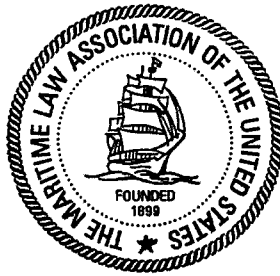


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PRESIDENT'S SUMMER/FALL 2001 NEWSLETTER

Dear Member:

The tragic events of September 11th have, of course, dominated everything for the last few weeks. On September 14th I addressed a letter to all members concerning the information I had at the time on the attack's impact on our New York members. That letter has been posted on our website at www.mlaus.org. For those of you that may not have seen it on the website or obtained a copy of it by e-mail, I am enclosing a copy of that letter herein. When I wrote that letter, I wasn't sure whether all of our members who had offices in the WTC made it out safely. I can now say that they did and that, to my knowledge, there are no further losses other than the loss of Glen Winuk and Rene Olson which I reported in my letter of September 14th. While those losses are devastating, it is almost miraculous that none of our other members were lost.

Of course, countless friends and colleagues of our members have not survived. It is impossible for me to know the full extent of those losses, but I do know that it appears that three members of the Association of Average Adjusters of the United States, Bob Colin, Bill Miller and Bill Wilson, are missing.

I continue to receive letters, faxes and e-mails of sympathy and concern from abroad. Since my letter of September 14th, I have heard from Jim Gould, the President of the Canadian Maritime Law Association; Michael Bird (CMLA); Edgar Gold (CMLA); Jose Luis Goni, former President of the Spanish MLA, and his partner Francisco Goni; Roger Croft (British MLA); Zulfiqar Khan, President, Pakistan Maritime Law Association, and Tsuneo Ohtori, President of the Japanese Maritime Law Association. It has been very encouraging to receive these messages from our friends from abroad.

As I write this, many of our lawyers in New York whose offices were not destroyed are getting back into their offices and back to work. Even those that lost their offices are recouping quickly. Thacher, Proffitt, which had offices in the World Trade Center has now taken space at 11 West 42nd Street. Mike Ryan reports that Hill, Betts, who were also located in the WTC, is negotiating for space and may have obtained new offices by the time you receive this newsletter. Hill, Rivkins has been occupying space offered to them by Kirlin, Campbell and Keating. Their offices were completely gutted, and it is not known when that space will be renovated. Haight, Gardner has taken temporary space in the Roosevelt Hotel until it can gain access to its offices.

One of the heartwarming things about recent events is the degree of cooperation and collegiality that has been shown by our members in New York to those who have been put out of commission by the terrorist attacks. Ray Hayden tells me that he and his firm have received numerous offers of assistance from many quarters, and, of course, Kirlin has offered space in their offices from which Hill Rivkins is operating as I write this. I have heard similar stories from others whose records, files and offices have been completely destroyed, or who have been temporarily unable to return to their office because of the salvage and rescue work. I expected no less, but it is wonderful that those expectations have not just been met, but have been exceeded.

As all of you should know by now we are going forward with our meeting scheduled at the Hotel Del Coronado during the week of October 15. We plan to hold a service of commemoration and remembrance on Wednesday morning at 9:00 a.m. in the Crown Room of the Hotel Del Coronado. It will be a short ceremony lasting about fifteen to twenty minutes and will occur prior to the beginning of our first business session of the week, the meeting of the Carriage and Goods Committee.

President Bush has asked us all to get on with the business of our ordinary lives, and I think he is right in urging us to do this. It is in that spirit that the rest of this newsletter will reflect some of my and the Association's activities since my last letter.

ADMINISTRATIVE DEVELOPMENTS

1. Directory

The new Directory has been published and most of you should have received it by now. I have been advised that the post office has obliterated the addressee's name and address on approximately 100 copies that we mailed and has returned these copies. We cannot tell which members did not receive their copies. If you have not yet received your new Directory you should contact Robin Becker at PC Solutions, telephone number: 800-652-5478; fax number: 716-832-9176.

Every effort has been made to make the new Directory as accurate as possible. What success we have in that connection is primarily due to the cooperation we receive from you as members by advising us of any changes in your address, telephone numbers, etc. If you do not tell us about such changes, it makes keeping our records up to date that much more difficult.

I want to extend my congratulations to both our Membership Secretary, Winston Rice, and Robin Becker, our administrator in Buffalo, for the very prompt way in which this Directory has been produced. I think its publication date is perhaps the quickest following our May meeting in recent memory.

