



THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES: ITS
PURPOSES, ORGANIZATION AND ACTIVITIES

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The Maritime Law Association of the United States (MLA) was organized on June 21, 1899 at a meeting held at the Association of the Bar of the City of New York. Its first president was Robert Dewey Benedict and its original membership consisted of 106 judges and attorneys concerned with the development of the maritime law. Formation of the MLA was prompted by the organization, some three years earlier, of the International Maritime Committee, better known by its French name, Comité Maritime International (CMI), whose objective is uniformity in international maritime law. The CMI is now composed of 39 national maritime law associations, or similar organizations from almost all of the countries of Eastern and Western Europe, Canada, The United States, Mexico, South and Central America, Australia, New Zealand, Japan, India, Korea and the Peoples' Republic of China. The MLA is also affiliated with the American Bar Association.

The purposes of the MLA are best expressed in Article 2 of its Articles of Association and By-Laws:

“2. The objects of the Association shall be to advance reforms in the Maritime Law of the United States, to facilitate justice in its administration, to furnish a forum for the discussion and consideration of problems affecting the Maritime Law and its administration, and to act with foreign and other Associations in efforts to bring about a greater harmony in the Shipping Laws, regulations and practices of different nations.”

The MLA now has more than 2,750 members. Of these some 2,500 are lawyers interested in maritime law, including approximately 230 judges and law professors. The rest are non-lawyers selected because they hold responsible positions in the maritime field. MLA members are found in all states and territories of the United States where there is maritime activity, the heaviest concentrations being in New York, Louisiana, California and Texas. The Association publishes annually a comprehensive directory containing the

* The description of activities of the Association is as of the time of preparation of the document, the summer of 1981. It is planned to revise it from time to time.

Articles of Association and By-Laws, a membership list and other information of interest to all those concerned with maritime law.

The MLA as a whole meets in the spring and fall of each year, but its ongoing, year-round work is accomplished by the officers, the immediate Past President and twelve other members of the Executive Committee, who govern the Association, subject always to the will of the membership as expressed at its semi-annual meetings, and by committees appointed by the President. Through its committees the MLA keeps abreast of Federal and State judicial decisions, legislation, and government regulations in the maritime area. It is not a lobbying or special interest organization; each of the traditional opposing groups — cargo, personnel and vessel — has many adherents within the organization, united only in their concern with maritime law in all its facets.

Because the work of the Association has become so well-known, its views are frequently sought by Congress and by governmental agencies. These are officially expressed from time to time, but such expressions are subject to strict control. There have been spirited floor battles at some of the Association's meetings over resolutions concerning proposed United States legislation and international conventions. There is no reason to believe that similar battles will not occur in the future. What this develops is a balancing of interests within the maritime community.

The standing committees of the Association at the present time, with the names of their chairmen, are listed at the end of this pamphlet, together with a brief summary of the functions of all those which are not discussed in detail herein. The first of the committees to be discussed in detail is the Committee on the Comité Maritime International (CMI).

Article 1 of the CMI's Constitution describes its goal:

"The Comité Maritime International is a non-governmental organization the object of which is to contribute by all appropriate means and activities to the unification of maritime and commercial law, maritime customs, usages and practices.

To this end it shall promote the establishment of national associations of maritime law and shall cooperate with other international associations or organizations having the same object."

The CMI Assembly meets each March, usually in Belgium, where the Comité is domiciled. A plenary session of the CMI as a

whole is held at least every four years for the purpose of drafting maritime conventions and agreements on subjects determined by the Assembly to be of importance in the effort to unify the international maritime law.

In the past, draft international conventions prepared by the CMI were submitted to the Belgian Government for consideration at diplomatic conferences on maritime law. More recently, such drafts have been submitted to the Intergovernmental Maritime Consultative Organization, commonly called "IMCO", for consideration at diplomatic conferences arranged by that organization, which is affiliated with the United Nations. In other instances studies have been made which are of value to the maritime world but not necessarily suitable material for conventions. In recent years a liaison has been established with IMCO, and some of the CMI's activities have been undertaken as a result of requests made by that agency.

The MLA Standing Committee on the CMI is the Association's agency directly concerned with CMI activities. Representatives of the MLA attend the Annual Assembly in Brussels each March and participate in the discussions and decisions on CMI affairs. Whenever plenary CMI sessions are held, the MLA is represented by a large delegation, many of whose members actively engage in the debates on the matters under study. Between plenary sessions there is continuous activity requiring the close attention of various subcommittees of the CMI.

