

[15203]

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

Held at Jones Walker
201 St. Charles Street, 51st Floor
New Orleans, Louisiana
on
March 13, 2007
9:30 a.m.

The March 13, 2007 meeting was called to order by President Lizabeth L. Burrell at 9:30 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:

Joe E. Basenberg
Dennis L. Bryant
David J. Farrell, Jr.
Grady S. Hurley
Allan R. Kelley

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

SECRETARY'S REPORT

Secretary James W. Bartlett, III of Baltimore reported that he had drafted a revision to By-Law 504 to address current methods of communication. He also proposed to make other revisions to the MLA By-Laws to improve and modernize the wording of the By-Laws. He will circulate a red-line version of the proposed, revised By-Laws to the members of the Board before its next meeting.

Upon motion duly made and seconded, the minutes of the October 5, 2006 meeting of the Board of Directors were unanimously approved and

accepted. The minutes of the October 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 October 31, 2006. He reported that the MLA is in good financial shape. As of October 31, 2006, the MLA had \$318,655.30 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 October 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 21 applications had been received for Associate membership. Upon motion duly made and seconded, the applications of the following 21 Associate members were approved unanimously:

Glenn W. Alexander of Lake Charles, Louisiana
J.W. Beattie of Portland, Oregon
Martin S. Bohman of Baton Rouge, Louisiana
Jonathan Griffin Brush of Beaumont, Texas
Richard T. Califano of New York, New York
David J. Cortes of Durham, North Carolina
Robert Crowder of Los Angeles, California
Justin E.D. Daily of San Diego, California
C. Ryan Eslinger of Jacksonville, Florida
Ryan Daniel Gilsenan of Charleston, South Carolina
John M. Holland of Huston, Texas
Carolyn Jo Kaye of San Diego, California
Robin Richard Lambourn of Huston, Texas
Kevin J. McCloskey of San Pedro, California
Kyong Chu Min of Paramus, New Jersey
Christopher M. Panagos of New York, New York
Glen R. Piper of Long Beach, California
Lissa D. Schaupp of New York, New York
Lisa L. Sechelski of Houston, Texas
Arthur Alan Severance of New Orleans, Louisiana
Robert A. Williams of Washington, DC

Mr. Berns reported that two applications for reinstatement as Associate members had been received, from Steven M. Stancliff of Norfolk, Virginia and Loren Andrea Fridel of Easton, Maryland. Mr. Berns moved for the reinstatement of those two applicants, the motion was seconded, and by a unanimous vote of the Board of Directors, Steven M. Stancliff and Loren Andrea Fridel were reinstated as Associate members.

No applications for Non-Lawyer, Judicial, or Academic members were submitted.

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

John Hays of Comptche, California
Andrew T. Martinez of New Orleans, Louisiana
Lloyd C. Nelson of New York, New York
Thomas J. Boyle of San Rafael, California
John G. Holland of Cairo, Illinois

After the admission of the 21 Associate members and the reinstatement of two Associate members, the total membership of the MLA is 3,105.

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.

BOARD SUBCOMMITTEE REPORTS

Committees

Second Vice President Patrick J. Bonner of New York reported that the Subcommittee on Committees had a telephone meeting on March 5, 2007. It was noted that the MLA had partially adopted the Subcommittee's recommendation that Committee meetings of Committees with overlapping membership be coordinated as to time and place. The issue of call-in numbers for telephone participation in Committee meetings will be the subject of a report by First Vice President Marwedel.

Finance

Treasurer Clyne reported that the Subcommittee on Finance held a telephone conference on March 1, 2007.

One of the topics discussed by the Subcommittee was whether an informal budget in the form of a list of expected expenditures should be developed and maintained. This sparked an extended discussion among the Board members. The Subcommittee will consider the comments expressed by the Board members and report back to the Board at its next meeting.

Membership

Membership Secretary Berns, Chair of the Subcommittee on Membership, feels that the recently held fall meetings in New Orleans and San Francisco were successful in getting younger members of the MLA to attend and participate.

The Subcommittee reported that Board Member David J. Farrell, Jr. held brown-bag lunches in January and February in Boston, Massachusetts; Bristol, Rhode Island; and Portland, Maine in which MLA member input was solicited and potential members were recruited.

Board member John M. Ryan of Norfolk, Virginia organized a reception for MLA members in Norfolk, Virginia on March 8, 2007 to increase MLA awareness and memberships.

