

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

Held in the Tweed Room
Association of the Bar of the City of New York
42 West 44th Street
New York, New York

on
May 3, 2007
9:30 a.m.

The May 3, 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

John D. Kimball
Sandra L. Knapp

Christopher O. Davis
David J. Farrell, Jr.
Grady S. Hurley
Allan R. Kelley

Stephen V. Rible
John M. Ryan
Harold K. Watson

SECRETARY'S REPORT

Secretary James W. Bartlett, III reported that he had distributed the minutes of the March 13, 2007 meeting of the Board of Directors prior to this meeting. Upon motion duly made and seconded, the minutes of the March 13, 2007 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the March 13, 2007 meeting of the Board of Directors will be published in the Spring 2007 issue of the PROCEEDINGS.

TREASURER'S REPORT

Treasurer Robert G. Clyne presented the Treasurer's report for the three months ended January 31, 2007. He reported that the finances of the MLA are in good shape, with \$254,497.63 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 January 31, 2007 will be appended to the original of these minutes.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary Philip A. Berns reported that 16 applications for Proctor membership had been received and had been recommended by the Proctor Committee for elevation to that status. Upon motion duly made and seconded, the applications of the following 16 Associate members were approved for Proctor status by a unanimous vote of the Board of Directors:

Christopher A. Abel of Norfolk, Virginia
William R. Bennett, III of New York, New York
David M. Bohannon of New Haven, Connecticut
Kay Wynne Bohannon of New Haven, Connecticut
Katharina Kristin Brekke of Norfolk, Virginia
Mark Buhler of Orlando, Florida
George M. Chalos of Port Washington, New York
Michael E. Crowley of New York, New York
John S. Farmer of St. Louis, Missouri

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Erik D. Garza of Houston, Texas
William P. Glenn, Jr. of Galveston, Texas
Neal J. Kling of New Orleans, Louisiana
Philip M. Lempiere of Seattle, Washington
Patrick Owens McAleer of Boston, Massachusetts
Robert L. Reeb of Chicago, Illinois
Paul F. Tecklenburg of Charleston, South Carolina

An application for reinstatement and for elevation to Proctor membership was received from an active member of the MLA who was recalled to active military duty for one year. He had been placed on inactive status by the Treasurer. The Proctor Committee recommended the reinstatement and elevation of Randall B. Geuy of Houston, Texas to Proctor membership. Upon motion duly made and seconded, the application for reinstatement and elevation to Proctor membership of Randall B. Geuy was approved unanimously.

Mr. Berns reported that 17 applications for Associate membership had been received. Upon motion duly made and seconded, the applications of the following 17 Associate members were approved unanimously.

Talcott N. Bates of San Francisco, California
Michael L. Bono of New Orleans, Louisiana
Kevin C. Cain of Boston, Massachusetts
Frederick E. Connelly, Jr. of Boston, Massachusetts
Lauren Cozzolino Davies of Southport, Connecticut
Corey R. Greenwald of New York, New York
Ji Hi Jung of New York, New York
Terence G. Kenneally of Boston, Massachusetts
Jennifer S. Kozar of New York, New York
Jeffrey R. Krantz of New York, New York
Joseph F. Kulesa of Philadelphia, Pennsylvania
Elizabeth R. Megginson of Washington, D.C.
Michaela Elizabeth Noble of New Orleans, Louisiana
Jorge A. Rodriguez of New York, New York
Andrew Mark Stakelum of New Orleans, Louisiana
Bryant Matthew Struble of St. Louis, Missouri
Eric Christopher Thiel of Tampa, Florida

An application for reinstatement has been received from a former Non-Lawyer member, Terry Patrick Campbell of New York, New York. Upon

motion duly made and seconded, the application for reinstatement of Terry Patrick Campbell was approved unanimously.

Mr. Berns reported that the Non-Lawyer Committee had approved the applications of three persons for Non-Lawyer membership. Upon motion duly made and seconded, the applications of the following persons for Non-Lawyer membership were approved unanimously:

Renan L. Alamina of New York, New York
Richard J. Decker of New York, New York
David Tan of New York, New York

No applications for Judicial membership were submitted.

