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**PRESIDENT'S NEWSLETTER**

The dates for the Kauai, Hawaii meeting, Monday, October 16th through Friday, October 20th will be here before we know it. Please register for this meeting if you have not already done so. This letter will describe some of the projects on which your Association is working. Many of these projects will be discussed in Hawaii.

**Electronic Communication and Commerce:**

Many members, clients, and other members of the maritime industry now have e-mail addresses, and are relying on that new method of communication. In addition, many e-mail services are available to us; some services are attempting to tailor themselves specifically to law and even to maritime law.

The Maritime Industry may make extensive use of electronic communication to transmit electronic bills of lading and other "documents" in the not too distant future.

The Board of Directors discussed this innovation at the August Board of Directors meeting, and suggested that a committee be established to determine how the Association may make use of e-mail. I have established an Electronic Communication and Commerce Committee and have appointed George Chandler, now of Houston, as its chair.

The Committee will explore ways in which the Association may be able to use electronic communication and will also explore ways, such as electronic bills of lading, filing documents, etc., in which electronic communication may be used in the maritime industry. The "charter members" of this committee will include in addition to George: John Edginton of San Francisco, Jerry Scowcroft of Seattle, Liz Burrell of New York, G. William Birkhead of Norfolk, and John J. Reilly of New York. We are looking for other committee members,



Chair of the Navigation and Coast Guard Committee and a member of the Board of Directors, and I met with Conrad Harper, Legal Advisor of the Department of State, Captain Ashley Roach, USN (ret) of the Legal Advisor's Office, and Ambassador David A. Colson of the Department of State on this project. These representatives explained the reasons the Department of State is in favor of ratifying this Convention.

The parts of Part XI to which the United States, the United Kingdom, and Germany had previously objected have been amended to the satisfaction of the Department of State. Germany has now ratified the Convention and the United Kingdom is expected to ratify it early in 1996. If the United States ratifies the Convention before the end of 1996, the United States will be able to nominate persons to serve on two important tribunals of the Convention.

**COGSA Amendment Project:**

The Committee on the Carriage of Goods is holding meetings to discuss the present draft in detail with a view toward drafting an amendment which will bring the United States closer to uniformity with the majority of its trading partners. It will also treat all parties involved in the carriage of cargo in a reasonable manner. The following meetings have been held on the indicated topics and locations:

Monday, June 26, 1995      Haight, Gardner, Poor & Havens  
195 Broadway  
New York, NY

Topic:      Navigational Fault, Apportionment Fault, Package  
Limitation, and Deviation.

Monday, August 7, 1995      ABA Meeting  
Chicago Sheraton  
Chicago, IL

Topic:      Young lawyer's Div., Admiralty & Maritime Law  
Committee (Intermodalism).

Monday, August 14, 1995      Haight, Gardner, Poor & Havens  
195 Broadway  
New York, NY

Topic:      Contracts of Carriage, Pomerene Act, Containers, Service  
Contracts.



Tuesday, January 23, 1996

TBA  
New Orleans, LA

Topic: All areas.

Please plan to attend one or more of these meetings if you have any interest in the carriage of goods by sea. For further meetings, please contact the chair of the Committee on the Carriage of Goods, Vincent DeOrchis of New York.

**Coast Guard Reports:**

The original Coast Guard Authorization Bill this year specified that the findings of fact from Coast Guard reports of a marine casualty investigation conducted under 46 U.S.C. §6301 could be offered in evidence, but the Coast Guard officers or other personnel who had worked on the investigation could not be subpoenaed to testify. After meeting with the Coast Guard, the Coast Guard may agree with a suggestion to change the statute to specify that no part of a report of a marine casualty investigation conducted under 46 U.S.C. §6301 may be offered into evidence and that Coast Guard investigating personnel cannot be called to testify about the report. They may only be called to testify if they are factual witnesses and if the information cannot be obtained from another source. The details of such an agreement must be worked out and will be reported in subsequent newsletters.

**Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects "JIGE":**

Last year, the Coast Guard asked the MLA to appoint an advisor to the United States delegation for a December 1994 meeting to discuss the Arrest Convention. I appointed Bob Zapf, the current Chair of the Practice and Procedure Committee. Bob attended the meeting in Geneva in December 1994. Another meeting of JIGE will be held this fall.

**British Marine Insurance Act of 1906:**

The Marine Insurance and General Average Committee has been studying the possibility and the effect of enacting a statute similar to this Act. Ed Cattell chairs a subcommittee on the subject and has coordinated the preparation of a thorough comparison between the Act and the current United States law which affects marine insurance. That