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

**Held in the offices of Jones Walker LLP,
201 St. Charles Ave.
New Orleans, Louisiana
on
Tuesday, March 10, 2009
8:30 A.M.**

The March 10, 2009 meeting was called to order by President Warren J. Marwedel at 8:30 A.M. In addition to President Marwedel, the following officers also were present:

Patrick J. Bonner, First Vice President
Robert B. Parrish, Second Vice President
Harold K. Watson, Secretary
David J. Farrell, Jr., Membership Secretary
Lizabeth L. Burrell, Immediate Past President

The following directors also were present:

Joe E. Basenberg	John D. Kimball
Grady S. Hurley	Vincent J. Foley
Forrest Booth	Janet Wessler Marshall
Donald J. Kennedy	C. Kent Roberts
Frank P. DeGiulio	Barbara L. Holland
Robert B. Hopkins	

James W. Bartlett III was also present at the invitation of the President.

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the November 7, 2008 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the November 7, 2008 meeting of the Board of Directors will be included in the Spring 2009 PROCEEDINGS.

TREASURER'S REPORT

In the absence of Treasurer Robert G. Clyne, President Marwedel presented the Treasurer's report for the three months ended October 31, 2008.

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Mr. Marwedel reported that the Association's cash position is good, with total cash and investments of \$417,333.99. Both the Sanibel and Long Beach meetings returned a small profit.

Dues revenue currently essentially matches the Association's expenses, and efforts are being made to reduce expenses. The notice of the May meeting is being sent via email, and will be mailed only to those approximately 450 members for whom the Association does not have email addresses. The schedule of committee meetings and other events will be sent only by email, resulting in considerable savings in postage.

On 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 ending October 31, 2008 will be appended to the original of these minutes.

MEMBERSHIP SECRETARY'S REPORT

Membership Secretary David J. Farrell, Jr. presented the Membership Secretary's report. The following applications for membership have been received:

Judicial Applications (1)

Hon. Marianne B. Bowler, Boston, MA

Associate Member Applications (22)

Erin J. Ackor, Coral Gables, FL
Draughn B.W. Arbona, Norfolk, VA
Rachelle M. Barstow, New York, NY
David R. Boyajian, San Francisco, CA
Alan Braun, Houston, TX
Andrew R. Brown, New York, NY
Edward J. Carlson, New York, NY
Johnlee S. Curtis, Coral Gables, FL
K. Blythe Daly, New York, NY
Thomas E. Dunlap, Baltimore, MD
Damon T. Hartley, Miami, FL
Mary A. Holmesly, Houston, TX
Christy L. Johnson, Homer, AK
Jesse Lloyd Kenworthy, Philadelphia, PA
Linda D. Lin, New York, NY
Brian McEwing, Glenside, PA
Cassandra M. McGarvey, Houston, TX

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David G. Meyer, Houston, TX
Robert G. Moll, Houston, TX
Christian Mollitor, Seattle, WA
Clay M. Naughton, Coral Gable, FL
W. Bruce Pasfield, Washington, DC

Reinstatement (2)

Morgan J. Gray, Quincy, MA
John H. Hickey, Miami, FL

Student Applications (4)

Charles C. Blanton, Durham, NC
Thomas J. Daly, New York, NY
Joseph W. Denison, Chestnut Hill, MA
Jeremy E. Juenger, New Athens, IL

On motion duly made and seconded, these applications were approved, and the reinstatement fee was waived for Linda D. Lin.

It was noted that 1981 was the last year in which one could join the Association as a proctor member, and that accordingly there is a "bubble" of members who joined prior to that date and will reach life membership status in the next few years. This will have an impact on dues collection, and it was the consensus of the Board that life members should be given the option of continuing to pay dues if they so desire. The Membership and Finance subcommittees were asked to further explore the issue of life membership, and make a recommendation to the Board at the May meeting.

On motion duly made and seconded, the Membership Secretary's report as approved and accepted.

ASSOCIATION MANAGEMENT

Special Appointments

President Marwedel announced that he has appointed Peter J. Gutowski to be the Association's liaison on Rule B attachment issues. He also asked the Board to reach out to potential new board members, and noted that anyone can now nominate potential board members.

BOARD SUBCOMMITTEE REPORTS

Committees

Second Vice President Parrish reported on the schedule for committee meetings in May. There will be a meeting of the Marine Ecology and Maritime Criminal Law and Regulation of Vessel Operations committees in Washington, D.C. on Tuesday, April 27. Mr. Parrish also reported that a number of committee meetings and other events will be held at the Seamen's Church Institute, which is celebrating its 175th anniversary.

Finance

In view of the previous discussion on the coming decline in dues-paying members, the need to find alternative sources of revenue was discussed. President Marwedel pointed out that there are limitations on how much income the Association can earn and maintain our tax exempt status.

Messrs. Kennedy and DeGulio reported on the possibility of allowing vendors space at Association meetings for a fee. In this regard, President Marwedel reported that vendor contributions made it possible to avoid a registration fee at the Long Beach meeting. It was noted that the Association of the Bar of the City of New York has restrictions on the space in their building that may be used for this purpose.

Mr. Kennedy reported that the Connecticut Maritime Association has been very successful in obtaining advertisements, and the possibility of accepting ads from entities other than law firms on the MLA website and for the MLA directory was discussed. Other possibilities for raising additional revenue discussed included raising dues, charging members for the directory, and selling the directory and address labels to third parties. The Finance Subcommittee was asked to report back to the Board with recommendations.

It was also reported that the ABA is considering establishing a separate corporation to provide services to organizations like the MLA, and President Marwedel will explore this and report back to the Board.

