

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

Held at Garvey Schubert Barer,
Seattle, Washington

on

Saturday, August 9, 2014
9:00 a.m.

The August 9, 2014 meeting was called to order by President Robert G. Clyne at 9:00 a.m. In addition to President Clyne, the following Officers were also present:

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

The following Directors were present:

Robert B. Parrish, Immediate Past President

Charles B. Anderson	Boriana Farrar
Michael K. Bell	Lynn L. Krieger
Katharine F. Newman	Daniel G. McDermott
Joseph A. Walsh, II	Donald C. Radcliff
Christopher E. Carey	Kevin J. Thornton
John S. Farmer	David N. Ventker

At President Clyne's invitation, Past Presidents James F. Moseley, Howard M. McCormack, and Thomas S. Rue also attended the meeting.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes from the May 1, 2014 meeting of the Board of Directors held in New York City.

TREASURER'S REPORT

Mr. Connor discussed his Quarterly Report for the three months ending June 30, 2014 and summarized that the MLA's finances are in good shape.

Notably, the Annual Spring Dinner, which normally runs a small deficit, held at Cipriani Wall Street on May 2, 2014, lost only \$930 this year due in large measure to a reduction of about \$3,000 in printing costs from last year.

Mr. Connor provided a dues update and list of delinquent members, requesting that Directors contact people on that list whom they know. He anticipated that with the new website there would be automatic pop-up reminders and monthly duns to delinquent members.

Mr. Connor also addressed projected expenditures based on itemized MLA income and expense data along with summary pie charts he prepared for 2011, 2012, 2013, and year-to-date 2014. This highlighted, for example, that our spending patterns are not uniform year-after-year, with printing costs for the MLA Directory, for instance, incurred only during even years.

President Clyne then noted that going forward, for those quarterly Board meetings when expenses are reimbursed, Directors would be limited to two days' and Officers limited to three days' expenses. He noted the importance of maintaining a prudent reserve in the MLA treasury in the event of an extraordinary expense, as for example could have been incurred had Cipriani Wall Street not agreed to accommodate us when we were forced

to cancel our Fall 2012 New York City Meeting due to Superstorm Sandy.

The Board next held a discussion on membership reinstatement, to clarify whether different dollar amounts should be assessed depending on whether the member was up-to-date or delinquent with dues payments upon membership termination. On motion duly made and seconded, the Board unanimously approved as policy that following the Board's approving a former member's reinstatement, before the reinstatement becomes effective (1) a \$250 reinstatement fee plus the current year's dues must be prepaid by those members whose membership had been terminated for non-payment of dues whereas (2) just the current year's dues must be pre-paid by those members who resigned their membership in good standing.

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

MEMBERSHIP SECRETARY'S REPORT

Ms. Holland reported that Ex-Officio member USCG CAPT Melissa Bert of Miami, FL had applied for Associate Lawyer membership in the Association but in view of her previous service and contributions to the MLA, the Board in its discretion under By-Law 204 waived the four-year requirement for Proctor Status in her case.

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

Laura Bond
New York, NY

Mary Clymer Brownlee
Hillsboro, TX

18582

Theresa M. Carroll
Philadelphia, PA

Joseph Z. Cavanah
Galveston, TX

Phillip C. Choi
Houston, TX

Annette C. Clark
San Diego, CA

Christopher N. Harrell
Norfolk, VA

Jack S. Kallus
Boca Raton, FL

William Patrick Keith
San Diego, CA

Steven E. Psarellis
New Orleans, LA

Manford Benjamin Susman
Los Angeles, CA

Christine M. Walker
Miami, FL

Matthew E. Waters
Seoul, Korea

One application for membership reinstatement as a Proctor was received:

Ronald J. Anania
Davie, FL

Ms. Holland regretfully reported learning of the following eight deaths since our May 1 meeting:

Edward C. Biele of Seattle, WA
Life Member: elected 1954

Richard W. Buchanan of Seattle,
WA Life Member: elected 1964

William D. Carle III, of Lakewood, OH
Life Member: elected 1964

Lisa M. Houlihan of Alameda, CA
Proctor: elected 2005

Dante Mattioni of Philadelphia, PA
Life Member: elected 1972

Prof. William Aubrey Tetley of Montreal,
Canada Honorary Member: elected 1984

Lewis F. Ward of Cincinnati,
OH Non-Lawyer: elected 1986

Wesley D. Wheeler of Stamford, CT
Non-Lawyer: elected 2002

With the above membership changes, the MLA's total membership now stands at 2,845 and is comprised as follows:

VOTING MEMBERS

Proctors	1289
Associates	1176
Non-Lawyers	177
Academic	28
Subtotal	2670

NON-VOTING MEMBERS

Ex-Officio	15
Honorary	4
Judicial	122
Law Students	34
Subtotal	175

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

FIRST VICE PRESIDENT'S REPORT

Mr. Watson noted he is awaiting final coordination with the new website before finalizing the *Committee Chairs' Guide*.