2. Web Site

May I continue to remind you that forms for non-lawyer, proctor and associate membership applications and request forms for amicus briefs are now available on the library section at our website, www.mlaus.org.

3. Amicus Requests

Since my Winter/Spring 2001 Newsletter we have acted on five additional requests for participation by the Association as amicus curiae.

1. Senator Linie GMBH & Co. v. Sunway Line, et al. was an appeal to the Second Circuit Court of Appeals from a decision by the United States District Court for the Southern District of New York that 46 U.S.C. §1304(6) does not impose an absolute warranty on the part of the shipper as to the safe nature of its cargo, but rather requires a showing of negligence (i.e., that the shipper knowingly shipped hazardous cargo without disclosing the hazardous nature of the cargo to the carrier). Upon conferring with the two

Vice-Presidents, and in accordance with By-Law Section 702.4 that participation of the Association should only be sparingly authorized, it was concluded that the MLA should not participate as amicus curiae.

2. In Chao, Secretary of Labor v. Mallard Bay Drilling Inc. the Supreme Court had granted certiorari to determine whether the Coast Guard had sole authority to prescribe and enforce standards and regulations affecting occupational safety and health of seamen on uninspected vessels so as to displace application of the Occupation Safety and Health Act of 1970 and regulations promulgated by the Occupational Safety and Health Administration (OSHA). The Coast Guard had entered into a Memorandum of Understanding (MOU) with the OSHA which clarified the division of authority over working condition on vessels. The MOU explains that the Coast Guard has exclusive authority over working condition aboard inspected vessels, but specifically states it does not apply to uninspected vessels. OSHA generally exercises authority over uninspected vessels unless a Coast Guard regulation applies to the specific working condition at issue. Other Circuits have upheld the application of OSHA regulations under such circumstances but the Fifth Circuit ruled otherwise.

The government, including the Coast Guard, filed a petition for certiorari which was granted. We were asked to appear on behalf of Defendant in the case, opposing the position taken by the Coast Guard and the government. Again, after consultation with the two Vice-Presidents, it was decided that the MLA should not enter as amicus on behalf of the Defendant.

3. The case of Cammon v. City of New York presented an interesting case and a difficult decision. In this case a dock builder repairing a wood fender system at the South Bronx Marine Transfer Station was standing on a float stage in navigable waters when a portion of timber that he had cut from the pier attached to the boom of a crane on a moored construction barge was disrupted by a passing tugboat's wake and struck him causing injury. After recovering Longshoreman and Harbor Workers Compensation Act benefits, the injured plaintiff commenced an action in New York state court against the City of New York which owned the pier and a company called Anjac which had contracted with the city to repair the structure and had, in turn, subcontracted the repairs to Cammon's employer. The suit alleged breach of various provisions of the New York labor law, under which there is strict liability and any contributory negligence of the injured worker does not reduce the defendant's liability. This is, of course, in contrast to maritime law where strict liability usually does not apply and which also recognizes the doctrine of comparative fault.

On summary judgment motions, the Bronx Supreme Court dismissed the complaint on the grounds that no action lay under New York labor law because it was preempted by federal maritime law. The case reached New York's highest court, the New York Court of Appeals, which held in a 4-2 decision that despite the fact that all agreed there was admiralty jurisdiction, plaintiff's New York labor law claims were not pre-empted by federal statutory maritime law or general maritime law. It reinstated the state law cause of action based on New York labor law. There were two strong dissents.

The attorneys for Cammon's employer, which was a third party defendant in the case and not sued directly because of prohibitions contained in the Longshoreman's Act, asked the MLA to file an amicus brief in support of a petition it intended to file seeking certiorari in the Supreme Court of the United States. In addition, Cammon's attorney, who is also a member of the MLA, asked that we decline to support any petition for certiorari but that, if one were filed, we join him in opposition to the petition.

