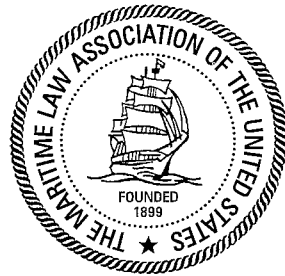


THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

HOWARD M. McCORMACK
PRESIDENT
29 BROADWAY
NEW YORK, N.Y. 10006-3293
212-943-3980 FAX: 212-425-0131



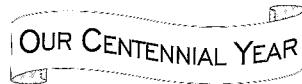
LIZABETH L. BURRELL
SECRETARY
24 STATE STREET
NEW YORK, N.Y. 10004-1484
212-422-7585 FAX: 212-425-4107

WILLIAM R. DORSEY, III
FIRST VICE PRESIDENT
250 WEST PRATT STREET
BALTIMORE, MD. 21201
410-539-5040 FAX: 410-539-5223

PATRICK J. BONNER
TREASURER
80 PINE STREET
NEW YORK, N.Y. 10005-1759
212-425-1900 FAX: 212-425-1901

RAYMOND P. HAYDEN
SECOND VICE PRESIDENT
90 WEST STREET
NEW YORK, N.Y. 10006-1039
212-669-0600 FAX: 212-669-0699

WINSTON E. RICE
MEMBERSHIP SECRETARY
201 ST. CHARLES AVENUE
NEW ORLEANS, LA. 70170
504-595-5116 FAX: 504-523-2705



August 31, 1999

Document No. 743

SUMMER 1999 PRESIDENT'S NEWSLETTER

CONTINUE THE CENTENNIAL CELEBRATION AT ORLANDO

Dear Member:

The Association continues its involvement in many significant projects. As I indicated in my letters of August 15, 1998 and March 4, 1999, many of these projects will impact each of you and the maritime industry, both in the immediate future as well as in the long range. It is the purpose of this Newsletter to keep each of you advised of areas of involvement in both the substantive and procedural law, international organizations and matters that significantly impact our membership.

The Newsletter, as it has in the past, will supplement the detailed transcript of our May, 1999 Centennial Meeting, which consists of both the general meeting as well as the Special Centennial Meeting, which will be sent to all members and those who attended the meeting on Friday, May 7th. If any of you have any comments or suggestions or wish to bring something of importance in the maritime industry to the attention of any of the officers of the Association, please feel free to do so. We want to make sure that all members of our Association fully participate in each and every issue that is a matter of some concern to the Association or in which it is presently involved that requires the assistance and cooperation of our members.

You will be receiving shortly the detailed proceedings of the General Meeting of May 7, 1999 as well as the minutes of the Special Meeting held immediately thereafter from our Secretary, Liz Burrell. General information and comments on the Centennial activities are contained in the

MLA Report that is prepared twice a year for the Spring and Fall meetings as well as in the committees' newsletters, which are made available at the General Meeting.

COME TO ORLANDO

The Fall meeting of the Association will take place at the Hyatt Regency Grand Cypress Hotel in Orlando, Florida during the week of October 11, 1999. All of you should have received by now the flyer and brochure containing the information regarding the events. The Orlando Committee has undertaken something special and unique for this particular meeting, which we think you will find interesting. The meeting is programmed so that Wednesday, October 13th, is essentially a "*free day*" in that, no official events are scheduled for that date so that the attendees and their families can take advantage of the ambiance of the area and the activities that are available to all attendees, including Disney World, Universal Studios, et. al. The Committee has also planned a special dinner and event on Wednesday evening for the attendees to take place at Jurassic Park in Universal Studios.

The venue for this particular meeting was the subject of substantial discussion among the Board of Directors some time ago. It was chosen to respond to the requests and suggestions of the younger members of the Association for a place which would be family friendly and an area where the younger members of the Association could bring their families where they would be able to participate in our Association meeting as well as family activities during the time frame of the meeting itself. The make-up of the Orlando Committee was specifically chosen to accomplish this mission. We believe that the activities planned for you at the Orlando meeting are following this concept. We are indebted to James Carroll of New Orleans and Tony Whitman of Baltimore and their excellent committee for all the hard work and efforts they put into making this program an interesting one. We would exhort all the members of the Association, and particularly the law firms involved, to take notice of the fact that this location is keyed to family oriented activities and do all possible to have the younger members of their firms and companies attend the meeting. If there are any questions or comments please feel free to contact the Chairman, James K. Carroll; Gelpi Sullivan Carroll; Texaco Center; 400 Poydras Street, Suite 2525; New Orleans, Louisiana 70130; Telephone: (504) 524-9714; Fax: (504) 524-9653.

