

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

Held in Atlantic Beach, Florida

on

Saturday, March 8, 2014

9:30 A.M.

The March 8, 2014, meeting was called to order by President Robert B. Parrish at 9:30 A.M. In addition to President Parrish, the following officers were also present:

Robert G. Clyne, First Vice President
Harold K. Watson, Second Vice President
David J. Farrell, Jr., Secretary
William Robert Connor, III, Treasurer
Barbara L. Holland, Membership Secretary

The following directors were present:

Patrick J. Bonner, Immediate Past President

Susan M. Dorgan
Alexander M. Giles
Charles B. Anderson
Katharine F. Newman
Christopher E. Carey
Boriana Farrar

Robert B. Fisher, Jr.
Edward J. Powers
Michael K. Bell
Joseph A. Walsh, II
John S. Farmer
Lynn L. Krieger

Past Presidents James F. Moseley, Thomas S. Rue, Lizabeth L. Burrell (by telephone), and Warren J. Marwedel also attended at the invitation of President Parrish.

Also in attendance at President Parrish's invitation was Donald C. Radcliff, Chair of the MLA Committee on Planning and Arrangements for the 2013 Fall Resort Meeting in Puerto Rico.

SECRETARY'S REPORT

On motion duly made and seconded, the Board approved the minutes from the October 29, 2013, meeting of the Board of Directors held in Fajardo, Puerto Rico.

Mr. Farrell then led a discussion on the printing and mailing costs incurred for *The MLA Report* and the *MLA Proceedings*. A March 2, 2014, letter from Chester D. Hooper and David A. Nourse, editors of *The MLA Report*, advocating for its continued printing in hard copy was attached to the agenda. Mr. Farrell also distributed a table comparing past and projected printing

and mailing costs for both publications in various quantities, based on the assumption that many members would choose not to receive hard copies by mail, preferring to review them online.

Comments from Directors were mixed. Some thought printing and mailing should continue as a tangible showing to members of the MLA's good work; many thought members should be given the option to opt out of hard copy mailing, in conjunction with the new website's roll out; and some thought members rather should opt in for hard copy mailing, to dramatically reduce printing and mailing costs.

President Parrish encouraged the Board to closely consider the letter from Messrs. Hooper and Nourse so that the topic could be further discussed and a decision made at the next Board meeting on May 1, 2014.

A brief discussion followed, regarding a resolution of appreciation for USCG RADM Frederick Kenney, which on motion duly made and seconded, the Board approved.

TREASURER'S REPORT

Mr. Connor reported that the MLA's finances are generally doing well. He reported on dues collection and delinquencies.

Included with the agenda was a table projecting the increase in Life Members through 2030. Mr. Connor reiterated that increasing numbers of Life Members in the coming years will reduce MLA dues collections which will hopefully be offset with the addition of new dues paying members.

Regarding the Treasurer's Report for the three months ending December 31, 2013, Mr. Connor noted we are about \$50,000 behind where we were the previous year at that time due to extraordinary website, CMI travel, and printing costs.

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

MEMBERSHIP SECRETARY'S REPORT

Ms. Holland reported there were nine applicants for Associate Lawyer membership:

Mark E. deVry, LT, JAGC, USN
Washington Navy Yard, DC

Jeffrey M. Dine
New York, NY

Brooke E. Grant, LCDR, USCG
Miami, FL

J. Walton Jackson
Mobile, AL

Todd A. Jennings
Tampa, FL

John B. Manly
Savannah, GA

Lara D. Merrigan
San Francisco, CA

Stephen C. Reilly
Boston, MA

James F. Watkins
Mobile, AL

Ms. Holland reported that ten law students had submitted Law Student applications:

Peter F. Black
Tulane University Law School

Shinhong Byun
Tulane University Law School

Randy Derrick
Tulane University Law School

Donald Elliott
New England Law | Boston

Kelly Faber
Roger Williams University School of Law

Richard Leishman
Tulane University Law School

David Maass
Tulane University Law School

Michael Moore
Tulane University Law School

Philip Powell
Tulane University Law School

Joshua Quaye
Washington University School of Law

Ms. Holland regretfully reported learning of the following two deaths since our October meeting:

Richard E. Bragg of Helmetta, NJ
Non-Lawyer Member: elected 1993

Hamp Uzzelle of Mobile, AL
Life Member: elected 1970

With the above membership changes, the MLA's total membership now stands at 2,835 and is comprised as follows:

VOTING MEMBERS

Proctors	1291
Associates	1170
Non-Lawyers	174
Academic	27

NON-VOTING MEMBERS

Ex-Officio	15
Honorary	5
Judicial	123
Law Students	30

Ms. Holland observed that over the last several years sub-totals for dues paying Voting Members has remained flat and that over the last five years, while we have added 430 new dues payers (not counting Law Students), there has been a roughly comparable loss of dues payers from member deaths and Life Member increases.

