

[15851]

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

Held at the offices of Winston & Strawn, Washington, D.C.
1700 K Street NW
12th Floor
Saturday, March 13, 2010
8:30 a.m.

The March 13, 2010 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
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:

Forrest Booth	Donald J. Kennedy
Janet Marshall (by telephone)	C. Kent Roberts
Kimbley A. Kearney	Barbara L. Holland
Joshua S. Force	Bradley A. Jackson
James F. Moseley, Jr.	Arthur J. Volkle, Jr.

In addition, the following members and guests were present at the invitation of the President:

James R. Moseley, Sr.	Thomas S. Rue
James W. Bartlett, III	Calvin Lederer
John Paul Jones	Allen Black

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the November 4, 2009 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the November 4, 2009 meeting of the Board of Directors will be included in the Spring 2010 PROCEEDINGS.

Mr. Watson reported that Messrs. Chester D. Hooper and David Nourse have agreed to assume responsibility for editing the MLA Report.

Mr. Watson also reported that the expense of printing the Spring 2009 PROCEEDINGS was approximately double what it had been for the Fall 2008 PROCEEDINGS. This was to be expected because the Spring 2009 PROCEEDINGS were extremely lengthy as a result of the debate on the Rotterdam Rules. Mr. Watson has solicited a comparative printing bid to see if this cost can be reduced in the future.

Mr. Watson is still awaiting information to have a podium fall made. As soon as this information is obtained, the purchase will proceed.

TREASURER'S REPORT

Mr. Clyne reported that the Association's finances remain in good shape. There is approximately \$25,000 less cash on hand than at the same time in 2009, but this is attributable to factors that can be accounted for, i.e., the fact that the money from the account for the 2009 fall meeting has not yet been transferred to the Association's general account, payment of the auditors in a different quarter than last year, and late issuance of dues invoices.

The fall meeting at Hilton Head was a financial success, ending up in the black. Requests for refunds are being reviewed, but this will not materially affect the result.

The dinner in conjunction with the May meeting will again be held at Pier 60. This is the only major upcoming expense. The price of the dinner has been raised by \$5.

The question of whether it might be possible to charge dues and other payments on credit cards was discussed. Credit cards are not currently accepted for these payments because it would entail a charge of 2-3%, which would have a significant impact on Association revenues.

Mr. Clyne then proposed a resolution to establish guidelines with respect to refunds to members who are unable to attend a meeting for which there is a registration fee. On motion duly made and seconded, the Board unanimously approved the guidelines.

Mr. Clyne also expressed concern about the pace of dues collection, and the number of members who are in arrears with regard to dues. President Marwedel will ask Robin Becker to generate a list of these members with a view to having Board members contact them to urge them to pay their dues. Concern was expressed that members who fall behind in their dues may be lost as members. The Board reviewed the issue of unpaid dues and approved a program to get members back to the active membership category.

MEMBERSHIP SECRETARY'S REPORT

Mr. Farrell delivered the Membership Secretary's report. The following application for reinstatement to Proctor status has been received:

David P. Buhler, New Orleans, LA

In addition, the following applications for Associate membership have been received:

Olaf Aprans, Seattle, Washington
Sara Banks, Houston, Texas
Bradford Bowman, Portland, Maine
William D. Carey, San Diego, California
Sirena Perez Cassidy, Hagata, Guam

[15854]

Ruth A. Colvin, Houston, Texas
Stephen B. Crain, Houston, Texas
Justin E. Crawford, Hackensack, New Jersey
Mark A. Dowdy, Mobile, Alabama
Aaron T. Duff, Hackensack, New Jersey
Drew Gilbert, Houston, Texas
Michael A. Golemi, Houston, Texas
Adam Harrison, Norfolk, Virginia
Nathaniel Hussey, Matinicus, Maine
M. Robb Hyde, District of Columbia
Joshua A. Klarfeld, Cleveland, Ohio
Alan J. Meche, Lafayette, Louisiana
John J. Michael, Houston, Texas
Justin D. Mitchell, Houston, Texas
Kathleen Nelson, Seattle, Washington
Christopher W. Ogle, Houston, Texas
Scott A. Richards, Tampa, Florida
Anthony J. Salerno, Jr, New York, New York
Jennifer K. Smith, Seattle, Washington
Josette Ferrazza Spivak, Wilmington, Delaware
Carlos M. Tamez, Houston, Texas
Chris Verducci, Houston, Texas
A. Grady Williams, IV, Mobile, Alabama
Marc A. Zlomek, Seattle, Washington

The following applications for Law Student membership have also been received:

Ngosong Fonkem, West Virginia University College of Law
Robyn Monaco, Rutgers Law School
Georgina M. Nemecek, Rutgers Law School

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

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

Frank Loomis of Miami, Florida; Life Member, 1969
Herbert B. Halberg of New York, New York; Life Member, 1965
Robert W. Mullen of New York, New York; Life Member, 1962
Henk van Hemmen of Red Bank, New Jersey; Non-Lawyer, 1994
Richmond M. Eustis of New Orleans, Louisiana; Proctor, 1973

He also noted with sadness the death of Carol Ann DeGiulio, wife of Board member Frank P. DeGiulio. A moment of silence was observed in respect of the departed.

It was noted that there will be approximately 400 members reaching Life Member status in the next five years. This attrition of dues paying members may be offset by new members, and the need to continually remind the membership to propose new members was emphasized.

