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PRESIDENT'S NEWSLETTER
SUMMER 1996

Dear MLA Member:

Please accept this Newsletter as an appropriate means of providing you with an update of the Association's activities. It is an unrealistic wish to think that we could have personal communications by either telephone or a personal letter, and trust that you will accept this means as a substitute. I would welcome any comments, advice or recommendations that you may wish to make to me by telephone or by letter. Please provide me with your thoughts concerning the Association.

The Maritime Law Association of the United States remains a unique organization in many ways. During its nearly century old existence, it has been an assembly of every conceivable interest in maritime and related fields. It is composed of advocates of shipowners, charterers, carriers of every type, shippers, intermodal or multimodal interests, seamen, harbor workers, financial interests, and insurers. This kaleidoscope allows us to further our mission of uniformity and justice, nationally and internationally. Secondly, its uniqueness arises from its method of operation. We do not have an executive director or any staff or employees. All of the efforts are achieved by numerous members willingly providing their time and resources. As President, I commit a substantial part of each day to the management and affairs of the Association. In like manner, all of the officers provide an amazing portion of each day to the concerns of the Association. The members of the Board, while principally dealing with policy, are called upon during the interim between board meetings to ensure this smooth operation. Our only outside assistance is our printing and mailing facility in New York.

This bedrock concept of our volunteer organization coupled with our mission and nationwide diversity adds to the standing and

prestige of the Association wherever it appears or participates in any project. It is effective because it is the type of organization that you wish it to be. Please feel free to call upon me or any of those in the leadership positions to voice your interests, concerns or desires.

MAY 3 MEETING

As you will note in the enclosed transcript of the meeting in New York at the Association of the Bar of the City of New York on Friday, May 3, 1996, new officers and board members were elected. Chester D. Hooper, the retiring President, received an expression of the highest regards from the Association in appreciation for his able efforts for the last two years. Chet will remain on the board for the next two years as the Immediate Past President.

It should be noted that George W. Healy, III, our President during 1992 to 1994, retired from the board as the Immediate Past President. Over the past years, Bunky has served as a board member, Second and First Vice President, as well as President. During this time he also served as President of the New Orleans Bar Association and handled pro-bono cases, one of which reached the United States Supreme Court. He was an indefatigable member of the board for those years and will remain a good advisor in the MLA activities.

Also, retiring board members were George F. Chandler, III, John A. Edginton, Brendan P. O'Sullivan and Thomas R. Rue. They served the Association efficiently and in a most committed fashion.

In addition to the officers listed above, four new board members joined the board by your election. They are Lawrence A. Bowles, Marion E. McDaniel, Jr., Gordon D. Schreck and Thomas J. Wagner.

The May 3rd meeting was extremely interesting because of the committee work in progress and the debate concerning the proposed Carriage of Goods by Sea Act that subsequently was adopted. The meeting room had every seat filled, plus there was a substantial number of members standing. Thank you for this great interest and attendance.

FALL MEETING DATES AND EVENTS

The Fall Meeting that has traditionally been held on the first Friday in November has been the subject of change, as you have previously been informed. The Fall Meeting this year and every other year will be held on the 3rd Friday in October. THE DATE FOR THIS YEAR'S MEETING IN NEW YORK WILL BE FRIDAY, OCTOBER 18, 1996 AT THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK. The biennial dinner dance will be held that evening at the Marriott Marquis.

Committee meetings will be held earlier during that week. In addition, Second Vice President Bill Dorsey will schedule a Chair's Meeting on Tuesday, October 15, 1996.

Please also note on your calendar that the Nicholas J. Healy lecture, that is an integral part of our activities, will be delivered by the Honorable Charles S. Haight of the Southern District of New York. This distinguished lecture series honoring former MLA President, Nick Healy, presents Judges from abroad and from the United States. It will be held at the New York University Law School at 5:30 p.m., Thursday, October 17th.

The Spring Meeting date, traditionally held on the first Friday in May, remains unchanged and will be May 2, 1997. Also, the Fall Meeting of 1997 will be at Palm Springs during the week of October 26, 1997.

MLA DIRECTORY

The MLA 1996 - 1997 Directory has been an ongoing significant project during the entire month of May and the first half of June. The deadline for the printer was June 16th and this deadline was met. Galleys have been reviewed by the officers and returned to the printer. It is anticipated that the directories will be printed and distributed on time in late August or early September. This is very time consuming project for the officers and certainly for Ray Hayden, Liz Burrell and Howard McCormack who have borne the brunt of this effort.