MLA SITE (WWW.MLAUS.ORG) GOES LIVE ON THE WEB

With special thanks to and for the efforts of the Membership Secretary, Winston Rice, and Chairman, Glen Oxton, and his Electronic Communications Committee, I'm pleased to announce that the Official Site of The Maritime Law Association of the United States on the World Wide Web will be available for public access and viewing as of September 6, 1999, at WWW.MLAUS.ORG, and I invite you to do so and to spread the word among your friends, colleagues and clientele. Posted on the site for viewing and search is all of the information contained in our printed form of directory, including our membership and committee data, history, mission, charter and by-laws, plus an events calendar and links to other useful sites. The membership data available on the site is pulled from our new, Y2K compliant database, which is

enabled with new information fields, among which are Email addresses and Web Site Universal Recognition Locators (URLs). I therefore invite you, and indeed encourage you, to take right now the few moments required to complete the data update form *enclosed* and submit it to Robin Becker at PC Solutions, our membership database services provider. The more accurate our membership data, the more effective our web site will be in assisting those interested in locating and getting in touch with you and your firms and companies, so please do this now! Thanks.

I. CENTENNIAL WEEK EVENTS

The Association celebrated its Centennial during the week of May 3rd. We were extremely glad to have with us the President of the CMI, various presidents of the Maritime Law Associations of other countries and distinguished members of the judiciary, including: Justice Arthur Stone, Federal Court of Canada; Justice Richard Cooper, High Court of Australia; Sir David Steel, Admiralty Judge of the High Court of England and The Honorable Charles S. Haight, Senior Judge, United States District Court for the Southern District of New York; all of whom participated fully in the Centennial week activities and made the events most memorable ones. In addition, we had the Executive Council of the CMI who honored the Association by holding their Executive Council and Assembly Meetings in New York to coincide with the celebration of the Centennial.

On behalf of myself and my fellow officers and Board of Directors, I want to extend a further word of thanks to the excellent Centennial Committee chaired by Ted Cunningham. The Committee worked long and hard with the officers, their spouses and members of the Association to prepare an outstanding list of events for the Centennial week. Based upon the large number of letters I have received together with the personal comments furnished me during the Centennial week and thereafter by our foreign dignitaries and others, I am delighted that the Centennial celebration and the planning for it went off extraordinarily well and that everyone who attended did indeed have a most memorable week.

Thanks are to be given to the following members of the Centennial Committee:

| | |
|-------------------------------------|-------------------------------------|
| William M. Billings of New York | George W. Healy, III of New Orleans |
| Lizabeth L. Burrell of New York | Chester D. Hooper of New York |
| Theodore S. Cunningham of New York | James F. Moseley of Jacksonville |
| Raymond P. Hayden of New York | Winston E. Rice of New Orleans |
| George D. Benjamin of New York | Richard W. Stone of New York |
| Patrick J. Bonner of New York | Marshall P. Keating of New York |
| Robert G. Clyne of New York | Richard W. Palmer of Philadelphia |
| William R. Dorsey, III of Baltimore | Jonathan S. Spencer of New York |

A recap of the Centennial week events is as follows:

1. On Monday, May 3, 1999, the Canadian Maritime Law Association was the host at a cocktail reception in honor of the Maritime Law Association which was attended by the

members of the CMLA as well as the officers, Board of Directors and Past Presidents of the Association. The event was held at the United Nations. The Association was the recipient of an outstanding Wallace MacAskill framed photograph. This reflected the International Fisherman's Trophy Race, which took place between the famous Canadian Lunenburg Schooner BLUE NOSE and the GERTRUDE L. THEBAUD off Boston and Gloucester. It was eventually won by the BLUE NOSE three races to two, thus retaining the International Fisherman's Trophy for Canada in the last series in which it was awarded in 1931.

