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PRESIDENT'S NEWSLETTER

FALL MEETING DATE CHANGE

The date of the Fall Meetings has been changed from the first Friday in November to the third Friday in October. This change is shown in Section 210 of the bylaws as it is printed in the 1995-1996 directory. We suspect, however, that most members do not look for changes to the bylaws immediately after they receive their directories and check their own listings. The Fall Meeting this year will be held in New York City on Friday, October 18, 1996; the committee meetings will be held earlier that week. The Dinner Dance will be held in the Marriott Marquis on October 18th. The Nicholas J. Healy Lecture will be delivered by Judge Charles S. Haight at the New York University Law School at 5:30 p.m., Thursday, October 17, 1996.

The Spring Meeting date remains unchanged. We shall meet the first Friday of May.

DUES STATEMENTS

The recent dues billing contains three changes. Two of the changes are correct and one is not correct. The billing now contains an opportunity to subscribe to the Comité Maritime International publications. Those publications include the CMI Newsletter and the CMI Yearbook. The Newsletter is published quarterly and the Yearbook is published annually. They both contain valuable information. The Yearbook contains the names and addresses of the officers and board members of most of the 55 maritime law associations which belong to the CMI. The last Yearbook contained a list of the nations that have ratified or otherwise adopted many maritime conventions. This system gives all dues paying members an opportunity easily to order the CMI material. It, unfortunately, misses the

Honorary, Judicial, Academic and Life Members who do not pay dues. Those members should contact the Chair of the CMI Committee, Charles Anderson of New York, to order the CMI material.

The billing also included the \$15 dues increase for persons who have been admitted to the Bar for at least 5 years. It erroneously included the same \$15 increase for persons who have been admitted to the Bar less than 5 years. That increase is actually \$10 rather than \$15. Those who pay the additional \$5 will have that amount credited toward next year's dues.

APPOINTMENT OF COMMITTEE OFFICERS

Committee officers' terms of office are limited to four years. This limit and the deadline to get the officers names to the directory publishers in June places a very short time limit on the new president to make numerous telephone calls, which are necessary to determine whom to appoint. I have delegated, pursuant to sections 305.1 and 305.2 of our bylaws to our First Vice President, Jim Moseley, the authority to make those telephone calls now in preparation for the appointment of new committee officers after May 3, 1996.

COMMITTEE ACTIVITY

COMMITTEE ON THE CARRIAGE OF GOODS

The Committee on the Carriage of Goods will present a proposal to amend the United States Carriage of Goods Act (COGSA) to the membership on May 3, 1996. CoCoG has held many meetings on this subject during the last year and has modified the proposal according to suggestions received at those meetings. Last year, I planned to allow proxy voting on that subject, but I now think that proxy voting would be a mistake. People voting on the proposal should be present to listen to the discussion and should, hopefully, have read the proposal. There will be no proxy voting by the membership this year. CoCoG's majority and minority reports will be mailed to the membership in the near future. The entire lengthy report will not be sent. Instead, the report will compare the present proposal to the proposal which was reprinted in last year's MLA Proceedings. Please read this material carefully and address any questions or comments you may have before the meeting to the CoCoG Chair, Vince DeOrchis of New York.

COMITÉ MARITIME INTERNATIONAL

UNCITRAL asked the CMI to appoint a group of experts to look into the laws for electronic bills of lading. The CMI has appointed Patrick Griggs as the Chairman. The

members of the working group are Jan Ramberg of Sweden, Gertjan van der Ziel of Holland, and George Chandler.

The CMI has also established an International Subcommittee to examine the laws governing carriage of cargo. The work of that committee is set out in detail in the recent CMI Newsletter.

INTERNATIONAL LAW OF THE SEA COMMITTEE

The Association, with the approval of the Board of Directors, urged Senator Helms to obtain the advise and consent of the Senate to accede to the Law of the Sea Convention and to ratify the new Article XI of that Convention. Senator Helms informed us that hearings have not yet been scheduled for the Convention. If the United States does not ratify the Convention on or before July 1, 1996, the United States will not be able to nominate a member of the International Tribunal for the Law of the Sea. Nominations are now open and will close on June 17, 1996. Since the United States is in the process of becoming a party to the Convention, the United States may now nominate someone for the tribunal. That nomination would remain provisional until the United States deposits its instrument of accession. If the instrument were not deposited before July 1, 1996, the nomination would become void. The Association has decided to urge the Senate to give its advice and consent to accede to the Convention and to ratify the new Article XI on deep sea bed mining. Members may wish to express their views directly to the Senate.

MARITIME SECURITY COMMITTEE

The stowaway provisions of the Immigration Bill, H.R. 2202, reflect the recommendation of this Association. Steve Vengrow, chair of this committee, has worked with the staff of the Senate, House, and INS on this bill. Hopefully, it will become law this year and will alleviate the stowaway problem, which has plagued the maritime industry. The bill will probably come before the House on March 19, 1996. If you receive this newsletter before then, you may want to contact your congressman to urge him or her to vote for the bill.

MARINE FINANCE COMMITTEE

This committee has proposed amendments to several marine finance related legislation. The bill which would overrule Bank of Am. Nat'l Trust and Sav. Ass'n v. Fogle, 1986 AMC 2005, 637 F. Supp. 305 (N.D. Cal. 1985), has passed both the Senate and the House and is awaiting the President's signature to become law.

RECREATIONAL BOATING COMMITTEE

The Association agreed at the Hawaii meeting that this committee would develop a model state law for minimal educational requirements for recreational boaters. Many states already have passed legislation governing recreational boaters. The Association wishes to promote uniformity in this area.

SALVAGE COMMITTEE

The Coast Guard asked the Association's advice concerning renunciation of the Salvage Convention of 1910. This committee agreed that the United States should renounce the Salvage Convention of 1910 to prevent conflicts with the Salvage Convention of 1989 and. A letter prepared by this committee will be presented to the Board of Directors for its approval on March 23, 1996.

TRANSPORTATION OF HAZARDOUS SUBSTANCE COMMITTEE

The Coast Guard has again asked our Association to provide advisors to the Department of State for the HNS Convention project. A diplomatic convention to complete drafting of an HNS Convention will be held in London for about three weeks starting on March 15, 1996. Neal Hobson of New Orleans, past Chair of this committee and Jack Lillis of New York, Chair of this committee, will be the advisors from our Association. Neal will attend the first two weeks of the convention and Jack will attend the last week.

SAN FRANCISCO OFFICERS AND BOARD MEETING

The Officers and Board of Directors will meet in San Francisco on Friday, March 22 and Saturday, March 23, 1996.

NEW YORK DINNER ARRANGEMENTS

Robert Clyne of New York is the Chair of this very important committee. The Association appreciates and is dependent on the work Bob and the members of his committee devote to the New York City dinners. The Association also appreciates the generosity of the New York City firms who designate lawyers in their firms to serve on this committee. The Committee is already at work to arrange the spring dinner, which will be held at the Marriott Marquis on Friday, May 3, 1996.

RECOVERY FORUM HARBOR CRUISE

The Recovery Forum is sponsoring a cruise of New York Harbor from 12 Noon until 2:00 PM on Thursday, May 2, 1996. If you are interested, please contact Ms. Alice Teal, telephone (212) 709-3641, fax (212) 709-3637, before April 26, 1996.

BUNKY HEALY'S HONORS

Our Immediate Past President, Bunky Healy, did not rest on his laurels after completing his term of office. He completed his pro bono efforts in Kyles v. Whitley, ___ U.S. ___, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995). Bunky had been assigned, at about the time he became Second Vice President of our Association, the post conviction representation of Curtis L. Kyles, who had been convicted of murder and was on death row three days away from execution. Bunky obtained a stay of that execution and of two additional warrants of execution.

He appealed his client's case through the Louisiana state courts and, via a writ of habeas corpus, through the United States courts. The district court denied the application for a writ and the Fifth Circuit affirmed the denial. The Fifth Circuit opinion, however, contained a strong dissent by Judge Carolyn King.

The United States Supreme Court accepted certiorari and reversed the conviction in a 5 to 4 decision. 115 S.Ct. at 1559. Bunky has received many well deserved honors for his excellent handling of that case. The Maritime Law Committee of the New Orleans Bar Association named him the Distinguished Maritime Lawyer of the Year in recognition of his more than forty years of distinguished service to the admiralty and maritime bar, to the community and his civic service, including the Kyles case. Bunky has recently received the Presidential Commendation by the President of the Louisiana Association of Criminal Lawyers "In Recognition for Outstanding Service to the Louisiana Association of Criminal Defense Lawyers and Dedication to the Fair Administration of our System of Criminal Justice." Our Association, as well, congratulates Bunky for his excellence as a lawyer and a leader of our profession.

CALENDAR OF MARITIME LAW EVENTS IN 1996

Second Vice President McCormack has compiled the calendar enclosed with this newsletter. Please let Howard know of any events you think should be included in the calendar so that a more complete calendar may be published in the next newsletter.

Chet Hooper

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