



THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

MLA PROCEEDINGS

Fall Meeting – October 24, 2014
Philadelphia, Pennsylvania

Present:

ROBERT G. CLYNE
HAROLD K. WATSON
FRANCIS X. NOLAN, III
DAVID J. FARRELL, JR.
WILLIAM ROBERT CONNOR, III
ROBERT B. PARRISH

And 111 Members:

Martha C. Adams	Nash Bilisoly
Stephen A. Agus	Michael Black
Charles Anderson	Patrick Bonner
Frank Atcheson	Hon. Walt Brudzinski
James W. Bartlett, III	Phillip Buhler
Dick Basom	Ray Burke
Michael Bell	Lizabeth L. Burrell
William E. Bell	Dennis Cammarano

Christopher Carey	Lynn Krieger
Conti Cicala	Marjorie Krumholz
Peter Clark	A.J. Kuffler
Robert Collins	Anne Kulesa
Lisa Conner	Joseph Kulesa
Eric Daniel	J. Dwight LeBlanc
Christopher O. Davis	Keith Letourneau
Robert Degan	Erika Lindberg
Carl H. Delacato, Jr.	Henry C. Lucas
Charles DeLeo	Jedd Malish
Christopher DiCicco	Janet Marshall
Brian Eisenhower	Jessica Martyn
John Farmer	Warren Marwedel
Boriana Farrar	David L. Mazaroli
Vincent J. Foley	Charles McCammon
Rodney Q. Fonda	Michael McCauley
Steven Friedell	Jessica McClellan
Shari Friedman	Howard McCormack
Alex Giles	Dan McDermott
Emma Gillespie	CAPT P.J. McGuire
Kate Goodsell	VADM Charles Michel
Aaron Greenbaum	Dennis Minichello
Donald Greenman	Jeff Moller
Scott Gunst	Michael T. Moore
Carol Hand	James Moseley, Jr.
Kevin Hartmann	Charles P. Neeley
Raymond Hayden	Katharine Newman
Marissa Henderson	Kevin O'Donovan
Seth S. Holbrook	Armand M. Pare
Chester D. Hooper	William Polikoff
Grady S. Hurley	RADM Steve Poulin
Christian Johnson	Anthony J. Pruzinski
Stephen B. Johnson	LCDR Lineka Quijano
Terence Kenneally	Lori Quinn
Larry Kiern	Donald Radcliff
John Kimball	Edward C. Radzik
Meredith Kirby	Thomas S. Rue
Sandra Knapp	Thomas A. Russell

Lindsay Sakal
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Douglas Shoemaker
David Skeen
Peter Skoufalos
Norman Stockman
Michael F. Sturley
David Sump
R. Mike Underhill
Dave Ventker
David Walker
Derek A. Walker
Deborah C. Waters
Tony Whitman
Andrew Wilson
Dan Wooster
Robert J. Zapf
Joanne Zawitowski

And 7 guests:

B. Jason Billow
Jack Daley
Daniel Macana
Fuji Miyasaki
Alessander Pinto
Luiz Roberto Leven Siano
Kevin Thule

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PRESIDENT CLYNE: I'd like to call the meeting to order.

I want to welcome all of you. Thank you for coming to Philadelphia – to this historic maritime city. We've had a great couple days of meetings, and we have a great program today, with the General Meeting this morning, the afternoon CLE, and the dinner this evening at this great Constitution Center. Of course now that we're all in one place and having all the activities here the rain has stopped. It just wouldn't be an MLA without the rain. Right?

Anyway, we'll start this morning with the officers' reports and then introduce our guests.

So Secretary's Report, Mr. Farrell.

MR. FARRELL: Good morning. I'd like to first thank Caitlyn Cassidy and Rebecca Christie of Palmer, Biezup & Henderson who helped you all with your John Hancocks coming in this morning. They also handled a number of other logistics for our meeting for which we are truly grateful.

I'd also like to thank Connie Kent of Magna Legal Services for providing court reporter services today *gratis*. In return, I would urge you all to consider using Magna for your court reporting needs here in Philadelphia and at home and in other ports. The website is www.magnals.com.

The Board does a myriad of administrative work, and you can read about these activities in our minutes, they're always posted on the website, but I just wanted to highlight two activities that we devoted substantial time to since our meeting in New York.