The issues of federal preemption, and whether the Jensen case should continue to be relied on in support of the doctrine of uniformity, are thorny questions. They were the subject of a paper entitled "Deconstructing Jensen - Admiralty and Federalism in the 21st Century" recently given by Professor Robert Force, as part of the Healy lecture series at the New York University Law School in the fall of 2000. Some of the Board members had the opportunity of hearing both counsel debate these issues at a meeting of the MLA Committee on Uniformity. Subsequently, the issue was discussed by the full Board at its meeting on May 3. In due course the Board voted to decline to file an amicus brief for either side at the petition stage, but indicated to both parties that, if certiorari were granted, we should be advised and given the option of entering the litigation on the merits. One of the main concerns of the Board was whether the case was in the proper posture for certiorari and whether or not the case was ripe for decision by the Supreme Court. Subsequent events confirmed the wisdom of this choice as counsel for Cammon's employer later advised that they did not intend to file a petition for certiorari because of difficulties in complying with the Supreme Court's finality doctrine. They further advised that the case will proceed to trial. They anticipate filing a petition for certiorari upon the conclusion of trial and appeals. Presumably these requests will be renewed sometime in the future if the case is not settled.

4. In the case of U.S. Titan, Inc. v. Guangzhou Zhen Hua Shipping Co. Ltd., the United States Court of Appeals for the Second Circuit was faced with a request for rehearing which involves a review of the court's prior decision in Great Circle Lines Limited v. Matheson & Co., 681 F.2d 121 (2nd Cir. 1982). That case essentially held that when a charter party is described as "fixed subject to details" (frequently shortened to

"fixed sub details"), there is in fact a binding contract if all essential terms have been agreed. Allegedly this contrasts with English law which appears to establish a per se rule that whenever the term "fixed sub details" is used the parties have clearly signaled, apparently as a matter of law, that they do not intend to be contractually bound until all details are concluded. The Court of Appeals of the Second Circuit invited the MLA, among others, to provide amicus briefs with respect to their views on the Great Circle case. Accordingly, with Board approval the MLA did file a brief in which we took the position that the Great Circle rule should not be changed, but should be revisited for purposes of clarification. We urged that the Great Circle case does not, and should not, establish a per se ruling concerning what is a main term and what is a detail, nor should it be viewed as setting forth how all types of charters in all trades are negotiated, nor when they become fixed. Instead, we submitted that, properly interpreted, Great Circle does nothing more than repeat the principle that the issue of whether there has been a meeting of the minds on "essential terms" sufficient to form a contract is a question of fact. Our brief indicated we did not advocate the English rule referred to above. A copy of the MLA brief can be found at the MLA website and can be located by clicking first on "library" and then on "amicus briefs".

At this date, no decision by the Second Circuit in this case has been reported.

I want to give a special thanks for the preparation of this brief to Jay Pare, Donald Kennedy, Keith Heard and Vince DeOrchis. Don Kennedy, the chair of the Maritime Arbitration Committee, arranged for an emergency session of that committee to advise the Board on what position it should take in connection with the brief. In essence the positions taken in the brief track the recommendations of this committee. The brief was prepared under the direction of Jay Pare, with assistance from Don Kennedy, Keith Heard and Vince DeOrchis, all on a fairly tight time schedule. The MLA is indeed fortunate that capable lawyers such as these are willing to take the extra time to see that the MLA's views are properly presented in amicus briefs.

5. The most recent request for an amicus brief comes in the case of Submersible Systems, Inc. v. Perforadora Central, S.A. In that case, Submersible sought a foreign attachment against a rig owned by Perforadora located in the Southern District of Mississippi. Perforadora appeared and denied that it was not found in the district but also reserved the right to, and did, deny that jurisdiction existed over it. The United States District Court for the Southern District of Mississippi held that jurisdiction lay against Perforadora, denied the issuance of a writ of foreign attachment, and proceeded to trial, entering a judgment in the amount of several million dollars against Perforadora. On appeal, the United States Court of Appeals for the Fifth Circuit found that Perforadora

was not subject to jurisdiction, that the rig had subsequently departed from the jurisdiction of the U.S. District Court, and, therefore, that a foreign attachment was not possible. It also held that Perforadora had not waived its right to deny jurisdiction by comments made in attempting to fend off the foreign attachment. After careful consideration and consultation with members of the Practice and Procedure Committee, it was decided in accordance with Rule 702.4 not to grant the request for participation as amicus and support a petition for certiorari in the Supreme Court. However, counsel was asked to notify us if certiorari is granted so that we could consider whether we should file an amicus brief on the merits.

