

THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

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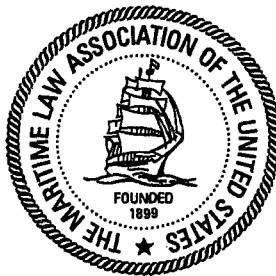
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FALL MEETING, NEW YORK
PRESIDENT'S SUMMER/FALL 2002 NEWSLETTER

Dear Member:

The Fall Meeting will take place in New York during the week of October 28 - November 1, 2002, culminating with the General Meeting of the Association on Friday morning, November 1. The General Meeting will take place in the Great Hall at the Association of the Bar at the City of New York, 42 West 44 Street.

There will be a black tie dinner dance at the Marriott Marquis on Friday, November 1 and we hope to see a large number of members there together with their spouses and/or significant others. The dinner is open to all Members of the Association. Guests may be invited with the prior approval of the President.

You should have received your announcement regarding the fall MLA week prior to receiving this Newsletter. I encourage you to indicate your intentions in attending in accordance with the dinner announcement as early as possible. An early indication of your interests will help the Dinner Chairman, David Loh and others in arranging for the seating for the dinner. For those who seek assistance with hotel accommodations, Resort Meetings will provide this assistance once again. Please note in the announce-

ment the various dates by which hotel reservations must be made. As always, you should book early, as the New York Marathon will be run on November 3, and foreign contingents are booking large blocks of hotel rooms.

The Sixth Nicholas J. Healy Lecture on Admiralty Law will be held October 31, 2002 at 5:00 P.M. in Vanderbilt Hall at New York University School of Law. This year's speaker will be Patrick Griggs, President of the Comite Maritime Internationale. He will speak on the "Obstacles to Uniformity of Maritime Laws."

The Young Lawyers Committee and the Forum of Maritime Law Teachers will present a program on Friday afternoon, in the Great Hall at the Association of the Bar of the City of New York commencing at 2:30 P.M. The papers being given are: "The International Law of the Sea" (Professor Sam Manefee) and "Forum Selection Clauses and Forum Non Convenience" (Professor Martin Davies); 2.4 CLE credits will be available for attendees at this program.

ADMINISTRATIVE DEVELOPMENTS

1. DIRECTORY

The new directory has been published and most of you should have now received it. If you do not shortly receive your new Directory, you should contact Robin Becker at PC Solutions, Telephone No. 716-832-7961 or Fax: 716-832-9176.

I want to express the Association's thanks to our Membership Secretary, Phil Berns and to Robin Becker, our Administrator in Buffalo, for the hard work and the prompt way in which this Directory has been produced. We have not had a Directory published as early as this Directory in our history. Membership Secretary Berns made every effort to see that the new Directory was as accurate as possible. The success of the prompt publication is primarily due to the cooperation we have received from members in advising us of changes in their addresses and telephone numbers. It is appropriate, however, to remind each of you that if you do not tell us about changes, we cannot keep our records up-to-date.

2. WEB SITE

Our web site contains all necessary forms for Non-Lawyer, Proctor and Associate Applications and request forms for Amicus Briefs. They are available in the Library Section of the web site WWW.USMLA.ORG. The proceedings since May of 2000 are also located there. Various portions of the proceedings are separately listed, such as reports for special committees, reports of officers and all reports of Standing Committees.

3. AMICUS REQUESTS

Since Past President Dorsey's Winter/Spring Newsletter of March, 2002, our Association has filed an Amicus Brief in the Rex R. Sprietsma v. Mercury Marine litigation dealing with the questions of whether State Common Law claims for failure to install propeller guards on recreational boats are pre-empted by the United States Coast Guard's considered decision not to require such equipment under the Federal Boat Safety Act. Josh Force, under the guidance of Patrick Cooney, former Chairman of the Uniformity Committee, was the principal writer of the brief filed by of our Association; he was also assisted by Don Greenman, Chairman of the Recreational Boating Committee and by Past President Dorsey.

