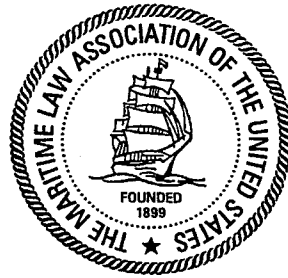


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OF THE UNITED STATES

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September 4, 1997

Document # 732

SUMMER 1997 PRESIDENT'S NEWSLETTER

Dear Member:

Your Association continues to be involved in many significant projects. Proposals regarding substantive and procedural law, activities with international organizations, submission of *amicus curiae* briefs, innovative committee matters and our own administrative changes occupy substantial time and effort of the leadership and membership of the Association. I take this opportunity to report on some of these activities to you.

FALL MEETING - PALM DESERT, CALIFORNIA OCTOBER 27-31, 1997

There is a great deal of interest in the biennial meeting. The meeting will be held at the Marriott's Desert Springs Resort and Spa. As in the past, we have invited several guests who are not our members, but with whom we are continually working. Many of the CMI leaders will be in attendance, as well as, noted attorneys, distinguished industry representatives and those involved in maritime matters throughout the world. We welcome them.

All Standing Committees, Special Committees and the newly formed Study Groups will meet for important sessions. In addition there will be a morning seminar on Thursday and our General Meeting, with numerous reports of interest, on Friday morning.

If you have not made your arrangements to attend please do so promptly, since the hotel will release the remaining rooms, in the very near future. Also, when making your flight arrangements or your automobile arrangements, please use or have your travel agent use our special arrangements agents. The MLA greatly benefits when you

use our special arrangements, since the Association obtains credits that are used to offset expenses of our meetings.

My thanks go to Tom Rue as Chair and the following Committee members for their outstanding efforts. The members are: Robert B. Acomb, III, James W. Bartlett, III, Geoffrey F. Birkhead, Michael Marks Cohen, G. Beauregard Gelpi, Robert S. Glenn, Jr., D. Arthur Kelsey, Richard M. Leslie, Peter A. Lindh, Howard M. McCormack, William C. Miller, Dennis Minichello, Steven E. Mulder, Thomas O. Murphy, Thomas F. Paul, Robert B. Parrish, and Charles E. Schmidt.

INTERNATIONAL ACTIVITIES

A. Comité Maritime International.

Since our General Meeting in the Spring, the CMI held its Centenary Conference in Antwerp. After this Conference, the General Assembly met. The Association had an outstanding representation of nearly fifty members as delegates or deputies. They were free to choose their sessions of interest.

The Conference covered numerous issues with one designated MLA delegate or deputy assigned to each session. Each had either been a member of an international subcommittee or is an MLA Committee Chair. The primary subject matter, the delegate/deputy and their MLA Officer liaison were:

<u>Subject of Sessions</u>	<u>Delegate/Deputy</u>	<u>MLA Officer Liaison</u>
Offshore Mobile Craft	Winston Rice	Marshall Keating
Maritime Liability Convention	William Dorsey	James Moseley
EDI	George Chandler	Raymond Hayden
Collision and Salvage	Robert Parrish	Howard McCormack
Wreck Removal	Harold Watson	Raymond Hayden
Maritime Liens	Robert Zapf	William R. Dorsey
Classification Societies	Charles Anderson	Marshall Keating
Carriage of Goods	Michael Sturley	James Moseley
	George Chandler	
Future of the CMI	James Moseley	William R. Dorsey Howard McCormack

Sessions were held on substantive law subjects for four days. Hereinafter, I provide a very brief overview of the sessions. A more complete report will be set forth in the next MLA Report and will be written by each of those principally responsible delegates.

1. **Offshore Mobile Craft.** The International Subcommittee advised that a majority wished CMI to continue with its work on this subject. The suggestion was to deal initially with mobile craft and possibly to extend to fixed structures. Finality in this effort is important since IMO is expecting a report back on this subject. A working group on off shore operation is scheduled to meet in October, 1997.