4. Site Selection

I am pleased to report that we have executed a contract with the Scottsdale Princess in Scottsdale, Arizona, for a meeting on November 1-5, 2005. As announced, the format of this meeting will be somewhat different. Sports day will be on Wednesday, committee meetings will be on Thursday and Friday afternoon. The seminar will be on Friday morning and the General Meeting and Dinner Dance will be on Saturday. Again, this change in format is designed to help members have less time away from the office when attending these meetings.

COMMITTEE PROJECTS

1. Practice and Procedure Committee

At our meeting last May the Association approved a resolution proposed by the Practice and Procedure Committee supporting an amendment to Rule B to clarify and define the time determining when a defendant is "not found within the district" to be at the time of the filing of the complaint and affidavit required by Rule B(1). That resolution also encouraged the Advisory Committee on Civil Rules to include a comment to the rules cautioning practitioners about the necessity of filing a complaint and affidavit together in order to obtain Rule B process. On behalf of the Association, I forwarded this resolution on May 22nd to Professor Edward H. Cooper, the Reporter of the Advisory Committee. Professor Cooper has acknowledged receipt of the resolution and has indicated that he has lodged our letter with the secretary of the Standing Committee on Rules and Practice to establish a formal record of the recommendation. Professor Cooper also commented on the important role that the MLA plays in the process of attempting to improve the admiralty rules, and indicated that he looked forward to our continuing support of the Rules Committee. My thanks to Jim Bartlett, the chairman of the Practice and Procedure Committee, and Bob Zapf for their assistance in preparing the resolution

and the letter to be sent to Professor Cooper.

On June 13th, I forwarded to Mr. Wayne Positan, Chairman of the ABA Commission on Multi-Jurisdictional Practice, the comments of The Maritime Law Association on the proposals currently before the ABA Commission on Multi-Jurisdictional Practice. These comments were prepared by the Committee on Practice and Procedure and approved by The Maritime Law Association Board of Directors. For those who may be interested, a copy of these comments can be obtained from Jim Bartlett, the Chairman of the Committee on Practice and Procedure.

2. Fisheries Committee

Last May, the Association adopted a resolution proposed by the Fisheries Committee taking a position in favor of extending the effective date of Section 202(b) of the American Fisheries Act and 46 U.S.C. § 12102(c)(4), for at least 18 months from the current effective date of October 1, 2001, to permit development and consideration of amendments to protect the interests of current holders of preferred ship mortgages on fishing vessels of 100 feet or more. With the assistance of the chairman of the Fisheries Committee, David Farrell, the immediate past chairman Bill Birkhead and Steve Johnson, I sent a letter on July 11, 2001, to Senator Robert Byrd, the Chairman of the Senate Appropriations Committee, Congressman Bill Young, the Chairman of the House Appropriations Committee and Senator Ted Stevens and Congressman David Obey, the ranking minority party members of the Senate and House Appropriations Committees respectively forwarding this resolution and expressing support for S.1077 which included the amendments desired. I am happy to report that the amendments to those provisions extending the effective dates as requested were enacted into law.

3. Salvage Committee

Also at our May meeting the Salvage Committee submitted a resolution that the MLA recommend to the United States Government that the Salvage Convention of 1910 be denounced in order to make it clear that the only salvage convention that affects the law of the United States is the Salvage Convention of 1989. The Association adopted this Resolution, and, on August 6, 2001, I forwarded this Resolution, along with comments made by David Sharpe at our meeting explaining the Resolution, to Mr. Robert E. Dalton, Assistant Legal Advisor for Treaty Affairs of the Department of State.

Cruise Lines Committee

In contrast to the situation that occurred when I wrote my newsletter in March of this year, sharp criticism has developed of the draft Protocol to amend the Athens Convention on the Carriage of Passengers by Sea currently being considered by the IMO Legal Committee. We were asked by the Coast Guard to comment on this draft, and I asked the Cruise Lines Committee to prepare a memorandum outlining a recommended position for this Association. In the meantime, we had been in contact with the International Council of Cruise Lines which has taken sharp issue with the proposed Protocol. In due course, Ann Miller, the chair of the Cruise Lines Committee, forwarded to me the Committee recommendations. I then prepared written comments, and, with Board approval, submitted them to Captain Joseph Ahern of the Coast Guard, who is the chairman of the U.S. Delegation to the IMO Legal Committee. In essence those comments sharply criticize the Draft Protocol, specifically its provisions that would add a tier of strict liability, call for a reverse burden of proof with respect to what the Convention terms "shipping incidents" and "non-shipping incidents," provide for direct action against underwriters and seek to extend the time bar provisions of the current convention. A copy of the comments can be found on the MLA website. I am indebted to Ann Miller for all her hard work in getting her committee's recommendations to me on time and in good order.