4. SUMMER MEETING

The summer meeting of the Association's Board of Directors took place in Philadelphia on August 2 and 3. Board member, Lisa Reeves, handled all of the planning and arranged for a dinner on Friday evening August 2 with approximately 60 members from the Philadelphia area.

5. FALL MEETING 2003

As previously reported the Association has signed a contract with the Fairmont South Hampton Princess Hotel to hold our fall 2003 meeting in Bermuda from October 28 through November 1, 2003. The meeting format has been changed and Sports Day will be held on Wednesday, Committee Meetings on Thursday and Friday with a seminar Friday morning. The General Meeting and formal closing dinner will take place on Saturday.

The Planning Committee is arranging for an interesting selection of Speakers who, in their own rite, will be a draw for our members. Please be assured that these people are world renowned, known to our Association members, and should be of interest to everyone.

6. INTERNATIONAL ACTIVITIES

A. IMO LEGAL COMMITTEE

The IMO Legal Committee has been extremely active over the past several months. The meeting was held in April to try and finalize the work on the amendments to the Athens Convention. During this meeting, the United States delegation submitted a proposal for a new convention entitled the Suppression of Unlawful Acts Against the Safety of Marine Transportation to Combat Terrorism (SUA). Past President Dorsey and I attended the IMO Committee meetings as advisors to the U.S. Delegates.

The IMO Legal Committee will reconvene October 21 to complete work on these conventions and commencing October 28, a diplomatic conference will be convened to ratify the proposed amendments to the Athens Convention. Major items regarding the Athens amendments that still need to be settled are those dealing with what is a "shipping incident", and those dealing with security and insurance issues. The international insurance community has been very active in the last few months in attempting to modify or lower the stringent insurance requirements and has been actively lobbying delegates for modification of the proposed new terms. Past President Dorsey will attend these meetings on our behalf, as an advisor to the United States Delegation.

In addition an IMO working group on the issue of Seaman's rights is currently meeting to discuss what needs to be included in a draft convention covering Seaman's rights. The Ad Hoc expert working group seems to be leaning towards some provision to guarantee prompt repatriation of seaman. The seafarers are urging a form of compulsory insurance for compensating claims for death, personal injury and abandonment. They have suggested a scheme whereby there would be insurance coverage with right of direct action against the underwriters and have suggested that if it is through P&I Clubs the "pay to be paid" requirements should be modified. The discussions are in very early stages. Our treasurer, Mr. Patrick Bonner, will attend the meeting as an adviser to the United States delegation.

B. COMITÉ MARITIME INTERNATIONALÉ

The CMI has scheduled two future meetings, the first of which will be a colloquium in Bordeaux, France in June of 2003. The second CMI function is scheduled for Vancouver, British Columbia in May/June 2004. Mr. Frank Wiswall, the CMI's Vice President will report on the details of these meetings at our November 1, 2002, General Meeting.

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). The Maritime Law Association's members, past President, Chester D. Hooper, Michael Sturley, Vincent DeOrchis and George Chandler are members of the United States delegation. They, in turn, are advising the head of the delegation, Mary Helen Carlson of the State Department's Office of the Assistant Legal Advisor for Private International Law.

The CMI Joint International Working Group on issues of General Average is continuing to review the changes proposed by the IUMI to the York Antwerp Rules. Past President, Howard McCormack, who is currently the Chairman of the Average Adjusters Association of the United States is a member of the working group and has represented the MLA at its meetings.

ACTIVITIES OF THE PRESIDENT ON BEHALF OF THE ASSOCIATION

My activities undertaken on behalf of the Association have been extensive since our spring meeting. Past Presidents, William Dorsey, Howard McCormack and I attended, the week after our May meeting, the London meeting of the Average Adjusters Association on May 9, 2002. The following day, we all attended at the CMI Assembly, Chaired by President, Patrick Griggs.

