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

Held at the offices of
Schwabe Williamson & Wyatt
211 SW 5th Avenue, Suite 1900
Portland, Oregon
On
Saturday, July 24, 2010
At
8:30 a.m.

The July 24, 2010, meeting was called to order by President Patrick J. Bonner at 8:30 a.m. In addition to President Bonner, the following officers were also present:

Robert J. Parrish, First Vice President
Robert G. Clyne, Second Vice President
William Robert Connor, III, Treasurer
David J. Farrell, Jr., Membership Secretary
Warren J. Marwedel, Immediate Past President

The following directors were also present:

Frank P. DeGiulio*
Joshua S. Force
Barbara L. Holland
Bradley A. Jackson
Kimbley A. Kearney
Robert B. Hopkins
Dennis Minichello
James F. Moseley, Jr.
Thomas J. Muzyka
Francis X. Nolan, III
George W. Nowell

*present by telephone

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

C. Kent Roberts

SECRETARY'S REPORT

Upon motion duly made and seconded, the minutes of the May 6, 2010 meeting of the Board of Directors were unanimously approved and accepted.

TREASURER'S REPORT

Mr. Clyne, the former treasurer and Mr. Connor, the new treasurer reported that the Association has approximately \$526,474.79 in cash and investments. We are still waiting for the final bill and final accounting for the Spring Dinner, but it does appear the dinner was in the black.

Dues collection remains slow, with approximately \$249,000.00 collected out of a total of \$360,000.00 billed. The collection efforts undertaken by the Board showed good results, but more members are not paying 2010 dues than usual. There was a general discussion about dues notices being lost in email folders and PC Solutions will be asked to forward written reminders to those owing dues.

As a follow-up to the discussion in May, the signatories on the various accounts are in the process of being changed to reflect the change in officers.

The CMI invoice for 2010 has been received and paid. We are looking to further discussions with the CMI, at the Fall Meeting in Buenos Aires, to discuss further reductions in the CMI dues.

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

MEMBERSHIP SECRETARY

Mr. Farrell delivered the Membership Secretary's report. The Committee on Proctor Admissions has recommended the following person be reinstated as a Proctor:

David F. Bartz, Jr., Oregon

In addition, the following 20 applications for Associate membership have been received:

Alejandro Bellver Espinosa, San Juan, Puerto Rico

Nathaniel L. Eichler, New York, New York

Jessica S. Gilbert, Houston, Texas

Alica N. Gran, Harrow Middlesex, United Kingdom

J. Lee Hoffoss, Jr., Lake Charles, LA

Samuel C. Kauffman, Portland, Oregon

Fara Kitton, New York, New York

S. Eric Lee, Mobile, AL

Kenneth F. McGinis, New York, New York

Declan McKeever, London, England

Bernard J. McShane, Washington, DC

Patrick F. McTernan, Honolulu, Hawaii

James E. Morris, New York, New York

Abigail Nitka, New York, New York

Patrick R. O'Mea, New York, New York

Vince C. Rueter, Edina, MN

David E. Sigmon, New York, New York

Brooke Travis, New York, New York

Jon Werner, New York, New York

Paula B. Whitten, Houston, Texas

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

Samantha Burmeister, St. Thomas University School of Law
Christine Dimitriou, St. Thomas University School of Law
Michelle Hubbard, Florida Coastal School of Law

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

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

Paul D. Hardy, Life/Proctor 1964, of Clearwater, FL
Professor Jo Desha Lucas, Academic 1978, of Chicago

Mr. Farrell reported on the status of law student membership. It appears that many law student members are not paying their dues. It was decided to study the continuation of the law student membership program and discuss this at a future board meeting.

The Directory is scheduled to go to the publishers later this summer, and will be out this fall.

It was observed that over 300 MLA members have achieved the 40 year status and no longer are required to pay dues. Two members in this category have made donations to the Association, and it was recommended that these members be recognized by a letter of appreciation from the Association.

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

ASSOCIATION MANAGEMENT

Website

Immediate Past President Warren J. Marwedel and First Vice President Robert B. Parrish have been tasked with working with PC So-

lutions to update the website and make suggestions to the board for further changes in the website.

Committee Leadership Appointments

New committee chairs are being selected to be appointed by President Bonner.

BOARD SUBCOMMITTEES

President Bonner announced changes to the board subcommittee structure indicating three subcommittees will be created.

The first subcommittee will be the Meetings Committee, with Frank DeGiulio, Robert Hopkins, Barbara Holland and Kimbley Kearney. This subcommittee will review and make recommendations regarding the New York committee meetings, review of other parts of the New York meeting, perform a critique of the Houston meeting and see if regular board meetings can be more effective.

The second subcommittee will deal with maritime law and determine whether or not the MLA is meeting its objectives of advancing reforms to U.S. domestic law, domestic regulations, international law, and also our practices on considering requests for Amicus Briefs.

