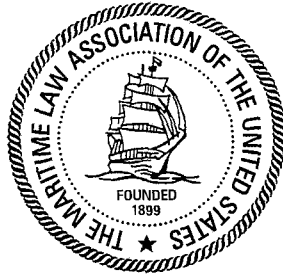


THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

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

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

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



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

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

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

March 2000

Document No. 748

PRESIDENT'S WINTER/SPRING 2000 NEWSLETTER

Dear Member:

As I indicated in my *Summer 1999 Newsletter* of August 31, 1999, your Association continues to be involved in many significant projects and studies. 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, my last newsletter to you as President of this Association, to keep each of you advised of areas of involvement in both the substantive and procedural law, international organizations and matters that significantly impact on membership.

This newsletter, as it has in the past, supplements the detailed transcript of the *Proceedings* of the fall meeting of October 15, 1999. I commend our Secretary, Liz Burrell, for the extensive work she has done with regard to the preparation of the *Proceedings*. If any of you want to review the *Proceedings*, 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. I want to make sure that all members of the 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. I also wish to commend the Editor and Associate Editors of *The MLA Report*, who also happen to be my partners, namely, Gordon Paulsen, Matt Marion and LeRoy Lambert. Their extensive work on behalf of the Association to prepare the bi-annual *MLA Report* is greatly appreciated by us. The next edition of *The MLA Report* will be

available at the General Meeting of the Association to be held in New York on Friday, May 5, 2000.

CLOSE OF CENTENNIAL YEAR -- NEW YORK

The Spring meeting of the Association will take place in New York during the week of May 1, culminating with the usual General Meeting of the Association on Friday morning, May 5, to be followed that evening with the black-tie dinner at the Marriott Marquis hotel, open, as usual, to members and guests. The announcements for this activity have been sent to all members of the Association. I encourage you to indicate your intention to attend the dinner in accordance with the provisions of the dinner notice. For those who seek to have hotel accommodations, assistance has been provided by Resorts International, who were instrumental in arranging the activities at the very successful Orlando meeting. You will note the hotel accommodations have various dates by which those reservations must be made. Please feel free to contact the hotel or Resorts International with reference to any hotel accommodations in the designated hotels that are indicated in the notice.

The meeting will bring to a close an extremely successful Centennial year that commenced at our meeting in New York on May 7, 1999, which celebrated the 100th anniversary of the founding of the Association in the same building in which we were then holding the Centennial meeting itself. The Association owes a great debt of gratitude to a large number of individuals who were intimately involved in making the Centennial program as well as the balance of the Centennial year activities a tremendous success. I encourage all our members to join us in New York for the closing of our Centennial year.

You will also find in your dinner announcement a complete listing of the Committee meetings of the Association that are scheduled for the week of May 1st. In addition to the printed program, in the event you have misplaced it, you will find all the events listed for that week set forth on our excellent website. The website may be contacted at www.mlauts.org. Our Membership Secretary, Winston Rice, has been instrumental in the formulation of the website and is bringing it into completion, ably assisted in this activity by the Chairman of our Electronics Communications Committee, Glen Oxton. Winston advises that he will have available a demonstration model of the website at the General Meeting in New York. You are all encouraged to visit the website and furnish your comments and/or recommendations, if any, to Winston at the offices of Rice Fowler, phone (504)523-2600, fax (504)523-2705.

In addition to my *Summer Newsletter*, I had enclosed an MLA membership information update form which is being utilized by our Membership Administrator in Buffalo, Robin Becker, to maintain an update of the membership. I enclose another copy of the form and urge you to make sure that the information contained in the prior directory, if

it has changed in any way, be updated by sending this form directly to Robin Becker at PC Solutions in Buffalo at the address and fax number set forth on the form. As I indicated before, the more accurate our membership data, the more effective our website will be in assisting those interested in locating and getting in touch with you, your firms and companies. Therefore, please do this now, if you have not already done so.

2000/2001 MEMBERSHIP DIRECTORY

Winston Rice, Membership Secretary, has advised the Officers and Board of Directors at a recent meeting that the new Membership Directory is proceeding in accordance with the schedule previously agreed upon. He has asked the Directors, and I pass it along to you, that all the membership information be updated and as accurate as possible. It is our firm desire to have our Membership Directory include all E-mail addresses so that communication with our members may be more easily accomplished. Winston has advised the Officers and the Board that it is expected that the Membership Directory will be available for mailing to the membership some time in early September.