2. **Maritime Liability Convention.** Presently, eighteen conventions exist in this field. The challenge is to contemplate how eighteen conventions could possibly be synthesized into one comprehensive scheme. The majority of those present in the session felt that this was mainly a theoretical discussion with no practical need for such a project. The working group will now review the outcome of the meeting and produce a report to the Executive Council.

3. **EDI.** It was felt that CMI should play its role within the EDI framework in order to achieve a workable and realistic EDI scheme. It is critical that the functionality of the Bill of Lading be based upon uniform principles so that the proprietary aspects, as well as the structures of the contract, are adequately transformed and translated into an electronic system. Thus, there will have to be close coordination in this area with many entities inside and outside of the CMI.

4. **Collision and Salvage.** The Salvage Meeting addressed the result of the "NAGASAKI SPIRIT" and the related issue, "fair rate". The majority view was that there should be no actual work on the Salvage Convention since it is too soon after the world wide implementation of the Salvage Convention.

5. **Wreck Removal.** Consensus was not reached since everyone in the session had not agreed that there was an actual need to draft rules on wreck removal as envisioned in this project. The basic problems appear to be mainly questions of International Law of the Sea. After the next IMO meeting scheduled for October, 1997, a review of the draft text will be undertaken and will take into account the results of this conference.

6. **Maritime Liens and Mortgages/Arrest of Ships.** This session mainly addressed the Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and related subjects ("JIGE"). The JIGE Draft was recognized as not resolving several controversial measures, including whether the list of claims giving rise to a right of arrest should be opened or closed, whether national maritime liens created by one contracting state should give rise to a right of arrest in another contracting state whose domestic law did not recognize such claims as maritime liens and several other matters. It was concluded that a proposal should go to the Executive Council of CMI to prepare a position paper.

7. **Classification Societies.** A significant open question remains relating to the limitation of liability although on other issues there has been a great deal of agreement by the industries involved. It is necessary that there be one of two more meetings to attempt to find a compromise, if available, on the limitation of liability issue. A final text will be submitted to the General Assembly during 1998.

8. **Carriage of Goods.** Initially, the CMI International Subcommittee had been requested to determine whether the situation regarding the Law of Carriage of Goods by Sea could be improved. Preliminary meetings have been held wherein there had been a study of the Hague Rules listing the responsibilities of carriers and the listing of the exceptions and exoneration. There has also been a preliminary study as to whether the duty to exercise due diligence by the ship owner to provide a seaworthy ship is a

continuous obligation. A suggestion was made that the CMI should embark on further study concerning a number of subjects in transportation law, not presently covered by existing conventions, e.g. the function and proprietary aspects of the Bill of Lading. Additionally, the CMI should consider the request of UNCITRAL for assistance, covering not only questions about the functionality of the Bill of Lading but also the needs of the trade.

9. **The Future of CMI.** Prior to the June Meeting, the CMI sent out a questionnaire to constituent Associations. The issue turned on how the CMI should be conducted in the 21st Century. President of MLA, after consulting with the Officers and Board, expressed their consensus. Prior to the meeting I advised then President Allan Philip of Denmark as follows:

"The Maritime Law Association of the United States stands committed to positive, progressive, and affirmative support of the CMI. Our commitment has consistently provided broad based support, including substantial financial support, scholarly support and a reservoir of leadership.

A metamorphosis is needed. Now is the time to begin. We would respectfully suggest that the study of change must be created in a very constructive atmosphere. We believe it is in keeping with our cooperative spirit to respectfully suggest the following concepts. These conceptual matters may briefly be described as follows:

1. **IMMEDIATE IMPLEMENTATION.**

A reflective, contemplative analysis of the mission, objectives, organizational structure and constituent makeup of CMI by CMI leadership should be commenced, promptly. Additionally, an analysis of "who is the "customer" of CMI, i.e. whether it is the constituent associations, the industry, titulary members, or other entities, or a combination. Additionally, an analysis should be made as to the manner that these relationships may be developed and nurtured. Further, financial strengthening should take place, including but not limited to, methods of financial reporting and dues structures. Lastly, there should be an analysis of universal participation of associations and universal use of reservoirs of leadership.