First, the website, and actually I'm going to defer to Lynn Krieger who will start the countdown to a November launch on that project.

Second is the *Comité Maritime International*, CMI. I'm not sure that everybody understands, but the CMI is comprised of the national maritime law associations from various countries, so it's kind of an international MLA.

The MLA recently had an opportunity to vote in June at the Hamburg CMI meeting on the draft international Convention on Recognition of Foreign Judicial Sales of Ships. The Convention had been well vetted but a vote was required by each member country.

The U.S. MLA initially abstained because we hadn't gotten an authorization from the Board to approve the draft. That was subsequently obtained and our vote changed to in favor. If the instrument is to be taken any further on an international level, the matter will be addressed to the membership at the Annual Meeting.

This is actually a problem that's developed in the United States and across the world in various countries where there can be judicial foreclosure on a ship, an auction sale, and the new purchaser takes the ship and tries to register it in a new country, but is unable to finalize that process because the old mortgagee refuses to remove its mortgage from the original nation's registry.

The convention addresses this problem, and the Board concluded that it was in U.S. interests to support the draft even if the United States does not ratify the eventual finalized version of the convention, as is likely.

Also, as a result of the confusion that's developed following the *Lozman*¹ case, the Board authorized President Clyne to send a letter to the CMI requesting that it conduct a thorough study on the definition of vessel, internationally and under the laws of different nations, so that we can assess where there is and isn't uniformity under various regimes and we can educate international maritime lawyers on the subject.

¹ *Lozman v. City of Riviera Beach, Florida*, 133 S.Ct. 735, 2013 AMC 1 (2013).

For example, what constitutes a vessel for documentation, for civil and criminal statutes, and for lay-up and permanent mooring purposes? We think getting some clarification on this will help out internationally as well as for us domestically as we deal with the fallout from *Lozman*.

And last, but not least, the Board continues to closely study and thoughtfully look at the role of the MLA with the CMI. This is a topic that's of great concern to Board members currently and to past Board members.

We had a presentation from our former Board member, Christopher O. Davis of New Orleans, who's a current CMI Vice President, and he spoke about plans for the CMI into the future.

This spawned a lively Board discussion on such topics as what does the CMI do and how can it be made more relevant; what is the CMI's significance to the Maritime Law Association of the United States and *vice versa*; what are the benefits and the value of CMI membership to typical MLA members; and can the MLA really be active on the international front with or without dealing with the CMI?

We're going to be looking at these issues and trying to learn about and improve the relationship as we prepare for the 2016 Spring Meeting in New York where there will be a joint MLA and CMI meeting. The Board will be continuing to address these issues in the months ahead, and I'll look forward to reporting to you on them.

That concludes my report. I move we adopt it.

PRESIDENT CLYNE: Second? All in favor?

Thank you, Dave.

Okay. Treasurer's Report.

MR. CONNOR: Good morning. Welcome to Philadelphia. I will apologize briefly. You were all here expecting the Phil Bern's memorial bagel and cream cheese, I'm sure, and we thought we were having that, but I guess we're not, so I do apologize.

The Association continues to be in sound financial shape; however, over the last year or so, we've had some extraordinary expenses, cost of living increases in such things as airfare, travel costs, and in particular, printing and postage. Also, we've had to make some advances in order to set up the CMI meeting in 2016.

The Board had a discussion yesterday looking at what we have in the treasury, what we will need going forward, to continue all that we do, we have decided to increase the dues by \$25 effective January 1st. It's the first real dues increase in several years, and certainly the amount of the dues is way below most associations that most of you belong to in addition to the MLA.

That brings up the next issue. Starting this year in January when the new website comes online, our billing process for your dues will be automated, and much like the credit card company, you will get a monthly bill from us until you pay it. It certainly will save us money in processing and be more efficient so you know what's happening. I'm sure that I'm preaching to the choir to those of you here because you have paid your dues, but sometimes people tend to open an email on their cell phone and then forget about it and they never get it to the accounting department. So the constant reminder will work better.

Which brings up the topic of back dues. Unfortunately, we have approximately 10 percent of our members who are currently in arrears in their dues. They have just recently received a letter, this time signed by our President, reminding them very kindly to show responsibility and to pay their dues in a timely manner.

