

[15637]

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

**Held at the
Hilton Head Marriott Resort & Spa on
Wednesday, November 4, 2009
8:00 a.m.**

The November 4, 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	Robert B. Hopkins
Kimbley A. Kearney	Arthur J. Volkle, Jr.
Barbara L. Holland	Frank P. DeGulio
James F. Moseley, Jr.	Joshua S. Force

In addition, Philip A. Berns, Charles E. Schmidt and Michael K. Bell were present at the invitation of the President.

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the August 22, 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.

Mr. Watson reported that the MLA Report has not progressed towards publication. Accordingly, the Proceedings for the May 2009 meeting will include committee newsletters to provide some of the material that had formerly been included in the MLA Report.

A question was raised as to whether providing printed copies of the Proceedings was necessary, or whether it might be more cost effective to simply provide the Proceedings on line. It was pointed out, however, that when the membership was surveyed by the committee chaired by Immediate Past President Burrell, the Association's publications were deemed an important benefit of membership. It was also pointed out that the volume of the Proceedings makes them cumbersome to read in electronic form for many members.

Mr. Watson reported that he has received a bid to have a podium fall with the Association logo made for a cost of approximately \$400. Once we have obtained the dimensions of the podium in the Great Hall of the Association of the Bar of the City of New York Building, this item will be purchased.

TREASURER'S REPORT

Mr. Clyne reported that the Association has more than \$400,000 in cash and investments. However, dues collection is down somewhat, with 84% of dues having been collected. The Board members have been asked to contact delinquent members that they know and remind them to pay their dues.

Mr. Clyne reported that a contract has been given to Pier 60 for the May dinner, with no change in price.

Mr. Clyne also reported that the auditors' recommendations will be in place by the May meeting, and that a budget will be presented for approval at that time.

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

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MEMBERSHIP SECRETARY'S REPORT

Mr. Farrell delivered the Membership Secretary's report.

The Committee on Proctor Admissions has recommended the four following Associate members for elevation to Proctor status:

Carolyn Elizabeth Bundy, New York
Stephen Galati, Philadelphia
Steven M. Stancliff, Norfolk
Norman M. Stockman, Mobile

On motion duly made, the recommendation of the Committee on Proctor Admissions was approved.

The following applications for Associate membership have been received:

Craig Brewer, Metairie, Louisiana
Lafcadio H. Darling, Seattle
Brian M. Doyle, New York
Tammy Fastman, New York
John F. Karpousis, New York
Jason Kenney, Metairie, Louisiana
Jason L. Kesler, Wilmington, North Carolina
Jessica L. Martyn, Norfolk
Frank Michael Modich, Minneapolis
Scott S. Sheffler, Washington, D.C. 20374-5066
Jeff R. Vogel, Annapolis

In addition, the following application for reinstatement to Associate member status has been received:

Peter G. Drakos, Stamford, Connecticut

Also, the following 54 applications for Law Student membership have been received:

Alessandro Apolito, Florida Coastal School of Law
Cassie du Bay, Tulane Law School
Kallin Brooks, Tulane Law School
Lauren Burk, Tulane Law School
Aaron J. Bryan, Florida Coastal School of Law
Donald G. Cassels,
Minseo Choi, Tulane Law School
Gunner laCour, Tulane Law School
Robert Colby, Rutgers School of Law
Chris Dopson, Tulane Law School
Patrick Gibbons, Tulane Law School
Page Griffin, Tulane Law School
Megan Halkitis, Florida Coastal School of Law
Noe Hamra, Tulane Law School
Carrol Hand, Tulane Law School
Meg Helstowski, Florida Coastal School of Law
Kenneth J. Janesk II, Florida Coastal School of Law
Ryan Johnson, Florida Coastal School of Law
Michael Kelley, Florida Coastal School of Law
Theodore Langan, Tulane Law School
Byunghoon Lee, Tulane Law School
Eric Lee, Tulane Law School
Brian W. Leeds, Florida Coastal School of Law
Bess Lochocki, Charleston School of Law
Catherine J. Mansfield, Florida Coastal School of Law
Jonathan McConnell, University of Alabama School of Law,
Cameron J. Miller, University of Alabama School of Law
Euyelit Adriana Moreno-Paredes, University of Miami School of Law
Charles R. Ostertag, Tulane Law School
Joshua Parks, Tulane Law School
Joseph Peck, Charleston School of Law
Michael Beck Pemberton, Tulane Law School
Phillip Perinchief, Tulane Law School
Orjanel Pointer, Tulane Law School
Eric Ranchoff, Tulane Law School
Ricardo Rivas, Tulane Law School
Clarence B. Rivette, Tulane Law School