2. **PLANNING.**

CMI should organize promptly a strategic or long range planning committee to study and promptly report on directions required for the next five or ten years. This Committee should be composed of those outside of the Council, but it should report to the Council after contacting and considering available internal and external resources. It should be the function of the Committee to designate some general "destinations" and needs, but to leave to the Council the prerogative to designate the final objectives and the manner in which those objectives or goals may be obtained.

3. **ADMINISTRATIVE AMELIORATION:**

Promptly review and modify:

- (a) staffing,
- (b) communications and methods, e.g. use of e-mail and other technological advances,
- (c) relationships with other international groups.”

The Friday morning session was devoted to the future of the CMI. These meetings dealt with finance, future planning and future work, and methods of work of the CMI.

10. **The General Assembly of CMI.** I am pleased to report that Patrick Griggs of the United Kingdom was unanimously elected President to succeed Allan Philip. We are delighted that each of them will be attending our meeting in California. Congratulations are in order for our colleague Frank Wiswall who was elected one of the Vice-Presidents and our neighbor from Canada, Senator David Angus, was elected a member of the Executive Council. You will also be pleased to know that our Second Vice-President Bill Dorsey was elected a Titulary Member.

B. International Maritime Organization Legal Committee

Our history of serving as an advisor to the American delegation of the IMO Legal Committee continues. I welcomed the opportunity to attend April 21-25 in London. You will recall that I reported on the April, 1997 IMO Meeting at our last General Meeting. The Agenda items mainly involved Financial Security (formally entitled “Compulsory Insurance”), a Draft Convention of Liability and Compensation concerning bunker fuel spills, and a Draft Convention on Wreck Removal. There were several other matters that were considered under “Other Business”.

In attendance were the following delegates: Captain Malcolm J. Williams, Jr., United States Representative, LCDR. Bruce Dalcher, Robert Blumberg of the State Department and Ms. Linda Burlington of NOAA.

We are always honored that the U. S. delegation calls upon the MLA to provide advisors. The strength of the American delegation is recognized throughout the IMO Legal Committee and the Association takes most seriously its responsibility to the delegation. The MLA President and First Vice-President, Howard McCormack, will be attending as advisors to the delegation in October, 1997. A report on this meeting will be forthcoming at the October, California meeting.

MLA COMMITTEES

Several Committee Chairs have retired as Chair. I have expressed the thanks of the Association to the Committee Chairs who have concluded their service and have sent the appropriate Certificate to them. To all retiring Vice-Chairs and Secretaries, I also take this opportunity to express our thanks.

The Committees for the year 1997-1998 and their leadership along with the Board Representative and Young Lawyer liaison are as follows.

ALTERNATIVE DISPUTE RESOLUTION

Chair: Harvey I. Wittenberg of San Francisco
Vice-Chair: Robert S. Glenn, Jr. of Savannah
Secretary: Ellen M. Fitzgerald of New York
Board Representative: Marion E. McDaniel, Jr. of Houston
YLC Liaison: Rich Ketchum

AMERICAN BAR ASSOCIATION RELATIONS

Chair: James F. Kemp, Jr. of New Orleans
Vice-Chair: Charles S. Donovan of San Francisco
Secretary: Douglas M. Muller of Charleston
Board Representative: David G. Davies of Cleveland
YLC Liaison: Doug Muller

CARRIAGE OF GOODS

Chair: Vincent M. DeOrchis of New York
Vice-Chair: William Robert Connor, III of New York
Secretary: Christopher A. Young of Philadelphia
Board Representative: Chester D. Hooper of New York
YLC Liaison: Chris Young