On motion duly made and seconded, the Board adopted Ms. Holland's report.

FIRST VICE PRESIDENT'S REPORT

First Vice President Clyne outlined several goals for his term as MLA President, starting May 2, 2014.

Mr. Clyne looks forward to encouraging more active involvement in the MLA by a wider group of our current membership and in order to achieve that he is planning efforts to take the MLA to our members.

Continuing the theme addressed earlier in the meeting by Mr. Connor and Ms. Holland, Mr. Clyne noted that based on current trends, in ten years about one third of our membership will be Life Members so that it is incumbent on us to address the attractiveness of the MLA to potential members. He anticipates that the our new website will help present a modern look for the MLA and that staying on the cutting edge of technology and social media will be essential.

SECOND VICE PRESIDENT'S REPORT

Second Vice President Watson reported that a revised version of the *Committee Chairs' Guide* would be available for the Board's review at its May 1, 2014 meeting.

BOARD SUBCOMMITTEE REPORT

Ms. Dorgan reported that the work of the Board Subcommittee on Reprinting MLA Publications had finished its work, culminating in an easy to use, single permission form. It encompasses both the request for reprinting an MLA publication in an outside publication and then the Secretary's signed authorization, for ease of record keeping. The form will be made available on the website.

OTHER REPORTS

Fall 2013 Puerto Rico Resort Meeting with IIDM

Mr. Radcliff provided some observations on the MLA's partnering with the *Instituto Iberoamericano de Derecho Maritimo* ("IIDM") in holding our joint fall resort meeting in Puerto Rico and received a round of applause for a job very well done.

Of 405 adult registrants, 244 were MLA members and accompanying persons. For attendees this meeting was the most economical in recent memory, with registration fees the lowest in years combined with low hotel room rates and cheap U.S. airfares. Sponsor contributions also assisted in keeping costs down, with approximately \$40,000 and \$20,000 donated, respectively, by IIDM and MLA members and other sponsors. While soliciting donations from members is a new concept for the MLA, Mr. Radcliff thought it advisable to seriously consider similar solicitations in the future as a means of reducing resort meeting costs.

MARAD Symposium

Mr. Farrell reported on MARAD's National Maritime Strategy Symposium, January 14-16, 2014, which he attended at the Department of Transportation, Washington, DC.

More than 200 maritime industry representatives (*e.g.*, vessel interests, cargo shippers, labor representatives, financial consultants, shipyards, maritime academy leaders) attended and contributed to a MARAD scoping session and discussion with the goal of developing wide ranging policy ideas that might rejuvenate and stimulate growth in the U.S. commercial fleet. The new MARAD Administrator, former Navy CAPT Chip Jaenichen, next plans to travel around the United States to seek similar input from the maritime industry at the local level.

Officers' Annual January Luncheon with Government Lawyers

President Parrish reported that the January 27, 2014, MLA Officers' annual luncheon with government lawyers in DC, initiated by Past President Moseley in 1997, continues to be successful. Many of the attending government lawyers comment that this is the only regular occasion they have to compare notes on maritime law issues with their colleagues in other agencies and they are grateful for the opportunity the MLA provides.

Regional Events

Mr. Walsh reported he is planning to hold an MLA event in Long Beach, CA for local lawyers.

EXTENSIVE DISCUSSIONS

The Board devoted considerable discussion to three topics.

New MLA Website Project

Ms. Krieger brought the Board up to date on new website developments, utilizing overhead projection of various website page designs and options.

Ms. Krieger displayed several prototype pages from the public side of the website, with various imbedded photos with a nautical flavor. The Board decided that no foreign flag vessels or foreign ports would be posted and that photos of domestic drilling rigs, terminals, and fishing vessels should be added, photoshopping out names or unique identifying features where appropriate.

The Events Calendar was addressed in some detail. Ms. Krieger demonstrated that upcoming important events (such as semi-annual MLA meetings) would be highlighted and that particular events could be clicked on and added to a member's personal Outlook or Google calendar. Mr. Rue suggested that whenever possible events should be posted early, even before the start of a new year, so that law firms can budget annual expenses. Ms. Holland recommended posting deadlines for membership applications and committee agendas. Mr. Giles and Mr. Walsh anticipated the MLA would be asked by diverse other groups to post their events on our Events Calendar and suggested a protocol might be needed, although leaving those sorts of decisions in the hands of the First Vice President as webmaster and Robin Becker as website administrator may be sufficient.