DISCUSSION ITEMS AND REPORTS

Continuing Legal Education

The administration of continuing legal education programs by the MLA has become a concern. Attaining accredited provider status is not a problem. Rather, the problem is mechanics, because each state seems to have different requirements for forms, signing in and out of the CLE seminar or meeting, and other requirements. President Burrell has appointed Michael J. Ryan of New York as Chair of the Committee on Continuing Legal Education.

Website

First Vice President Warren J. Marwedel reported that the project to digitalize all of the MLA's documents, which is being coordinated through

the University of Hawaii, is about to begin. Secretary Bartlett's office, which currently has custody of the documents, is arranging to send them to Hawaii. Once digitalized, the MLA documents will be available through the Law Library Microform Consortium and will also be available on the MLA website.

First Vice President Marwedel is analyzing free conference call websites that might be utilized for conference call participation in MLA Committee meetings. He will report further on this at the next Board meeting.

Liaison Reports

The Board members reported on the Standing Committees for which they serve as liaisons. Several Board members reported that efforts were continuing to coordinate schedules and meetings of Committees having related interests and overlapping memberships. Some Committees are holding joint meetings.

UNCITRAL Draft Instrument

President Burrell reported that she had received a report from the MLA representatives to the UNCITRAL Working Group, Chester D. Hooper and Vincent M. DeOrchis. The most recent draft of the UNCITRAL draft instrument is now posted on the UNCITRAL website. UNCITRAL will meet in New York on April 16-27, 2007 but will not discuss jurisdiction or arbitration during that meeting. It is anticipated that jurisdiction and arbitration will be discussed at an UNCITRAL meeting in Vienna in October 2007.

The current UNCITRAL draft instrument, and particularly its jurisdiction and arbitration provisions, which are found at chapters 15 and 16, articles 69-81, will be the subject of discussions at the MLA General Meeting on May 4, 2007.

Ad Hoc Committee on Environmental Crimes

Immediate Past President Thomas S. Rue and President Burrell reported that industry representatives had developed suggested "best practices" guidelines with respect to matters involving alleged environmental crimes. It is anticipated that the industry representatives will meet with government representatives in the near future.

ABA House of Delegates

James F. Moseley, the MLA Delegate to the ABA House of Delegates, has submitted two reports relating to the meeting of the ABA House of Delegates held on February 12-13, 2007 in Miami.

Comité Maritime International

Immediate Past President Rue and First Vice President Marwedel will attend the CMI Assembly and Symposium to be held in Dubrovnik, Croatia, May 10-12, 2007.

President Burrell has received a CMI questionnaire regarding a charterer's right to limit liability, a subject that is to be studied by the CMI. She has referred the questionnaire to the Committee on Marine Torts and Causalities to draft a response.

Fall 2008 Site Selection Committee

Past President Raymond P. Hayden has been appointed by President Burrell as Chair of the Fall 2008 Site Selection Committee, which will evaluate possible locations for the Fall 2008 Meeting. MLA members from several candidate cities also have been appointed to this Committee.

Nominating and Application Forms

The forms for nominating officers and directors and application forms for membership are now posted on the MLA website.

MLA Amicus Participation

President Burrell reported that the MLA's motion for leave to file an amicus brief in *Vamvaship Maritime Ltd. v. Little Rose Trading LLC* had been granted, and an amicus brief was filed. A motion by the Federal Reserve Bank of New York and The Clearing House Association L.L.C. to file a supplemental letter brief in response to the amicus brief of the MLA also was granted. Just prior to the Board Meeting, however, the parties settled the case.

Presidential Activities

President Burrell reported that she had attended and served as a judge at The Fourteenth Annual Judge John R. Brown Admiralty Moot Court Competition in San Francisco, March 8-10, 2007.

[15209]

Future Officer and Board Meetings:

- A. MLA Spring Meeting, New York, New York—May 2–4, 2007
- B. MLA Board Meeting, Portland, Maine—August 3–4, 2007.
- C. MLA Fall Meeting, Sanibel Harbour Resort & Spa, Fort Myers, Florida—
October 24–28, 2007.

There being no further business to come before the Board of Directors, the meeting was adjourned at 12:36 p.m.

Respectfully submitted,
James W. Bartlett, III, Secretary
