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

**Held at the Association of the Bar of the City of New York  
42 West 44th Street  
New York City  
on  
Thursday, April 30, 2009  
8:30 A.M.**

The April 30, 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 (by telephone)  
Harold K. Watson, Secretary  
Robert G. Clyne, Treasurer  
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	

In addition, the following persons were present at the invitation of the President:

Charles Schmidt, Chair, Planning and Arrangements Committee,  
November 2009 Meeting  
Donald Greenman, Chair, Carriage of Goods Committee

**SECRETARY'S REPORT**

Upon motion duly made and seconded, the minutes of the March 10, 2009 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the March 10, 2009 meeting of the Board of Directors will be included in the Spring 2009 PROCEEDINGS.

**TREASURER'S REPORT**

Treasurer Robert G. Clyne presented the Treasurer's report for the three months ended January 31, 2008, together with report and a letter to the Board of Directors from McGladney & Pullen, the Association's auditors. Mr. Clyne reported that the Association's cash position is good, with total cash and investments of \$333,746.63. Dues collections have been somewhat sluggish, with approximately \$220,000 of approximately \$339,000 collected as of the end of March.

Approximately 860 people have signed up for the dinner on May 1. This is slightly behind the figures for 2008, but is good considering the economy.

A budget is being developed, and savings are being achieved with regard to mailing expenses.

The auditors have made four suggestions to the Board. First, they recommend that the Association consider implementing a procedure whereby wire transfers require the approval of two separate officers. Mr. Clyne indicated that the Association only makes wire transfers to transfer funds from one of the Association's accounts to another, but it would not be difficult to require dual authorization for this. Secondly, the auditors recommended that the Association implement a "whistle-blower" protection policy and a communication vehicle for volunteers to lodge complaints relating to unethical treatment of individuals or fraudulent activities, so as to encourage such communications without fear of retaliation. Third, the auditors recommended that the Association develop a policy on the retention and destruction of records. Finally, they recommended the Association develop a conflicts of interest policy.

The Board felt that these recommendations do not appear to have a great deal of relevance to the operation of the Association, but that in an abundance of caution, it made sense to adopt these policies. Accordingly, on motion duly made and seconded, the Board unanimously approved the

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recommendation of the auditors that written procedures be implemented with an effective date of April 30, 2009 with respect to the following:

1. The approval of another officer in addition to the Treasurer for all wire transfers of funds;
2. A whistle-blower protection policy and communication vehicle;
3. A policy on the retention and destruction of documents; and
4. A conflicts of interest policy for the officers and directors.

On motion duly made and seconded, the Treasurer's Report was unanimously approved and accepted.

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

Membership Secretary David J. Farrell, Jr. presented the Membership Secretary's report.

The Committee on Proctor Admissions recommended seven names for Proctor status, and on motion duly made and seconded, the Board approved the following three Associate members for elevation to Proctor status:

John K. Fulweiler, New York  
Raymond T. Kaiser, Long Beach  
William Myhre, Washington, D.C.

None of the other persons recommended for Proctor status had been Associate members for the four years required by the By-laws, and while the By-laws provide that this requirement may be waived, it was the view of the Board that waiver of this requirement should be engaged in only in exceptional circumstances. Examples mentioned where this might be appropriate included individuals who have rendered exemplary service to the Association in some other category of membership such as an academic member, or high ranking government officials. In addition, there was concern that unless waiver was engaged in sparingly, the Committee on Proctor Admissions would be overwhelmed with requests for waivers, and would have a very difficult time dealing with these requests in a consistent manner.

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The following 20 applications for Associate membership were received:

Paul Thomas Beckmann, Mobile, Alabama  
Jay E. Bitseff, Seattle, Washington  
Samuel P. Blatchley, Boston, Massachusetts  
Lisa Manget Buchanan, Houston, Texas  
Evan T. Caffrey, New Orleans, Louisiana  
Wook Chung, Paramus, New Jersey  
Michael E. Conroy, Miami, Florida  
R. Todd Elias, Houston, Texas  
Carol Finklehoffe, Miami, Florida  
Steve Gordon, Houston, Texas  
Marc R. Greenberg, Long Beach, California  
Matthew Koch, Chicago, Illinois  
Melinda J. MacConnel, Tampa, Florida  
James A. Marissen, Long Beach, California  
Crystal G. Moroney, New York, New York  
Joseph J. Roby, Jr., Duluth, Minnesota  
Richard A. Tabuteau, Baltimore, Maryland  
Eric L. Toxey, Birmingham, Alabama  
Patrick J. R. Ward, Mobile, Alabama  
Brian Flood, Houston, Texas