Marie del Rosario de Roux, Tulane Law School
Herschel J. Rush, Tulane Law School
Christopher Ryan, Florida Coastal School of Law
Robert Shreve, University of Alabama School of Law
Iden Sinai, Columbia Law School
Mahsa Soheil, Tulane Law School
Julie Solis, Florida Coastal School of Law
Brandon Sousa, Tulane Law School
Michael L. Stewart, University of Alabama School of Law
Jessica R. Svajert, Florida Coastal School of Law
Raveena Tamoria, Fordham School of Law
Peter Walbridge, Tulane Law School
Yanchen Wang, Tulane Law School
Ryan Williams, Florida Coastal School of Law
Gregory M. Wise, Florida Coastal School of Law
Charles R. Wood, Florida Coastal School of Law
Xiaochen Yu, Tulane Law School

In addition, the Committee on Non-Lawyer Nominations recommended the following three people for Non-Lawyer membership:

Anthony Barker, Elk Grove Village, Illinois
James D. Jones, Glen Allen, Virginia
Dr. Ralph Markarian, New Castle, Delaware

On motion duly made and seconded, all these applications for membership and reinstatement were approved.

Mr. Farrell also regretfully reported the deaths of the following members:

Hon. George C. Pratt, of Central Islip, NY; Judicial, elected 1979
John Edward Hurley, Jr., of San Francisco, CA; Proctor, Life Member, elected 1967
Hon. W. Brervard Hand, of Mobile, AL; Judicial, elected 1977
Hon. John William Black III, of Brownsville, TX; Judicial, elected 1978

Joseph A. Murphy, of St. Louis, MO; Proctor, Life Member, elected 1962
Donald Macleay, of Washington DC; Proctor, Life Member, elected 1951
Thomas C. MacDonald, Jr., of Tampa, FL; Proctor, Life Member, elected 1957

Thomas F. Molanphy, of Rockville Centre, NY; Proctor, Life Member, elected 1958

Geoffrey H. Longenecker, of Covington, LA; Proctor, elected 1975

Chris J. McGrath, of Houston, TX; Proctor, elected 1990

James K. Carroll, of New Orleans, LA; Proctor, MLA Director 2000-2003, elected 1976

Michael O. Hardison, of New York, NY; Proctor, elected 1981

Frank C. Allen, of New Orleans, LA; Proctor, Life Member, elected 1968

Kent E. Westmoreland, of Houston, TX; Proctor, elected 1977

Emery W. Harper, of New York, NY; Proctor, Life Member, elected 1968

Mr. Farrell reported that there are still a couple of hundred members for whom the Association does not have email addresses. He also reported that the application forms for the various classes of membership have now been consolidated, and that the consolidated application form can be found on the website.

BOARD SUBCOMMITTEE REPORTS

Committees

It was reported that Marc Marling of the Arrangements Committee has coordinated well with the committee chairs to arrange the committee meetings. President Marwedel also indicated that he has asked the Committee on Website and Technology to determine how we can use our own equipment at meetings.

Finance

The Finance Subcommittee is continuing to look at possible alternative sources of revenue, including sponsorships and advertising in the program for the May dinner and on the website, and Mr. Clyne requested suggestions for other possibilities. He did point out that there

are limits on the amount of money we can raise via sponsorships and still retain our tax exempt status.

Membership

Ms. Holland opened the discussion of several proposed amendments of the by-laws relating to membership. First, the amendments would broaden the eligibility for Law Student membership by deleting the requirement that an applicant for this class of membership not have been admitted to the bar, so long as the applicant is enrolled as a full time student at a law school accredited by the American Bar Association. Second, the proposed amendments would amend the by-laws with respect to academic members to allow them to vote, with the concomitant obligation to pay dues. The amendment would also allow academic members who desired to do so to apply for Proctor membership, and thus become eligible for leadership positions. On motion duly made and seconded, By-Laws 208, 209 and 210 were amended to read as follows:

208. ELIGIBILITY FOR LAW STUDENT MEMBERSHIP

Any person who is a resident of the United States, who is enrolled as a full time student in a U.S. school of law, accredited by the American Bar Association, and who has expressed an interest in the practice of admiralty law, shall be eligible for Law Student membership, which shall terminate at the end of the calendar year in which the member graduates or ceases to be a student in good standing at the school. An applicant shall file with the Membership Secretary an application for Law Student membership on a form provided by the Membership Secretary. Each application shall be supported in writing by a professor or administrative official at the law school attended by the applicant or by a member of the Association. The letter shall be annexed to the application.

209. ELIGIBILITY TO VOTE

All members of the Association in good standing, excepting Honorary, Ex-Officio, Judicial and Law Student members, shall have the privilege of voting at the Association's regular meetings.

210. DUES

The amount of annual dues of members shall be fixed by the Board of Directors and shall be payable on May 1 of each year, with the exception of Law Student members, whose dues shall be payable on a date set by the Board of Directors. The following classes of members shall be exempt from the payment of dues:

1. Honorary, Ex-Officio and Judicial members.
2. Members in good standing who have, as of May in any year, maintained membership in the Association for 40 years. Members so exempted shall be designated as Life members.

