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

**Held in the Saint-Louis Room
Fairmont Le Chateau Frontenac
1 Rue des Carrieres
Quebec, Quebec
Canada**

**on
Saturday, August 22, 2009
8:00 a.m.**

The August 22, 2009 meeting was called to order by President Warren J. Marwedel at 8:00 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
Robert G. Clyne, Treasurer
David J. Farrell, Jr., Membership Secretary
Lizabeth L. Burrell, Immediate Past President

The following directors also were present:

Donald J. Kennedy	C. Kent Roberts
Kimbley A. Kearney	Robert B. Hopkins
Barbara L. Holland	Bradley A. Jackson
James F. Moseley, Jr.	Arthur J. Volkle, Jr.

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

Kenneth H. Volk	Thomas S. Rue
Raymond P. Hayden	Geoffrey J. Ginos

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the April 30, 2009 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the April 30, 2009 meeting of the Board of Directors will be included in the Fall 2009 PROCEEDINGS.

TREASURER'S REPORT

Mr. Clyne reported that the Association's financial position remains strong, with approximately \$470,000 in cash and investments. Dues collection, on the other hand is trending down, with 76% of the dues for 2009 having been collected, and another \$30,000 expected to be collected.

The auditors have suggested that the Treasurer become more involved with financial aspects of the meetings of the Association that are held outside of New York, which have, heretofore been handled principally by the Arrangements Committee for the meeting in question. Mr. Clyne indicated that he was taking steps to accomplish this. The other recommendations made by the auditors, and approved at the April 30, 2009 meeting, are being implemented.

The May 2009 dinner made a small profit sufficient to cover the other expenses of this meeting. While the Marriott Marquis has expressed interest in hosting the May dinner in the future, Pier 60 has offered the same price as last year, and the consensus of the Board was to remain at Pier 60 for the time being.

Mr. Clyne reported that efforts are underway to prepare a budget for the Association. He also reported that large savings were achieved by sending the materials for the spring meeting electronically.

Mr. Clyne also pointed out that the Board needed to approve the new signatories for the accounts for the convention accounts. Accordingly, upon motion made and duly seconded, the Board unanimously approved the following signatories for the convention money market

account (account # 641469853) and convention checking account (account # 641730543) with HSBC: (1). Robert G. Clyne, (2) Charles E. Schmidt, (3) Patrick Bonner, and (4). Joanne Zawitowski.

On motion duly made and seconded, the Treasurer's report was approved.

MEMBERSHIP SECRETARY'S REPORT

Mr. Farrell delivered the Membership Secretary's report. The following 16 applications for Associate membership have been received:

Dena S. Aghabeg, Long Beach, California
Kendra S. Canape, Long Beach, California
Kerri M. D'Ambrosio, Oyster Bay, New York
Clayton L. Diamond, Washington, DC
Gary Emery English, Charleston, SC
Anacarolina Estaba, Houston, Texas
Zachary B. Herschensohn, Bellingham, Washington
Jeremy M. Joseph, Long Beach, California
Demetra Karafotias, New York, New York
Jennifer L. Meeker, Long Beach, California
Jason McDonald Payne, Oxford, Mississippi
Jennifer M. Porter, Long Beach, California
Briton P. Sparkman, Oyster Bay, New York
Tara Beth Voss, Long Beach, California
Justin Waytowich, New York, New York
William H. Whitaker, Houston, Texas

The following eight Law Student applications have also been received:

Bjorn G. Anderson, Fernandina Beach, Florida
Chessie F. Brown, Neptune Beach, Florida
Gillian V. Gurley, New Orleans, Louisiana
Ashley R. Hebert, Jacksonville, Florida
David Lincoln, Chestnut Hill, Massachusetts

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Casimir Christian Lukjan, Jacksonville, Florida
Robert James Morris, III, Crystal Beach, Florida
Bradley Scott Robinson, Jacksonville, Florida

Mr. Farrell also noted with regret the deaths of the following members:

Nicholas J. Healy, Ireland
John E. Hurley, San Francisco, California
James K. Carroll, New Orleans, Louisiana

Mr. Farrell also reported that the Young Lawyers Committee has found email addresses for 171 members.

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

ASSOCIATION MANAGEMENT

Officer/Board Committee and Standing Committee Liaison Assignments

President Marwedel announced the Board Committee and Standing Committee liaison assignments. A listing of these assignments is attached.

Committee leadership appointments

President Marwedel announced that he has appointed Michael K. Bell to serve as chairman of the Arrangements Committee for the Fall 2010 meeting to be held in Houston, Texas. He also announced that the State Certification & Specialization Committee has been reinstated, and that Forrest Booth will chair this committee. He also announced the formation of a Government Counsel Committee, and that R. Michael Underhill has been appointed as the chairman of this committee.