CARRIER SECURITY

Chair: Stephen H. Vengrow of New York
Vice-Chair: Gordon D. Schreck of Charleston
Secretary: Bruce G. Paulsen of New York
Board Representative: Denise S. Blocker of San Francisco
YLC Liaison: David Loh

CLASSIFICATION SOCIETIES

Chair: George D. Benjamin of New York
Vice-Chair/Secretary: Richard H. Brown, Jr. of New York
Board Representative: Thomas J. Wagner of New Orleans
YLC Liaison: Bill Lakis

COMITE MARITIME INTERNATIONAL

Chair: Charles B. Anderson of New York
Vice-Chair: Frederick F. Burgess, Jr. of Fairfax
Secretary: Christopher O. Davis of New Orleans
Board Representative: Thomas J. Wagner of New Orleans
YLC Liaison: Nina Gellert

CRUISE LINES AND PASSENGER SHIPS

Chair: Ann G. Miller of San Francisco
Vice-Chair: Karen C. Hildebrandt of New York
Secretary: Carl R. Nelson of Tampa
Board Representative: Gordon D. Schreck of Charleston
YLC Liaison: Matthew Kamula

ELECTRONIC COMMUNICATION AND COMMERCE

Chair: George F. Chandler, III of Houston
Vice-Chair/Secretary: Glen T. Oxtan of New York
Board Representative: Lawrence J. Bowles of New York

YLC Liaison: Joe Tabrisky

FISHERIES

Chair: George William Birkhead of Norfolk
Vice-Chair West Coast: Robert L. Richmond of Anchorage
Vice-Chair East Coast: James H. Pickering, Jr. of Philadelphia
Secretary: Craig C. Murphy of Portland
Board Representative: Denise S. Blocker of San Francisco
YLC Liaison: Joe Bersch

INTERNATIONAL LAW OF THE SEA

Chair: Douglas R. Burnett of New York
Vice-Chair: Samuel P. Menefee of Charlottesville
Secretary: Gregory W. Poulos of San Francisco
Board Representative: Jerome C. Scowcroft of Houston
YLC Liaison: Greg Poulos

LIMITATION OF LIABILITY

Chair: Donald C. Greenman of Baltimore
Vice-Chair: Isaac S. Manjoe of Baltimore
Secretary: Mary Elisa Reeves of Philadelphia
Board Representative: Patrick J. Bonner of New York
YLC Liaison: Lisa Reeves

MARINE ECOLOGY

Chair: John P. Vayda of New York
Vice-Chair: Marilyn Lytle of New York
Secretary: Melissa A. Davis of Tampa
Board Representative: Patrick J. Bonner of New York
YLC Liaison: Melissa Davis

MARINE FINANCING

Chair: Charles D. Brown of New York
Vice-Chair: Bruce A. King of Seattle
Secretary: Sandra L. Knapp of Philadelphia
Board Representative: Marion E. McDaniel, Jr. of Houston
YLC Liaison: Ed Powers

MARINE INSURANCE AND GENERAL AVERAGE

Chair: Edward F. LeBreton, III of New Orleans
Vice-Chair: Gene B. George of Cleveland
Secretary: Joshua S. Force of Los Angeles
Board Representative: Raymond L. Massey of St. Louis
YLC Liaison: Doug Muller

MARITIME ARBITRATION

Chair: Patrick V. Martin of New York
Vice-Chair: Donald J. Kennedy of New York
Secretary: Karen A. Schlosser of New York
Board-Representative: Howard M. McCormack of New York
YLC Liaison: Ellen Fitzgerald

MARITIME CRIMINAL LAW AND PROCEDURE

Chair: George J. Koelzer of Los Angeles
Vice-Chair: Dennis Minichello of Chicago
Secretary: Helen M. Benzie of New York
Board Representative: Jerome C. Scowcroft of Seattle
YLC Liaison: Shelley Lipman