Mr. Farrell also noted that there were certain discrepancies between the text of the by-laws as they appear in the directory and as they appear on the website. These discrepancies are as follows:

By-Law	Discrepancy
101	"by-laws" should be in lower case
204	"maritime law" should be changed to "Maritime Law"
211	"100" should be changed to "one hundred"
213.4 702.4	The first sentence of the second paragraph should be changed to: "A written complaint specifying the alleged misconduct or cause must be sent to the President." (Delete the word "with" in that sentence.) Delete the comma after "opposition papers"
1101	In the first sentence, change the word "communicate" to "communication"
	Appendix A
	Change "BY-LAW211" to "BY-LAW 212"
	Code of Professional Conduct
	In paragraph 8, italicize "pro bono"

PC Solutions will be informed of these discrepancies so that the website can properly reflect the by-laws.

There was also a discussion of ways in which to attract new members. It was again mentioned that lawyers who have cases published in American Maritime Cases were a potentially fruitful source of new members, and this approach will be coordinated with Mr. Hopkins.

Website

The "Breaking News" feature of the website, which will provide a place for members to post news of interest to the membership, should be operational soon. There is still work to be done to determine the type of news that will be posted and how it will be posted. In addition, the subcommittee is exploring ways in which advertising might be posted on the website in a manner whereby members can view the advertisements only if they choose to do so.

President Marwedel announced that he will be appointing a committee to coordinate the Association's archives, including the preparation of a good index. He also reported that he has authorized the acquisition of an anti-spam program at a cost of \$500.

The possibility was raised of soliciting sponsors to defray the cost of upgrading the website. It was pointed out that this must be weighed against the possible compromising of the Association's independence, and that the Association is generally viewed as the model national maritime law association in that we do not have corporate members.

BOARD REPORTS

Ad-Hoc Reports

Rule B Attachment

The recent decision of the Second Circuit in *Shipping Corporation of India v. Jaldhi Overseas Pte Ltd.* was discussed. It is anticipated

that the Association will be asked for an amicus brief in this matter.

MLA Meetings and Events

Fall 2009 Meeting

While there are fewer spouses and guests attending this meeting than were present at Sanibel Island in 2007, there are more members in attendance. Mr. Schmidt reported that all activities that are customarily held are going forward, and that room occupancy is sufficient to meet our contractual requirements, and that the meeting should end up in the black.

A discussion was also held regarding requests for refunds of registration fees. President Marwedel stated that typically this has been done after the meeting is concluded and it is known whether the meeting has made a profit or a loss. It was also noted that requests for refunds are accompanied by reasons for the request that vary from a serious illness to people who simply do not show up without notifying the Association and then request a refund. Mr. Schmidt was requested to formulate a policy or guidelines to deal with this issue.

Fall 2010 Meeting

Mr. Bell, the chairman for the Fall 2010 meeting to be held in Houston, reported on plans for that meeting. His committee has been looking at the holding the meeting from Thursday through Saturday either the first or second week of November. However, during the first week of November there is a major knitting convention in Houston, and members who registered late might have great difficulty in finding a hotel room. Accordingly, it was felt that the second week in November is a better option. The Hilton Americas in downtown Houston is available with rooms at a rate of \$185 a night. The committee is coordinating with the University of Texas Admiralty Law Seminar, which will be held the day before the meeting begins.

Future Fall Meetings

The Board discussed various issues relating to future fall meetings. First, a discussion was held regarding the pricing for spouses. The Arrangements Committee believes that it is helpful to have a lower rate for spouses than is charged for the member attending. The Arrangements Committee has typically tried to tie the price to cost, charging the spouse an amount that does not include conference rooms, etc.

A discussion was also held regarding possible changes to the way in which the fall resort meetings are conducted. Mr. Bonner suggested that a three year cycle might be more attractive. It was also noted that the CLE and committee meeting schedules were very compressed, and President Marwedel suggested that perhaps the focus of the resort meetings should be on CLE, and that perhaps foregoing committee meetings at the resort meetings might make sense. It was also noted, however, that some members, including some committee chairs, attend because of the committee meetings, and that this is often a selling point in obtaining firm approval to attend.

It was also suggested that the number of dinners included in the registration fee might lower the price and make the meetings more attractive.

The site of future meetings was also discussed. At one time, the meetings alternated between the east and west coasts, but a decision was made by a prior Board to seek the best location possible without regard to geographic location. Moreover, in the survey that was conducted of the membership under Ms. Burrell's leadership, location was deemed very important by many members.

Finally, a proposal made by Board member Forrest Booth whereby the fall meeting would be held every other year in San Francisco in conjunction with the Pacific Admiralty Law Institute was presented. President Marwedel encouraged the Board to discuss on the Board section on the website.

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INTERNATIONAL ACTIVITIES

President Marwedel reported on his attendance at the signing of the Rotterdam Rules in Rotterdam in September. There does not appear to be any real opposition to the adoption of the Rules.

President Marwedel also reported that he met with representatives of the CMI to discuss its future work and finances, including a reduction in the financial contribution of the Association.

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

Respectfully submitted,

Harold K. Watson,
Secretary