In addition, the following application for Associate reinstatements was received:

George F. Klauke, Jr., Chicago, Illinois

In addition, the following five applications for Law Student membership were received:

Jason DeRosa, University of Washington School of Law  
Michael P. Gerrity, Ave Maria School of Law  
Robert Isaak Hurst, University of Utah, S.J. Quinney College of Law  
Maggie Riley, Tulane Law School  
Justin M. Woodard, Tulane Law School

In addition, the following six applications were recommended by the Committee on Non-Lawyer Nominations:

Russell D. Brown, New York, New York  
Dr. Dagmar Schmidt Etkin, Cortlandt Manor, New York

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Richard E. Fredricks, New York, New York  
Laura L. Moore, New York, New York  
Thomas D. Neumann, Paoli, Pennsylvania  
Harry A. Yerkes, New York, New York

On motion duly made and seconded, these applications were approved.

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

#### **ASSOCIATION MANAGEMENT**

##### **Committee Leadership Appointments**

President Marwedel announced the formation of a subcommittee of the Marine Ecology Committee on Places of Refuge. This subcommittee will be chaired by Alfred J. Kuffler.

President Marwedel also announced the formation of a subcommittee of the Committee on Regulation of Vessel Operations, Safety, Security and Navigation on Piracy. This subcommittee will be chaired by H. Allen Black, III. This subcommittee has already held two meetings. Admiral Charles D. Michel is the principal contact with Coast Guard with respect to this issue along with Charles "Bud" Dahr, a civilian Coast Guard lawyer.

President Marwedel also announced that the Ad Hoc Committee on America's Marine Highway has been made a subcommittee of Inland Waters and Towing, and will be chaired by C. Kent Roberts.

President Marwedel reported that John Paul Jones has reported that the law professors who have heretofore presented the CLE program on Friday afternoon after the May General Meeting are no longer meeting as a group. Accordingly, this CLE program will now be coordinated by the Continuing Legal Education Committee.

President Marwedel also reported that he has created a MLA Meetings and Events Committee with Charles E. Schmidt as chairman. This committee will serve as an umbrella committee for the various meetings, with the Dinner Committee, and Planning and Arrangements Committees for the resort and away meetings constituted as subcommittees.

President Marwedel also reported that Michael K. Bell has been appointed chairman of the Planning and Arrangements Committee for the meeting in the fall of 2010 to be held in Houston.

### **President's Advisory Committee**

Past President Rue had been asked to review Association policies and positions. He is talking to past presidents, officers and directors to compile these policies.

### **Nominating Committee**

Immediate Past President Burrell reported that the Nominating Committee had nominated all current officers to serve another term, and that the following persons had been nominated to serve three year terms on the Board of Directors: Joshua S. Force of New Orleans, Bradley A. Jackson of Houston, James F. Moseley, Jr. of Jacksonville, and Arthur J. Volkle, Jr. of Seattle.

### **Board Subcommittee Reports**

#### ***Committees***

Mr. Parrish reported that he and the other officers had met with the Committee chairs, and that he had once again emphasized the need to post committee agendas in advance of committee meetings. A presentation was made by Doug Petco and Robin Becker of PC Solutions and Kevin O'Donovan and John Paul Jones of the Website and Technology Committee to familiarize the Committee chairs with the use of the website. It was pointed out that all Committee voting is done via the website, because this is the only way to limit voting to Committee members. It was also pointed out to the Committee chairs that it is relatively easy to obtain CLE credit for Committee meetings, and the chairs were encouraged to do this.

#### ***Finance***

Mr. Clyne reported that this subcommittee had met before the March Board meeting and discussed finding alternative sources of revenue. It was noted that there will be three sponsors at the General Meeting, American Maritime Cases, Westlaw, and Informa, all of whom agreed to pay \$1,000.

Mr. DeGiulio reported that he had spoken with Jill Warner with the American Bar Association regarding their affinity programs with companies such as Hertz, and that these relationships do not generate revenue for the ABA, but merely provide benefits for ABA members. In addition, most vendors are not interested in an organization the size of the Association, except for vendors with a particular interest in maritime matters such as certain publishing

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houses. It was suggested that we need to develop written policies with respect to vendors, and that these policies should include such things as informing the vendors that they are not to solicit members, but rather to respond to the members who approach them.