Board Subcommittee Reports

Committees

Mr. Parrish reported that he will send an email to committee chairs, 60 days prior to the Hilton Head meeting, reminding them of their duty to post committee agendas and to have CLE programs on a regular basis.

Finance

Mr. Clyne reported that the exploration of ways to raise additional revenue continues. President Marwedel requested the subcommittee to have a proposal regarding advertising to discuss at the next meeting.

The Board discussed the requests that the Association has been receiving from various groups to provide email "blasts" to the membership. The Association has been willing to provide mailing labels to groups who are hosting seminars and publishers, but has never been willing to provide a list of members. There was a general consensus of the Board that providing email blasts was essentially the same thing as providing mailing labels, but that some means should be devised whereby the emails did not indicate that the Association was the sender, because this could dilute attention from emails sent to the membership relating to Association business. Mr. Watson was asked to consult with PC Solutions to see how this could be accomplished.

President Marwedel advised the Board that the Association had received the invoice from the Comité Maritime International in the amount of approximately \$28,000. He pointed out that the Association's CMI subscription is one of the largest single expenses of the MLA, and that while the CMI did have some financial concerns some years ago, it has built a substantial surplus that has been growing significantly every year. A discussion was held regarding the Association's relationship with the CMI, and while some Board members questioned the continued relevance of the Association's participation, others pointed out that the

MLA was formed to exist as a member of the CMI, and that this role is recognized in the Articles of Incorporation. On motion duly made and seconded, the Board authorized President Marwedel to negotiate on the best terms possible a reduction of the subscription, and to encourage the CMI to make the necessary changes to increase its relevance to the Association.

It has been seven or eight years since the last dues increase, and the Board discussed the need to increase dues. On motion duly made and seconded, the Board approved an increase of dues of \$10 a year for all dues-paying classes of members except Law Student Members, and authorized an increase of Law Student Members' dues to \$50 per year.

President Marwedel then pointed out that publishing the directory costs approximately \$40,000. Various options were discussed to reduce this cost, which ranged from ceasing to publish a hard copy directory entirely, reducing the size of the directory, or sending the directory by email. There was a consensus that publication of the directory should continue for the time-being, but that these options should be explored.

Membership

Mr. Rue reported on the results of his inquiries to the past presidents of the Association regarding the creation of a new class of members that would include foreign lawyers. He reported that majority of the former presidents were not opposed in principle, but did express certain concerns. The past presidents all felt that foreign members should not have voting rights, and should be required to have some strong connection with the work of the Association. Additional concerns were expressed about the difficulties in screening potential members. A discussion by the Board expressed similar concerns, as well as the concern that having foreign members would potentially compromise the Association's advisory role to the United States government. The general consensus of the Board was that the By-Laws should not be amended at this time in this regard.

The Board next discussed the status of Academic membership. The Board approved in principle the amendment of the By-Laws to give

Academic members the right to vote and to require them to pay dues. The Board discussed simply eliminating the category of Academic members, since most Academic are eligible for Proctor or Associate membership. However, it was pointed out that there are some academic members who are not admitted to the bar and are hence ineligible for other classes of membership, and the consensus was to retain the category of Academic membership, thus giving academicians an option to choose either of these classes of membership. A proposed By-Law amendment will be circulated for Board approval.

President Marwedel expressed his appreciation to the New York firms for their continuing support of the spring dinner, and indicated that he had written a letter to them expressing the Association's thanks.

A discussion was also held regarding ways to attract new members. It was suggested that lawyers with cases in American Maritime Cases who are not members could be asked to join, and Mr. Hopkins noted that it would be a simple matter for the AMC editors, upon receiving a case which is being submitted for publication, to determine whether all counsel of record are members of the Association, and, if not, suggest that they become members.

Website

President Marwedel asked the directors to look at the website and suggest changes. He noted that the new page that was intended to serve as an information source for breaking news regarding members and their firms has encountered difficulties because of spam. This issue is being reviewed.

Ad-Hoc Reports

Rule B Attachment

Mr. Bonner reported that the judges of the Southern District of New York are not taking a uniform approach to Rule B attachments. Additionally, the New York Court of Appeals recently handed down a ruling

that may create negative consequences for registering to do business in New York, which had been viewed as a means of avoiding Rule B.