COMMITTEE LEADERSHIP

During the spring and continuing into May, 1996, Committee Chairs were appointed or reappointed as the case might be. Committee Chairs for the '96-'97 year are as follows:

Harvey I. Wittenberg - Alternative Dispute Resolution
James B. Kemp, Jr. - American Bar Association Relations
Vincent M. DeOrchis - Carriage of Goods
Stephen H. Vengrow - Carrier Security
George D. Benjamin - Classification Societies
Charles B. Anderson - Comité Maritime International
Robert S. Glenn - Continuing Legal Education
Reginald M. Hayden, Jr. - Cruise Lines and Passenger Ships
George F. Chandler, III - Electronic Communication and Commerce
Allen I. MacDougall - Fisheries
Douglas R. Burnett - International Law of the Sea
Donald C. Greenman - Limitation of Liability
John P. Vayda - Marine Ecology
Charles D. Brown - Marine Financing
Edward F. LeBreton - Marine Insurance and General Average
John P. Meade - Marine Regulation and Promotion
Patrick V. Martin - Maritime Arbitration

George J. Koelzer - Maritime Fraud and Crime
Mark J. Spansel - Maritime Legislation
John P. Schaffer - Maritime Personnel
James R. Sutterfield - Maritime Products Liability
Robert B. Parrish - Navigation and Coast Guard Matters
Robert J. Zapf - Practice and Procedure
Lawrence J. Bowles - Proctor Admissions
Michael B. McCauley - Recreational Boating
William P. Schroeder - River and Ocean Towing
Paul M. Poliak - Salvage
David G. Davies - Stevedoring and Terminal Operations
John T. Lillis - Transportation of Hazardous Substances
Norman J. Cowie - Uniformity of U.S. Maritime Law
A. Andrew Tsukamoto - Young Lawyers

SPECIAL COMMITTEES

George W. Healy, III - President's Advisory Committee
Gordon W. Paulsen - The MLA Report
Graydon S. Staring - Ad Hoc Committee on State Certification
George L. Waddell - Ad Hoc Strategic Planning
Robert G. Clyne - Dinner Arrangements
Philip A. Berns - Government Liaison
Theodore S. Cunningham - Historian
Professor Robert Force - Judicial Coordination Committee
Ben L. Reynolds - Professionalism
James J. Higgins - Parliamentary Aide
Thomas S. Rue - Planning and Arrangements for the 1997 Fall Meeting
Cliffe F. Laborde - Planning and Arrangements for the 1999 Fall Meeting
M. Hamilton Whitman, Jr. - Planning and Arrangements for the 2001 Fall Meeting
Theodore S. Cunningham - Committee on the Centennial
Warren J. Marwedel - Site Selection Committee

The full leadership listings of the Vice Chairs, Secretaries and Subcommittee Chairs of each Committee will be provided in the Directory.

Care has been given in consultation with all past Committee Chairs to ensure that committee members who have worked long and hard in the important work of the committees were considered for these new leadership positions. In addition, geographic distribution was considered. Further, in consultation with the Young Lawyers Committee Chair, and also all other Committee Chairs, over a dozen lawyers who are in the early stages of their careers have been included in the committee leadership positions. These young men and women will be a great addition to the vitality of our committee system, not only now, but in the years to come.

I would also wish to commend the Young Lawyers Committee, chaired by Andy Tsukamoto, for the Committee's initiative in

involving younger members in the Association's projects at all levels. Recently, the Committee has issued it's own newsletter concerning activities of the Committee. It is very effectively done. Because of the work of this Committee, more young men and women in the early years of a successful practice will become involved. If you have not taken advantage of this opportunity, please contact the Committee now.

At the Boston Board meeting, the Board made a policy determination that the Young Lawyers Committee is to be considered an administrative committee. Accordingly, any young lawyer may also be a member of two other standing committees. This will expand the opportunities also. Howard McCormack and Liz Burrell are the Board Representatives to the Young Lawyers Committee. Having these two experienced and talented officers as Board Representatives should be clear and convincing evidence to all young persons of the commitment of the Board to young lawyers' activities and advancement.

Retiring Committee Chairs who have performed so admirably over the last four years are as follows:

Robert G. Phillips - Alternative Dispute Resolution
Warren J. Marwedel - American Bar Association Relations
David Mcl. Williams - Marine Financing
Warren B. Daly - Maritime Personnel
Patrick J. Bonner - Navigation and Coast Guard Matters
Raymond L. Massey - River and Ocean Towing

The Association has recognized them by appropriate certificates.