SUCCESSFUL ORLANDO MEETING

The Fall meeting of the Association took place at the Hyatt Regency Grand Cypress Hotel in Orlando during the week of October 11, 1999. As is typical at some of our southern meetings, we did not fully escape the weather gods, in that a hurricane was in the area and did strike Orlando during the latter part of the Friday night function as well as early Saturday morning. Fortunately, it had very little impact on the hotel and the surrounding area, except that it did create substantial havoc with airline scheduling, requiring some of our members to depart early on Friday afternoon, who, therefore, were unable to participate at the dinner that night.

I am pleased to advise that the function was an outstanding success, due in substantial part to the activities of the Chairman and Vice Chairman, Jim Carroll of New Orleans and Tony Whitman of Baltimore and their excellent committee. I was particularly pleased by the attendance of those younger members of the Association who brought their families, since, from all reports we have had from the meeting, they enjoyed an excellent time during the week that the function took place. I am more than aware of the amount of time and effort that the Arrangements Committee for this particular event spends on this activity, having been on a number of those committees myself. All the success and accolades that the Association and its members have received are due, as I have indicated above, to the outstanding work of the Chairman, Vice Chairman and their committee members. On behalf of the Association, I want to thank them again for their excellent cooperation and congratulate them on a job well done.

SCHEDULE OF FUTURE MLA AND RELATED EVENTS

The entire calendar relating to future MLA and related events such as the CMI, the FICC, the Houston Marine Insurance Seminar, et al., is fully set forth on the MLA website. I encourage all our members to visit the website to obtain this information. I set forth below some of the related events that may be of interest to the members of the Association:

1. Tulane International Law Program: To be held in London May 9-10, 2000. Information will be sent to the members by Tulane Law School.
2. SouthEast Admiralty Institute: To be held in Atlanta from June 23-24, 2000. Information can be obtained from the Chairman, Allen Von Spiegelfeld of Tampa, phone (813)228-7411, fax (813)229-8313.
3. American Bar Association Meeting: To be held in New York from July 6-12, 2000. It will be continued the following week in London. All of our members, who are members of the American Bar Association, will receive information on this activity directly from the ABA.
4. Third Bi-Annual Symposium on Maritime Law: To be held in Newport, Rhode Island, from August 10-12, 2000. It is being conducted by the *Journal of Maritime Law and Commerce* and the Roger Williams University School of Law. The topic will be the Limitation of Liability Act.
5. CMI Colloquium: To be held in Toledo, Spain, from September 17-21, 2000. Any member of the Association that may have an interest in participating in this interesting and informative colloquium should contact the Chairman of the CMI Committee, Michael Marks Cohen at Burlingham Underwood, LLP, phone (212) 422-7585, fax (212)425-4107.
6. Houston Marine Insurance Seminar: To be held in Houston from September 18-19, 2000. If any member of the Association has an interest in attending this program, please contact Marion McDaniel at Liddell Sapp , phone (713)226-1295, fax (713)223-3717.
7. Association of Average Adjusters of the United States Seminar: To be held in New York on October 4; annual meeting and dinner on October 5, 2000.
8. Pacific Admiralty Seminar: To be held in San Francisco from October 5-6, 2000. Information for registration should be directed to Barbara Fanning of

BASF, 465 California Street, Suite 1100, San Francisco, CA 94104-1826, phone (415)782-8911, fax (415)477-2388.

9. Annual Fall Meeting of The Maritime Law Association of the United States: To be held in New York from October 30-November 3, 2000.
10. Bi-Annual Nicholas J. Healy Lecture: To be held on Thursday, November 2, 2000, at New York University School of Law at 5:00 p.m. The Healy lecturer will be Professor Robert Force of Tulane University School of Law.
11. 37th International Conference of the CMI: To be held in Singapore from February 12-16, 2001. For further information on this activity, please coordinate with the Chairman of the CMI Committee, Michael Marks Cohen.
12. Bi-Annual Program of the Tulane Admiralty Law Institute: To be held in New Orleans from March 22-24, 2001. All members of the Association will be receiving information directly from the Tulane Admiralty Law Institute on that program.

The MLA calendar that is maintained on the website is dependent upon the information furnished the Officers and the Membership Secretary by our members and others with knowledge of various activities. If any of you are aware of any other maritime related events that are not set forth on the MLA website calendar, please let me or Winston Rice know as soon as possible so that we can update the information. The purpose of the calendar is to attempt, as much as possible, to avoid any conflict of events that are geared to the same maritime law audience.

COMMITTEE PROJECTS AND STUDY GROUPS

1. RESTATEMENT OF THE LAW ON MARINE INSURANCE

I advised you in my newsletter of August 31, 1999, that, unfortunately, the ALI had indicated that they had chosen not to direct their energies to this particular project but may do so in the future. As a result of this activity, further discussions were held with those members of the Study Group and their Chairman, Ed Cattell, who were in attendance in Orlando. Subsequent discussions and correspondence were exchanged among the Study Group Chairman and the Officers in connection with the revised mission of the MLA Study Group and what the future expectations were, both of the Study Group and of the Officers, relative to the work to be undertaken.

