

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

Held at Palmer Biezup & Henderson
Philadelphia, Pennsylvania

on

Thursday, October 24, 2014
9:00 a.m.

The October 24, 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 (by telephone)

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 Chester D. Hooper, Howard M. McCormack, Thomas S. Rue, Lizabeth L. Burrell, and Warren J. Marwedel also attended the meeting.

As well, Frank P. DeGiulio, Henry C. Lucas, III, and Christopher O. Davis attended to address the Board, at President Clyne's invitation.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes from the August 9, 2014 meeting of the Board of Directors held in Seattle.

TREASURER'S REPORT

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

Mr. Connor noted, however, that the MLA faces rising expenses due to escalating printing and postage costs, constructing the new website, and increasing airline fares for approved travel by Officers and Directors. He related that in 2014 total dues invoices amounted to \$348,245 with only \$306,000 received to date, leaving a current shortfall of \$42,245.

In response to these developments (and in addition to continuing to reduce when possible MLA expenditures), Mr. Connor recommended raising annual dues by \$25, which for most members would bring dues to \$175/year. He recalled that the last dues increase of \$5 in 2012 turned out to be ineffectual as consumed by credit card fees, which members are increasingly using to pay for MLA dues and events. Mr. Connor projected dues at \$175 would be adequate for several years to come and believed it to be a reasonable level, in line with comparable groups.

An extensive and careful Board discussion ensued, with concern that the MLA might lose members from a dues increase. Some thought an increase of even \$50 would be reasonable while others thought small, incremental increases would be more palatable to many members. While most state bars charge more than \$200/year, it was also noted that MLA dues is a non-required expense on top of that, that law firms often do not reimburse young lawyers and other members for their own MLA-related expenses,

and that maintaining high quality MLA CLE programs is one important way to ensure value to our members and retain them.

Mr. Connor's motion to increase MLA dues by \$25/year was duly seconded and carried by a majority vote.

MEMBERSHIP SECRETARY'S REPORT

Ms. Holland reported that since the Board's August 9, 2014 Seattle meeting, five Associate Lawyers had been recommended for Proctor status by the Committee on Proctor Admissions:

David R. Boyajian
Portland, OR

Gary E. English
Norfolk, VA

Steven Gordon
Houston, TX

Jeanne M. Grasso
Washington, DC

Christopher R. Koehler
Tampa, FL

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

Ada V. Añon
New York, NY

Donald L. Brown, Jr.
Washington, DC

18595

Courtney M. Crawford
San Francisco, CA

Robert Franco
Seattle, WA

Emma Gillespie
Seattle, WA

Kate S. Goodsell
Miami, FL

Kristi L. Hunter
Norfolk, VA

Kaspar Kielland
New York, NY

Meredith A. Kirby
Reston, VA

Joseph G. Moynihan
Quincy, MA

Stephanie Propsom
Sturgeon Bay, WI

Gregory R. Singer
Annapolis, MD

Ivan L. Tjoe
Los Angeles, CA

Ellen Tobin
New York, NY

C. Richard Wilkins
Mobile, AL

18596

Ms. Holland also reported that she received two applications for Non-Lawyer membership

T. Quin Leon
Houston, TX

USCG LT Jeremy D. Maginot
Staten Island, NY

and one for Law Student membership

Judith Cregan
Tulane Law School

Ms. Holland regretfully reported learning of the following three deaths:

Donald M. Kennedy
New York, NY
Life Member: elected 1967

David de C. Robles
Panama City, Panama
Life Member: elected 1973

Sheldon Tabak
New York, NY
Life Member: elected 1970

With the above membership changes, the MLA's total membership now stands at 2,859:

VOTING MEMBERS

Proctors	1292
Associates	1185
Non-Lawyers	179
Academic	27
Subtotal	2683

NON-VOTING MEMBERS

Ex-Officio	14
Honorary	4
Judicial	123
Law Students	35
Subtotal	176

The Board held a brief discussion, in the context of By-Law 204 Eligibility for Non-Lawyer Membership, on whether in-house counsel are considered "engaged in the private practice of law." With the consensus of the Board that in-house counsel are not in private practice, Past President Burrell planned to circulate a clarifying draft amendment for the Board's consideration.

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

PHILADELPHIA MEETING STATUS REPORT

With the Philadelphia meeting in full swing, President Clyne offered the Board's accolades to Co-Chairs Frank P. DeGiulio and Henry C. Lucas, III for a job well done.

Messrs. DeGiulio and Lucas reported that 175 members had registered for the week's events, with 259 expected at the

Friday night dinner. They projected the meeting will at least break even thanks to law firm sponsors helping to defray costs. They expressed appreciation to George R. Zacharkow for his work on registration materials, to Sandra L. Knapp and Kevin J. Thornton for Friday afternoon's CLE program, and to the Philadelphia maritime bar in general for its support.

Second Vice President Nolan commended Lisa Reeves for nicely coordinating space at law firms and other sites for committee meetings, which provided good substance and were well attended.

DISCUSSION ITEMS

Status of the New Website

Ms. Krieger reported that construction of the new website is proceeding ahead but some unanticipated delays in assimilating it and the MLA data base would push back the launch date. A meeting between Boost by Design and MLA Administrator Robin Becker seems needed in order to ensure a smooth transition.

