

Document No. 636

November, 1981

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

TO: MEMBERS OF THE ASSOCIATION

RE: QUALIFICATIONS FOR LAWYER MEMBERSHIP

A. ACTION TAKEN AT MEETING OF THE ASSOCIATION
HELD NOVEMBER 6, 1981

Reference is made to Document 630 which set forth the text of a proposed amendment to the Articles of Association and By-Laws pertaining to membership, together with proposed standards for admission to the highest category of lawyer membership, and asked for comments. The comments which were submitted were carefully considered by the President's Advisory Committee of which Past President James J. Donovan is Chairman, and by the Executive Committee. Many of the suggestions were adopted and the resolution was unanimously adopted at the Fall Meeting on Friday, November 6, 1981. A copy of the Membership By-Law as amended on that date is appended hereto, as is the text of "Standards for Admission to Proctor in Admiralty", which is the name adopted for the highest category of lawyer membership. It is suggested that it be "tipped in" at page 4 of the 1981 directory of the Association. It will be noted that all lawyer members in good standing as of November 6, 1981 have been placed in the highest category, and that what was previously designated "associate members" are now judicial or academic members as the case may be.

The Maritime Law Association of the United States by adopting this resolution at this time is "at the cutting edge" among bar associations in establishing high standards for professional qualifications for membership and is very much in tune with the times. Our Committee on Continuing Legal Education, Robert G. McCreary of Cleveland, Chairman, will shortly be issuing a report concerning seminars and courses which will qualify for credit points under paragraph 3 of the new standards. For the guidance of lawyers who will be applying for membership and plan in the future to apply for the highest category of membership it can be stated at this time that the Admiralty Seminars conducted by the ABA at its annual meetings will be approved as, of course, will those held by the Maritime Law Association at its Fall Meetings, the next being in conjunction with the meeting to be held in Palm Beach, November 8-12, 1982. Prospective members who plan to attend other seminars should contact Mr. McCreary to ascertain whether or not they will qualify for credit.

- B. COMPLETE TEXT OF ARTICLE 3 OF THE ARTICLES OF ASSOCIATION AND BY-LAWS REVISED IN ACCORDANCE WITH THE ACTION OF THE ASSOCIATION TAKEN AT THE MEETING OF NOVEMBER 6, 1981.

ARTICLES OF ASSOCIATION AND BY-LAWS

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Membership

3. Any citizen of the United States, or any person who is admitted to the practice of law before any of the several Courts of the United States, who is interested in the objects of the Association as stated in Article 2 shall be eligible for membership. No applicant who is not a member of the Bar shall be elected to active membership at any time when the non-lawyer members exceed 10% of the total membership of the Association. Members shall be elected by the Executive Committee or elected by the Association after being reported or recommended as candidates by the Executive Committee. (Amended May 4, 1945, May 2, 1947 and May 1, 1959.)

There shall be six classes of membership:

1. Honorary
2. Judicial
3. Academic
4. Proctor in Admiralty
5. Associate Lawyer
6. Non-Lawyer

An applicant for associate lawyer membership who may wish to apply for Proctor in Admiralty (hereinafter "Proctor") status after four years of associate lawyer membership in the Association, shall agree in the application for associate lawyer membership, which shall be supported by two Proctor members of the Association, to maintain adequate records over a period of four years after election to associate lawyer membership in order to assist the Admissions Committee in determining, at the proper time, whether such associate lawyer member possesses the qualifications to advance to Proctor membership. An associate lawyer member need not apply for Proctor membership, but if such application is made the applicant must meet the requirements for Proctor membership in existence at the time the application for Proctor membership is passed upon. Proctor, associate lawyer and non-lawyer members are entitled to vote. All classes of membership are eligible to serve on committees of the Association.

Upon a special showing of possession of the qualifications required for Proctor membership, and upon recommendation of the Admissions Committee, the Executive Committee or the Association may waive the four-year requirement and grant Proctor membership to such qualified applicant.