2. On Tuesday, May 4th, a cocktail reception was held at the Boathouse in Central Park, which attracted 500 members and friends of the Association. At that reception the Association was honored to receive a plaque of appreciation from the Average Adjusters Association of the United States for the outstanding cooperation and assistance rendered by the Association to the Average Adjusters in honor of our Centennial. This was presented by its Chairman, Stuart Rockman.

3. On Wednesday, May 5th, a first time event for the Association took place at the beautiful Museum of Modern Art in midtown Manhattan. It was a black tie buffet reception and viewing at the museum, which was host to over 1350 members and guests of the Association. From all comments and letters received, this activity was the most significant event of the Centennial week. The menu and ambiance were spectacular in accordance with the magnitude of the occasion for the celebration.

4. On Thursday, May 6th, there was a lecture and reception at the United States Courthouse in lower Manhattan. The event was attended by almost 500 people, including distinguished foreign visitors and members of the Association. The event was spectacular; the speeches of The Honorable Charles S. Haight, Senior Judge, United States District Court for the Southern District of New York and Sir David Steel, the Admiralty Judge of the High Court of England, were outstanding. These comments and remarks will be published in the Fall MLA Report. After the termination of the lectures, the Ocean Liner Museum opened its excellent and extraordinary exhibition of the Blue Ribbaund ocean liner winners, including memorabilia and artifacts from the North Atlantic's fastest liners. The Association was one of the co-sponsors of the exhibition and all attendees received a beautiful program put together by the Ocean Liner Museum.

5. On Friday, May 7th, the General Meeting of the Association was held at the Association of the Bar of the City of New York. In addition to the General Meeting, we were honored to have a Special Meeting of the Association at which various members and foreign dignitaries were able to discuss with the assembled group their personal experiences with the Association and their memories of the activities and events that have taken place in the past. In addition, over 35 members of our Association have also provided the Association with their own reminiscences and comments of events in their lives in honor of the Centennial activities. There will be a special edition of these proceedings which will be separate and distinct from that of the General Meeting so that all who attended as well as all members of the Association will have a

special Centennial document. Once again, we were honored to have remarks from The Honorable Charles S. Haight and Sir David Steel as part of the Special Proceedings.

6. The Friday afternoon meeting and seminar of the admiralty law professors was also extraordinary. It was a commentary on the issues of professionalism and practice at which the speakers were The Honorable Charles S. Brieant, Senior Judge, United States District Court for the Southern District of New York; James Moseley, Immediately Past President of the Maritime Law Association, and Richard Corwin of Trimar Defense Services. Those papers will also be published in the Fall MLA Report.

7. The final celebration of Centennial week took place Friday evening at the Racquet and Tennis Club in Manhattan. This was a cocktail party/reception hosted by the Association in honor of the CMI and attended by over 150 of our distinguished foreign visitors and guests who joined us in New York for the celebration.

In addition to those events, the Association was honored to receive proclamations from the Governor of the State of New York, George Pataki, as well as from the Mayor of the City of New York, Rudolph Giuliani. We also received a letter of congratulations from the President of the United States read to those present at the Association meeting on Friday. We were also honored to receive a letter of congratulations from the Attorney General of the United States, the Honorable Janet Reno. We were greatly assisted in obtaining that letter by the cooperation and hard work of our member Phil Berns. We also received numerous congratulatory letters from various maritime law associations and other entities in the marine insurance and maritime law world congratulating the Association on the occasion of its Centennial. For those of you who were not at the Boathouse or the Museum of Modern Art, the program for that event set forth the copies of the proclamations as well as a history of the Association and the minutes from the first meeting of the Association, which took place on June 21, 1899. We have some additional copies of those programs available so that those of you who may like to receive a copy. Please let me know and we will send you one as long as the numbers last.

II. RECOGNITION OF THE ASSOCIATION BY OTHER MLAS

We were very pleased to receive certain gifts and expressions of support and cooperation from the other maritime law associations. The Association was pleased to receive a beautiful distinctive silver plaque from the Spanish Maritime Law Association, which was presented to us by Luis San Simon and Javier Galiano at the Museum of Modern Art event. In addition, we were very honored to receive a statue of a South African fish eagle with a plaque indicating it was presented to the Association on behalf of the South African Maritime Law Association by its President, John Hare. We also received a plaque from the Australian and New Zealand Maritime Law Association, which was presented to the Association by the Honorable Richard Cooper, Justice of the High Court of Australia.