SECOND VICE PRESIDENT'S REPORT

Mr. Nolan presented an updated version of a memo, "Duties of the Directors of The Maritime Law Association of the United States."

BOARD LIAISONS TO COMMITTEES

President Clyne requested that all Directors become involved in the Committees to which they have been assigned as Board Representatives and coordinate with the respective Chairs well before the Philadelphia Fall 2014 Meeting. Specifically, Chairs are to be reminded that committee agendas must be posted on the website six weeks in advance.

DISCUSSION ITEMS

Membership Issues

Two issues related to increasing the MLA membership were addressed.

First, Ms. Newman and Ms. Farrar raised a question whether Non-Lawyer applicants, such as marine surveyors, are discouraged by By-Law 204's eligibility requirement of "distinguished service in the advancement of the Maritime Law or its administration." After discussion, the application of this language to individual applicants was determined to be within the discretion of the Non-Lawyer Nominations Committee.

Second, Mr. Thornton presented his ideas on using the new website not only as a resource but also as an advertising and recruiting tool. On the new "Join the MLA" tab he suggested posting a punchy invitation to apply, describing membership benefits, directed to young lawyers, in-house counsel, brokers, and tech-savvy maritime entrepreneurs, with links to application forms. President Clyne appointed a Board Subcommittee comprised of Ms. Holland, Ms. Newman, Ms. Farrar, and Mr. Thornton to work on this and coordinate its website implementation with Ms. Krieger.

Status of the New Website

Ms. Krieger reported that before going live it will take Boost by Design at least two weeks to thoroughly test the new website once it is fully constructed. She is now aiming on roll out at the end of September 2014.

Mr. Walsh suggested it would be good to have a number of computer stations at the Philadelphia Fall 2014 Meeting for members to familiarize themselves with the new website and it was decided that Ms. Krieger would coordinate that with the Philadelphia Arrangements Committee.

Rotterdam Rules

President Clyne noted that Past President Hooper reports the Rotterdam Rules are still making progress through the Executive Branch preliminary to the advice and consent of the Senate. However, the American Association of Port Authorities (“AAPA”) has been recently lobbying against ratification, concerned now with port liability exposure under the Rotterdam Rules, despite AAPA’s lack of complaint earlier in the process.

Comité Maritime International (“CMI”)

Mr. Nolan presented a memo detailing developments on the CMI “Draft International Convention on Foreign Judicial Sales of Ships and their Recognition.” He noted that at the June 17, 2014 CMI meeting in Hamburg all the national MLAs present voted in favor of that proposal, with the exception of abstentions by the Polish MLA and the MLAUS. The MLAUS abstained because neither a two-thirds vote of the MLA Board of Directors nor a majority vote of the members at a General Meeting of the MLA had been previously obtained, in accordance with By-Law 701.5.

Mr. Nolan summarized the impetus for the draft convention, noting that in the United States and around the world there have been vessel foreclosures completed through the court

system with an auction sale to a purchaser but then the vessel's former mortgagee refused to remove its mortgage from the original registry, with the purchaser unable to complete permanent registry in another country. He explained that the draft convention resolves this problem, which would be good for U.S. interests even if the United States does not eventually ratify the convention.

After discussion, on motion duly made and seconded, the Board approved changing the MLAUS vote from its prior abstention to yes, in support of the draft convention.

Mr. Nolan, on an unrelated topic, also suggested that the MLA request that the CMI undertake a study on the definition of vessel under the laws of different nations. This would be a useful exercise for the CMI and may be instructive on international uniformity and domestically in post-*Lozman* developments.

Mr. Bell renewed a discussion held at the Atlantic Beach Board of Directors' Meeting on March 9, 2014 concerning the future of the CMI and the MLA's role in it. He was concerned that no definite decisions had been made and that in the future a Board comprised of new directors would face similar recurring questions.

After some discussion, it was again noted that the MLA's 1993 Articles of Incorporation contemplate our participation as a constituent member of the CMI and it was also recognized that the MLA will be co-sponsoring the CMI's 2016 meeting in New York. It was the general consensus of the Board that the 2016 CMI meeting would provide an excellent opportunity to closely explore the future of the CMI and the MLA's relationship with it. It was also decided that CMI Vice President Christopher O. Davis would be invited to the Philadelphia Board of Directors' Meeting on October 23, 2014 to address these topics.

***USCG License and Revocation Proceedings
Pro Bono Opportunities***

Mr. Farrell reported that USCG Chief Administrative Law Judge Walter J. Brudzinski had approached Young Lawyer's Committee Chair Norman M. Stockman and others concerning *pro bono* representation opportunities. Specifically, Judge Brudzinski inquired whether the MLA might be interested in sponsoring a program providing *pro bono* representation to licensed mariners with limited financial means who are facing a USCG license revocation or suspension hearing.