As a result of the excellent assistance and cooperation of the members of the Study Group and its Chairman, a new Mission Statement was submitted to the Officers and Board of Directors and approved by them at their meeting on March 3, 2000. As President, I have now advised the members of the Study Group, based upon the communications received from the Chairman and the Study Group members, that the Association will indeed go forward with the project on the basis that it would attempt to set forth an analysis of the marine insurance law of the United States and point out those differences that may exist among the various circuits and district courts as well as the positions of various business organizations in the context of this study. I express my appreciation to all the members of the Study Group for their excellent cooperation and assistance. I look forward to working with them on the project in the near future when I will join the Study Group and participate fully in their activities.

2. PROPOSED UNESCO CONVENTION ON UNDERWATER CULTURAL HERITAGE

I refer to my comments in my summer newsletter. Since that time, there have been discussions between our First Vice President, William Dorsey, and the State Department Representative in connection with the forthcoming UNESCO meeting on the convention to be held in Paris in July 2000. An excellent meeting recently took place in Washington among John Kimball, Chairman of the Study Group; David Bederman, Vice Chair; and Bill Dorsey, First Vice President, with representatives of the State Department and other members of the Inter-Agency Task Force of the United States. Bob Blumberg from the State Department has requested the presence and assistance of a representative of The Maritime Law Association of the United States to join the U.S. delegation to assist them at the meeting to take place in Paris as indicated above. I have designated the Chair of the Study Group, John Kimball, to attend as the MLA representative in Paris. We also continue to carry on a dialogue with the representatives of the State Department's Inter-Agency Task Force. We are awaiting further information from the State Department as to information and activities that they have developed as well as the report that they are putting forward in the context of the UNESCO Convention proposals.

I want to express to the members of the Study Group, particularly its Chair, Vice Chair and to our First Vice President, Bill Dorsey, for their outstanding assistance and cooperation in working with the members of the Inter-Agency Task Force and the State Department on this involved and interesting subject.

3. COGSA PROPOSAL

I had expected by this time to be able to advise the members in this newsletter that the COGSA proposal has indeed received a Senate bill number and has been introduced into the Senate. However, this has not yet occurred, but based upon our discussions with representatives of the Senate Staff, we are quite optimistic that this will be done within the next month.

Since the information communicated in my last newsletter, a substantial amount of work has been done by the hard-working members of the COGSA Study Group, particularly Chet Hooper, Past President of the Association; and Vince DeOrchis, Chairman of the Carriage of Goods Committee. Both Chet and Vince have met with the Senate Staff and other members of the maritime industry in the United States who are strong proponents of the COGSA proposal. Vince has also written articles on COGSA that have been published in *Fairplay* as well as *The Maritime Advocate* relative to the position of The Maritime Law Association of the United States and the position of the industry. These articles were undertaken in an attempt to counter the extremely controversial and, at times, substantially incorrect comments that have appeared in *Fairplay* and other publications written by foreign interests and others who are opposed to the COGSA proposal. In Vince's articles, he was able to point out some of the more egregious errors and misunderstandings that opponents of the Act have put forth.

We are also working closely with the Canadian Maritime Law Association whose own committee on Carriage of Goods is looking into the COGSA proposal once again. They expect to be in position to furnish us with their advices by the time of our General Meeting in May as well as any information they are giving to the United States government. In addition, Chet and Vince have been invited to participate in a panel discussion to be given during the meeting of the Federal Judges of Canada, hosted by the Canadian Maritime Law Association in Ottawa in the latter part of April. I have authorized both Vince and Chet to represent our Association in this very important and possibly controversial discussion, since the Canadian MLA will also have panelists setting forth their comments on COGSA which are expected to be adverse to some of the proposals that we have put forward.

We continue to get excellent cooperation and assistance from the United States maritime industry representatives who are fully in support of the COGSA proposal. There have been recent articles in the *Journal of Commerce*, including an article of March 9, as well as a well-reasoned editorial of March 14 which, in substance, supports the proposals made by our Association and the maritime industry and urges Congress to give full consideration to that proposal.

