
- C. MLA Fall Meeting, Sanibel Harbour Resort & Spa, Fort Myers, Florida—October 24–28, 2007.



[14598]

There being no further business to come before the Board of Directors, the meeting was adjourned at 10:30 a.m.

Respectfully submitted,  
James W. Bartlett, III,  
Secretary