MARITIME LEGISLATION

Chair: Mark J. Spansel of New Orleans
Vice-Chair: John P. Schaffer of Stamford
Secretary: Bruce R. Hoefer, Jr. of New Orleans
Board Representative: William R. Dorsey, III of Baltimore
YLC Liaison: Sal Pusateri

MARITIME PERSONNEL

Chair: John P. Schaffer of Wilton
Vice-Chair: Robert P. McCleskey, Jr. of New Orleans
Secretary: Paul S. Edelman of New York
Board Representative: William R. Dorsey, III of Baltimore
YLC Liaison: Lauren Motola-Davis

MARITIME PRODUCTS LIABILITY

Chair: James R. Sutterfield of New York
Vice-Chair: James W. Bartlett, III of Baltimore
Secretary: Paul S. Rosenlund of San Francisco
Board Representative: Lawrence J. Bowles of New York
YLC Liaison: Paul Rosenlund

NAVIGATION, COAST GUARD MATTERS AND GOVERNMENT REGULATIONS

Chair: Robert B. Parrish of Jacksonville
Vice-Chair: John R. Peters, Jr. of New Orleans
Secretary: M. Hamilton Whitman, Jr. of Baltimore
Board Representative: Alfred J. Kuffler of Philadelphia
YLC Liaison: Lee Handford

PRACTICE AND PROCEDURE

Chair: Robert J. Zapf of Los Angeles
Vice-Chair: Edward V. Cattell, Jr. of Cherry Hill
Secretary: James W. Bartlett, III of Baltimore
Board Representative: David G. Davies of Cleveland
YLC Liaison: Josh Force

PROCTOR ADMISSIONS

Chair: Lawrence J. Bowles of New York
Vice-Chair: Warren J. Marwedel of Chicago
Secretary: Robert Force of New Orleans
Board Representative: Raymond P. Hayden of New York
YLC Liaison: Joe Tabrisky

RECREATIONAL BOATING

Chair: Michael B. McCauley of Philadelphia
Vice-Chairs: Robert D. McIntosh of Ft. Lauderdale

Secretary: Thomas A. Russell of Long Beach
Board Representative: Kevin J. Lavie of New Orleans
YLC Liaison: Donald C. Greenman of Baltimore
Kevin Lavie

RIVER AND OCEAN TOWING

Chair: William P. Schroeder of Cincinnati
Vice-Chair: F. William Mahley of Houston
Secretary: Beauregard G. Gelpi of New Orleans
Board Representative: James T. Shirley, Jr. of New York
YLC Liaison: Beau Gelpi

SALVAGE

Chair: James T. Shirley, Jr. of New York
Vice-Chair: William T. Storz of Virginia
Secretary: David R. Walker of Houston
Board Representative: Raymond L. Massey of St. Louis
YLC Liaison: Mark Davis

STEVEDORING AND TERMINAL OPERATIONS

Chair: Frank E. Billings of Houston
Vice-Chair: Edward D. Robb, Jr. of Savannah
Secretary: Peter J. Gutowski of New York
Board Representative: Donald C. Greenman of Baltimore
YLC Liaison: Jason Gaarder

TRANSPORTATION OF HAZARDOUS SUBSTANCES

Chair: John T. Lillis, Jr. of New York
Vice-Chair: Eugene A. Massey of Washington, DC
Secretary: Robert E. Warren of Jacksonville
Board Representative: Gordon D. Schreck of Charleston
YLC Liaison: Jackie McGowan

UNIFORMITY OF U.S. MARITIME LAW

Chair: Norman J. Cowie of Pittsburgh
Vice-Chair: William A. Craig, Jr. of New York
Secretary: Kimbley A. Kearney of Chicago
Board Representative: Lizabeth L. Burrell of New York
YLC Liaison: Kim Kearney