An application was received for Academic membership for Adjunct Professor William K. Sheehy of Yeditepe University, School of Law, Istanbul, Turkey. Upon motion duly made and seconded, the application of William K. Sheehy for Academic membership was approved unanimously.

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
John G. Holland of Cairo, Illinois
Thomas J. Boyle of San Rafael, California
H. Lee Lewis of Houston, Texas
Gilbert S. Fleischer of Rockville, New York
Charles B. Achuff of Bala Cynwyd, Pennsylvania
William S. Busch of New York, New York
Clarence E. Haggblun of Minneapolis, Minnesota
John O'Kane, Jr. of Honolulu, Hawaii

After the admission of 17 Associate members, three non-lawyer members, one Academic member, and the reinstatement of one Non-lawyer member, the total membership of the MLA is 3,023.

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 one Standing Committee had noted that its meeting conflicted with the Thursday morning meeting of the Board of Directors. The Subcommittee on Committees will address that and any other concerns the Standing Committees may have concerning scheduling of meetings.

Finance

Treasurer Clyne reported that it is the consensus of the Subcommittee on Finance that the MLA needs a budget in some form. The Subcommittee will draft a list of projected expenses before the Board meets again in August.

Membership

The Subcommittee on Membership, chaired by Membership Secretary Berns, presented a report containing recommendations with respect to the parameters governing Law Student membership. After discussion by the Board of Directors, the following features of Law Student membership were adopted unanimously by the Board:

- a. Membership will be annual, based on the school year, with dues of \$25 per school year. Law Student membership will terminate at the end of the calendar year in which the Law Student member graduates or ceases to be a student in good standing at the school.
- b. An applicant for Law Student membership must express an interest in admiralty law and must be sponsored by a law school professor, a law school administrative official, or an MLA member.
- c. Law Student members will be provided with all MLA publications, notices, and mailings but solely by e-mail. They will not have MLA website portal access unless involved in a particular approved project and then only to areas solely and specifically devoted to that project. Law Student members will be non-voting members of the MLA but may attend all open Standing Committee meetings.

Website

First Vice-President Warren J. Marwedel, chair of the Subcommittee on the Website, reported that the project of digitalizing all MLA numbered documents had begun, with the shipment of two boxes of documents from Secretary Bartlett's office to the University of Hawaii. The Subcommittee is investigating other possible changes to the website, including a photo gallery and enhanced security.

DISCUSSION ITEMS AND REPORTS

Liaison Reports

The Board members reported on how the Standing Committees for which they serve as liaisons handled assigned meeting times, meeting arrangements, agendas, and teleconferencing. On the whole, the meeting arrangements seem to work well, although there were some problems with meeting conflicts. Most Committees had agendas in the hands of their members well before the meetings, and teleconferencing was utilized by several of the Committees.

Fall 2008 Site Selection Committee

Robert J. Zapf of Los Angeles, a member of the Fall 2008 Site Selection Committee, accompanied by fellow Committee members Forrest Booth and John A. Edginton, reported that the Committee met on Monday, April 30, 2007, by conference call. Among the sites discussed were Savannah/Charleston and Long Beach. The Site Selection Committee recommended Long Beach for the Fall 2008 meeting and then proceeded to outline some of the possible arrangements. No Board action was taken.

City/Regional Luncheons

Sandra L. Knapp reported that a lunch meeting of Philadelphia-area MLA members was held at the offices of Palmer Biezup & Henderson on April 18, 2007. Both long-time MLA members and younger members attended, and various topics relating to maritime practice, CLE programs in connection with MLA Committee meetings, and the recent fall meetings in cities other than New York were discussed.

Committees

A motion was made that the requirement of By-Law 502 that only a Proctor or Non-Lawyer member can serve as a Committee Chair or Vice-Chair be waived for Carolyn Elizabeth Meers, so that she may serve as Vice-Chair of the Special Committee on Continuing Legal Education. The motion was seconded and passed unanimously.

President Burrell announced that she had created a new Special Committee for In-House Counsel. Unlike the Standing Committees, membership on this Committee will be by appointment of the President, with the requirement that the member be an in-house counsel for a company.