III. SCHEDULE OF FUTURE MLA EVENTS

A. The Journal of Maritime Law and Commerce, October, 2000, Symposium on Admiralty and Popular Culture

Professor Robert Jarvis, Editor of the JMLC, is soliciting papers for his symposium which will explore all aspect of maritime law and lawyers in books, movies, plays, television shows, poetry and opera. The goal is to show how often maritime law and lawyers have been presented in works of popular culture. Any of the members of the Association who are interested in assisting Professor Jarvis in this activity where the papers do not have to be long (no more than 5-10 pages with few footnotes and a submission deadline of April 15, 2000). Professor Jarvis may be contacted at c/o Nova Southeastern University Law Center; 3305 College Avenue; Fort Lauderdale, Florida 33314-7721; Telephone: (954) 262-6172; Fax: (954) 262-3835.

B. Millennium Meetings 2000

In the year of the Millennium 2000, the meetings of the Association will take place in New York. The Spring meeting will take place during the week of May 3rd with the customary black tie dinner being held at the Marriott Marquis Hotel in New York City. The Fall meeting will be a dinner/dance and will take place during the week of October 30th with the black tie dinner/dance to be held on Friday, November 3rd at the Marriott Marquis Hotel. The Dinner Chairman for both events is Bret Kelly of DeOrchis Walker & Corsa, LLP; One Battery Park Plaza; 24 State Street, 2nd Floor; New York, New York 10004-1480; Telephone: (212) 344-4700; Fax: (212) 422-5299, in the event you have any comments.

C. MLA Calendar

To assist all of you in making any plans for the next year in MLA or maritime related events, we are also *enclosing* the MLA calendar setting forth the activities that will take place over the next year. If any of you are aware of any other maritime related events that are not set forth on the calendar, please let me know so that we can update the information. The object is to attempt, as much as possible, not to have any conflicts of events that are scheduled that would seek to have the same audience.

IV. Committees, Projects and Study Groups

A. Restatement of the Law of Marine Insurance

I refer to my comments on the issue in my Winter Newsletter. In May, I had forwarded to the ALI the proposal for a joint study group project for the Restatement of Marine Insurance. At that time, the proposed rapporteurs, Ed Cattell and Michael Sturley, were optimistic about the participation of the ALI based upon their discussions with the retiring Director, Professor Geoffrey Hazard.

I regret to advise that the ALI has chosen to direct its energies to projects which they consider to have a higher priority at this time. We understand that there is a possibility that at some later time the ALI may consider this project. At the meetings of the officers and Board on August 24th and 25th, it was decided that the President would discuss the issue with the members of the Study Group as to their views on the issue of continuation of the project. Once the responses to the questions raised by the officers and Board were received, the Board would consider the matter further at its meeting in Orlando. A meeting of the Study Group had been scheduled for Orlando prior to the advices received from the ALI. There are ongoing discussions between the Chairmen of the Group and the President relating to the proposed meeting. We are mindful of the hard work done by the members of the Study Group, including James Moseley, Gray Staring, Jean Knudsen, Bret LeBreton, Bob Nicholas and Ray Letulle.

I want to express to the members of the Study Group my appreciation and that of my fellow officers and directors for their outstanding work on the project. I also want to thank Ed Cattell and Professor Michael Sturley for their dedication and effort in working with the ALI in their attempts to obtain their approval for the project

B. Proposed UNESCO Convention on Underwater Culture Heritage

Subsequent to the Winter Newsletter, the Study Group on the Proposed UNESCO Convention on Underwater Culture Heritage produced its position paper and recommendations to the officers and Board of Directors. The officers and Board of Directors approved the report and sent it to representatives of the State Department on March 10, 1999. That position paper is still under discussion and study by the Interagency Study Group of the various governmental agencies in Washington. In order to assist our Committee on this issue, I appointed as an additional member of the study group Bob Blumberg of the State Department, who is a very active member of the Interagency Study Group and will be working with the Association on this activity. A meeting between a few members of the Study Group and a few members of the Interagency Task Force is planned and hopefully will take place sometime in September in Washington. A further discussion on the UNESCO issue is contained further in the Newsletter on the CMI discussions. We are indebted to the members of the Study Group under the Chairmanship of John Kimball and Vice Chairmanship of Professor David Bederman for their outstanding work and cooperation in this ongoing project.