Since submitting these comments, the U.S. Delegation has filed documents with the Legal Committee. While the U.S. Delegation has indicated that it does favor a two-tier liability system based on the Montreal Convention for air passengers and providing for a level of strict liability, it has apparently agreed with a number of other criticisms which we raised in our comments, including, those with respect to the definition of "shipping incidents" as it refers to "defects in the ship." In addition, the U.S. Delegation has indicated that it opposes a reverse burden of proof for non-shipping incidents as well as any change to the current time bar provisions of the Athens Convention. With respect to direct action provisions, the U.S. has indicated that it generally supports a direct action provision. However, it proposes a more limited right of direct action than the one in the current Draft Protocol. Specifically, the U. S. proposes that a direct action claim may be brought against an insurer in only two circumstances: (1) when the passenger claimant has obtained a judgment that cannot be executed in whole or in part because of the insolvency of the defendant or (2) when the claimant after a diligent search is unable to locate any carrier or performing carrier to sue.

The IMO Legal Committee will be meeting in London during the week of October 8-12 ostensibly to finalize this Protocol, and I will be attending as one of the private

sector advisors to the U.S. Delegation. It will be interesting to see what comes out of this meeting.

5. Marine Insurance

The Subcommittee on Hull and P & I Insurance of the Committee on Marine Insurance and General Average has completed its Marine Protection and Indemnity Policy Annotation Project. This undertaking was first discussed at a fall meeting of the Association in 1991 and was conceived by Bret LeBreton and James Sutterfield, both of New Orleans. It is the successor of a joint project of the ABA and the MLA which resulted in the publication of P & I annotations in 1982, with a later addenda in 1985. Initially, the project was under the supervision of Bret LeBreton, a former Chair of the Hull & P & I Subcommittee and of the Marine Insurance and General Average Committee. Eventually the leadership of the project was taken over by Simon Harter, the immediate past chair of the Hull & P & I Insurance Subcommittee, who led it to completion.

The end product is a publication that collects in one volume the annotations to the primary provisions of the most frequently used U.S. marine P & I policy forms. It has been decided to devote the entire next edition of the MLA Report to the publication of this Marine Protection and Indemnity Policy Annotations Project.

All of us are extremely grateful for all the time and effort put into the project by Simon Harter, Bret LeBreton, and Jim Sutterfield and the 27 other members of the Association who authored portions of the work. They have performed a valuable and lasting service to the Association.

6. Committee on Marine Finance

In a notice of proposed regulation the Coast Guard asked for comments on proposed changes to the regulations in 46 CFR Part 67 dealing with the documentation of vessels engaged in the coastwise trade and, in particular, with lease financing for such vessels. Bob Poster, the Chairman of the Marine Finance Subcommittee on Coast Guard Documentation, U.S. Citizenship and Related Matters submitted a draft of comments that initially was to be either the comments of the MLA as a whole, or the Marine Finance Committee or the Subcommittee. It developed, however, that these regulations are quite controversial and there is quite a difference of opinion within the Association concerning them. Some are very much in favor of the regulations, and some are opposed. As a consequence, the comments prepared by Bob were submitted by him solely on his own

behalf and that of a number, but not all, of the members of his Subcommittee, noting that they did not reflect a position that had the approval of the Association.. In due course I submitted Bob's comments to the MLA Board for determination as to whether or not we should endorse or reject them, or take no position. The Board unanimously concluded that, because of the sharp division of views with respect to these regulations, the Association should abstain from making any comment and let individual members comment to the Coast Guard as they see fit.

7. Carriage of Goods Committee

The Association has received the draft report of the CMI Subcommittee on Transport Law Issues and has been asked to comment. As I write this, comments are being prepared by Chet Hooper, Vince DeOrchis, George Chandler and Michael Sturley, the four members that have been most involved in this project. These comments will be vetted by the Carriage of Goods Committee and eventually passed on by the Board, the final result to be forwarded as the Association comments to the CMI. The due date for these comments is September 28, but with the disruption caused by the World Trade Center tragedy, it appears that it may be difficult to meet this deadline. I am confident that the CMI will take events here into consideration and give careful consideration to our comments whenever they arrive.