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

Chester D. Hooper of New York
Phone (212)513-3444/Fax (212)385-9010

James F. Moseley of Jacksonville
Phone (904)356-1306/Fax (904)354-0194

Professor Michael F. Sturley of Austin
Phone (512)471-5151/Fax (512)471-6988

I wish to continue to assure the members that the Association has taken all steps that could possibly have been taken to respond to any and all comments, questions and suggestions that were undertaken by the Study Group and their colleagues, for which we owe them an extreme debt of gratitude. I continue to remain optimistic, as I have been over the past two years, based upon our discussions with the Senate and House Staff and the members of the Steering Committee, who are heavily involved in this program, that the Association's proposal which, as of now, is the Senate Draft of September 24, 1999, will indeed be introduced to the Senate within the next month. I also remain optimistic that at the end of this year, the bill will have received a favorable reception by the House and Senate and will be introduced into law.

4. SUBCOMMITTEE ON ENVIRONMENTAL CRIMES

I reported in my summer newsletter on the activities of the Board of Directors' Subcommittee on Environmental Crimes Chaired by Director Fred Kuffler. Fred has continued to work with the members of the Subcommittee in connection with the position of the Environmental Crimes Section of the Department of Justice.

Fred and his colleagues anticipate that a meeting will be held in Washington within the next month with members of the Coast Guard, and the Environmental Crimes Section of the Department of Justice. Fred has recently reported to the Board of Directors on the result of his canvas of various members of the organization relative to the Coast Guard All District Instruction on the issue of hearings and other activities relating to pollution matters. I encourage all the members who have knowledge or information relating to issues that have arisen as a result of this All District Instruction concerning hearings and other related issues on pollution matters that you keep Fred Kuffler fully advised of any activities in which you or your colleagues are aware.

5. QUESTIONNAIRE TO MEMBERS

At the Board meeting in Orlando, Director Bruce King had discussed with the Board an interesting concept with regard to formulation of a questionnaire to the membership with regard to the issue of non-New York meetings. This was prompted by the activities at Orlando and the number of the registrants, which was lower than those we have had in the past on non-New York meetings. This issue was further discussed by the Officers and the Board of Directors at their recent teleconference meeting in New York.

As a result of that meeting, I have included the enclosed "Non-New York Meeting Questionnaire" for your comments. It is important for the Officers and the Board to fully understand the position of the members with regard to activities undertaken by the Association over the years, particularly the future activities in the next two years that would involve non-New York meetings. There has always been a substantial amount of discussion among the Officers and Board regarding what we understand the membership may want. Toward that end, I have commissioned in the past *ad hoc* canvasses of the Board of Directors and their firms and companies, as well as asking them to canvass the members of the Association in their cities on certain issues. This may not be the most scientific method of obtaining this data, however. Therefore, I decided to have a questionnaire prepared based upon most of the issues discussed by the Officers and Board of Directors in New York relative to the questionnaire prepared by Director Bruce King.

I exhort all of you to consider the questionnaire and respond with any comments you may have concerning your views. The responses should be sent to me as President of the MLA. Once we hear from what we perceive to be the majority of the membership, the Officers and the Board of Directors will analyze the responses and be in a position to make recommendations to the membership as to future activities. I want to make sure that all the members fully participate in discussions on this matter, since it has a substantial impact on the numbers of the people who attend our meetings. I want to make sure that these meetings are based upon activities that our members have clearly indicated they want in the way of CLE and other issues.

I ask each of you that responds to identify yourself by name and your city. I also encourage all of you to be as candid as you wish in your answers to the questionnaire. You may add any comments you wish at the bottom of the questionnaire after you have answered the questions propounded to you. The success of this enterprise can only be achieved by your cooperation. I look forward to your responses as soon as possible and thank you for your assistance and cooperation.

INTERNATIONAL ACTIVITIES

1. IMO LEGAL COMMITTEE

The 80th Session of the IMO Legal Committee was held in London during our meeting in Orlando. As I explained at the Orlando meeting, our Immediate Past President, James F. Moseley, graciously assisted the Association by accepting the invitation of the U.S. delegation to become a member and represent the Association in London, together with the other members of the U.S. delegation, including Captain Malcolm Williams of the United States Coast Guard and his colleagues.

The main topics were expected to concentrate on the 1974 Athens Convention on Passenger Claims. However, at the initial opening of the IMO Legal Committee meeting, there were further discussions and votes taken which, in effect, put aside for that session any further discussion on the Athens Convention. The meeting then went ahead to consider the Proposed Convention on Bunker Pollution and other issues relating to the ISM Code of financial security for maritime claims, etc. A report of the activities of the IMO Legal Committee was delivered to the Board of Directors in Orlando based upon the daily reports received from London from Past President Moseley.

a. SPECIFIC ISSUES – LEG 80

The main items on the original agenda were provisions of financial security, particularly with reference to passenger claims and the protocol to the 1974 Athens Convention on Passenger Claims, Guidelines on Shipowners' Responsibilities in Respect of Maritime Claims. In addition, the agenda included the new Draft Convention on Compensation for Pollution from Ships' Bunkers and the new Draft Convention on Wreck Removal. However, at the initial opening of the IMO Legal Committee meeting, there were substantial new discussions and votes taken on the draft Provisions of Financial Security Athens Convention. There continued to be substantial differences of opinion among the various delegates. The Committee therefore concluded that they were not in a position to produce a final draft protocol to amend the Athens Convention and decided to defer this for consideration at the 81st Session which will be discussed below.