Ms. Krieger also displayed a sample member's personal home page where the member's membership class and contacts will be displayed. The Board decided not to list committee memberships on the member's personal home page but supported the display of a headshot photo that can be uploaded by the member (in lieu of the MLA seal). The member's dashboard would be linked to the Events Calendar, again with important events highlighted.

On the website's private side, which will be accessible only by MLA members, it was noted that photos would be absent. The Board agreed that different degrees of private side access and control would be available for different users. For instance, "Super Users" such as the President and First Vice President would have unlimited access and control of the website; Past Presidents would have "Super User" website access but no control; Law Student members would have the same access as other dues paying members; and in general Ex-Officio members (unless special arrangements are made) would not have access to the website's private side.

Ms. Krieger also displayed alternate views of the public and private sides of the website as they would show on mobile devices.

Regarding "mailing list" members, it was decided that emails would be sent to them letting them know they can opt out of receiving hard copies of MLA publications.

Regarding notice to members about unpaid dues, and whether for instance their access to the private side of the website is barred or sharply limited until dues are paid, the Board decided to address this at its next May 1, 2014 meeting.

The Board raised several other questions. There was concern that safeguards prevent the easy assembly of a mailing list by outsiders simply copying and pasting members' contacts *seriatim*. Also, Ms. Dorgan questioned whether there should be a disclaimer on the website regarding viruses.

There are no doubt other issues that will need to be addressed following the website's roll out, now planned by Boost by Design for April 19, 2014, or thereabouts. Toward this end, the MLA's notice of termination has been sent to our current server, ICVM, and data has been transferred to Boost by Design.

President Parrish thanked Ms. Krieger for her hard work in reaching out to a large umbrella of website stakeholders and incorporating their varied input and the Board seconded him with a hearty round of applause.

Future of the CMI Working Group

President Parrish opened a discussion on the CMI Working Group addressing the future of the CMI which was established following the CMI's 2012 Beijing meeting and is chaired by Past President Burrell.

President Parrish reflected that the same problems prompting the MLA at the Beijing meeting to call for a hard look at the CMI's future role in the development of international maritime law continue today: While the MLA's leadership remains highly aware the MLA was formed in order to be a constituent member of the CMI, the relationship of the organizations has been challenged by inequitable subscription assessments, the CMI's Eurocentric emphasis, and the fact that only a small portion of our membership benefits from the CMI's activities. One positive development noted by President Parrish was the recent election of MLA member Christopher O. Davis as a CMI Vice President, but the failure of the United States government

to ratify the Conventions that form much of the maritime law of other nations (despite the periodic urgings of the MLA) will continue to be a limiting factor in the overlap of the work of both organizations.

Apart from the questionable benefit to our membership, there are concerns about the CMI's direction, especially on the CMI's continued focus on drafting international conventions when that function has shifted effectively to the IMO, making it still more important to examine whether the MLA's money is being well spent in continuing to fund the CMI with a significant subscription.

There also appears to be a lack of understanding in the CMI that the current state of the practice of law in the United States places severe constraints on the amount of time and money that lawyers can spend on non-billable activities, making the CMI's lengthy, elaborate, and expensive meetings inaccessible to the vast majority of our members.

Ms. Burrell expressed her initial optimism that the Working Group would address the CMI's mission and change the way it does business. Nevertheless, while she considers that all members of the Working Group are strongly motivated to preserve and strengthen the value of the CMI, there appears to be such a divergence of opinion about the CMI's direction, *modus operandi*, and the level of support to be expected from other national maritime law associations that she has developed concerns about the outcome of this exercise. Examples of some important areas of disagreement concerned whether or not the CMI should expand its administration or return to an earlier dues structure.

In order to try to move the Working Group discussions forward, Ms. Burrell asked the Board to discuss and inform her of any ideas on how the CMI might benefit MLA members so that she might then suggest them to the Working Group for eventual adoption by the CMI.

Mr. Powers asked, "What does the CMI do?" This question has been asked at many Board meetings because all U.S. attendees at CMI events -- except for two to four MLA representatives, most frequently including the President and First Vice President, who receive limited funding from the MLA -- must pay their own way. Accordingly, few MLA members, including Directors, are able to see for themselves what the CMI does. Moreover, CMI meetings consist largely of meetings of various working groups that address topics of little or no value or relevance to the practices of nearly all MLA members. Past President Marwedel observed that only about a half dozen non-officer MLA members attend CMI meetings, with the apparent goal of networking to benefit their own firms.