The possibility of obtaining revenue through advertising in the Directory was discussed. This may require hiring a contractor to solicit ads, and the subcommittee was asked to obtain names of companies who could provide this service.

Raising revenue through sources other than dues may present tax issues, and Mr. Clyne will discuss this with the Association's auditors.

Finally, President Marwedel announced that henceforth, the Association raising the amounts to be charged for various items. The new price for Association mailing labels will be \$1,500 to for-profit groups, \$750-\$1,000 for related bar associations and similar organizations, and \$500 for members; proctor certificates will now cost \$50, and additional directories will now cost \$50. Ties will still be available for \$25.

### ***Membership***

A vigorous discussion was held regarding proposed amendments to the By-laws regarding classes of members. Among the issues discussed were whether to allow foreign lawyers to join the Association, whether the category of Academic Members should be continued, what classes of members should be entitled to vote, whether any changes should be made with regard to Life Members, whether admittance to the practice of law in a foreign country should disqualify someone who resides in the United States from being a Non-Lawyer Member or from being a Law Student Member. It was decided to carry this issue over to the next Board meeting. In preparation for that meeting, the subcommittee was asked to discuss possible changes with Academic Members, and the Board was asked to discuss these subjects with the membership. In addition, President Marwedel will solicit the views of past presidents and Committee chairs.

### ***Website***

Mr. Bonner discussed certain additions to the website. Both he and President Marwedel expressed appreciation to Doug Petco and Robin Becker of PC Solutions for their dedication to the Association.

## **Board Reports**

### ***MLA REPORT***

Mr. Watson reported that LeRoy Lambert, the editor of the *MLA REPORT* is making progress on getting an issue out in June. There will be tributes to Herbert Lord and Gordon Paulsen, and material from various Committee newsletters.

## **Special Committee Reports**

### ***USCG Relations***

Immediate Past President Burrell reported that the Coast Guard Forum had met on March 23, with representatives of companies involved in insuring and managing oil spills, the National Pollution Trust Fund, and several branches of the Coast Guard present. The ground rules for the meeting were that there would be no discussion of open or recently closed cases. The matters discussed included the timeliness of claims review, establishing a protocol outlining procedures for turning over a spill to the government without jeopardizing the right to limitation of liability, the Coast Guard's activation of COFRs without notifying the guarantor or giving time to find a cost effective solution, possible insurance consequences of characterizing a demand for wreck removal as a pollution threat as opposed to a navigational hazard, effect of using the Federal Debt Priority Statute on the ability to pay responders in a timely fashion and the effect of this on future response. As a result of the meeting, the Coast Guard invited insurers to attend or instruct at the Coast Guard's On Scene Coordinators Crisis Action Course, and efforts will be made to address the various issues raised. Additional follow-up meetings will be held on an individual basis as required. The meeting had the immediate benefit of increasing the parties' understanding of the impact of their actions on the other parties who are involved in the process.

### ***Fall 2009 Hilton Head Meeting***

Mr. Schmidt reported for the Planning and Arrangements Committee for the Fall 2009 meeting, which will be held in Hilton Head, South Carolina at the Hilton Head Marriott Resort & Spa. A contract has been signed with the resort, with guarantees geared to the attendance at the 2007 meeting at Sani-bel Island. The Marriott is going to make it possible to register for the hotel on their website. All the usual activities will be available, with the possible excep-



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tion of sailing, since the only nearby yacht club is private. There will be a CLE program, and the Committee is exploring the possibility of making it possible for young members to attend only the CLE portion of the meeting with per event pricing. The Committee is also considering reduced prices for members of the same firm, and is exploring trying to attract members of SEALI and other non-MLA members.

The Committee has sufficient funds for their present activities, but needs to be able to write checks. On motion duly made and seconded, the Board authorized the execution of the documents necessary so that the chairman and treasurer of the Committee can sign checks.

## **DISCUSSION ITEMS**

### **Rotterdam Rules**

Mr. Greenman reported on the procedure to be followed at the General Meeting for the vote on whether the Association should recommend that the United States sign and ratify the Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, also known as the Rotterdam Rules. The Carriage of Goods Committee has recommended passage of three resolutions. The first resolution will recommend that the United States sign and ratify the Convention; the second and third resolutions will recommend that the United States opt in to Chapters 14 and 15 of the Convention, which deal with jurisdiction and arbitration respectively. Mr. Greenman will present the resolutions and discuss the history, and Professor Michael Sturley will discuss the Rules themselves. Minority reports have also been filed. All documents were made available to the membership in accordance with Association By-Laws.