The objectives of the MLA Committee on Marine Insurance, General Average and Salvage are to monitor developments in the law relating to those subjects; to consider the necessity and desirability of changes in the law and practices relating to them; to participate in pertinent legal research projects, and to keep the MLA membership informed of current developments in marine insurance underwriting, claims handling, anti-trust considerations, state regulation, the law pertaining to general average and relationships between average adjusters and maritime attorneys, and domestic and international law pertaining to salvage. Much of its work is performed by *ad hoc* sub-committees created for specific projects. Among the projects undertaken by the Committee are reform of the international law of salvage, including revision of the 1910 Brussels Convention on Assistance and Salvage at Sea, which was drafted by the CMI and was ratified by the United States in 1913.

Another major MLA Committee is the Committee on Bills of Lading. Projects undertaken by that Committee include the study, by a Subcommittee composed of prominent marine underwriters and legal scholars, of the potential economic impact on insurance placement and costs which would result from the adoption of the new "Hamburg Rules" Convention in place of the present "Hague Rules" Convention relating to ocean bills of lading, which was also drafted by the CMI and was adhered to by the United States in 1937. Other areas within the jurisdiction of this Committee include a proposed international convention pertaining to multimodal transport, the study of important court decisions, and the always recurring problem of ocean carriers' "letters of indemnity".

The MLA Committee on Navigation and Coast Guard Matters and the Committee on Western Rivers and Waterways keep a close watch in these areas. Foremost among the accomplishments to which these Committees can rightfully claim a share of the credit is Public Law 96-591 (passed on the last day of the 96th Congress), which unifies the various sets of navigational rules previously in effect, combining the Inland, Western Rivers, Great Lakes, and Pilot Rules into one cohesive set. These two Committees have also been interested in procedural problems attendant upon Coast Guard hearings, specifically the admissibility, in civil litigation, of the Coast Guard's findings and transcripts of the records of such hearings, and the failure of some investigating officers either to follow the usual rules of evidence or to protect the Constitutional rights of witnesses and participants.

The work of the Committee on Marine Ecology is directed almost exclusively to pollution problems of concern to vessel operators and insurers. The Committee works in all areas — state, national and international.

The Committee on Limitation of Liability is concerned with a concept which is vital to our national interest in maintaining a strong and competitive merchant fleet. Many are of the view that, if the United States were to abandon this concept, it would drive one more nail in the coffin of our already depleted merchant fleet. For that reason, the MLA has prepared a draft bill which could serve as a foundation for modernization of the outmoded United States Limitation to Liability Act. The United States has never adopted any of the international conventions on this subject, and its law is out of

step with that of the rest of the maritime world. The provisions of this draft statute are so liberal that when and if Congress or some governmental agency should ever become interested in reforming this area of our law, the MLA draft should prove to be an acceptable basis for new legislation.

Two more Committees should be discussed: Practice and Procedure, and Uniformity in United States Maritime Law. Although they have something in common, each has a different function. The common factor is the search for, and desire to preserve a high degree of uniformity in admiralty practice, and in our national maritime law. Without such uniformity, the United States cannot trade effectively with other nations and American commerce will become even less competitive than it is now. The Practice and Procedure Committee watches court decisions and files briefs *amicus curiae* where necessary to combat any threatened erosion of uniformity in admiralty practice throughout the country.

The Committee on Uniformity is active in both the legislative and judicial arenas. It, too, has prepared briefs *amicus* for filing by the MLA. It cooperates with the American Institute of Merchant Shipping (AIMS), the Counsel of American Shipowners (CASO), the Propeller Club, the American Bar Association, and other organizations in matters of mutual interest. For example, its attention has been directed to the support of legislation which would create a single fund and a single system of liability for maritime oil pollution claims, superseding the various federal and state statutes which are now in force, and which, taken together, contain many mind-boggling inconsistencies.

The foregoing discussion focusing on committee work is not intended to be exhaustive, but rather to give an idea of what the MLA is all about: it is a professional organization whose membership includes virtually all lawyers concerned with improvements in the maritime law, and which stands ready to be of help to law students interested in this field of law. The advantages of membership include the opportunity to meet and consult with other practitioners in the field, to receive committee reports and other documents concerning the developments in this area, and to provide a forum for the discussion of problems and the presentation of ideas to others with similar interests.

