

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

Held at
Sanibel Harbour Resort & Spa
Ft. Myers, Florida
on
October 25, 2007
7:30 a.m.

The October 25, 2007 meeting was called to order by President Lizabeth L. Burrell at 7:30 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
Forrest Booth
Dennis L. Bryant
David J. Farrell, Jr.
Grady S. Hurley
Allan R. Kelley

Donald J. Kennedy
John D. Kimball
Janet Wessler Marshall
Stephen V. Rible
C. Kent Roberts
John M. Ryan

SECRETARY'S REPORT

Secretary James W. Bartlett, III reported that he had distributed the minutes of the August 4, 2007 meeting of the Board of Directors, and there were

[15274]

no corrections. Upon motion duly made and seconded, the minutes of the August 4, 2007 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the August 4, 2007 meeting of the Board of Directors will be published in the Fall 2007 issue of the PROCEEDINGS.

TREASURER'S REPORT

Treasurer Robert G. Clyne presented the Treasurer's report for the three months ended July 31, 2007. He reported that cash and investments total approximately \$405,000.00. Approximately 90 percent of dues have been collected.

The annual audit went well.

Upon motion duly made and seconded, the Treasurer's report was unanimously approved and accepted. A copy of the Treasurer's formal report for the three months ended July 31, 2007 will be appended to the original of these minutes.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary Philip A. Berns reported that seven Proctor membership applications had been received and had been recommended by the Proctor Committee for elevation to that status. Upon motion duly made and seconded, the following Associate members were unanimously approved as Proctor members:

Paul B. Arenas of San Francisco, California
Robert W. Burger of Cleveland, Ohio
Kris Elliott of Gulf Breeze, Florida
Buford Boyd Pollett of Cedex, France
William Gilbert Rospars of Delray Beach, Florida
Ruth Brewer Schuster of Washington, D.C.
Arthur J. Volkle, Jr. of Seattle, Washington

Membership Secretary Berns reported that 28 applications were received for Associate membership. Upon motion duly made and seconded, the applications of the following 28 members were approved unanimously:

Karin A. Bentz of St. Thomas, U.S.V.I.
John Cox of San Francisco, California
Brandon Diket of Houston, Texas

[15275]

Demetrios Eleftheriades of New York, New York
Edward William Floyd of New York, New York
John Gill of Wilton, Connecticut
Jan P. Gisholt of New York, New York
Michael P. Hartman of New York, New York
Frances L. Keeler of Long Beach, California
Keri Ann Kilcommons of New York, New York
Kenneth F. Klanica of Pittsburgh, Pennsylvania
Amy W. Larson of Washington, D.C.
Erik N. Latimer of Warrenville, Illinois
Bruce A. Lindsay of Los Angeles, California
D. Elena Makin of New York, New York
Zaharoula Mavrikos of New York, New York
Albert J. Myburgh of New York, New York
Patricia M. O'Neill of Philadelphia, Pennsylvania
Jeffrey Orenstein of Washington, D.C.
Amy A. Parker of Providence, Rhode Island
Brent Wm. Primus of Minneapolis, Minnesota
Jacob C. Robinson of Portland, Oregon
Shaul Serban of San Francisco, California
Joshua Southwick of San Francisco, California
William Myles Thomas of Delray Beach, Florida
Christopher A. Tribolet of Alameda, California
Scott Andrew Wagner of Coral Gables, Florida
Christoph M. Wahner of Los Angeles, California

An application for reinstatement was received from a former Associate member, Steven C. Weiss of Chicago, Illinois. Upon motion duly made and seconded, the application for reinstatement of Steven C. Weiss was approved unanimously.

No complete applications were received for Non-Lawyer, Judicial, or Academic membership.

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

Francis V. Elias of New York, New York
Irene W. Haefner of Stockton, California
Lionel Rene Saporta of Summit, New Jersey
Mayo J. Thompson of Houston, Texas
William J. Augello of Marana, Arizona

[15276]

Ann-Michele G. Higgins of Philadelphia, Pennsylvania
The Hon. James L. Oakes of Brattleboro, Vermont
Charles D. Kennedy of Houston, Texas

After the admission of 28 Associate members and the reinstatement of one Associate member, the total membership of the MLA is 3,048.

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 reported that the members of the Subcommittee will be coordinating the meetings and activities of the Standing Committees.

President Burrell advised the Board that the Committee on Continuing Legal Education recommended the appointment of Danielle Sullivan Kaminski of New York as its Secretary. Upon motion duly made and seconded, the Board of Directors confirmed the appointment of Danielle Sullivan Kaminski as Secretary of the Committee on Continuing Legal Education.

President Burrell reported that the Special Committee on In-House Counsel has been well received, and she is in the process of making appointments to that Committee.

Finance

Treasurer Clyne reported that the Subcommittee is looking at the long-term financial posture of the MLA.