C. COGSA Proposal

I refer again to my report in the Summer, 1998 Newsletter and the Winter, 1999 Newsletter. After a series of extensive discussions and meetings among the members of the Study Group together with industry representatives and representatives of the Senate and House staffs in Washington, the Association is now working with Lloyd Ator of the Senate staff on the modifications and revisions that have taken place, together with suggestions and comments for additional language to be inserted. Chet Hooper, Vince DeOrchis, Mike Sturley and others have met with representatives of the International P&I Clubs and others, including FIATA, and members of the Canadian Maritime Law Association for extensive discussions on various issues that have arisen from the prior draft of the Proposal, which was enclosed in our Summer 1998 Newsletter.

We are optimistic that the final draft with all proposed changes and modifications should be able to be sent to the Senate within the next few months with the Senate staff indicating that they would be working with the members of the Study Group and the industry people, including members of the National Industrial Transportation League, American Waterways Operators, American Institute of Marine Underwriters and other entities within the industry, all of whom are in support of the project. I will keep all of you posted of any further activities in this important matter.

If any of you have any questions, we urge you to call upon the Chair of the Carriage of Goods Committee, Vince DeOrchis, or the members of the Study Group who are listed below:

Vincent M. DeOrchis of New York

James F. Moseley of Jacksonville

Chester D. Hooper of New York

Michael F. Sturley of Austin

We wish to continue to assure the members that all steps that could possibly have been taken to respond to any and all comments, questions and suggestions that have been undertaken by the Steering Committee and their colleagues, for which we owe them a debt of gratitude. I remain optimistic, based upon discussions with the Senate and House staff and the members of the Steering Committee, who are heavily involved, that we would be in a position to submit the final proposal with any changes and modifications to Congress sometime in the latter part of this year.

V. Other International Activities

A. Arrest Convention

The Winter 1999 Newsletter reported on the activities of Bob Zapf who was attending as a member of the United States Delegation on the proposed Draft Convention on Arrest of Ships: Mr. Zapf returned to the United States and reported to the members of the Board of Directors at the meeting in New Orleans on March 16, 1999 of the work at the Arrest Convention. He has also given a detailed report to the members of the Association, which will appear in the May

proceedings. Bob Zapf and two Coast Guard officers made up the American Delegations; Captain Malcolm Williams, head of the International Law Section of the Office of the Chief Counsel, was the head of the American Delegation and was elected Chairman of the Drafting Committee, which is an extraordinary honor at international conferences. Our Association owes a debt of gratitude to Captain Williams and Lieutenant William Rospars of the Coast Guard as well as Bob Zapf for their outstanding work and performance in working on the Draft Convention on Arrest. Subsequent to the conference, Bob Zapf received a special letter of thanks and commendation from Rear Admiral John Shkor, Chief Counsel for the Coast Guard. In recognition of Mr. Zapf's achievements, I read Admiral Shkor's letter to the members attending the General Meeting. This also will be printed in the Proceedings in recognition of the extraordinary work and effort undertaken by one of our members on behalf of our government delegation. As indicated above, the full report on the Arrest Convention is contained in the Minutes of the Board of Directors meeting in New Orleans as well as in the Minutes of the Board of Directors meeting in May as well as Bob's comments to the members at the General Meeting itself. We encourage all who have any questions and comments on the Arrest Convention to review those documents carefully and address any questions you have directly to Bob Zapf or the undersigned.

B. Subcommittee on Environmental Crimes

The Winter 1998 Newsletter indicated the formation of this subcommittee and the activities it was undertaking. We were able to obtain authorization from the House of Representatives' Committee on Transportation and Infrastructure and its Subcommittee on Coast Guard and Maritime Transportation to submit a statement to the Subcommittee reflecting the views of the Association that had previously been articulated in two *amicus* briefs filed by the Association with the First Circuit Court of Appeals as well as with the Supreme Court. The particulars on these issues were set forth in my Winter Newsletter.