The Revised Guidelines on Shipowners' Responsibilities in Respect of Maritime Claims, which was produced at the 79th Session, was discussed by the members of the Committee at the 80th Session with a recommendation to the IMO council that the Guidelines, as amended, be submitted to the Assembly for consideration and adoption. As reported in the *Proceedings* of the Fall 1999 meeting, the proposed Guidelines were passed at the November 1999 IMO Assembly meeting.

The meeting then proceeded to discuss the major portion of their work for that Session, namely, the Draft Convention for Compensation for Pollution From Ships' Bunkers. The Australians produced a draft text of the proposed Convention which was ultimately resolved by the Committee which decided to recommend the Draft Bunker Convention to the Council for a diplomatic conference in the years 2000-2001 sessions.

There was further consideration of the Draft Convention on Wreck Removal, which had been discussed at earlier IMO Legal Committee meetings. As a result of the comments of delegations that the Draft did not reflect various rights and duties under the United Nations Convention on Law of the Sea 1982, the Legal Committee urged the correspondence group to continue its work and report at the next session. A report of the activities of the IMO Legal Committee was delivered to the Board of Directors in Orlando based upon the daily reports received from London from Past President Moseley.

The 81st edition of the IMO Legal Committee will take place in London during the week of March 27, 2000. Due to family commitments, I will be unable to attend, but our First Vice President, Bill Dorsey, will attend on behalf of the Association. It is expected that they will continue their discussions on the Convention on Bunker Pollution and other matters.

b. SPECIFIC ISSUES – LEG 81

First Vice President Dorsey attended the United States Coast Guard sponsored Shipping Coordinating Committee meeting of March 14, 2000, in Washington at which there was a discussion on the agenda for the forthcoming IMO Legal Committee meeting. The principal items on the agenda were once again the Draft Bunkers Convention which, as indicated above, had been voted on at the last session to send the Convention to a diplomatic conference. There are to be major substantive issues on this proposed Convention discussed at the forthcoming Legal Committee meeting.

There is also to be considered a Draft Conference Resolution on the 1996 Limitation of Liability Convention and ways to implement adoption by those states that have not done so. Continued discussion will take place on the Draft Protocol to the Athens Convention which will be the focus of the Committee discussions upon completion of the Bunkers Convention issues.

The Committee also intends to consider the Draft Wreck Removal Convention which has been the subject of substantive discussions at past Legal Committee sessions. There are major outstanding substantive issues. Again, I anticipate that the Committee will come to a final conclusion on the provisions for Draft Wreck Removal Convention at this meeting.

There have also been discussions from another working group comprised of IMO and ILO *ad hoc* experts on the issue of Abandonment and Personal Injury and Death of Seafarers. The Legal Committee is expected to have a discussion on this issue which is a particular problem that continues to have an impact on the United States.

There will be a report on the activities of this Legal Committee meeting at the May meeting of the Association in New York.

It is the intention of the Association to continue, as they have in the past, to respond favorably to the Coast Guard's request for assistance and cooperation in providing members of our Association to the U.S. delegation for the IMO Legal Committee meetings. They usually take place twice a year. The next scheduled meeting is in London during the week of October 16, 2000. The Association delegates are usually the President, the Immediate Past President or one of the Vice Presidents, depending upon the activities that are taking place. It is expected that we shall continue to work with the Coast Guard on these issues for some time in the future.

2. CMI ACTIVITIES

In the next six months, there will be a substantial amount of activities within the CMI, all geared toward looking forward to the CMI conference in Singapore in March 2001. Michael Marks Cohen of Burlingham Underwood is the Chairman of our CMI Committee. I have designated him to act as coordinator for any of the CMI activities that any members of the Association may wish to attend, particularly the Toledo colloquium which has been discussed at Page 4 of this newsletter.

The CMI will hold an Executive Council meeting in London on May 11 to be followed by an Assembly meeting on May 12. This meeting is in conjunction with the London Maritime Week which will include activities involving the Tulane International Law Program, as well as the Average Adjusters meeting and dinner and the CMI Executive and Assembly meetings.