ASSOCIATION MANAGEMENT

Liaison and Special Committees

President Marwedel announced that the new Government Counsel Committee, chaired by R. Michael Underhill, will be meeting in Washington on the Tuesday before the General Meeting in May in conjunction with the meeting of the Committee on Marine Ecology and Maritime Criminal Law and the Committee on Regulation of Vessel Operations, Safety, Security and Navigation. The first project to be undertaken by the Government Counsel Committee will be a review of insurance issues and letters of undertaking.

Special Appointments

President Marwedel announced that he has named Immediate Past President Burrell as Association Archivist. In this role, Ms. Burrell will undertake to collect documents related to the Association's activities from past officers.

Nominating Committee

The Board was reminded that every member is free to submit nominations for new Board members, and President Marwedel encouraged Board members to do so.

Pacific Admiralty Seminar

Mr. Booth presented a proposal for the Association to take over the sponsorship of the Pacific Admiralty Seminar, which is currently sponsored by the Bar Association of San Francisco. The seminar takes place in even numbered years, and normally takes place the first week of October to coincide with Fleet Week in San Francisco. The proposal envisions that the Maritime Law Association would sponsor the seminar, and hold the Fall Meeting in conjunction with the seminar every four years. On motion duly made and seconded, the Board approved the concept of taking over the sponsorship of the seminar, and authorized Mr. Booth to commence negotiations to finalize such an arrangement for further consideration by the Board.

American Maritime Law Foundation

It was reported that there have been discussions with Frank Wiswall regarding the Association taking over the American Maritime Law Foundation. The Foundation is a 501(c)(3) corporation. President Marwedel and Mr. Watson will confer with a tax attorney to determine whether there would be any advantages for the Association in doing this.

MLA Fall 2010 Meeting

The Fall Meeting of the Association will take place November 10-13, 2010, and will be preceded on Wednesday, November 10 by the University of Texas Admiralty and Maritime Law Conference.

MLA Fall 2011 Meeting

In the absence of Joanne Zawitoski, chair of the Fall 2011 Meeting, Mr. Bartlett reported on plans being made to hold this meeting at the Marriott Ilihani Resort and Spa at Ko Olina on the island of Oahu. The plan is for the meeting to take place in early December to coincide with the 70th anniversary of the attack on Pearl Harbor. There was a general consensus that if possible the meeting should take place immediately before December 7, so as to avoid being too close to Christmas.

BOARD SUBCOMMITTEE REPORTS

Finance

The plan to have advertising on the website was discussed. The advertising will appear on a separate section of the website so members accessing the website would not be required to view the ads. It was suggested that if the ads were categorized by the type of service provider, this could provide a service for members seeking to engage a service provider in addition to providing additional revenue. The possibility of having ads in the dinner programs was also suggested. President Marwedel stated that he would appoint an advertising committee to explore these ideas more fully.

Mr. Clyne also reported that he would have a budget circulated with the next Treasurer's Report so that this could be considered at the May Board meeting.

Membership

The new consolidated membership form was presented. The form will be placed on the website, and the website section will be changed to read "Forms" because it will include forms other than membership applications.

Website

Professor Jones described the Association's relationship with PC Solutions and Intercounsel, who maintain the servers. He has also

discussed updates and work he and the Website and Technology Committee are doing for future planning of the website.

Professor Jones reported that the Hawaii documents are now in digital form, but that there is still no practical way to search the documents. The University of Michigan has a search engine that is available to participating academic institutions, but this is not presently available. Hopefully, an available search engine will become available in the future.

President also reported that the upgrade that the Board had previously approved came in slightly less than the \$9000 budget.

Ad-Hoc Reports

Amicus Curiae Requests

Numerous Board members commented on the excellent job Ms. Burrell did in writing the amicus curiae brief on behalf of the Association in *Shipping Corp. of India, Ltd. v. Jaldhi Overseas Pte Ltd.*

Special Committee Reports

Coast Guard Relations

President Marwedel also reported that after meeting with insurance industry representatives to discuss general problem areas regarding handling of oil spills, the Coast Guard broadened the discussion to include some specific cases. The Coast Guard's open approach has received positive feedback from industry for these efforts, and President Marwedel is exploring possible ways to expand the program to other governmental agencies.

American Bar Association

President Marwedel reported that the Association's representative to the ABA, Richard Leslie, shepherded a resolution through the ABA urging the Senate to ratify the Rotterdam Rules.

With regard to the Rotterdam Rules, Mr. Volkle reported that the American Waterways Operators and its members are generally opposed to the application of these rules to domestic carriage, and would prefer to continue to operate under the Carriage of Goods by Sea Act, which is invariably incorporated by contract into bills of lading for such carriage. Mr. Volkle was asked to discuss this with the Committee on Carriage of Goods.

RECENT ASSOCIATION ACTIVITIES AND PROJECTS

16th Annual John R. Brown Admiralty Moot Court Competition

President Marwedel reported that he had served as a judge at the recent John R. Brown Admiralty Moot Court Competition held in New Orleans in February, and that the briefs were of very good quality. The briefs will be posted on the website along with the names of the winners.

INTERNATIONAL ACTIVITIES

President Marwedel reported that the IMO Legal Committee is going to three meetings every two years.

He also reported that he had appointed Mr. Rue to chair a committee to look at the Association's relationship with the CMI. Messrs. Kennedy and Jackson will also serve on this committee. The committee was asked to look at the history of the CMI and its work, its relevance, financial issues, and future participation of the MLA in the CMI. Mr. Rue reported on those topics and the President will continue discussions with the CMI about these issues.

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

Respectfully submitted,

Harold K. Watson, Secretary