Once every two years the MLA holds a four-day meeting, at which there are not only full scale meetings of the standing and special committees but also highly professional lectures, seminars and panel discussions on recent developments in the field of maritime law. These educational activities, in addition to giving the busy practitioner an opportunity to become familiar with important new decisions, legislation and conventions, have been granted accreditation by state agencies on Continuing Legal Education, whenever such accreditation has been sought. Anyone engaged in any facet of maritime law cannot afford to miss these opportunities for professional advancement. Indeed, it can be said that active membership in the MLA is a professional "must" for any lawyer engaged in the practice of maritime law.

COMMITTEE
OFFICERS AND CHAIRMEN
AS OF MAY, 1981

President, John W. Sims of New Orleans
First Vice-President, Gordon W. Paulsen of New York
Second Vice-President, Grayson S. Staring of San Francisco
Secretary, MacDonald Deming of New York
Treasurer, Marshall P. Keating of New York
Membership Secretary, John J. Sullivan of New York

Executive Committee

Immediate Past President, James J. Donovan of New York

Term Expiring 1982

Cromwell A. Anderson of Miami
Edward C. Kalaidjian of New York
Thomas J. McKey of Seattle
Theodore C. Robinson of Chicago

Term Expiring 1983

Ed Bluestein, Jr. of Houston
Richard H. Brown, Jr. of New York
Elliott B. Nixon of New York
George L. Waddell of San Francisco

Term Expiring 1984

Robert B. Acomb, Jr. of New Orleans
Paul N. Daigle of Portland, Oregon
Robert M. Hughes, III of Norfolk
David L. Maloof of New York

Committee on Admissions,

Raymond P. Hayden of New York, Chairman
(Function: to review the suitability for membership of persons
desiring to join the association),

Committee on Bills of Lading,

John C. Moore of New York, Chairman

Committee on the Comité Maritime International,

Arthur M. Boal of New York, Chairman

- Committee on Compulsory Arbitration,
James F. Young of Philadelphia, Chairman
(Function: to explore the advisability of instituting compulsory arbitration procedures in smaller maritime cases),
- Committee on Continuing Legal Education,
Robert G. McCreary of Cleveland, Chairman
- Committee on Fisheries in the United States,
Martin R. Johnson of Portland, Maine, Chairman
(Function: to serve as a forum for the consideration of conflicting legal maritime interests of the fishing industry),
- Committee on Limitation of Liability,
Richard W. Palmer of Philadelphia, Chairman
- Committee on Marine Ecology,
James J. Higgins, of New York, Chairman
- Committee on Marine Financing,
Emery W. Harper of New York, Chairman
(Function: to consider laws, conventions and regulations concerning financing of vessels and related equipment),
- Committee on Marine Insurance, General Average and Salvage,
Edward C. Kalaidjian of New York, Chairman
- Committee on Maritime Arbitration,
Francis J. O'Brien of New York, Chairman
(Function: to keep membership informed concerning current developments as to maritime arbitration both in the United States and abroad),
- Committee on Maritime Legislation,
Michael Marks Cohen of New York, Chairman
(Function: to monitor, develop and participate in proposals for treaties or national legislation affecting the practice of admiralty),
- Committee on Merchant Marine Programs,
MacDonald Deming of New York, Chairman
(Function: to keep the membership informed as to the state of health of the American Merchant Marine),

Committee on Navigation and Coast Guard Matters,
Kenneth H. Volk of New York, Chairman

Committee on Ocean Liner Conferences,
Ronald A. Capone of Washington, D.C., Chairman
(Function: to prepare studies, report thereon and recommend
association action with respect to regulation of ocean liner con-
ferences in the United States),

Committee on Practice and Procedure,
David R. Owen of Baltimore, Chairman
(Function: to monitor all aspects of admiralty practice and
procedure),

Committee on Stevedoring and Terminal Operations,
Francis J. Gorman of Baltimore, Chairman
(Function: to study and report on maritime law matters which
relate to stevedoring and terminal operations),

Committee on Transportation of Hazardous Substances,
Thomas R. H. Howarth of New York, Chairman
(Function: to study the need for regulation of transportation of
hazardous cargoes by water and the national and international
implications thereof),

Committee on Undersea Development and Exploration,
Jack L. Allbritton of Houston, Chairman
(Function: to monitor legal developments, domestic and inter-
national, affecting undersea exploration, development and pro-
duction relating to ocean mining and oil and gas activities),

Committee on Uniformity of United States Maritime Law,
Nicholas J. Healy of New York, Chairman

Committee on Western Rivers and Waterways,
Joseph A. Murphy of St. Louis, Chairman

Anyone interested in obtaining more information about the Associ-
ation is invited to communicate with the Secretary, Mr. MacDonald
Deming, One State Street Plaza, New York, New York 10004 (212)
344-6800.