YOUNG LAWYERS

Chair: James F. Moseley, Jr. of Jacksonville
Vice-Chair: Joseph P. Tabrisky of Long Beach
Secretary: Douglas M. Muller of Charleston
Program Coordinator: S. Nina Gelbert
Board Representative: Howard M. McCormack of New York
Lizabeth L. Burrell of New York

SPECIAL COMMITTEES

PRESIDENT'S ADVISORY COMMITTEE

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Vice-Chair: Chester D. Hooper of New York

THE MLA REPORT

Editor: Gordon W. Paulsen of New York
Associate Editor: LeRoy Lambert of New York
Associate Editor: Matthew A. Marion of New York

DINNER ARRANGEMENTS

Chair: Avisheh Avini of New York
Board Representative: Marshall P. Keating of New York

JUDICIAL COORDINATION COMMITTEE

Chair: Professor Robert Force of New Orleans
Vice-Chair: Professor John Paul Jones of Richmond
Secretary: Jonathan M. Epstein of Washington
YLC Liaison: Jon Epstein

PLANNING AND ARRANGEMENTS FOR THE 1997 FALL MEETING

Chair: Thomas S. Rue of Mobile

PLANNING AND ARRANGEMENTS FOR THE 1999 FALL MEETING

Chair: Cliffe F. Laborde of New Orleans

PLANNING AND ARRANGEMENTS FOR THE 2001 FALL MEETING

Chair: M. Hamilton Whitman, Jr. of Baltimore

COMMITTEE ON THE CENTENNIAL

Chair: Theodore S. Cunningham of New York
Board Representative: Marshall P. Keating of New York

SITE SELECTION COMMITTEE

Chair: Warren J. Marwedel of Chicago
Vice-Chair: Thomas S. Rue of Mobile

As you know, standing Committees are appointed by the MLA President. There has been a consolidation and restructuring of some committees for more efficient, coordinate effort. Additionally, some of our major projects are more properly categorized as study groups than standing committees. Accordingly, the following study groups have been created from former Ad Hoc Committees. They are as follows:

MARINE INSURANCE ACT

Chair: Edward V. Cattell, Jr. of Philadelphia

PROFESSIONALISM

Chair: Ben L. Reynolds of Houston
YLC Liaison: Ann-Michele Higgins

STATE CERTIFICATION PROGRAMS

Chair: Graydon S. Staring of San Francisco

STRATEGIC PLANNING

Chair:

George L. Waddell of San Francisco

YLC Liaison:

James F. Moseley, Jr.

INTERNATIONAL SAFETY MANAGEMENT CODE

Antonio J. Rodriguez of New Orleans

SPECIAL APPOINTMENTS

I have asked Philip A. Berns of San Francisco to serve as Government Liaison, Theodore S. Cunningham of New York to serve as Historian, former President, James J. Higgins of New York, to continue his service as Parliamentary Aide and Michael Marks Cohen to serve as BIMCO's liaison.

THE DIRECTORY

Publication of the Directory, proofing the galleys and making changes is a matter that is done effective June 1st of each year. The Directory reflects changes that have been made up to and including June 1st, but not beyond. The months of June and July are spent proofing and revising the Directory by the Officers. Especially involved in this process is our Secretary, Liz Burrell, and Membership Secretary, Ray Hayden. The Directory will be mailed in the very near future, although there is still one more draft to be reviewed. This is another example of our volunteer Association performing very difficult tasks when one considers the hours that are spent on this project.

PENDING LEGISLATION

The Amendments to the Carriage of Goods by Sea Act continue to be of significant interest to MLA. It is our understanding that very soon the legislation will be introduced in the Senate. We were able to discuss the merits of the Amendments with executives of the Department of Transportation and various agencies earlier in the summer. We very much appreciate our member, Paul B. Larsen, of the Department of Transportation, for his longtime interest and expertise in the Amendments.