Membership

Membership Secretary Berns presented the oral and written report of the Membership Subcommittee. The written report contained recommendations concerning the implementation of Law Student membership. After a discussion and various amendments to the Subcommittee's recommendations, and after a motion was duly made and seconded, the following guide-

[15277]

lines for Law Student membership were adopted by unanimous vote of the Board of Directors:

1. Applications supported in writing by a professor or administrative official at the law school attended by the applicant or by a member of the MLA are to be sent by e-mail to the Membership Secretary for review and submission to the Board for approval.
2. It shall be the responsibility of the Law Student member to notify the Membership Secretary when the Law Student member graduates or ceases to be a student in good standing at the school.
3. The President will appoint a Law Student membership liaison.
4. Dues statements for Law Student members will be sent at the same time as other dues statements.
5. Law Student members shall be non-voting members.
6. Law Student members will receive all published, public materials provided to other members of the MLA.
7. All materials provided in accordance with paragraph 6 will be sent via e-mail.
8. The Law Student member will not have full access to the members-only portal of the MLA website.
9. At the request of a Committee Chair, and with approval of the President, a Law Student may be given limited access to the members-only portal for specific projects.
10. A separate chat room shall be set up for Law Student members.
11. Entry into the Law Student chat room shall be restricted to Law Student members, MLA Officers, and the webmaster.
12. The chat room shall be used solely for MLA Law Student membership matters, including but not limited to, the practice of law, admiralty issues, job opportunities, exchanges of ideas relating to admiralty, liaison with the Law Student members, and joint meetings. All entries shall meet ethical and professional standards.

[15278]

13. The President will appoint one or more Academic members to monitor the usage of the chat room to ensure it meets the requirements of paragraph 12.
14. Violation of the standards shall result in termination or suspension of the membership of the Law Student.
15. Law Student members will be listed on the MLA web membership list.
16. Law Student members will not be listed in the bi-annual printed Directory.
17. MLA Academic members should be encouraged to take part in assisting the Law Student members in their relationship with the MLA and coordinate with the Law Student membership liaison.
18. Law Student members are encouraged to attend MLA "open" Committee meetings and, if a Committee Chair requests and the President approves, closed meetings.
19. The Law Student members are particularly encouraged to attend Young Lawyers Committee meetings.
20. If there are any charges or fees related to attendance at any meeting, consideration will be given to a lower rate for Law Student members, and, if the Law Student member claims hardship, the Law Student member may contact the President.

Website

First Vice President Marwedel reported that various enhancements of the website had been or would be soon implemented. These include security enhancements, password retrieval, and identification of the sender when e-mails are sent via the website, i.e., the Committee issuing the e-mail will be identified. He also reported that the digitalization by the University of Hawaii of the numbered MLA documents is almost completed.

DISCUSSION ITEMS AND REPORTS

Board Liaison Reports

Donald J. Kennedy commented that greater emphasis should be placed on the Committees trying to get outside speakers for their programs. A dis-

[15279]

cussion followed, and it was agreed that Board liaisons should be working with Committee Chairs to put together programs of interest to the membership.

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

Past President Rue reported that, following the meeting on June 11, 2007 with representatives from the Department of Justice, the Environmental Protection Agency, and the United States Coast Guard, the proposed guidelines were revised. He also has enlisted the assistance of Dave Dickman to draft a document similar to the Sea Carrier Initiative. Mr. Rue is in the process of scheduling a meeting in Washington in January with the representatives from the Department of Justice, the Environmental Protection Agency, and the United States Coast Guard and Peter Hinchliffe, president of the International Chamber of Shipping. After that meeting occurs, it is hoped that a public workshop can be scheduled.

Certification

Forrest Booth reported that he received a telephone call from a lawyer serving on the Certification Committee of the California State Bar and tried to convince him that it was not a good idea to certify a specialty in admiralty.

President Burrell reported that she has been frustrated in her attempts to communicate with the New York State Bar Association in connection with certification efforts in that state.

Short Sea Shipping

President Burrell is creating a Special Committee on Short Sea Shipping with David J. Farrell as its Chair. This has been an active topic in the United States and in Europe, and the Committee will look into whether there is a way that the MLA can be effective and assist in this area.

International Activities

With respect to the guidelines on fair treatment of seafarers in the event of a maritime accident proposed by the IMO, the United States delegation had some problems with some of those provisions. President Burrell has spoken with Captain Chuck Michel of the United States Coast Guard, and he understands that this is a subject of interest to the MLA, and he has no problem with our participation in this process. President Burrell has referred this to the Committee on Marine Ecology for analysis and recommendations.

[15280]

Presidential Activities

President Burrell attended the following meetings:

- A. Marine Insurance Claims Association, New York—September 28, 2007
- B. Association of Average Adjusters of the United States, New York—October 3–4, 2007

Future Officer and Board Meetings

- A. Officers Meeting, Washington, D.C.—January 30, 2008
- B. MLA Board Meeting, Amelia Island, Florida—March 15–16, 2008
- C. MLA Spring Meeting, New York, New York—April 30–May 2, 2008

There being no further business to come before the Board of Directors, the meeting was adjourned at 9:15 a.m.

Respectfully submitted,
James W. Bartlett, III
Secretary