Special Committee Reports

President's Advisory Committee

Immediate Past President Burrell delivered the report of the President's Advisory Committee regarding the Association's position regarding admiralty and maritime law as a specialty. Ms. Burrell reviewed the documents setting forth the longstanding opposition of the Association to certification on the basis that the breadth of maritime practice makes certification misleading, and that all certification programs have given emphasis to narrow areas of maritime practice. She reviewed the various efforts that have been made over the years to approve the certification of admiralty and maritime law as a specialty, and the consistent position that the Association has taken with regard to these efforts. Because the history of the Association's position in this regard is located in a variety of places over a considerable period of time, the Board felt that it would be helpful to restate the Association's position, and on motion duly made and seconded, the Board unanimously passed the following resolution:

BE IT RESOLVED that

WHEREAS Admiralty and Maritime Law is a system of law, embracing many specialties, of an inherently national and international character, and

WHEREAS it is impossible to devise an examination that would recognize the breadth of maritime practice and yet permit an accurate representation to the public of the scope of an individual practitioner's expertise, and

WHEREAS the reasons for certifying specialties in nonbusiness areas of law are not generally present in the field of shipping law,

NOW, THEREFORE, the Board of Directors of The Maritime Law

Association of the United States formally

ADOPTS a policy opposing state certification of admiralty and maritime law as a specialty,

CONFIRMS all actions taken by MLA Presidents in opposition to California's certification proposals as acts of the Association endorsed by the Board, and

EXPRESSES the Association's continuing opposition to state certification of admiralty and maritime law as unnecessary, misguided, counter-productive, and improper.

MLA Meetings and Events

President Marwedel reported that the site selection committee for the 2011 meeting is looking at Hawaii and Bermuda for that meeting. He also reported that the registration materials for the Hilton Head meeting are out, and that there will be a follow up email urging the members to attend. There then followed a discussion of the pricing for the meeting.

Recent Association Activities

Rotterdam Rules ABA Endorsement

President Marwedel reported that he is working with the American Bar Association to obtain its endorsement of the Rotterdam Rules. There are three separate Sections that have admiralty and maritime law committees, and all are involved in this process.

Amicus Briefs

President Marwedel reported that in the past 14 months, there have been 14 requests for amicus briefs, and we have rejected all of them. He also pointed out that nothing precludes the Association taking a position on the merits, although it is rarely done. Uniformity of maritime law is the goal, and taking a position on the merits may from time to time be necessary.

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Coastwise Coalition Meeting

Mr. Farrell reported that he attended a meeting in Washington, DC on July 16, 2009 of the Coastwise Coalition and then met with representatives of members of Congress to discuss amendment of the Harbor Maintenance Tax as it applies to short sea transits. There does not appear to be any substantive opposition to the proposal, but it has gotten bogged down in the legislative process.

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

Respectfully submitted,

Harold K. Watson,
Secretary

**OFFICER/BOARD COMMITTEE AND LIAISON
ASSIGNMENTS**

OFFICERS	SUBCOMMITTEE	COMMITTEE LIAISON
Warren J. Marwedel		President's Advisory; Special Board Liaison Uniformity of U.S. Maritime Law; In-House Counsel Committee; American Bar Association Relations, Site Selection; BIMCO; Government Liaison
Patrick J. Bonner	Website - Chair	International Organizations, Conventions and Standards; Special Board Liaison Committee on Website and Technology
Robert B. Parrish	Committees - Chair	Marine Torts and Causalities; Special Board Liaison Committee on Continuing Legal Education; Young Lawyers
Harold K. Watson	Website	Practice and Procedure; MLA Report
Robert G. Clyne	Finance - Chair	Carriage of Goods; Meetings and Events
David J. Farrell, Jr.	Membership - Chair	Proctor Admissions; Special Committee on Non-lawyer Nominations
Lizabeth L. Burrell		Nominating Committee

BOARDS OF DIRECTORS	TERM	SUBCOMMITTEE	BOARD LIAISON
Forrest Booth	2010	Committees	Salvage; Special Committee on State Certification and Specialization
Donald J. Kennedy	2010	Finance	Marine Ecology and Maritime Criminal Law
Janet W. Marshall	2010	Finance	Recreational Boating
C. Kent Roberts	2010	Membership	Marine Financing; Ad Hoc on America's Marine Highways
Frank P. Degiulio	2011	Finance	Cruise Lines & Passenger Ships
Kimbley A. Kearney	2011	Membership	Marine Insurance and General Average
Robert B. Hopkins	2011	Committee	Regulation of Vessel Operations, Safety, Security and Navigation
Barbara L. Holland	2011	Membership	Stevedoring, Marine Terminals, and Shoreside Services
James F. Mosley, Jr.	2012	Finance	Inland Waters and Towing
Joshua S. Force	2012	Committees	Arbitration and ADR
Bradley A. Jackson	2012	Committees	Fisheries
Arthur J. Volkle, Jr.	2012	Membership	Offshore Industries