The third subcommittee will focus on members and how we can provide additional services to our members. They will look at an outreach program for obtaining new members, how to get people involved in committee work, and try to determine what prompts a member to become inactive or drop membership in the Organization.

BOARD REPORTS AND ACTIONS

Amicus Requests

President Bonner reported that the MLA would be filing an amicus brief in *Lee v. Astoria* the following week. There was some general discussion concerning the amicus application and whether or not it needs to be amended. It must be stressed that members requesting an amicus

brief be filed should confirm that they have informed the opposing parties.

Admiralty Assessor Proposal

President Bonner had received correspondence regarding a proposal for an Admiralty Assessor Program in the Southern District of New York. It was noted that a similar proposal was considered and rejected in 1998. After discussion, the Board passed a resolution reconfirming the Board's rejection of the Admiralty Assessor Proposal for the Southern District of New York, under Local Rule 83.12, in 1998. The Board could find no reason for changing the existing policy.

CMI Questionnaire on MLAUS Structure

President Bonner is working on a response to the CMI Questionnaire relating to the structure of the MLAUS. When he has finished the questionnaire he will submit it to the Board for review before submitting it to the CMI.

CMI Salvage Questionnaire

No response will be made on the CMI Salvage Committee Questionnaire.

CMI Insurance Questionnaire

President Bonner is working on a response to the CMI on the Insurance Questionnaire. When he has finished the questionnaire he will submit it to the Board for review before submitting it to the CMI.

Judicial Sale of Ships

A general discussion was held concerning the CMI proposal on the Judicial Sale of Ships. President Bonner is working on a response to the CMI on the Judicial Sale of Ships. When he has finished the questionnaire he will submit it to the Board for review before submitting it to the CMI.

CMI Financial

A general discussion was held on the relationship of the MLA with the CMI and issues of CMI relevancy to the MLA and the financial structure of the CMI. President Bonner, First Vice President Parrish and Immediate Past President Marwedel will be attending the fall CMI meeting. Discussions with the CMI will continue.

Rotterdam Rules Resolution

The Rotterdam Rules Resolution was discussed. It states as follows:

Resolution of the Committee on the Carriage of Goods of the Maritime Law Association of the United States Regarding the Nature of the Rotterdam Rules as a Self-Executing Treaty

WHEREAS, The Maritime Law Association of the United States has its purpose to promote international uniformity of private commercial law; and

WHEREAS, The United Nations Commission on International Trade Law has prepared the Convention on the International Carriage of Goods Wholly or Partly by Sea (known as the Rotterdam Rules) with the participation and advice of many governments and non-governmental organizations, including members of our Association; and

WHEREAS, The Maritime Law Association of the United States passed a Resolution in support of United States signature and ratification of the Rotterdam Rules at its Spring Meeting on May 1, 2009; and

WHEREAS, The United States signed the Rotterdam Rules at a ceremony in Rotterdam on September 23, 2009, thus showing its intent to ratify the treaty; and

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WHEREAS, United States ratification of the Rotterdam Rules is critical to the ultimate entry into force of the treaty and its broad international acceptance; it is

RESOLVED that the Maritime Law Association of the United States, after careful consideration, believes that the Rotterdam Rules treaty is sufficiently clear and detailed and should be considered self-executing under applicable law and precedent; and

It is further RESOLVED that the Maritime Law Association of the United States urges the United States Administration to move expeditiously to send the ratification package to the Senate and that the Senate promptly provide its advice and consent to ratification of the Rotterdam Rules; and

It is further RESOLVED that the President of the Maritime Law Association of the United States or his delegate is authorized to make known these Resolutions to the Secretary of State of the United States, the Congress and such other bodies that the President may consider to be appropriate.

On motion duly made and seconded, the Rotterdam Rules Resolution was approved.

Should the Senate ratify the Rotterdam Rules, additional legislation would have to be introduced to both houses of Congress to deal with COGSA, Harter and the Pomerene Act to make sure they still function as domestic legislation for the transportation of goods.

Limitation of Liability

As a result of the BP spill in the Gulf, there has been considerable activity in the Congress dealing with the Limitation of Liability Act. During telephone conferences of the Board of Directors on July 18 and 19, 2010, the Board of Directors approved the language of a letter dated

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July 20, 2010, sent to the Senate, The Honorable Harry Reid and The Honorable Mitch McConnell by the President.

President Bonner brought the Board up to date on legislative activity regarding the Limitation of Liability Act, and it was decided that a second letter would be sent to the Senate. After long discussion and drafting, the Board of Directors approved the general language of a second letter, giving the President authority to make appropriate editorial changes after the meeting of the Board of Directors was concluded.

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

Respectfully submitted,

Warren J. Marwedel, Acting Recording Secretary
Signed

Harold K. Watson, Secretary