Subsequent to the preparation of that statement, the Chairman of the Subcommittee, Fred Kuffler, is continuing his work with the members of the Subcommittee in connection with the position of the Environmental Crimes Section of the Department of Justice. It is anticipated that a meeting of the members of the Subcommittee will take place in Washington within the next month for further discussions with the Coast Guard and Environmental Crimes Division of the Department of Justice. In addition Fred Kuffler has also canvassed various members of the organization with regard to the recent Coast Guard All District Instruction on the issue of hearings and other activities relating to pollution matters. We are awaiting further comments and a report from the Subcommittee on this issue, which will be reported on at the meeting in Orlando.

C. IMO Legal Committee

The 79th Session of the IMO Legal Committee was held during the week of April 19, 1999. The United States Delegation was headed by Captain Malcolm Williams, Chief of the International Law Section and William Rospars, United States Coast Guard Ms. Linda Burlington of NOAA and Captain Dom DeLullo of the Coast Guard, the Deputy Director of the Office of Internal Affairs. Also included in the Delegation were William R. Dorsey, III, First Vice President of the

Association. The main topics discussed this time focused on the proposed changes to the 1974 Athens Convention on Passenger Claims, the Proposed Convention on Bunker Pollution and the ISM Code of Financial Security for Maritime Claims. A detailed report to the Board of Directors on this meeting is contained in the report of our First Vice President, William Dorsey, in the May Proceedings. The IMO Legal Committee indicated that it intended to work almost exclusively on the 1974 Athens Convention on Passenger Claims on the forthcoming 80th Session of the Committee to be held in London during the time frame of our meeting in Orlando. Immediate Past President, James Moseley, has graciously advised the President that he will attend the meeting on behalf of the Association as a member of the American Delegation. Other members of our Association have worked to prepare a response to the questions raised by the United States Coast Guard in connection with the forthcoming IMO Legal Committee meeting. These include the Chairperson of the Cruise Committee, Ann Miller, and the Chairperson of the Marine Insurance Committee, Jean Knudsen, as well as the former Chairman of the Marine Insurance Committee, Ed LeBreton, together with First Vice President William Dorsey and myself. We are deeply indebted to these various committee chairs and the former committee chair for their outstanding work in preparing the necessary responses to the Coast Guard as well as to the CMI, which will be discussed later. It is the intention of the Association to continue to respond favorably to the Coast Guard's request for assistance and cooperation in providing members of our Association to the United States Delegation for the Legal Committee meetings. They take place twice a year and are generally attended by the President, First Vice President or Second Vice President of the Association.

D. *Amicus* Brief

The Association presented an *amicus* brief to the United States Supreme Court in connection with the recent Ninth Circuit decision of *Intertanko v. Locke*, which held the majority of the Washington State provisions regarding the operations of tankers in Puget Sound. The decision of the Ninth Circuit can be found at 148 F.3d 1053 and the *en banc* decision and strong dissent can be found at 159 F.3d 1220.

The Association was ably assisted by Pat Cooney, Chairman of the Committee on Uniformity, who undertook the task to write the *amicus* brief on behalf of the Association. This was in support of the position of *Intertanko* on the issue of the necessity for uniformity in this area of the law. We are deeply indebted to Pat and his committee for their outstanding work, particularly due to the very short time frame that was required for the Association to file the *amicus* brief. This was done at the end of June after Pat and I attended the Southeast Admiralty Law meeting in New Orleans where we had the opportunity to work on the draft brief. This is a very important issue for our Association and gives the Association an opportunity to make its views known to the Supreme Court on this very important issue of uniformity, which was also the President's topic at the Tulane Admiralty Institute seminar in March.

E. CMI

There are a substantial number of events involving the Association and the CMI since March, 1999. In May, 1999, I appointed Michael Marks Cohen of Burlingham Underwood, to be the new Chairman of the CMI Committee. I am also pleased to announce the election of three new Titulary Members of the Association at the CMI Assembly meeting in New York on May 9, 1999, including Michael Marks Cohen, Winston Rice (Membership Secretary) and David Martowski of Thomas R. Miller. On behalf of the Association I welcome these new Titulary Members to this very important activity.