Mr. Stockman had suspected that the MLA's administering a program like this would present several challenges and envisioned instead that the Coast Guard would be better suited to manage it and the MLA could then let our young lawyers know about it. Mr. Farrell also checked with ABA guidelines for *pro bono* programs and confirmed that administrative requirements for bar association sponsors are quite rigorous and include obtaining malpractice coverage. Accordingly the Board concluded that Mr. Stockman would email YLC members to advise them, if interested, to contact Judge Brudzinski's office, who would provide further information.

FUTURE MLA MEETING PLANS

Fall 2014 Philadelphia Meeting

President Clyne reported that the Philadelphia Arrangements Committee had done a great job planning for the Fall 2014 Meeting, to be held October 22-24, 2014. Roughly \$27,000 had been raised by the local bar to defray the costs of the Thursday evening cocktail reception at the Franklin Institute, reducing to \$250 the charge for members to attend the Friday night dinner at the National Constitution Center (it is anticipated that spouses will be charged less). A hotel block at the Marriott Downtown Hotel has been reserved at less than \$200/night.

Registration materials will be mailed this week. President Clyne urged Directors to promote the Philadelphia Meeting, noting that 200 paid attendees would be needed in order to break even.

March 10, 2015 New Orleans Board Meeting

Mr. Watson reported that the next Tulane Admiralty Law Institute will be held March 11-13, 2015 so in keeping with tradition an MLA Board Meeting will be held on Tuesday March 10, 2015 in New Orleans.

Spring 2015 New York Meeting

Because of large attendances at the Spring 2014 New York meetings of the Marine Torts and Casualties Committee and the Carriage of Goods Committee, Mr. Watson noted that for the Spring 2015 New York meeting he is looking for larger conference room spaces that might accommodate them.

Mr. Connor reported that Cipriani Wall Street had offered us its facilities on May 1, 2015 at the same 2014 cost. Favorable reviews from members, with almost no complaints, indicated that our return in 2015 made sense and the Board accordingly approved Mr. Connor's signing a contract with Cipriani Wall Street for next year.

Mr. Connor also recommended that the Board consider raising the price next year, perhaps to \$265, in line with dinner prices charged by comparable organizations. This may be addressed at future Board meetings.

Summer 2015 Joint Board Meeting with Canadian MLA

President Clyne led a brief discussion concerning the location of a joint board meeting with the Canadian MLA during the summer of 2015. Chicago, Annapolis/Baltimore, and San Francisco were among the possible sites mentioned.

Fall 2015 Bermuda Meeting

President Clyne has appointed an enthusiastic committee chaired by James F. Moseley, Jr. to plan the Fall 2015 Bermuda Meeting, October 20-24, 2015. The Southampton Princess promises to be a fantastic venue, with its own beach and water shuttle into Hamilton.

Spring 2016 New York Meeting with CMI

President Clyne reported that Vincent J. Foley has been working hard coordinating the MLA Spring 2016 New York Meeting with our co-sponsor, the CMI. An event planner is at work and the hiring of a sponsorship coordinator is under consideration. Many events and meetings throughout the week will be joint MLA-CMI functions.

President Clyne also noted that a contract had been signed with the New York Hilton Midtown, with an outstanding overnight room rate of \$279. The joint gala dinner with an anticipated 1,500 members and guests will also be held there.

Fall 2016 New Orleans Meeting with Tulane ALI

Mr. Watson reported that Grady S. Hurley and Edward F. LeBreton, III, had been appointed Co-Chairs of the MLA Fall 2016 New Orleans Meeting which will be held in conjunction with the 50th Anniversary of the Tulane Admiralty Law Institute. Mr. Watson also noted there is a new slate of ALI Officers, with Francis J. Barry, Jr. as Chair and John M. Woods as Vice Chair. Mr. Watson is in the process of finalizing dates and hotels.

Fall 2017 Resort Meeting

Mr. Watson along with George W. Nowell and their wives are going to scout the Silverado Resort and Spa in the Napa Valley next week in anticipation of holding the Fall 2017 Resort Meeting there.

PRESIDENTIAL ACTIVITIES

On behalf of the MLA, Mr. Clyne recently attended the annual dinner of the Association of Average Adjusters in London, the CMI Meeting in Hamburg, and spoke at SEALI on classification societies. He will be delivering a paper on attorney-client privilege issues at the Houston Marine Insurance Seminar in September and will be attending several marine industry dinners in the fall as well as the Lisbon meeting of the *Instituto Iberoamericano de Derecho Maritimo* in November.

There being no other business, President Clyne adjourned the meeting at 12:13 p.m.

Respectfully submitted,

/s/ David J. Farrell, Jr. David J. Farrell, Jr.
Secretary