Membership Issues

In conjunction with the new website, the "Join the MLA" Board Subcommittee continues work on preparing a list of polished bullet points promoting MLA membership to prospective applicants. This topic will be an agenda item at the next Board meeting, with a draft to be circulated to the Board before the website goes live.

Also in conjunction with the new website, finalizing the 2014-16 *Directory* has been delayed but will be published as soon as possible.

Ad Hoc Committees

In recognition of the success of the MLA's Ad Hoc Committee on United States Coast Guard Relations over the past several years, and the value that good MLA and USCG communications provide for our members, two other agencies particularly important to our members' practices were discussed – the Department of Transportation's Maritime Administration ("MARAD") and the Department of the Interior's Bureau of Safety and Environmental Enforcement ("BSEE").

It was the consensus of the Board that President Clyne should reach out separately to MARAD and BSEE officials to inquire whether similar MLA ad hoc committees could be established with them.

Comité Maritime International ("CMI")

With several recent Board meetings addressing the MLA's relationship with the CMI and its future, the Board was pleased to hear from Christopher O. Davis, a CMI Vice President, on his inside observations.

Mr. Davis noted several active CMI members from other countries who share concerns about the future of the CMI. He acknowledged that the CMI's relevance in the future needs monitoring and he offered several substantive examples of how the CMI remains relevant today, as for example, with its work on the Foreign Judicial Sales of Ships; General Average; and Offshore Activities, as related, for example, to multinational spills.

The CMI's assessment of MLA dues is another area of concern, as our Board has previously raised.

Board comments also raised questions about the transparency of CMI governance and a need for the MLA to articulate how, going forward, the CMI as one of very few

international maritime law organizations can best provide value to our members. The CMI's work on compiling the definition of vessel under various legal regimes, in response to our own concerns arising from the U.S. Supreme Court's 2012 *Lozman* case, was cited as one such positive example.

Again, consistent with recent Board meetings, the general discussion concluded that the CMI and MLA co-sponsored Spring 2016 New York Meeting will provide an excellent opportunity for the MLA to explore these considerations and engage in dialogue with CMI officials in an effort to enhance the relationship.

FUTURE MLA MEETING PLANS

Summer 2015 Board Meeting in San Francisco

President Clyne reported that Forrest Booth has made economical arrangements at San Francisco's Parc 55 Hotel for next summer's Board meeting. This will be a good opportunity for the Board to visit with our California members.

Attendance by Canadian MLA members unfortunately does not look promising due to their concerns over expensive air fares from Canada to San Francisco.

Fall 2015 Bermuda Meeting

President Clyne reported that the Bermuda Arrangements Committee, chaired by James F. Moseley, Jr., is continuing preparations for what should be an excellent resort meeting.

Spring 2016 New York Meeting with CMI

President Clyne reported that Vincent J. Foley will report at tomorrow's General Meeting of the Association on recent planning developments, such as the hiring of a sponsorship coordinator and arrangements with venues holding evening and other events.

Fall 2016 New Orleans Meeting with Tulane Admiralty Law Institute (“ALI”)

First Vice President Watson reported that plans are well underway for the joint MLA/ALI meeting during the week of October 24, 2016 in New Orleans, celebrating the fiftieth anniversary of the ALT and the first MLA fall meeting held outside of New York.

One area of planning logistics involves squeezing the MLA’s normal three days of port city meetings and the ALI’s normal two and a half days of seminars into a four day period, Tuesday through Friday. Tentative plans have the General Meeting of the Association on Friday afternoon.

Fall 2017 Resort Meeting

Following a site visit by the Watsons and the Nowells in August 2014, First Vice President Watson reported on the many positive attributes of the Silverado Resort and Spa in the Napa Valley, along with some minor drawbacks.

Pros include outstanding nearby restaurants and wineries; excellent golf courses, a lovely spa, and nice pool and tennis facilities; nearly perfect weather in October; good accessibility from the Oakland and San Francisco airports; good meeting spaces; and good hotel room prices tentatively priced at \$229/night for resort rooms and \$309/night for suites.

Cons, considered quite minor, include somewhat dated and somewhat spread out hotel accommodations, although the room interiors are fine. Past President Rue concurred, having visited Silverado recently and found it a delightful place for an MLA resort meeting.

First Vice President Watson noted that the resort was holding a place for the MLA as of today’s meeting. A motion was

made, duly seconded and unanimously passed, for him to form a Committee for the Fall 2017 Napa Valley Resort Meeting and to negotiate with the Silverado Resort and Spa with a view toward signing a contract on terms favorable to the MLA.

PRESIDENTIAL ACTIVITIES

On behalf of the MLA, President Clyne recently delivered a paper on attorney-client privilege issues at the Houston Marine Insurance Seminar; attended two marine industry dinners in New York City, one hosted by the Association of Average Adjusters and another hosted by the Marine and Insurance Claims Association; and delivered a paper on anti-suit injunctions at the Lisbon meeting of the *Instituto Iberoamericano de Derecho Maritimo*.

President Clyne also reported he had asked the Past Presidents from New York City to represent the MLA at the 225th anniversary of the Southern District of New York on November 4, 2014, at which Judge Charles S. Haight, Jr. will speak about the Court's admiralty history.

There being no other business, President Clyne adjourned the meeting at 11:51 a.m.

Respectfully submitted,

/s/ David J. Farrell, Jr.

David J. Farrell,
Jr. Secretary