The CMI honored the Association by having an Executive Council meeting and Assembly meeting in New York during Centennial week. On behalf of the Association, I hosted a dinner for the members of the Executive Council at the Lotus Club on Tuesday, May 4th. This was also attended by the Past Presidents and the various judges who were attending the Centennial meeting. At the CMI Assembly Meeting, which was attended by Immediate Past President James Moseley, myself, First Vice President William Dorsey and Second Vice President Raymond Hayden as well as other Titulary Members, the President of the CMI, Patrick Griggs, gave thanks once again to the members of the Association for the extraordinary week his members had just enjoyed. Patrick Griggs also indicated that the next Assembly meeting of the CMI would take place in London on May 13, 2000 in conjunction with the Tulane International Law meeting and the meeting of the Average Adjusters Association of the United Kingdom. He also discussed the forthcoming Plenary Session of the CMI to be held in Singapore at the end of February, 2001, which was still in the planning stage. Mr. Griggs, unfortunately, will not be able to attend the October meeting in Orlando due to his prior activities in attending the Australian and New Zealand meeting at the end of September. The CMI Committee will be working together with the officers and Board of Directors in connection with the forthcoming Plenary Session.

There will also be a CMI/Venezuelan Maritime Law Seminar from October 6-9, 1999 at Margarita Island, Venezuela, the week before the Orlando meeting. If you have any interest in attending please contact Michael Marks Cohen of Burlingham Underwood in New York; telephone: (212) 425-7587. As Chairman of the CMI Committee, he has the data on that meeting.

F. CMI Questionnaires

This year seems to have been an extraordinary one for CMI questionnaires. Since my last Newsletter, we have responded to the following questionnaires:

1. Questionnaire on marine insurance, which was prepared by Jean Knudsen and her Marine Insurance Committee. We extend to Jean and her committee a vote of thanks for their hard work.
2. CMI Questionnaire on the issue of General Average as set forth in a letter from the International Union of Marine Underwriters. Once again Jean Knudsen and her colleagues,

particularly Howard Myerson and Jonathan Spencer, prepared the response to the CMI questionnaire on the issue of general average.

3. Questionnaire on Salvage and Underwater Cultural Heritage. This was the subject of study by the UNESCO Study Group. Professor David Bederman, Vice Chairman of the Committee, undertook the preparation of the draft response to the CMI of this questionnaire. Professor Bederman's draft was reviewed and approved by the members of the UNESCO Study Group and has been furnished to the CMI.

4. Questionnaire on the issue of International Transport Law due to be answered by the end of September. The members of the Carriage of Goods Committee, through its Chairman Vince DeOrchis and the Chairman of the CMI Committee, are working on that aspect together with other relevant committees of the Association.

On behalf of the officers and Board of Directors, we want to thank all of the hardworking committee chairs and members of the Association who have spent time and effort in putting together the proposed Association responses to these various CMI questionnaires. We have requested copies of the responses of the other constituent organizations with regard to the Marine Insurance questionnaire as well as the Salvage and Underwater Cultural Heritage questionnaire. We expect to do the same for the International Transport Law questionnaire. The purpose of the questionnaires is for the CMI to get data and information and then have it reviewed by the Executive Council for discussion at their forthcoming meeting in London in November. Thereafter, we will be receiving a report from the Executive Council, based upon the responses of the various MLAs. Unfortunately, not all MLA constituencies respond to these questionnaires so that it is, at times, difficult to learn what is going on in the other countries with regard to the issues that are raised by those questionnaires. CMI Chairman Cohen is working closely with the officers and Board of Directors in connection with the responses.

G. International Jurisdiction and Effects of Foreign Judgments in Civil and Commercial Matters

This is a separate issue that has been undertaken by a special commission which meets in The Hague with regard to this long standing project. Our State Department had requested the cooperation and assistance from our Association in providing a member knowledgeable about these issues to attend the meeting at the Hague in June, 1999. We were able to obtain the assistance of Alan van Praag who was able to attend on behalf of the Association. Mr. van Praag has been actively involved, together with Michael Marks Cohen and others, in this project which has been ongoing for some time. He was able to assist the State Department representatives after preliminary discussions with the undersigned and Bill Dorsey before the meeting in the Hague. A meeting is now scheduled within the next three weeks among some of the officers, Mr. van Praag and Mr. Cohen to formulate the Association's position with regard to certain questions raised at the Hague Conference. There will be a further meeting of the Special Commission on International Jurisdiction in The Hague during the time frame of October 25-30, 1999 to consider the issue of the working documents proposed by the Drafting Committee, which will be the

starting point for various discussions. One of the areas of discussion is the issue of maritime jurisdiction. This was that activity in which Mr. van Praag was of substantial assistance to the State Department. They have advised the undersigned of Alan's excellent cooperation and assistance on this very important issue. Further information will be forthcoming in the next Newsletter.