In June, MLA members, Fred Kuffler, Larry Kierns, David Dickman, and I, attended a meeting with the United States Coast Guard; the Environmental Protection Agency, and the Department of Justice to discuss the issues of environmental crimes and their affect on marine investigations and how their stringent enforcement affected the retention of seaman. The Coast Guard and the Department of Justice both acknowledged that there is a perception that the Department of Justice is being overly aggressive, but allege that it is not true since criminal charges have been brought on average only once in eight

hundred investigations. The Coast Guard and the Department of Justice expressed an interest in working with our Association to insure that there would be an understandable and evenhanded enforcement of the laws which would allow our members to be in a better position in advising clients on how to handle voluntary disclosure and marine investigations, etc., following a maritime incident.

On my behalf Past President, Howard McCormack, represented our Association at the annual meeting of the Canadian Maritime Law Association and the Canadian Average Adjusters in June in Montreal. In addition to representing our Association, Mr. McCormack was guest speaker at the Canadian Average Adjusters Association annual luncheon.

In July at the invitation of Captain Ahern of the United States Coast Guard, I attended in Washington at a meeting of the representatives of the American Institute of Marine Underwriters with the United States Delegation to the IMO Legal Committee on the proposed amendments to the Athens Convention. The American Institute, through its representatives, in particular, John Weber, advised the United States delegation of its concerns regarding the proposed amendments to the Athens Convention, and explained why in their view the proposed requirements regarding insurance/direct action could not be fulfilled. The issues raised by the AIMU were similar to those that had been raised by the International Group of P&I Clubs and the International Council of Cruise Lines. As a result of that meeting, John Weber, Vice President of CNA Marine has agreed to join the United States delegation as an industry advisor at the diplomatic conference scheduled for late October to consider the amendments to the convention.

It was my pleasure to present a paper entitled: "The Changing Rules of the Playground: A Review of the New and Proposed International Maritime Conventions and their Affect on Marine Insurers" at the annual Houston Marine Seminar on September 23. The conference had over 700 registrants and presented a forum for brokers and underwriters to discuss the issues compounding today's insurance market.

SCHEDULE OF FUTURE MLA RELATED EVENTS

1. The Association of Average Adjusters annual meeting and dinner will be held in New York on October 3, 2002, at the Marriott Marquis Hotel, 1535 Broadway, New York.
2. The IMO Legal Committee meeting and Diplomatic Conference to be held in London October 21 through November 1, 2002.

3. The Board Meeting of The Maritime Law Association of the United States is to be held at the Association of the Bar of the City of New York, 42 West 44th Street, New York on October 31 commencing at 9:30 A.M.

4. The Nicholas J. Healy Lecture will be held on October 31, at 5:00 P.M. at Vanderbilt Hall of New York University Law School.

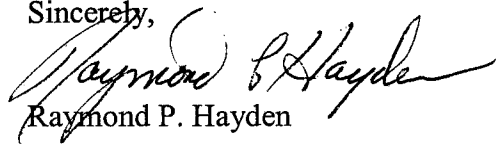
5. The annual fall general meeting of The Maritime Law Association of the United States is to be held at the Association of the Bar of the City of New York, 42 West 44th Street, New York City on November 1. The meeting is to be followed by a dinner dance to be held at the Marriott Marquis Hotel that evening.

6. The Tulane 2003 Admiralty Law Institute is scheduled for March 19 through March 21, 2003 at Dixon Hall on the Tulane University campus.

7. The Spring meeting of The Maritime Law Association of the United States will be held at the Association of the Bar of the City of New York at 42 West 44th Street, New York on Friday, May 2, 2003.

8. The Fall meeting of The Maritime Law Association of the United States is to be held at the Fairmont Princess Hotel in Bermuda from Wednesday, October 29 through Saturday November 1, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Raymond P. Hayden". The signature is written in black ink and is positioned above the printed name.

Raymond P. Hayden

President