The auditors have completed their review, and all was found to be in order. Because of increased scrutiny by the IRS of not-for-profit organizations, the auditors have made a number of recommendations. Treasurer Clyne will get language from the auditors and circulate it to the Board for further discussion.

Membership

Membership Secretary Farrell reported on the proposed amendment to article 204 of the by laws to expand non-lawyer membership to include non-resident non-lawyers and foreign lawyers. It was generally agreed that participation by foreign lawyers enriches the activities of the Association, but it was questioned whether foreign lawyers would be more likely to attend if they were members or were invited by the President. The Board also discussed the issue of how Law Student membership applies to lawyers who are admitted in foreign countries but are studying in the U.S.

Mr. Farrell also discussed the new consolidated membership form and the Board approved the form in principle. A couple of minor changes were suggested, but there was general agreement that the new form was a good idea.

A number of ideas were discussed regarding the attraction of new members. Categories of lawyers where the Association is underrepresented include lawyers handling cases reported in American Maritime Cases, plaintiffs' lawyers, lawyers doing marine financing work, government lawyers, regulatory lawyers, and Coast Guard lawyers. It was suggested that a document explaining why lawyers doing maritime work should join the Association be prepared, and that committee chairs be asked to pass down the need to push for new members.

Website

First Vice President Bonner reported that the announcement page that will be called "Breaking News" is ready, and should be up and running soon. The representatives of PC Solutions will be at the May meeting and will meet with the committee chairs.

Mr. Bartlett reported that he is working with Doug Petco of PC Solutions to have the the numbered documents on the website indexed. ICVM Group has been asked if they can make the necessary changes. It is hoped that this project can be completed by May.

Attempts will be made to locate any missing documents. It was suggested that Holland & Knight may have a complete set.

Presidential correspondence relating to substantive issues is being assembled, and will be put on the website.

BOARD REPORTS

Standing Committee Reports

Mr. Bonner reported that the International Organizations, Conventions and Standards Committee will have speakers at the May meeting.

Ms. Burrell reported that the Carriage of Goods Committee created a working group to report to the Association on the Rotterdam Rules. The committee met, and voted to recommend that the Association recommend adoption of the Rules, and recommend that the United States opt in on the jurisdiction and arbitration chapter. The committee is preparing a majority report and a resolution to be voted on at the General Meeting in May. It is anticipated that there will be one and perhaps two dissenting reports. The areas of dispute are the recommendation that the United States adopt the jurisdiction and arbitration chapter, and the exemption of volume contracts from the application of the Rules.

Mr. Hurley reported that at its May meeting the Offshore Industries Committee will address regulatory issues likely to arise with the new administration, and the potential impact of the *Townsend* decision.

Mr. Roberts reported that the Marine Financing Committee is close to having a proposal for preferred ship mortgages for ships under construction.

Ad Hoc Reports

Coast Guard Forum

President Marwedel reported that a meeting is scheduled for March 23 between the Coast Guard and representatives from the insurance industry over the way the Coast Guard handles oil spills. An issue to be discussed in the future will be the responsiveness of the Coast Guard to Freedom of Information Act requests.

Special Committee Reports

Fall 2009 Hilton Head Meeting

The materials for this meeting are in draft, and will be circulated immediately after the May meeting.

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Certification

Mr. Booth reported that California has made admiralty law a specialty for which certification is available.

American's Marine Highways

Mr. Roberts reported that MARAD has been given \$100 million in the stimulus package for small shipyards, and that legislation will be introduced to eliminate the double taxation on shipments that is impeding the development of short sea shipping.

City/Regional Luncheons

Mr. Farrell recently organized a meeting in Boston. Mr. Roberts commented that these meetings are a good tool for recruiting new members.

MLA Report

Mr. Watson reported that Leroy Lambert has solicited articles for the MLA Report. Ms. Burrell noted that previous reports had included tributes to deceased leaders of the Association, and that this format could be repeated.

RECENT ASSOCIATION ACTIVITIES AND PROJECTS

President Marwedel reported on the January 14 meeting of the officers with various representatives of government agencies. The meeting was well attended and appreciated.

INTERNATIONAL ACTIVITIES

IMO/ILO Expert Working Group on Abandonment and Contractual Claims

In February, Mr. Bonner attended the IMO/ILO meeting on abandonment and compensation for contractual claims in Geneva. There will be an amendment to the International Labor Convention, but it is not known if the United States will accede to this.

British Maritime Law Association Annual Dinner

President Marwedel attended the British Maritime Law Association dinner in November, 2008.

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CMI

President Marwedel has inquired into the manner in which CMI dues are apportioned to the various member associations. Mr. Chris Davis has been asked to make sure that this item is on the agenda of the CMI.

CALENDAR

President Marwedel reported on the following upcoming events:

President Marwedel will attend the IMO Legal Committee meeting March 30–April 4 in London. The topics to be discussed include hazardous substances, ports of refuge, and piracy.

The Nicholas J. Healy Lecture will be held on Thursday, April 30. The Hon. Peter Hall of the Second Circuit will deliver the lecture.

The Board of Directors will have a joint meeting with the Board of the Canadian MLA in Quebec City August 21–23.

The CMI will meet September 20–23 in Rotterdam for the signing of the Rotterdam Rules. President Marwedel will attend.

NEW BUSINESS

Mr. Kennedy reported on a proposal to have a CLE program in Park City, Utah next March. A proposal should be ready for the Board to consider in May.

There being no further business to come before the Board of Directors, the meeting was adjourned.

Respectfully submitted,
Harold K. Watson, Secretary