AMICUS CURIAE BRIEFS

We continue to get numerous requests to participate at the Court of Appeals and the United States Supreme Court. The Bylaws mandate that participation be used sparingly. The spirit and intent of our bylaws govern our policy. Our resources should be devoted mainly to briefs before the United States Supreme Court. However, there are such exceptional cases where the MLA has been deeply involved prior to the litigation. We feel it incumbent upon us to express to Courts what our participation and/or involvement have been in the past. Such an instance has recently arisen. The Board voted at the St. Louis meeting to file an *amicus curiae* brief in the United States Court of Appeals for the First Circuit in the Rehearing of the case of *United States of America v. Pedro Rivera*, Case No. 96-2188. Two issues were presented in this case that is to be reheard en banc on September 9th. MLA only addressed the first issue. That issue was stated by the Court as follows:

“whether the legislative scheme established in Title 46, Chapter 109 (‘Proceedings on Unsworn Times’) imposes any statutory preconditions on the United States in Connection with Prosecutions brought under 46 U.S.C. § 10908; and if so, whether the United States complied with those preconditions.”

Our *amicus* brief was superbly written by Board member Pat Bonner of New York and Chair of the Navigation, Coast Guard Matters and Government Regulations Committee, Bob Parrish of Jacksonville. Specifically, the issue of whether the preconditions set forth under Chapter 109 of Title 46 must be complied with before criminal prosecution may be brought under § 10908 was answered in our brief in the affirmative.

In the early 1980s the MLA and its members spent a tremendous amount of time assisting the Coast Guard in the re-codification of Title 46. In response to the Chairman of the House Subcommittee on Coast Guard and Navigation’s question, Admiral Lusk, then the Commandant of the Coast Guard, answered that the most deeply involved organization during the drafting process was the MLA who provided “superb support.” In addition, then President of MLA, Gordon Paulsen of New York, confirmed clearly the Coast Guard’s position that Title 46 was being re-codified to modernize but not to create substantive law changes. The Coast Guard further noted the outstanding efforts of the MLA and the Committee on Navigation and Coast Guard Matters in its March, 1982 issue of the Proceedings of the Maritime Safety Council.

As we customarily do, we will keep you posted on the development of this case and the eventual decision of the First Circuit.

WEB SITE

Your Association has been working on a web site. On August 5th, Treasurer Marshall Keating, Secretary Liz Burrell, Membership Secretary Ray Hayden and EDI Chair George Chandler met in Buffalo to discuss the details of our web site scheduled for introduction in early Fall. The meeting was a culmination of a great deal of effort and innovative thinking. I express my great appreciation for their individual and collective efforts in taking the necessary steps to provide information that will be of benefit to each of our members.

PERSONAL MATTERS OF INTEREST

For several years, there has been substantial support by the Association to the Judge R. Brown Moot Court Competition that is held annually among the leading law schools of the United States. The most recent was held at the University of Richmond and next year’s competition (that includes writing of briefs and oral argument) will be held at the Tulane University Law School in early 1998. To show our continuing support of this significant project the Board voted to approve a substantial contribution to the competition for 1998.

Within the last year, several important judicial appointments and changes have occurred. Former United States Magistrate Judge Nina Gershon was elevated to the United States District Court for the Eastern District of New York. A graduate of Yale Law School and a Fulbright Scholar, she had served a number of years as a Magistrate Judge and more recently as a Chief Magistrate Judge.

Honorable Gerald B. Tjoflat of the United States Court of Appeals for the Eleventh Circuit of Jacksonville recently stepped down as Chief Judge. He had served as Chief Judge, with distinction, during many significant admiralty decisions. A graduate of the Duke University Law School, he had been awarded the prestigious Fordham-Stein Award in New York. Assuming responsibility as the new Chief Judge is Honorable Joseph W. Hatchett. Chief Judge Hatchett, a former Magistrate Judge in Jacksonville and a former Justice of the Florida Supreme Court, is a graduate of Howard University College of Law.