With respect to our own COGSA bill, there has been no activity because of a host of other matters of more pressing concern to the new administration. With the advent of the WTC and Pentagon tragedies, it is not likely to be given a high priority any time in the near future.

8. Law of the Sea Committee

Following a Shipping Coordinating Committee at Coast Guard headquarters this summer, Captain Joe Ahern mentioned to me that a new push was being mounted within various governmental agencies to get the United States to ratify the Law of the Sea Convention. I reminded him that the MLA had written Senator Helms some years ago urging U.S. accession to this Convention. I asked if it would be helpful if we renewed and restated our position, and he indicated that it would. Accordingly, with the help of Doug Burnett and Larry Brennan of the LOS Committee, I wrote to Senator Joseph Biden, the new chair of the Senate Committee on Foreign Relations, once again urging that the Senate give its advice and consent to accede to the LOS Convention and volunteering, inter alia, to testify in support of the Convention. Hopefully, once the immediacy of the current crisis has been dealt with, our government will finally ratify this

important Convention.

INTERNATIONAL ACTIVITIES

1. IMO Legal Committee

The next meeting of the IMO Legal Committee will take place during the week of October 8 in London. As noted above, I will be one of the private sector advisers to the U.S. Delegation. The main item on the agenda of the Legal Committee will be the Draft Protocol to the Athens Convention. See my comments regarding the MLA Cruise Committee set forth at pages 9-10 above. The Legal Committee has resolved to ensure that the Draft Protocol be ready for consideration by a Diplomatic Conference in the 2002-2003 Biennium and will make every effort to see that this goal is realized. This means that, as a practical matter, it is anticipated that every effort will be made to conclude the Draft Protocol at this session of the Legal Committee.

2. UNESCO Draft Convention on Underwater Cultural Heritage

John Kimball has reported on the final (fourth) meeting of UNESCO governmental experts on the Draft Convention on the Protection of Underwater Cultural Heritage which took place in Paris, July 1-8, 2001. John served as a private sector adviser to the U.S. delegation to that meeting. Although a Draft Convention was approved by the meeting of governmental experts, it is noteworthy that a vote was taken instead of proceeding on a consensus basis. The Draft was not supported by a large number of major maritime countries. Norway, Russia, Turkey and Venezuela voted against the Draft and eight countries abstained, China, France, Germany, Greece, Netherlands, Sweden, Chile and the United Kingdom. The United States had no vote but made a strong statement opposing the Draft Convention.

The MLA has previously taken a position in opposition to previous versions of the Draft Convention on the basis of that Convention's approach to the law of salvage and the property rights of owners, insurers, salvors and others, as well as the definition of "Underwater Cultural Heritage". Despite efforts by the U.S. and a few other delegations to amend the Draft Convention to meet some of these concerns, the final result approved by the meeting of governmental experts does nothing to allay our concerns concerning it. There is still no "significance" requirement in the definition of UCH, and the other provisions concerning property rights and the law of salvage continue to be unsatisfactory. In John's report, which will be placed on the MLA website, he states his view that the draft Convention is not acceptable to the MLA and we should urge the

United States to maintain its opposition. He goes on to say that, nevertheless, the protection of underwater heritage which has cultural, archaeological, or historical significance is unquestionably a worthwhile goal, and the MLA should continue work with the United States government on ways these goals can be achieved consistent with the MLA position.

An interesting comment in John's report is that he found especially noteworthy and troubling the fact that at debates that took place during the meeting the concept of "constructive ambiguity" was promoted. Apparently numerous delegates argued that it was desirable and constructive to insure that the language used in some of the most highly debated clauses should be deliberately ambiguous so that States could then interpret the provisions as they wished. Truly astounding!

The Draft Convention approved by the governmental experts will now be submitted to the General Congress of UNESCO for its approval during its meetings from October 15 to November 3, 2001.

We are not alone in voicing opposition to the Draft Convention. On September 10, 2001, Patrick Griggs, the President of the CMI, wrote the Director General of UNESCO advising him that he could "see no possibility that the CMI would be able to support the Draft Convention in its current form."

A word of thanks to John Kimball. For those who may think that a week in Paris was a lark, you should know that the sessions John attended lasted all day followed by further meetings during the evening. The last session, which started on Saturday, July 7, was not completed until after midnight on July 8.