On July 6, 2000, there will be a meeting in New York at the United Nations of the International Study Group on Issues of Transport Law in connection with the annual meeting of UNCITRAL. There will be a seminar on the Issues of Transport Law, which is expected to be attended by our Study Group delegates, Chet Hooper, Vince DeOrchis, George Chandler and Michael Sturley who is the rapporteur. I anticipate an active Association participation in that program, as it is the precursor for the Toledo colloquium which is the basis for the presentation of various study group documents at the CMI conference in Singapore on Issues of Transport Law and Marine Insurance.

3. CMI QUESTIONNAIRES

As I indicated in my summer newsletter, I have continued to respond to various CMI questionnaires. They include the following:

- a. Additional Questionnaire on the Issue of General Average in response to the position of the International Union of Marine Underwriters. Once again, Jean Knudsen and her colleagues, particularly Howard Myerson and Jonathan Spencer, are in the process of preparing a draft response of the Association to the CMI questionnaire.
- b. Questionnaire on the Issue of International Transport Law. The members of the Carriage of Goods Committee through its Chairman, Vince DeOrchis, and the Chairman of the CMI Committee, Michael Marks Cohen, were instrumental in preparing draft responses of the Association to that questionnaire which was submitted to the CMI. Unfortunately, the CMI has not received a substantial number of answers to their questionnaires which they are trying to rectify prior to the May Assembly meeting.

We anticipate further questionnaires being presented to the various national presidents on the basis of the program upon which the CMI has embarked in preparation for the meeting in Singapore. As usual, we will direct those questionnaires to the various relevant committees who are involved in the particular subject. Responses to the questionnaires will be drafted by those chairpersons and their colleagues and submitted to the President for further discussion and analysis by the Officers before finally presenting it to the CMI. I encourage all members of the Association who may wish to get CMI documents to contact our Treasurer, Patrick Bonner, in the event they have not already indicated their preference on the dues invoice.

4. CONVENTION ON INTERNATIONAL JURISDICTION AND EFFECTS OF FOREIGN JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

Alan Van Praag was a member of the American delegation in The Hague. I reported on this in my *Summer Newsletter*. Subsequent to that time, Alan was able to submit very detailed reports to the interested committees at the Orlando meeting which are discussed in the October 1999 *Proceedings*. On behalf of the Association, I have extended my thanks and gratitude to Alan for his excellent work and cooperation, particularly his dedication to disseminating this information to all the relevant committees at the Orlando meeting.

Alan has continued his assistance to the members of the American delegation from the State Department in the context of various questions that have been raised subsequent to the convention meeting in The Hague last June.

5. UNCITRAL WORKING GROUP ON ARBITRATION

Don Kennedy, Chairman of the Maritime Arbitration Committee, has been made a member of the American delegation to work with our State Department representatives in connection with the forthcoming meeting in Vienna of the UNCITRAL Working Group on Arbitration. They are to work on a study project with reference to modifications and changes to the 1958 New York Convention on Arbitration. Don attended a meeting in Washington on March 13 and met with the various U.S. delegates and others who are intimately involved in issues of arbitration. Don will be proceeding to Vienna for part of the time when the U.S. Study Group is working and will actively assist and cooperate with the other members of the American delegation on issues that involve arbitration with a particular emphasis on those issues that impact on maritime arbitration.

AMICUS BRIEF -- INTERTANKO V. LOCKE

In my *Summer Newsletter*, I reported at Page 10 on the *amicus* brief in support of the Petition for Certiorari that the Association had presented to the United States Supreme Court in support of Intertanko in connection with the Ninth Circuit decision in *Intertanko v. Locke* which had upheld the majority of the Washington State provisions regarding operation 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 one of a substantial number of other *amici* filing briefs in support of that position. The Supreme Court granted *certiorari* and accepted further *amicus* briefs on the merits.

The Association, through its Chairman of the Uniformity Committee, Pat Cooney, and the undersigned, undertook the task to write the Association's *amicus* brief on the merits in support of Intertanko. On December 7, 1999, Pat Cooney, Bill Dorsey and I were privileged to attend the oral argument of the case before the United States Supreme Court. On March 7, 2000, we were delighted to learn that the Supreme Court had unanimously reversed the decision of the Ninth Circuit and remanded the matter to it for further action in accordance with the decision.

The Association's activity in this matter was extremely important. I believe it had a substantial impact upon the Supreme Court's ultimate decision, although, the Court did not cite or make reference to any of the various *amicus* briefs in support of Intertanko's position.

Subsequent to the argument, we received the thanks of counsel for Intertanko for the support of the Association.