Michael Marks Cohen and his wife, Bette, were honored by Temple Emanuel of Long Beach, New York. Bette has been Cantor of the Temple for the last 13 years and Michael has demonstrated for many years the same indefatigable energy and faithfulness to the Temple.

Your Association was invited to attend two major events in Canada recently. The Canadian Average Adjusters Annual Meeting was held in Montreal. First Vice-President Howard McCormack attended as the representative of The Maritime Law Association of the United States. The Canadian Maritime Law Association held its Annual Meeting and Board Meeting in Toronto. I attended as a guest of the Canadian Association. Their President Nigel Frawley, his Officers and Board were most cordial. The meeting was informative as to important maritime matters occurring in Canada. Our Association and the Canadian Association enjoy a great mutual sense of purpose.

COMMITTEE ACTIVITIES

The Professionalism Committee now re-titled, Professionalism Study Group is under the leadership of Chair Ben Reynolds. The members are: Boyd Reeves, Dick Binzley, Joe Milton, Dick Leslie, Dwight LeBlanc, Mike O'Keefe, Bunky Healy, Andy Tsukamoto, Kenneth Roberts, Howard Sobczak, Howard Myerson, Tom Muzyka, Hon. Susan Black, Hon. Charlie Briant, Agnes Martin, John Kimball, Paul Hardy, Bruce King, John Devine, Hon. Edith Brown, Hon. Hal DeMoss, Mike McGlone, Ray Letulle, Jim Carroll and Hon. Alex Howard. We are fortunate to have this outstanding Chair and excellent members. Our Proctor and our Judicial members each contributed greatly. It is most encouraging to our Association to have such experienced persons working on this important project. The proposed code will be introduced and voted upon by the general membership at the Fall Meeting: It is as follows:

1. I will provide the highest level of competency and efficiency in the performance of all legal services.
2. I will comply with all rules and codes of professional conduct, and respect the law and preserve the decorum and integrity of the judicial process.

3. I will be civil and courteous to all colleagues, parties, witnesses and the courts, recognizing that effective representation is undermined by antagonistic behavior.
4. I will keep my word in the conduct of my legal practice and treat my colleagues, parties, witnesses and the courts with respect and dignity.
5. I will maintain the trust of my clients by keeping them well-informed and actively involved in making decisions affecting them.
6. I will resolve all disputes expeditiously and not engage in any course of conduct which unnecessarily increases cost or delays litigation.
7. I will engage in the discovery process, seeking an expeditious result for my client's legitimate interest, while avoiding abuse and harassment of witnesses and parties.
8. I will contribute time and resources to *pro bono* activities.
9. I will not mislead or make any misrepresentation to the court.
10. I will exemplify and instill in others the tenets of this Code of Professional Conduct.

The Strategic Planning Study Group remains an integral part of our Association. Its Chair, George Waddell, has done an excellent job. A report will be forthcoming to the Board in the near future so that the report may be used to analyze steps that are needed to be taken in the future and used as guidance.

James B. Kemp, our ABA Chair, attended the ABA House of Delegates Meeting as a MLA representative in August.

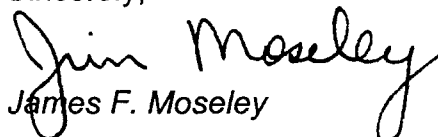
Carrier Security Committee Chair Steve Vengrow has been actively engaged in meaningful discussions with the INS on the stowaway problems that confront the maritime industry. Our thanks go to Steve for his sterling efforts and continual alertness to this vital area.

Marine Financing Chair Charlie Brown and his Committee have been actively providing information and expertise concerning the revisions of the 1988 law that mandated creation of a Vessel Identification System (VIS). These revisions were included as part of the Coast Guard Authorization Bill and its intent will be to place ownership and other vessel information "online" making such information available to authorized users, to help consumers and to foster the availability of vessel financing.

CONCLUSION

I hope that you will be in attendance at our Fall Meeting and I look forward to seeing you there.

Sincerely,


James F. Moseley