Ms. Burrell responded that much of the CMI's work is involved with international conventions. Because the United States generally has not ratified maritime conventions and is not expected to change this disposition in the foreseeable future, it is appropriate for the Board, in its fiduciary capacity, to consider whether or not the dues of MLA members are being well spent on its CMI subscription. In addition to the limited relevance of conventions to U.S. practice, Past President Moseley commented that the MLA had decided in recent decades to increase our participation in IMO activities in view of its role in creating international maritime law. Immediate Past President Bonner noted that there is an international connection nurtured by

the MLA relationship with the CMI which is otherwise hard to achieve with other worldwide organizations. Past President Rue commented that the Board should give serious consideration to how the CMI could become more valuable to the general MLA membership at this particularly auspicious moment created by Mr. Davis's new leadership role.

Mr. Anderson and Ms. Farrar questioned whether there might be a way to involve the MLA Young Lawyers Committee with young CMI members, albeit recognizing that the cost of international travel and attendance of young lawyers at CMI meetings was prohibitively expensive for almost all firms. Otherwise, the Board had a difficult time enumerating specific CMI benefits for the bulk of MLA members.

President Parrish proposed that the Board engage in further discussion of these issues at its May 1, 2014, meeting. In the interim, President Parrish invited Directors to email Ms. Burrell, copying him, with ideas to further the discussion, a procedure which the Board approved.

CMI Questionnaire Responses

In the course of introducing the topic of MLA responses to not infrequent CMI questionnaires sent to national maritime law associations on various substantive law matters, President Parrish noted that it is the MLA Board's prerogative to decide whether or not to submit a response. Two such questionnaires were discussed.

First, related to the 2006 Maritime Labour Convention which was not signed by the United States, there was a recent CMI questionnaire on the Fair Treatment of Seafarers in the Event of a Maritime Accident. Answers had been drafted, in consultation with the United States Coast Guard, by Jeffrey S. Moller, Chair of the Regulation of Vessel Operations, Safety, Security, and Navigation Committee, and Mary Elisa Reeves and Charles G. DeLeo, Chair and Vice-Chair, respectively, of the Marine Torts and Casualties Committee.

On the Board's review of this questionnaire and draft answers there was discussion regarding U.S. Constitutional questions raised such as *Miranda* warnings and other due process rights. Mr. Walsh offered to provide some revisions to particular answers, which the Board decided to further address at its May 1, 2014, meeting.

Second, MLA member Clifton J. Hall had drafted answers to a CMI questionnaire on United States offshore energy activities and regulation. On motion duly made and seconded, the Board approved sending those answers to the CMI.

UPCOMING EVENTS

New York Spring 2014 Meeting

President Parrish reported that he had been approached by the arbitration services group JAMS who offered to host a cocktail reception in its Midtown offices for MLA members on Wednesday evening, April 30, 2014. A complication is that the JAMS space is limited to 150

people. The Board approved President Parrish's recommendation that the JAMS invitation be sent by email to all MLA members, requiring an RSVP and admission on a first come, first served basis.

JAMS is also interested in having a table outside the Friday May 2, 2014, General Meeting of the Association at the New York City Bar Association. We will charge JAMS our standard \$1,000 fee.

Mr. Connor provided an update on Friday May 2, 2014, dinner arrangements at Cipriani Wall Street. Because there will be no band or dance floor this year he anticipates less congestion in the Cipriani bar areas. Mr. Connor also noted that our return to Cipriani will again accommodate easy transportation at the end of the evening and/or change of venue by the Young Lawyers and others to the nearby Stone Street nightlife.

Seattle Board Meeting, August 2014

Mr. Clyne and Ms. Holland reported that arrangements are proceeding for the Board meeting in Seattle, August 8-9, 2014.

Fall 2014 City Meeting in Philadelphia

Mr. Clyne also reported that plans for the Philadelphia city meeting, October 22-24, 2014, are shaping up well.

CMI Spring 2016 Conference in New York

Further to the discussions that took place at the last several Board meetings, the Board was pleased to learn that CMI had agreed to partner with the MLA for the CMI Spring 2016 Conference in New York, with a sharing of advanced costs and any profits between the CMI and the MLA as equal partners.

Recently a professional organizer had been hired and it appears likely that the Hilton will be the hotel where blocks of rooms are reserved and at least some related activities are held.

Fall 2016 City Meeting in New Orleans

Mr. Watson reported he is continuing with plans for a Fall 2016 city meeting in New Orleans, in conjunction with the 50th anniversary of the Tulane Admiralty Law Seminar.

Fall 2017 Resort Meeting

Mr. Watson also indicated that Napa Valley, California, is under serious consideration as the location of the MLA's Fall 2017 resort meeting.

There being no other business, President Parrish adjourned the meeting.

Respectfully submitted,

/s/ David J. Farrell, Jr.

David J. Farrell, Jr.

Secretary