This activity is just part of the very important work that the Association does in support of its position on uniformity. As I indicated in my summer newsletter, uniformity is a very important issue for our Association. This was the subject of my law review article for the the Tulane Admiralty Institute in March 1999, as well as one of the substantive issues of the entire Tulane Admiralty program last year.

Once again, the Association owes the Chairman of the Uniformity Committee, Pat Cooney of Royston Rayzor in Houston, a tremendous vote of thanks for his scholarship, perseverance and excellence in the presentation of the *amicus* brief. It was in accord with the usual high standards of the Association. We are all indebted to Pat for his excellent work.

ACTIVITIES OF THE PRESIDENT ON BEHALF OF THE ASSOCIATION

Since the activities reported on in my *Summer Newsletter*, my activities requiring presentation of papers and speeches have diminished slightly.

1. SEPTEMBER 20-21, 1999

I had the honor to attend and be a speaker on behalf of the Association at the meeting of the Houston Marine Insurance Seminar. My topic was "The TITANIC Venture: Who Owns the Ocean Deep?" The assembled members were also intrigued by the presentation of Max Taylor, Chairman of Lloyd's, as well as the presentation of other Lloyd's underwriters and brokers.

2. SEPTEMBER 30, 1999

I was the moderator at a BIMCO seminar held in New York at the Association of the Bar of the City of New York on the issue of tanker voyage charter parties and their disputes. The participants included a leading British arbitrator, Donald Davies, as well as speakers from the various law firms, all of whom are members of our Association. The seminar was attended by over 100, and the discussions at the seminar were quite lively and informative.

3. OCTOBER 1999

On behalf of the Association, I was privileged to attend the private dinner of the Chairman of the Average Adjusters Association of the United States, Stuart Rockman, who

also had invited me to be their guest at the annual meeting and dinner of the Adjusters Association the following day. The new chairman of the Association was elected at that meeting. He is Tom DiStefano of Marsh, Inc., in New York.

4. JANUARY 2000

The President and the Officers of the Association had a meeting in Washington with various representatives of the United States Coast Guard, the United States Navy, NOAA and the State Department. At that meeting, there was a mutual exchange of various issues that are of importance to our Association and to our guests. At that time, we had the opportunity to meet the new Chief Counsel for the Coast Guard, Rear Admiral James M. Carmichael. I assured Admiral Carmichael of the Association's continued cooperation with him and his organization. I look forward to our further activities and dealings with the Coast Guard on matters of mutual interest.

5. MARCH 2-3, 2000

The Officers and Board of Directors of the Association met. The Board meeting was conducted via teleconference with our various members, some of whom attended from as far away as London and other cities which were not their home base. The New York Board members attended with the Officers at the offices of Hill Rivkins & Hayden for an extensive discussion of the various issues pending before the Association, most of which have been reported above.

NOTES OF INTEREST REGARDING MEMBERS

A good number of our members are very active in other endeavors in their practices and do not necessarily get full recognition for their achievements. I am pleased to report that in the November 1998 edition of *The Baltimore*, there was a description of the legal eagles of Baltimore. A caption on the front page of the article stated, "Best Lawyers Bar None." One of our members was given the designation as the best maritime attorney in Baltimore. He is our First Vice President, William R. Dorsey III of Semmes Bowen & Semmes. He is described as "Charm cities' resident old salt when it comes to sea-going differences of opinion." The article further indicates that his peers state, "A first-rate lawyer, probably the dean of the maritime bar." I am indeed most pleased to be able to advise the members of the Association of the extraordinary talents of our distinguished First Vice President.

I am also pleased to note the ascendancy to the International Presidency of the Propeller Club of the United States of Jay Knight, a member of the law firm of Moseley Warren Prichard & Parrish in Jacksonville whose senior partner is our Immediate Past

President, James F. Moseley. The achievement of Jay in succeeding to the presidency of this esteemed organization is outstanding. There are a substantial number of issues that are of importance to both the Propeller Club throughout the United States as well as to our Association.

I am also pleased to note that the firm of Semmes Bowen & Semmes in Baltimore has another distinguished lawyer, also a member of our Association. JoAnne Zawitoski, the former Chairperson of our Stevedoring and Longshore Committee and Chair of the Maritime and Commerce Group for Semmes, was named as one of Baltimore's favorite business lawyers. This achievement was even more intriguing in that it was based upon a write-in poll by clients and other members of the Baltimore bar. JoAnne has been an active participant in Association activities. She was a member of the Orlando Arrangements Committee and holds the most important spot for the San Diego meeting which will take place in October 2001, as she will be the Finance Chairperson for that meeting.