LEGISLATIVE MATTERS

As you already know and can determine from the transcript and the accompanying documentation concerning the Carriage of Goods proposals, our effort in the preparation of proposed amendments to the Carriage of Goods by Sea Act has been completed. I will not go into details concerning the technical proposals, since they are set forth in the transcript and the accompanying documentation, which if you have not studied, you certainly should wish to do so.

The Carriage of Goods Committee under Chair Vince DeOrchis, and the other groups with which the Committee coordinated, had worked for three to four years in an attempt to gain a consensus on a proposal for a new and improved Act. This project was completed by submission to the membership prior to the May meeting and an overwhelming vote of approval at the May meeting. Since that time, our proposals have been favorably reviewed by various journalists and writers in the field, various officials and others vital to the transportation field. We are also attempting to communicate with

all of those in the industry, one more time, to ensure that everything is in order.

Additionally, the Chairs and leadership of each of the appropriate committees have been monitoring proposed legislative reform to OPA 90, INS (to comply with recent court rulings) and other legislation, including Coast Guard matters. The various committees concerned will continue to provide current up-to-date reports to the membership.

BOSTON BOARD MEETING

The Officers and Board met in Boston on Friday, July 12 and Saturday, July 13. Planning and future activities were some of the topics for discussion.

The MLA members in the Boston area were most hospitable and kind to all of us and I would wish to use this opportunity to thank each and every one of the Boston MLA members who assisted in such a fine way. On behalf of the entire Association, thank you very much. Pat Bonner and Liz Burrell acted as the Board steering committee for the Boston meeting, together with our Boston members.

The next Board meeting will be held in New York City in conjunction with the Fall Meeting.

AD HOC AND NEW COMMITTEES

Two new committees have been created and a third Ad Hoc committee, while not new, takes on new initiatives and efforts.

A strategic or long range planning committee will be chaired by George Waddell. The purpose and function of this committee will be to envision where the Association should be in five years, what its broad parameters should be or continue to be, and then report to the Board, so that the Board may use it as a policy setting tool. This should provide great guidance and a basis for implementation of projects that will continue to keep the Association in its preeminent position.

Secondly, a new committee entitled "Professionalism" has been formed under the chairmanship of Ben Reynolds. This committee will endeavor to ensure that our principles and standards in the admiralty and maritime field are second to none. This ongoing need for civility and cooperation among advocates must always be retained. We owe full responsibility to the bench, our clients and to our field of law to always meet the highest standards. This committee will undertake to help this Association retain and perpetuate that goal.

Also, we have a committee that has been operational for some time, but is now moving towards a recommendation of important

policy. It deals with very significant issues. This is the Committee on State Certification. The Chair of this Committee is former MLA President, Gray Staring. He is committed to a complete study and recommendation of policy that relates to state certification/proctorship, other aspects of continuing legal education and standards for our area of the law.

C.M.I. ACTIVITIES

The C.M.I. continues to work on their project regarding Carriage of Goods proposals. The International Subcommittee has had several meetings in the past and undoubtedly in the late summer or early fall of this year will have another meeting or so. Our representatives to the Subcommittee are Professor Michael Sturley II, Immediate Past President Chet Hooper and former Board member, George Chandler.

In addition, the C.M.I. convened an International Subcommittee on wreck removal. Our delegate to this Subcommittee is Hal Watson of Houston. Hal has attended the first meeting in London.

Our thanks go to Neal Hobson and Jack Lillis for their work on the HNS Convention, recently concluded in May of this year. As you will recall, a report was given at the May meeting (the same day as the conclusion of the convention). Our thanks to each of them for their participation in this lengthy project of many years that has now been brought to conclusion on the international scene.

C.M.I. activities continue to command a great deal of our time and efforts in the realm of international uniformity.

MLA PUBLICATIONS

As you are aware, for many years we have had an outstanding publication, The MLA Report. This report is edited by former MLA President, Gordon Paulsen, who is ably assisted by his colleagues. Many of you have written to the Editors of The MLA Report thanking them for their conscientious effort and expertise in preparing such an outstanding document. I join with all of you in expressing our great appreciation for their efforts in preparing such an outstanding, professional document.

CONCLUSION

I trust that this newsletter will provide you with an overview of many of the activities. A great deal of further information can be obtained from the transcript herein. Please feel free to call me at any time at the above number or my MLA line (904) 358-9190. Otherwise, I look forward to seeing you at the meeting in October.

Jim Moseley