3. Canadian Maritime Law Association Fiftieth Anniversary

On June 15-16 I was in Montreal to help celebrate the fiftieth anniversary of the Canadian Maritime Law Association. Jim Moseley, Ray Hayden, Frank Wiswall, Jean Knudsen and Howard McCormack were with me as well. Because this was the fiftieth anniversary it was a very special event, and we were given royal treatment by our Canadian colleagues. At the general meeting on Friday, June 15 I presented greetings and congratulations on behalf of our Association. Later that evening, the USMLA hosted a cocktail party in honor of the CMLA's fiftieth anniversary, at which time we presented a present to the CMLA in the form of a large banner, somewhat similar to our own MLA banner, that contained the logo of the CMLA. From the remarks that followed it appears that this present was quite well received. My special thanks to Liz Burrell for designing

and supervising the manufacture of the banner.

There was another interesting development that took place during the cocktail party we hosted. The party was given at the end of the King Edward pier in the old port of Montreal. Shortly after the guests had gathered, the Pride of Baltimore, a promotional Baltimore Clipper topsail schooner sponsored by the Maryland Port Administration, appeared, making its way down river to a dock immediately adjacent to our pier. Just before docking, the ship fired a two gun salute to the Port of Montreal. Numerous questions were put to me afterwards asking how I had arranged for the Pride of Baltimore to appear at just this precise moment. It was, indeed, a remarkable coincidence, particularly as during my remarks earlier in the morning I had commented that there had been no shots fired by Americans against Canadians for the last 180 years.

The following day a seminar was held at McGill University. Mr. Justice Arthur Stone spoke on the Canadian admiralty court in the twentieth century. This was followed by a panel discussion on the impact of global warming on Canada shipping lanes and the potential for a northwest passage.

The enjoyable and close relationship between our Association and the CMLA continues to flourish. My thanks to Jim Gould, President of the CMLA, Peter Cullen, who was in charge of arrangements for the annual general meeting, John Cantello, Secretary/Treasurer, and all of the members of the CMLA for the warmth and hospitality they extended to us.

4. International Conventions

Professor Francesco Berlingieri has established a database of decisions of the Courts of States of CMI member Associations and of other State parties on the interpretation of maritime law conventions. This database may be accessed at the website of his journal *Il Diritto Marittimo* to which there is a link on the MLA website. At the home page of *Il Diritto Marittimo* click on "Jurisprudence on Maritime Conventions." Professor Berlingieri asks that you furnish him the summaries of any judgments in this country in which maritime conventions are applied and interpreted so that he can continue to update his database.

ACTIVITIES OF THE PRESIDENT ON BEHALF OF THE ASSOCIATION

In addition to the usual Board and General meetings, following are a list of my activities on behalf of the Association since the last newsletter.

1. March 25, 2001 - Tulane Maritime Law Journal.

I was the guest and after-dinner speaker at the annual dinner of the Tulane Maritime Law Journal. It was a wonderful opportunity to meet a number of the students who are part of the Tulane Admiralty program. They are an impressive group.

2. March 28-30, 2001, Biennial Program of the Tulane Admiralty Law Institute.

I was one of the speakers at the Institute, making some introductory and welcoming remarks on behalf of the Association and acting as chair and speaker on a panel presentation on the investigation of marine casualties.

3. April 6-7, 2001, Annual John B. Brown Moot Court Competition

This competition was held in Newport, Rhode Island, and I served as one of the judges of the semi-final round. Other MLA members who acted as judges were Chet Hooper, Phil Berns, Karen Hildenbrandt, and Liz Burrell. Judging such a competition was challenging because the difference between the teams was slight. All of the teams performed superbly. In addition to acting as one of the judges for this competition, I presented the award on behalf of the Association for the best brief which was won by a team from South Texas College of Law, the same team that won the championship round.

4. May 10, 2001, Annual General Meeting and Dinner of the Association of Average Adjusters.

This annual event was held in London. At the General Meeting, I expressed my appreciation for the hospitality showed to me and all our other members by the Association of Average Adjusters and extended greetings from our Association. The dinner was, as usual, held at the Savoy Hotel and, again as usual, was a great success. My thanks and congratulations to Miles Duncan, the outgoing President of the Association, and my best wishes to Tim Madge who has succeeded him.

5. June 14, 2001, Annual Dinner of the Canadian Association of Average Adjusters

I was a guest at this dinner of David Marler, the President of the Canadian Association of Average Adjusters. It was an elegant affair, well hosted by David, and an excellent kick-off to the Canadian Maritime Law Association's 50th anniversary celebration which followed over the next two days.

6. June 15-16, 2001, Canadian Maritime Law Association's 50th Anniversary Celebration

See pages 13-14 above.

7. June 29-30, 2001, SEALI Annual Seminar.

I was the luncheon speaker at the Southeast Admiralty Law Institute Annual Seminar held in Orlando, Florida. My topic was amicus briefs by the MLA. I outlined some of the procedures followed by the MLA in assessing such requests, and discussed at some length the difficult decision-making process in such cases, with particular emphasis on the case of Cammon v. New York. See pages 4-5 above.

8. September 23-24, 2001 Houston Marine Insurance Seminar:

I was one of the speakers at the annual Houston Marine Insurance Seminar. The topic of my paper was The Proposed Protocol to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea. See, pages 9-10 above.

SCHEDULE OF FUTURE MLA AND RELATED EVENTS

1. IMO Legal Committee Meeting: To be held in London on October 8-12, 2001.
2. MLA Fall Meeting: To be held at the Hotel Del Coronado, California, on October 15-19, 2001.
3. Fourteenth International Congress of Maritime Arbitrators: To be held at the Waldorf Astoria Hotel, New York City, October 22-26, 2001.
4. MLA Board of Directors Meeting: To be held at Orange Beach, Alabama, March 10, 2001.
5. John W. Brown Moot Court Competition: To be held in New Orleans March 22-24, 2002.
6. MLA Board Meeting: To be held at the Association of the Bar of the City of New York, 42 West 44th Street, New York, May 2, 2002.

7. MLA Annual Spring General Meeting: To be held at the Association of the Bar of the City of New York, 42 West 44th Street, New York, May 3, 2002.

NOTES OF INTEREST REGARDING MEMBERS

Immediate past president Howard McCormack has been nominated to succeed Jean Knudsen as Chair of the Association of Average Adjusters of the United States. The election was to have taken place at the Association's meeting on October 4, but that meeting was postponed as a result of the terrorist attacks. At this writing it is not known when the meeting will take place.

Our member David Martowski is the new President of the Society of Maritime Arbitrators, succeeding Lucienne Bulow. Led by David, the Society will be hosting the Fourteenth International Congress of Maritime Arbitrators to be held in New York on October 22 through 26, 2001.

Honorary Member Professor Francesco Berlingieri was honored on June 14 by the University of Bologna which conferred on him the honorary degree, Laurea Ad Honorem. In sending my congratulations to him I noted: "Your contributions to the study and development of maritime law are legendary, and all of us who practice in this area owe you a great debt of gratitude."

CONCLUSION

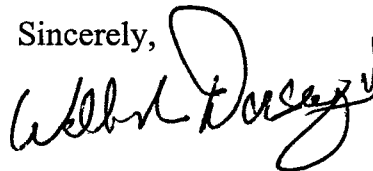
In closing I want to share with you some comments from a letter to me from Paul Hinton, Claims Director of A. Bilbrough & Co., the managers of the London P & I Club. The letter is dated August 3, and I received it before the tragic events of September 11. Paul was writing to tell me how sorry he was that he was not going to be able to come to our meeting at the Hotel Del Coronado because of other business commitments. In closing, he made the following remarks:

"One of the extraordinary features of your Association is the genuine respect which the various Members demonstrate for each other, despite the fact that many of you are competitors in a market which I know has in most areas been proving very difficult indeed. It is that respect and the friendships which derive from it and from membership of the Association which I believe is of great benefit to the various Members' clients around the world, including the shipowner members of this

Club. That is why I regard the Association as a body of importance and one which deserves support."

I was moved by Paul's remarks when I received the letter because it articulates why I have long cherished my membership in this Association. Indeed, even before September 11, I had intended to include Paul's remarks in this newsletter because I think it shows that the respect and regard that we have for each other, and the effect that that has on our ability to practice law and serve our clients, is recognized and appreciated by those clients and others outside our membership. With the events of September 11 Paul's words took on even more meaning. I must say that I have never been more proud of the very special respect and collegiality that exists among the members of this Association that has been demonstrated over the past few weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Dorsey, III". The signature is written in a cursive, flowing style with a large initial "W".

William R. Dorsey, III
President