An applicant for Proctor membership must satisfactorily answer a questionnaire, prepared by the Admissions Committee and approved by the Executive Committee, with respect to experience and qualifications, supported by two Proctor members in such form as may be required in the questionnaire on standards for admission. The applicant for Proctor membership must furnish satisfactory evidence of compliance with such other qualifications for Proctor membership as the Executive Committee shall from time to time require. The Executive Committee in fixing such qualifications shall consider the advice and guidance of the Committee on Admissions and on Continuing Legal Education.

All lawyer members in good standing as of the date of this resolution will be designated Proctors in Admiralty and those holding what was previously designated "associate membership" will become judicial or academic members as the case may be. Non-lawyer members will retain their current status." (Amended November 6, 1981.)

Except as hereinafter stated, membership dues shall be \$50.00, excepting the annual dues of members of the Bar who have been members of the Bar for less than five years, which shall be \$35.00. The dues shall be payable May 1st of each year. (Amended May 1, 1970, May 6, 1977, and May 2, 1980.)

Honorary, judicial and academic members shall pay no dues and shall not have the privilege of voting.

Any member who shall be in arrears for one year or more may be dropped from membership by the Executive Committee. (Amended May 7, 1943 and May 2, 1947.)

On and after January 1st, 1952, members in good standing who have maintained their membership in the Association for 40 years shall not pay dues but shall continue to retain their membership, with the privilege of voting. (Amended May 4, 1951.)

C. STANDARDS FOR ADMISSION TO PROCTOR IN
ADMIRALTY STATUS ADOPTED BY THE
EXECUTIVE COMMITTEE NOVEMBER 5, 1981
AND APPROVED BY THE ASSOCIATION ON
NOVEMBER 6, 1981.

In view of the various areas which constitute the practice of Maritime Law in the United States by members of this Association, including among others, cargo damage and loss, charter party, collision, fisheries, general average, marine insurance, maritime administrative law, personal injury and death, salvage, towage, ship finance and mortgages, it has been deemed impossible to prescribe a single set of specific programs for continuing legal education in admiralty which are fairly relevant to determine the eligibility of all who aspire to Proctor membership in the Association. Following are the prerequisites for Proctor membership:

1. Associate lawyer membership in good standing in the Association for a period of at least four years, and admission to the Bar of the appropriate United States District Court; and
2. Letters of support from at least two Proctor members in good standing whose principal area of maritime practice is the same as that of the applicant, stating that the applicant has demonstrated expertise in that area of practice as well as high standards of ethical and professional conduct. Not more than one of these letters shall be from a person associated with the applicant in the practice of law and, preferably, at least one support letter should be from a person who has been in an adversary relationship to the applicant; and
3. Evidence of earning a total of twenty (20) credit points in continuing legal education in the field of Admiralty after admission to the applicable state bar, computed as follows:
 - a. One half (1/2) point for each hour of attendance at a seminar approved by the Association's Committee on Continuing Legal Education.
 - b. One (1) point for each class hour of attendance at a post-graduate course in Admiralty conducted by an ABA accredited Law School; and

4. At least one of the following:

a. Publication by the applicant of an article, speech or text or case book on a subject related to the practice of maritime law in any of its professional areas of expertise; or

b. Evidence of concern for the profession and the aims of the Association by participation in the work of committees or other activities of the Association and/or recognized institutions of higher learning or bar associations; or

c. Evidence of other achievements which, in the opinion of the members of the Admissions Committee, advance and enhance the status of the Admiralty Bar, the cause of justice, and the general aims of the Association; or

d. Evidence of significant satisfactory participation in maritime trials, arbitrations or hearings or significant satisfactory participation in the preparation of appellate briefs or other legal documents (including memoranda, opinions, contracts, etc.) relating to maritime matters, copies or descriptions of which shall be submitted.