UNCITRAL Draft Instrument

President Burrell announced that there will be a discussion at tomorrow's meeting concerning the current status of the UNCITRAL draft instrument. The MLA representatives to the UNCITRAL Working Group, Chester D. Hooper and Vincent M. DeOrchis, will report, and the floor will be thrown open for discussion.

Letters Proposed by Committee on Marine Finance

Sandra L. Knapp, Board liaison to the Committee on Marine Finance, reported that the Committee, along with its Subcommittee on Yacht Finance and the Committee on Recreational Boating, was proposing two letters to be sent by President Burrell. One letter would be to Professor Alvin C. Harrell, encouraging the National Conference of Commissioners on Uniform State Laws to move forward with a project to create a Uniform Certificate of Title Act for vessels. The second letter would be to Admiral Thad W. Allen, Commandant of the United States Coast Guard, requesting that the Coast Guard develop and publish for public comment proposed regulations relating to title evidence, mortgages and liens, and documentation of vessels; hull identification numbers; and documentation of vessels owned by limited liability companies. Drafts of both letters had been prepared by the proposing Committees. After discussion, upon motion duly made and seconded, the Board voted unanimously for President Burrell to send the proposed letters.

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

Immediate Past President Thomas S. Rue reported that industry has drafted guidelines and transmitted them to the government representatives.

It is hoped that in the near future a meeting of industry and government representatives will be held, which will be an organizational meeting for a larger, public meeting on the proposed guidelines.

Title 46 Codification

Dennis L. Bryant reported that clean-up bills are before Congress to (a) "tweak" the Jones Act to take into account an early Supreme Court decision, *Panama R.R. Co. v. Johnson*, 264 U.S. 375, 1924 A.M.C. 551 (1924), and (b) to codify bills that were passed by Congress in the six-month period between adoption and enactment of the codification bill. In addition, the codifiers did not adopt MLA suggestions relating to wrecking in Florida, and this is causing problems in the salvage community in Florida. Currently the statute requires salvors to obtain a license from the United States District Court in Florida, and this law needs to be repealed.

By-Law Amendments

Secretary Bartlett reported that proposed amendments to the By-Laws had been distributed to the Board Members. In light of the By-Law changes approved by the Board at this meeting with regard to Law Student membership, final, proposed amendments to the By-Laws will be distributed to the Board prior to the August Board meeting.

Certification Proposals

President Burrell reported that proposals have been made in New York and California for the certification of admiralty specialties. The MLA has a record of proposing certification of admiralty practitioners. The MLA will monitor the progress of these efforts in New York and California.

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 11-12, 2007, as President Burrell at that time will be traveling to Nairobi to attend the IMO Diplomatic Conference on the Draft Wreck Removal Convention. President Burrell will attend a meeting of the CMI Working Group on Places of Refuge in London, May 22, 2007.

The CMI has sent out a Questionnaire on National Maritime Law Associations. President Burrell will draft a response and circulate it to the Board.

Continuing Legal Education

First Vice-President Marwedel reported that the MLA has reached an agreement with the Tulane School of Law under which Tulane, which already puts on the Tulane Admiralty Law Institute and therefore is experienced in obtaining CLE credit for that program, will help coordinate the CLE programs for the MLA. This arrangement will be implemented at the 2007 Fall Meeting in Fort Myers, Florida.

Transportation Lawyers Association

Members of the Transportation Lawyers Association will be speakers for the intermodal portion of the seminars at the 2007 Fall Meeting in Florida.

Presidential Activities

President Burrell will attend the Average Adjusters Annual General Meeting and Dinner in London on May 10, 2007; the IMO Diplomatic Conference on the Draft Wreck Convention in Nairobi on May 14-18, 2007; a meeting of the CMI Working Group on Places of Refuge in London on May 22, 2007; and the Canadian Maritime Law Association Meeting in June 2007.

Future Officer and Board Meetings:

- A. MLA Board Meeting, Portland, Maine—August 3-4, 2007.
- B. 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 12:01 p.m.

Respectfully submitted,
James W. Bartlett, III,
Secretary