To the extent that any of you have been elected to various positions in bar associations or other activities that have an impact or potential impact on our Association, I encourage you to let me and my successor know about them. It is something that the entire membership should be aware of, namely, that our members are actively involved not only in the work of maritime and admiralty law, but also on other matters, including charitable enterprises and others that reflect favorably upon our members and their participation in these endeavors which may be related to Association activities.

CONCLUSION

This will be my last newsletter to you as President of The Maritime Law Association of the United States. It has been a fascinating and intriguing two years. I can only say that I was extremely honored and proud to represent the Association in the celebration of our Centennial year in the United States and also in our activities abroad with our colleagues, many of whom came from all over the world to join us for our Centennial meeting in New York in May 1999.

As we bring our Centennial year to a close, I would like to remind all of you of the comments of those who were present and spoke at the special meeting of the Association in May. Copies of those comments and articles from those members who did not speak at the meeting are all contained in the *Special Centennial Proceedings* which has been sent to all the members of the Association. I encourage you to review those comments which reflect the views of some of the most outstanding members of our Association going back many years into their membership.

This is an organization of which we can be extremely proud. It has been an honor and a privilege for me to represent the Association in these exciting times. I have also had the privilege of working with some extraordinary Officers and members of the Board of Directors without whose active participation and tireless work the daily activities of the Association and its excellent reputation for achievement in matters such as discussed above could never have been realized.

I encourage all of our younger members to take a full and active participation in the Association, particularly by joining our Young Lawyers Committee, which is under the excellent chairmanship of Doug Muller of Charleston.

I look forward to seeing all of you in New York during the close of our Centennial year week. I would like to be able to express, in person, my thanks and appreciation to all of you who have worked so hard for the Association over these past two years.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard M. McCormack". The signature is fluid and cursive, with the first name "Howard" being the most prominent.

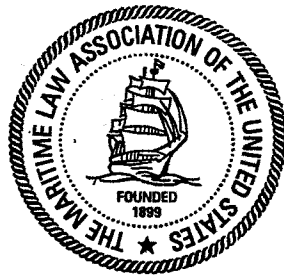
Howard M. McCormack, President

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

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

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



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

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

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

NON-NEW YORK MEETING QUESTIONNAIRE

The MLA typically holds its Fall meeting of every odd-numbered year at a resort location. The Board of Directors requests that all members of the Association respond to this questionnaire so that we can consider whether to change the formats and locations of our meetings to encourage attendance. We are especially interested to hear from members who have not attended resort meetings. There is already a meeting scheduled for the Del Coronado Hotel in San Diego in October, 2001.

Yes ___ No ___ Do you prefer the current resort schedule with meetings starting on Tuesday and concluding with the traditional dinner on Friday night?

Yes ___ No ___ Would you prefer a different schedule, such as one with meetings starting on Thursday, and concluding on Saturday, with the dinner on Saturday, and with Wednesday or Sunday being the day for the golf and tennis tournaments, and for optional recreation?

Yes ___ No ___ Would having a different schedule such as the one above likely make a determinative difference in your decision whether to attend?

Yes ___ No ___ In recent years MLA has tried to make the resort meetings suitable for bringing children. If you have children and generally have not been attending these meetings, would such a different schedule make it significantly more likely that you would attend, assuming the location were one that children would otherwise enjoy, such as Orlando or Disneyland?

Yes ___ No ___ Do you think that the fact that the Tulane Seminar and the MLA resort meeting occur in the same calendar year hurts attendance at our resort meeting?

Yes ___ No ___ Do you think attendance at our resort meeting will increase if we change our resort meeting to even numbered years so that it does not fall in the

MLA MEMBERSHIP INFORMATION UPDATE FORM

MAIL TO: Ms. Robin Becker or FAX TO: (716) 832-9176
PC Solutions
1914 Colvin Blvd., 2nd Floor
Tonawanda, NY 14150

MEMBER NAME: _____

IF FIRM/COMPANY NAME/ADDRESS CHANGE - IS THIS CHANGE FOR ALL MLA MEMBERS IN THE FIRM/COMPANY? _____

IF FIRM/COMPANY ADDRESS IS NEW - IS THIS IN ADDITION TO THE EXISTING LOCATION? _____

FIRM/COMPANY: _____

ADDRESS: _____

CITY STATE ZIP

TELEPHONE: General Office: _____

Direct Office: _____

General Office Fax: _____

Direct Office Fax: _____

Mobile: _____

Home Tel: _____

Home Fax: _____

EMAIL ADDRESS: _____

WEB SITE URL: _____

SUGGESTED USEFUL LINKS (URLs) FOR POSTING ON MLA WEB SITE:

