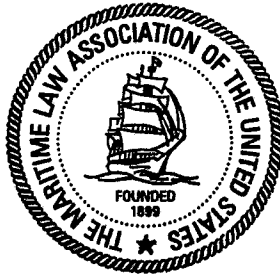


THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES

WILLIAM R. DORSEY, III  
PRESIDENT  
250 WEST PRATT STREET, 16TH FLOOR  
BALTIMORE, MD. 21201  
410-539-5040 FAX: 410-539-5223

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

THOMAS S. RUE  
SECOND VICE PRESIDENT  
104 ST. FRANCIS STREET, 8TH FLOOR  
MOBILE, AL 36602  
334-441-9203 FAX: 334-432-2800



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 EDW. RICE  
MEMBERSHIP SECRETARY  
328 N. COLUMBIA STREET  
COVINGTON, LA. 70433-2918  
985-893-8949 FAX: 985-893-4078

March 2002

Document No. 763

**PRESIDENT'S WINTER/SPRING 2002 NEWSLETTER**

Dear Member:

**SPRING MEETING - NEW YORK**

I am in the midst of preparations for our annual spring meeting in New York. This will, of course, be our first meeting in New York since the tragic events of 9/11. It occurs to me that this will be a wonderful opportunity for those of us who do not live in New York to come to the meeting and be with our New York colleagues who have gone through so much in connection with the tragic event. Sadly, there will be numerous reminders of the tragedy and the loss of Rene Olson and Glenn Winuk. In addition to Ground Zero, there is the fact that a number of our firms have had to relocate as a result of the incident. As previously reported, Thacher Proffitt is now ensconced at 11 West 42<sup>nd</sup> Street. Hill, Betts & Nash is now at 99 Park Avenue, 20<sup>th</sup> Floor. Hill, Rivkins & Hayden is now at 45 Broadway and Richard Zimmerman is at 140 Broadway, 35<sup>th</sup> Floor. In addition, Haight Gardner, which had to move out of its offices for quite some time, have returned to their original location. While we can never forget the horrors of the tragedy, we should also be reminded of the tremendous strength, courage and resiliency shown by our New York members. Their response to the devastation and disruptions caused by the

tragedy has been truly heartwarming and deserves our admiration.

Our meeting will take place during the week of April 29-May 3, culminating with the usual General Meeting of the Association on Friday morning, May 3<sup>rd</sup>. As in the past, the General Meeting will take place in the Great Hall of the Association of the Bar of the City of New York, 42 W. 44<sup>th</sup> Street. There will be a black tie dinner at the Marriott Marquis Hotel on Friday evening. This dinner is open, as usual, to members and guests. By the time you receive this Newsletter you should have received the announcement for Spring MLA week. I encourage you to indicate your intention to attend the dinner in accordance with the provisions of the dinner notice as soon as possible. This will greatly facilitate the work of Bret Kelly, the Chair of the Dinner Committee, and the others serving on that Committee.

The meeting notice contains a complete listing of all committee meetings of the Association that are scheduled for MLA week. The schedule for these meetings, and their locations, can also be found on the MLA website at [www.mlaus.org](http://www.mlaus.org).

There will also be a CLE program provided on Friday afternoon by the Young Lawyers Committee and the Forum of Maritime Law Teachers. The program is entitled "When Limitation of Liability Laws Conflict" and the speakers will be Professor John Paul Jones of the University of Richmond School of Law and Helen Benzie of New York. As in the past, this program will take place in the Great Hall of the Association of the Bar of the City of New York commencing at 2:30 p.m.

## **ADMINISTRATIVE DEVELOPMENTS**

### **1. Publications**

I recently appointed a Study Group on Publications, with particular reference to the rising costs of publishing the MLA Report and the MLA Proceedings. Howard McCormack chaired this committee. The other members were Marshall Keating, Jim Bartlett, Glen Oxton, Liz Burrell, Matt Marion, Pat Bonner and Don Greenman. The cost of publishing and mailing MLA Reports averages approximately \$15,000 per issue. The same is true for the cost of publishing and mailing the MLA Proceedings. Given the fact that the MLA Report and Proceedings are available on our website, I asked the Study Group to see if there is some way that we could reduce our publishing costs. The Study Group has concluded that the MLA Report and Proceedings should continue to be published in their bound form, at least for the foreseeable future. However, in light of the fact that these publications are available on our website, the Study Group has

recommended that members be given the option not to receive these publications in printed form and to receive notification by e-mail that the documents had been placed on the website, with a link to that website. The Board has approved this approach, and I enclose herein a postcard with two options listed. The first option choice should be checked if you do **NOT** wish to receive the paper version of the Proceedings and the MLA Report by mail. Whether or not you check the first option, you should check the second option if you do wish to receive an e-mail notification when these documents are available on our website. If you do nothing you will continue to receive the published form of these documents in the mail.

## 2. Directory

Our Membership Secretary, Winston Rice, is already hard at work on the new Directory in the hopes that it can be published soon after our meeting on May 3<sup>rd</sup>. May I remind you that for those who wish it, the Directory will list your cell/mobile telephone number. The change of address card in the front of the current Directory has a place for you to fill in your cell phone number which you can then send to Buffalo so that it can be included in the next Directory.

## 3. Non-Lawyer Membership

Applications for non-lawyer memberships still reach me in incomplete status. The applications must have, at least, the recommendation of two proctor members. In addition, a form that can be obtained on our website must be filled out. The application and supporting letters should be sent to the President, not the Membership Secretary. See Bylaw 204. For those of you who are not comfortable using the website but need the form, a quick telephone call or e-mail to the President will result in your being sent a copy of the correct form immediately.

## 4. Amicus Requests

We have acted on three additional requests for participation by the Association as *amicus curiae*. The case of *Sprietsma v. Mercury Marine* raised the question of whether state common law claims for failure to install propeller guards on recreational boats are preempted by the U.S. Coast Guard's considered decision not to require such equipment under the Federal Boat Safety Act. The Supreme Court of Illinois held that the common law claims were preempted. The U. S. Supreme Court has granted claimant's Petition for Certiorari. Interestingly, this same issue came before the Court several years ago in the case of *Lewis v. Brunswick Corp.* However, that case was settled after oral argument.

The Supreme Court is obviously interested in the case, having granted certiorari a second time on this question.

The Association has been asked to file a brief on the merits in support of the position of Mercury Marine, the boat manufacturer. After careful consideration by me and two Vice Presidents, the issue was referred to the Board. At its meeting in March the Board voted unanimously to file an *amicus* brief with the Supreme Court supporting Mercury Marine's position that common law claims are preempted in this case. The laboring oar for drafting the brief will be carried by Josh Force under the supervision of Pat Cooney, Chair of the Uniformity Committee, with assistance from Don Greenman, Chair of the Recreational Boating Committee.

The second case is *Bobby Owens v. Sea River Maritime, Inc.* The question in this case is whether Owens was a seaman for purposes of the Fair Labor Standards Act. If he was a seaman, his employer would be exempt from the requirements for overtime pay. If Owens was not seaman, he would be entitled to overtime pay under the Fair Labor Standards Act. The heart of the case turns on whether or not the definition of seaman under the Fair Labor Standards Act is to be construed more narrowly than, say, under the Jones Act, or whether one who is a seaman under the Jones Act is necessarily a seaman for all purposes of the Fair Labor Standards Act. The Fifth Circuit, following regulations promulgated by the Department of Labor, held that Mr. Owens was a non-seaman for purposes of the Fair Labor Standards Act, and, accordingly, entitled to overtime pay under the FSLA. Sea River Maritime is filing a Petition for Certiorari and asked the MLA to file an *amicus* brief supporting its Petition. Certiorari has been sought in previous cases of this type, including one going back to 1946, but the Supreme Court has thus far denied certiorari. After consulting with the two vice presidents, and keeping in mind that participation by the MLA as *amicus curiae* should be sparingly authorized, I declined the request.

After consulting with the two vice presidents I also declined to participate as *amicus* in the case of *Freeze v. Lost Isle*. This is a state court case in California in which the defendant is seeking *certiorari* to the California Supreme Court from a decision by the lower court that Plaintiff, though she could not qualify as a seaman for Jones Act status, was entitled, as a "Sieracki" seaman, to have the court instruct the jury on negligence and unseaworthiness under general maritime law. It should be noted that this was a request to participate not at the Supreme Court of the United States level, but at the level of the Supreme Court of California. It is rare that the Association appears as *amicus* in cases below the Supreme Court of the United States level.

## 5. Coronado Meeting

I am happy to report that despite the impact of the events of September 11<sup>th</sup>, our Fall Meeting at the Hotel del Coronado was a financial success. Indeed, we were able to refund registration fees to all of those who were forced to cancel and still ended up with a reasonable profit. This was, of course, largely due to the efforts of Tony Whitman and his Arrangements Committee. Aside from the usual problems and difficulties that face any arrangements committees in connection with our resort meetings, Tony and his group had to deal with the consequences of the fallout from September 11<sup>th</sup>. They could not have done a better job, and the Association owes them a debt of gratitude. Further, I think the meeting was more than just a financial success. Over 300 members and guests attended and this just one month after September 11<sup>th</sup>. As The Maritime Advocate reported:

It was against this sobering backdrop [September 11] that delegates came together for the USMLA fall meeting. Bonds of friendship, respect and support were the norm, despite the fact that many members are competitors in a difficult market. The ability to rise above this is one of the hallmarks, and strengths, of the USMLA.

## 6. Website

Some of you may have noticed a new feature on our website. We have added a feature to the opening page called "What's New." Here we list announcements and documents that have recently been added to the website. Accordingly, you will find on this list the four or five most current additions to the site.

I would also like to call your attention to the links section of the website. When I took office, I asked Professor John Paul Jones of the University of Richmond T. C. Williams School of Law to take this area of our site in hand and improve the links that we offer to our membership. He has made tremendous strides in this respect, and we all owe him our heartfelt thanks for his continuing efforts. Indeed, his work will never really be over because he is constantly considering and adding new links as they are developed. For those of you who believe that certain sites should be added to our links section, please contact Professor Jones. His fax number is 804-289-8211.

## COMMITTEE PROJECTS

### 1. Practice and Procedure Committee

Jim Bartlett, the Chair of the Committee on Practice and Procedure has written to the Secretary of the Committee on Rules of Practice and Procedure of the Administrative Office of the United States Courts concerning proposed amendments to Rule 53 of the Federal Rules of Civil Procedure, which deal with masters. Of particular concern to the Committee was the proposal in new Rule 53(a)(3) which would prohibit a master from appearing before a judge who made an appointment. Other concerns were the wording in the rule that only under certain circumstances, if any, could a master communicate *ex parte* with a court or a party, and whether, if the parties consented, a master's findings of fact were final without the necessity of the court's consent provided, however, that the court would have the right to review an award in the same fashion that the court can review an award and decision by an arbitrator. These comments, which were submitted as those of the Committee only because of the need for speed in meeting a deadline, were subsequently approved by the Board at its meeting on March 9. On March 13 I wrote to the Secretary advising him that the comments in Mr. Bartlett's letter should be viewed as those of the Association.

### 2. Marine Finance Committee.

At the request of the Marine Finance Committee, I have recently written the Commandant of the Coast Guard seeking comment on the status of certain Coast Guard regulatory initiatives. For some years our Marine Finance Committee has been working with the National Vessel Documentation Center in an effort to have the Coast Guard publish certain proposed regulations for public comment primarily, but not exclusively, with respect to recreational vessels. These rule making initiatives include:

1. Consolidation of the Builder's Certificate with the Manufacturer's Certificate or Statement of Origin (seemingly the oldest of the initiatives);
2. Requirement of a hull identification number for federal documentation of a recreational vessel;
3. Requiring the surrender of the certificates of title for a state-titled vessel before it can be federally documented; and
4. Requiring federal preferred mortgagees to file a discharge of a preferred

mortgage directly with the National Vessel Documentation Center when the debt secured is satisfied with special rules for revolving loans.

I emphasized to Admiral Loy that the MLA is cognizant of, and fully supports, the fact that after the events of September 11 the Coast Guard's overwhelming concern must be for port and maritime security and regulations pertaining thereto. However, I did express the MLA's keen interest in the rule-making initiatives referred to above and inquired as to their status. I emphasized that these initiatives were an important concern for involved owners, financiers and their attorneys, and that they should not be controversial.

### **3. Ad Hoc Committee on Multi-Jurisdictional Practice**

In March of this year, as recommended by the Ad Hoc Committee on Multi-Jurisdictional Practice and approved by the Board, I wrote to the Chairman of the ABA Commission on Multi-Jurisdictional Practice concerning the interim report of that Commission dated November 8, 2001. I noted that we were pleased to see that the proposed Model Rule 5.5 and the Commission's recommendations, particularly recommendation 3, adopted a safe harbors approach previously recommended by this Association and other organizations. I did, however, propose a change to Model Rule 5.5. My letter notes that the Commission had stated in comment 3.6 that "Federal [including admiralty law], international and foreign law are areas that ordinarily involve special expertise; the client has an interest in retaining a specialist in federal tax, securities or anti-trust law, with the law of a foreign jurisdiction [or admiralty law], regardless of where the lawyer has been admitted to practice law." I pointed out that such engagements generally involve counseling by the specialist lawyer that can extend over many years rather than being of a temporary nature. Accordingly, we recommended a change to 5.5 that would reflect that fact and would accord a safe harbor on a more permanent basis, rather than a rule that authorizes only temporary intrusions into other jurisdictions. At a subsequent American Bar Association Foundation luncheon seminar attended by Liz Burrell, one of the members of the Commission gave a talk on the current proposals before the Commission in which he emphasized that in crafting a rule on multi-jurisdictional practice, it was likely that the Commission would only recognize temporary intrusions into other jurisdictions.

### **4. Committee Chair Assignments**

A number of current committee chairs' four-year terms end on May 3. Accordingly, there will be the following changes in committee chair assignments as of May 3.

1. Cruise Lines and Passenger Ships - Ann Miller will be replaced by Michael Unger.
2. Marine Insurance - Jean Knudsen will be replaced by Steve Rible.
3. Maritime Criminal Law - Charlie Donovan will be replaced by Tom Russo.
4. Maritime Legislation - Harold Watson will be replaced by Barbara Burke.
5. Proctor Admissions - Warren Marwedel will be replaced by Mike Ryan.
6. Recreational Boating - Don Greenman will be replaced by Tom Russell.
7. Uniformity - Pat Cooney will be replaced by Kim Kearney.
8. ABA Relations - Chet Hooper will be replaced by Jim Moseley.
9. Dinner Arrangements - Bret Kelly will be replaced by David Loh.

In addition, the Committee on Transportation of Hazardous Substances, formerly chaired by John Lillis, will be eliminated, and the work of that committee will be included within the framework of the Marine Ecology Committee.

All of these outgoing committee chairs have served the Association well and nobly. Indeed, I could not have functioned without them. To them I say thank you very much for a job well done.

## INTERNATIONAL ACTIVITIES

### 1. UNCITRAL

The CMI Draft Instrument on the International Carriage of Goods by Sea has been forwarded to the United Nations Commission on International Trade Law (UNCITRAL) which has appointed a working group to prepare a Draft Convention on this subject. The United States Delegation to this working group is headed by Mary Helen Carlson of the State Department's Office of the Assistant Legal Advisor for Private International Law. Other members of the Delegation will be Steve Miller of the State Department's Office of Maritime and Land Transportation, Edmund T. Sommer of the Office of the Chief Counsel of the Maritime Administration. MLA members Chester D. Hooper, Professor



Michael Sturley, Vince DeOrchis and George Chandler complete the official U. S. Delegation.

The U.S. Delegation has been meeting and conferring with interested parties to assist the Departments of State and Transportation in determining the U.S. negotiating position for the first session of the UNCITRAL working group, which will take place in New York from April 15 to April 26, 2002. The next session of the UNCITRAL working group will take place in Vienna from September 16 through September 20, 2002.

## **2. COMITE MARITIME INTERNATIONAL**

The next CMI Assembly will take place in London on Friday, May 10, 2002. Two positions on the CMI Executive Council open up this year. The MLA has proposed that these positions be filled by Dr. Henry Li of the Chinese Maritime Law Association and Jose M. Alcantara of the Spanish Maritime Law Association. In addition, the MLA has proposed that Michael J. Ryan of Hill, Betts and Nash be made a Titulary Member.

The CMI Joint International Working Group on Issues in General Average held its second session in London on December 5, 2001. Frank Wiswall chairs this working group and Past President Howard McCormack, a former average adjuster and current Chairman of the Average Adjusters Association of the United States, is a member of the working group and represented the MLA at this meeting. The working group is considering changes proposed by IUMI to the York Antwerp Rules. A meeting of the working group was also held in London on March 18-19 and the next meeting will be in Copenhagen on June 27-28, 2002.

### **(a) CMI Places of Refuge Questionnaire**

At the 83<sup>rd</sup> Session of the IMO Legal Committee held in October, 2001 the Assistant Secretary General reminded the Committee of the problems encountered by the tanker CASTOR in finding a place of safety in which her cargo could be transhipped following the development of a severe structural problem. The Delegates to the Legal Committee at that session gave a mandate to the IMO Secretariat, working in collaboration with the CMI, to make a study of the legal issues. The Maritime Safety Committee of the IMO recommended the establishment of a non-mandatory international regime to tackle the problem. The CMI, in consultation with the IMO's Secretariat, developed a questionnaire with a view to collecting as much information as possible concerning the laws applicable to places of refuge in the countries of CMI member associations. Through the efforts of Dennis Bryant, Chair of the Coast Guard and

Navigation Committee, Sam Menefee, Chair of the Law of the Sea Committee, Matt Marion, Chair of the Marine Ecology Committee, Bill Storz, Chair of the Salvage Committee, and Professor David Sharpe, a very quick turnaround on the preparation of the responses to this questionnaire was accomplished, approved by the Board, and submitted to the CMI in February of this year. I owe a real debt of thanks to Messrs. Sharpe, Storz, Bryant, Menefee and Marion for turning to so quickly, efficiently, and well on this important project. Our response has been published on our website. As noted below, the Places of Refuge issue will be on the IMO Legal Committee's Agenda when it meets in April of this year.

**(b) Long-term Planning**

For those of you who like to do a little long-term planning, you should know that at present the CMI intends to hold its next Colloquium in June 2003 in Marseilles and its next Conference in June of 2004 in Vancouver.

**4. IMO Legal Committee**

The 84<sup>th</sup> Session of the IMO Legal Committee will take place in London from April 22 through April 26, 2002. Major items on the agenda are the Draft Convention on Wreck Removal; the review of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol relating to Fixed Platforms Located on the Continental Shelf; Places of Refuge; and a draft protocol to amend the 1992 Fund Convention.

Not on the agenda is the Protocol to the Athens Convention on the Carriage of Passengers and Luggage at Sea. At its 83<sup>rd</sup> meeting last October the Legal Committee ostensibly completed its work on the basic liability regime for a Protocol to the Athens Convention. At that session the Committee adopted a two tier system for the liability regime. For accidents caused by shipping incidents the carrier is strictly liable (up to a certain limit) unless the accident was caused by an act of war or the like. Above the strict liability limit the carrier is further liable unless it can prove the incident which caused the loss occurred without its fault or neglect, i.e., a reverse burden of proof. For non-shipping incidents the Committee rejected a proposal that the carrier again be subjected to a reverse burden of proof. For these incidents the burden of proof will be on the claimant. A shipping incident is defined to mean an incident that is caused by shipwreck, collision, etc. including a defect in the ship. Concern was expressed by the U. S. Delegation, at the urging of the MLA, that the term "Defect" be defined more precisely. The following definition of defect in the ship was agreed to in principle, although it was noted that

further work might be required on the draft text to insure that the definition clearly distinguishes between the hotel type elements and the navigational elements of a ship:

"Defect in the ship" means any malfunction or failure in any part of the ship or its equipment when used for passenger escape, embarkation and disembarkation, or used for propulsion, steering, safe navigation, mooring, anchoring, leaving a berth or anchorage, flooding safety, stability and the operation of emergency boat winches.

The Committee also approved provisions that would allow States to provide for no limits on the overall liability of the carrier beyond strict liability, and that provide for compulsory insurance and direct action against underwriters. The MLA had opposed the provisions on limitation of liability, direct action against underwriters and strict liability.

None of the limitation amounts that would be included in the Protocol were decided upon by the Legal Committee, those decisions being deemed best left to the Diplomatic Conference that will take place this fall.

While, as noted, the current agenda for the Legal Committee's meeting this April does not include the Athens Convention Protocol, since the Committee's last meeting, the Chairman of the International Group of P & I Clubs has written to all of the members of the Athens Protocol correspondence group noting that the P & I Clubs have become increasingly concerned that a detailed consideration of the limitation figures to be inserted in the Draft Protocol should not be left to the Diplomatic Conference. He expresses the P & I Clubs' fundamental concern as being that "limitation figures to be proposed for insertion in the present draft text will be so high that existing insurance coverage will not be able to respond". He notes, *inter alia*, that passenger carriers account for less than 5% of the tonnage entered in the clubs, but that the levels of liability discussed so far "would present a massive exposure to the membership as a whole, not only directly to the entire membership but also indirectly by affecting the reinsurance which underpins the coverage offered by the Clubs." He goes on to state that, "Faced with this imbalance, there is a strong possibility that Clubs would refuse to provide the necessary cover." His letter then addresses the question of whether the commercial market would be able to provide the necessary cover in the absence of club cover, and suggests that this question be addressed well prior to the scheduled Diplomatic Conference. He recommends that attempts to establish the commercial market's willingness to respond should concentrate on whether cover could be made available in the event that it is not available from the P & I clubs, either directly or by way of reinsurance.

Whether or not this information will necessitate some further discussion at the Legal Committee meeting despite the fact that it is not currently on the agenda remains to be seen. A safe prediction is, however, that there will be plenty of talk "in the margins" concerning this subject.

## **5. MLA Advisory Role**

The MLA continues to be called on by our federal government to assist in an advisory role. As noted above, Messrs. Sturley, Hooper, DeOrchis and Chandler are among the members of the U.S. Delegation to the UNCITRAL working group on issues of transport law. Ray Hayden and I will be going to London the week before MLA week as members of the U.S. Delegation to the IMO Legal Committee. At a recent meeting in New York (March 4-March 8, 2002) of the UNCITRAL Working Group on Arbitration and Conciliation, Chet Hooper attended as a representative of the CMI which has been granted observer status. Don Kennedy was present on behalf of the MLA as an advisor to the U.S. Delegation to this working group.

Alan Van Praag continues to be consulted by the State Department on the Hague Convention for Reciprocal Enforcement of Money Judgments. Just recently Tom Russo, who will be taking over the chairmanship of the Committee on Maritime Criminal Law, traveled to Washington to consult informally with members of the staff of Senator Patrick Leahy, Chair of the Senate Judiciary Committee, on potential criminal provisions to be contained in the Port and Maritime Security Act currently under discussion in Congress.

These are just a few of the instances where we have been called upon by governmental departments or agencies to assist in matters concerning maritime law. In my view, this is one of the most important services that we can perform as an Association.

## **ACTIVITIES OF THE PRESIDENT ON BEHALF OF THE ASSOCIATION**

The pace of my activities following our meeting in Coronado slackened a bit. The officers did hold a meeting on January 10 in Washington, D.C. Following our meeting we met over lunch with lawyers of the Navy, Coast Guard and other government agencies with whom we come in contact in various ways. Those attending the meeting were - from the Coast Guard - Rear Admiral Robert F. Duncan, Chief Counsel, Captain Joseph Ahern, Chief, Maritime International Law Division, Captain Derrick Capazzi, Chief Legal Officer for the National Pollution Fund Center; From the Navy - Rear Admiral Michael Lohr, Deputy Judge Advocate General, Captain Rand Pixa, Senior Admiralty

Counsel, Captain Richard Evans, Admiralty Counsel, and Captain David Hardy, Assistant Judge Advocate General; From the State Department - Ashley Roach and Robert Blumberg. Also attending was Linda Burlington, General Counsel for Natural Resources for the NOAA. Dennis Bryant, the Chair of the MLA Committee on Navigation, Coast Guard and Government Regulations rounded out the guest invitation list. These luncheons have become an annual affair. They give those working for the government an opportunity to meet and talk with the MLA officers in a very informal and relaxed setting. This luncheon will, I hope, remain a fixture on the MLA's schedule.

On March 8-9, we held the MLA Officers' and Board Meeting, respectively, at the Perdido Beach Resort in Orange Beach, Alabama, near Mobile Bay. Our Second Vice President, Tom Rue, made all the arrangements for this meeting, and the Officers and Board Members were hosted at a cocktail party before dinner on Friday night by the attorneys and firms from Mobile and South Alabama. This meeting at the "Southern Riviera" was a wonderful opportunity for the Officers and Board Members to mix with our MLA members in the Mobile area. Our thanks to Tom Rue for laying the ground work for a very enjoyable meeting and to the Mobile area firms that hosted our cocktail party.

On March 23<sup>rd</sup>, I was one of the judges in the semi-final round of the John W. Brown Moot Court Competition which took place in New Orleans. The competition, which was quite close, was won by a team from the University of Texas, Rebecca Jackson and John Barcus. Rebecca Jackson is the daughter of Houston member, Brad Jackson.

On behalf of the MLA I presented the award for the best brief for the competition which was won by a team from the University of Houston Law Center, Chad Newton and Joshua Wolfshohl.

### **SCHEDULE OF FUTURE MLA AND RELATED EVENTS**

1. **IMO Legal Committee Meeting**: To be held in London on April 22-26, 2002.
2. **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.
3. **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.

4. Association of Average Adjusters Annual Meeting: To be held in London on May 9, 2002.
5. CMI Assembly: To be held in London on May 10, 2002.
6. Canadian Maritime Law Association Annual General Meeting: To be held in Montreal on June 14, 2002.
7. Houston Marine Insurance Seminar: To be held in Houston on September 22-24, 2002.
8. IMO Legal Committee Meeting: To be held in London on October 21-25, 2002.
9. Diplomatic Conference on Protocol to the Athens Convention on the Carriage of Passengers and Their Luggage By Sea: To be held in London on October 28-November 1, 2002.
10. MLA Board Meeting: To be held at the Association of the Bar of the City of New York, 42 West 44<sup>th</sup> Street, New York, October 31, 2002.
11. MLA Annual Fall General Meeting: To be held at the Association of the Bar of the City of New York, 42 West 44<sup>th</sup> Street, New York, November 1, 2002.

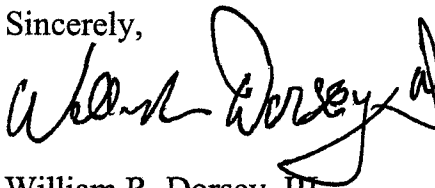
### CONCLUSION

This is my last newsletter. It is hard for me to believe that my two year term has passed so quickly. Many meetings, a lot of travel, a number of speaking engagements, and a mountain of e-mails. To say that I have loved every minute of it would be an understatement. To our younger members who are considering whether or not they should participate in the MLA I would say -- Don't waste a minute. Get involved as quickly as you can. It is not difficult if you are willing to work. All you have to do is ask and the rewards are many. Among these are, of course, the educational aspects; the contacts and friends that you will make; the interesting work in which the Association is engaged; the travel; as well as the satisfaction of every lawyer's obligation to give something back to his or her profession. All of these are important factors but, in addition, you will also find that the time and effort that you commit to the Association are not only rewarding, but great fun.

All of the experiences that I have had over the past two years, including the tragedy of September 11, have made it even more clear to me what a great honor it has been to serve as President of this unique Association. I do hope that I will have the opportunity in the future to be of some small service once again.

In closing I say to you, thank you for allowing me the privilege of serving as your President.

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, prominent initial "W".

William R. Dorsey, III  
President

(B0251048.WPD;1)