VI. ACTIVITIES OF THE PRESIDENT ON BEHALF OF THE ASSOCIATION

I have been most pleased and honored to be able to represent the Association at various activities on behalf of the Association since the Winter Newsletter.

A. March, 1999

1. The President of the Association is the opening speaker at the Tulane Admiralty Law Institute proceedings every two years. I had the privilege of speaking to the students at the Tulane Maritime Lawyer at a dinner on Sunday, March 14th. I also had the privilege of being the opening speaker and member of a panel at the commencement of the Tulane Admiralty Law Institute seminar on March 17th. The Institute also had a substantial number of overseas members as speakers, including the President of the CMI and the Chairman of the IMO Legal Committee, both of whom were on the opening panel for the discussion on uniformity in the millennium. On March 18th, I had the privilege of receiving, on behalf of the Tulane Admiralty Law Institute a proclamation from the Institute which was a tongue twister read by the Chairman of the Institute, Bob Acomb of New Orleans. It reflected the true generosity of the Institute in recognizing the assistance of the Association over the years in the formulation of the outstanding Tulane Admiralty Law Institute program. A copy of the proclamation is *enclosed*.

2. On March 5th, I had the pleasure of representing the Association at the annual John R. Brown Admiralty Moot Court Competition, which was held in San Francisco with the final arguments held at the magnificent Ninth Circuit Court of Appeals courthouse. On behalf of the Association, I presented the best brief award to the members of the University of Richmond Law School and their moderator, Professor John Paul Jones.

B. May, 1999

I had the privilege of attending the meeting of the Association of Average Adjusters of the United Kingdom in London on May 12 and 13, 1999. I attended the Chairman's Dinner on May 12th as well as the General Meeting on Thursday, May 13th, and conveyed the regards of our Association to the members of the Average Adjusters Association. I was also a guest at a lunch held by the Lloyd's Marine Insurance Claims Brokers Association, which was also attended by the Chairman of the Average Adjusters Associations of Canada, the United States and the United Kingdom.

C. June, 1999

1. I attended, as a guest of the Chairman, Frank Metcalf, the meeting of the Canadian Average Adjusters, in Montreal on Tuesday, June 2nd, as well as the General Meeting of the Canadian Average Adjusters on June 3rd.

2. On June 26th, I was the luncheon speaker at the Southeast Admiralty Law Institute meeting in New Orleans, which was the first time the meeting was held there to record crowds. I provided an overview and update on the activities on the Association.

D. September, 1999

1. I will be attending the meeting of the Houston Marine Insurance Seminar in Houston, Texas where I will be a speaker on behalf of the Association on September 21st. This meeting is always well attended with a substantial number of colleagues and members of the marine insurance community from overseas. The topic is The Titanic Venture: Who Owns the Ocean Deep.

2. On September 30th, I will be the moderator at a BIMCO seminar to be held in New York on the issue of tanker time charter disputes, which is to be held at the Association of the Bar of the City of New York.

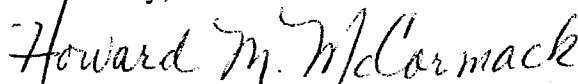
E. October, 1999

I will be attending the meetings and dinners of the Marine Insurance Claims Agents and the Association of Average Adjusters of the United States.

VII. CONCLUSION

Again, I exhort everyone to try to attend the Fall meeting of the Association at Orlando. This has been the product of long hours of work by the members of the Orlando Committee, which is intended to celebrate the second part of the Centennial year of our Association. We expect to have a substantial number of distinguished foreign visitors joining us for this meeting. We hope that our younger members and their families would be able to attend the meeting in this excellent setting. I encourage all of you to try to have the younger members of our Association participate in this final program of our Centennial year.

Sincerely,



Howard M. McCormack

President

HMM:km
Enclosures