### **Ski Trip**

Mr. Bonner indicated that he would send out an email to determine interest in a ski trip/CLE seminar.

## **RECENT ASSOCIATION ACTIVITIES AND PROJECTS**

Ms. Burrell reported that she had attended the 15th Annual John R. Brown Admiralty Moot Court Competition in Charlseton, South Carolina. President Marwedel reported that he had served as the John W. Sims Distinguished Admiralty Practitioner in Residence at Tulane University Law School.

## **INTERNATIONAL ACTIVITIES**

### **IMO Legal Committee**

President Marwedel reported that he attended the meeting of the IMO Legal Committee in London, and reported on the progress of the Ports of Refuge Convention, and the new protocols to the HNS Convention.

## **NEW BUSINESS**

### **Certificates of Appreciation**

Upon motion duly made and seconded, the following resolution was adopted to express the Association's appreciation for the work of the Seamen's Church Institute of New York and New Jersey:

The Maritime Law Association of the United States presents this certificate of appreciation to the Seamen's Church Institute of New York and New Jersey in recognition of its 175 years of distinguished service to the maritime industry.

WHEREAS, since its founding in 1834 The Seamen's Church Institute of New York and New Jersey has grown to be the largest and most comprehensive mariner's agency in North America, and

WHEREAS, the chaplains of the SCI annually visit thousands of vessels in America's waterways, caring for the spiritual and emotional well-being of mariners, and

WHEREAS, the SCI and its attorneys have been zealous and effective advocates for the rights of mariners, seeking to protect and enhance their rights and to educate mariners and those who care for them about those rights, and

WHEREAS, the SCI's education facilities in New York, New York, Houston, Texas and Paducah, Kentucky provide training for mariners, thus contributing to the safety of the nation's waterways, and

WHEREAS, through these activities, the SCI has contributed greatly to the well-being of those men and women who toil in the marine industry for the common good of mankind and to the safety of maritime commerce,

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BE IT RESOLVED that The Maritime Law Association of the United States congratulates The Seamen's Church Institute of New York and New Jersey on its 175 years of service to mariners and the maritime industry, and expresses its appreciation and support for that service.

BE IT FURTHER RESOLVED, that a copy of this Resolution be made part of the permanent records of the Association.

Upon motion duly made and seconded, the following resolution was adopted to express the Association's appreciation for the work of Rear Admiral Charles D. Michel:

The Maritime Law Association of the United States expresses its sincere appreciation for the services and exemplary assistance of Rear Admiral Charles D. Michel, United States Coast Guard, Chief, Office of Maritime and International Law, Washington, D.C.

Admiral Michel has been a dedicated officer of the United States Coast Guard since 1985, carrying out many highly significant responsibilities and serving with distinction in numerous capacities.

His prior staff assignments include Legislative Counsel for the Office of Congressional and Governmental Affairs, head of the Operations Division within the Office of Maritime and International Law, and Staff Attorney at the Eighth Coast Guard District. In his afloat assignments, he served as Commanding Officer of the USCGC RESOLUTE and USCGC CAPE CURRENT and Executive Officer of the USCGC DAUNTLESS. In his service to the Country and the Coast Guard, he has performed his duties as Chief, Office of Maritime and International law, in an outstanding manner.

Despite the time required by the aforesaid duties, Admiral Michel has participated in numerous activities of the Maritime Law Association of the United States by making presentations to committees of the Association on topics of maritime law, marine ecology, governmental relations, Coast Guard policy, proceedings at the IMO and other matters, contributing not only his expertise, talent and knowledge, but a sense of camaraderie, friendship and collegiality. In doing so, he has continued and expanded the tradition of cooperation between the United States Coast Guard and the Association.

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In consideration of the foregoing:

BE IT RESOLVED, that The Maritime Law Association of the United States expresses its sincere and profound appreciation for the services and assistance of Rear Admiral Charles D. Michel, and we express our gratitude to our professional colleague and friend.

BE IT FURTHER RESOLVED, that a copy of this Resolution be made a part of the permanent records of the Association.

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

Respectfully submitted,  
Harold K. Watson, Secretary