But that being the case, I said I'm probably preaching to the choir because you are here and are very active and pay your dues in a timely manner.

And that concludes my report, Mr. President, and I move for its adoption.

PRESIDENT CLYNE: Second? All in favor? Thank you.

We don't take the issue of the dues increase lightly. We have an obligation to make sure that we're spending the Association's funds in a judicious matter, and we had a very, very lively debate at the Board meeting about the increase yesterday, but it's our intention to, once this increase is made, to keep the dues at this level for several years to come. We're hoping with the new website to be able to cut some costs.

I want to let everybody know we appreciate their support of the Association.

Okay. Our Membership Secretary, Barbara Holland, could not make it today, so Dave Farrell is going to give the Membership Secretary's Report.

MR. FARRELL: Since our May meeting in New York, there were six applicants recommended for Proctor status:

USCG CAPT Melissa Bert, from Miami now;
David R. Boyajian of Portland, Oregon;
Gary E. English of Norfolk;
Steve Gordon of Houston;
Jeanne M. Grasso of Washington, DC; and
Christopher R. Koehler of Tampa.

Also there was one Proctor who applied for reinstatement, 28 applications for Associate Lawyer membership, and one law student applicant.

As well there were two Non-Lawyer applicants:

T. Quin Leon of Houston; and
USCG LT Jeremy D. Maginot of Staten Island.

I regret, though, to report the deaths of 11 of our members since our New York meeting:

Edward C. Biele of Seattle;
Richard W. Buchanan of Seattle;
William D. Carle, III, of Lakewood Ohio;
Lisa M. Houlihan of Almeida, California;
Donald M. Kennedy of New York;
Dante Mattioni of Philadelphia;
David de C. Robles of Panama City, Panama;
Sheldon Tabak of New York;
Professor William A. Tetley of Montreal;
Lewis F. Ward, Jr., of Cincinnati; and
Wesley D. Wheeler of Stamford.

Please rise for a moment of silence and memory.

Thank you.

PRESIDENT CLYNE: I'd like to also remember the members of the Philadelphia Bar of the MLA, Jim Young, and all of the other members who have gone before us today.

We had a wonderful reception Wednesday night for Dick Palmer, the Past President from Philadelphia, and Dick just turned 95. He's going strong.

MR. FARRELL: So as of today, we are 2,859 members strong, and I know that Barbara Holland would urge you all to encourage lawyers and non-lawyers in your region to please apply for membership, which will be made very easy with the roll out of the new website. It can be done online, and we really do want

to keep the numbers healthy so that the MLA stays vibrant in the years ahead.

Thank you. That concludes my report on behalf of Barbara Holland.

PRESIDENT CLYNE: Is there a motion?

MR. FARRELL: And I move its adoption.

PRESIDENT CLYNE: Second? All in favor?

Okay. I'd like to introduce our guests. We had a terrific presence from the Coast Guard over the last couple days. We have with us today Vice Admiral Chuck Michel, Deputy Commandant for Operations; Rear Admiral Steven Poulin, Judge Advocate General and Chief Counsel for the Coast Guard; Captain Patrick McGuire, Chief, Office of Maritime and International Law; and an old friend of ours, Captain Melissa Bert with us today as well; and Lieutenant Commander Lineka Quijano.

So thank you for being here and taking an active role in the MLA.

We also have with us Luiz Roberto Leven Siano, who is the President of the *Instituto Iberoamericano de Derecho Marítimo*.

The IIDM is having their fall meeting in November, November 18th through the 21st. I have to tell you, they have a jam packed international agenda. It looks like an excellent program, it's on our website, and Luiz is going to give us some further information in a link if you're interested in participating in that meeting. So that will be on the website this afternoon. Thank you.

Okay. I'm going to ask Admiral Poulin to come up and say a few words.

ADMIRAL POULIN: Good morning to everybody, and thank you, Mr. President, Board members and members of the Association.

It's a real treat for me to be here this morning, as it always is to come to these Maritime Law Association meetings, especially here in Philadelphia, rich with such history, including maritime history.

Let me first add my voice to the chorus of those who have extended their deep appreciation to the folks who coordinated this event in Philadelphia. I know this has been a great week of meetings, and we were just really thrilled to be able to participate and support the MLA. So thank you to all those who coordinated this event.

You know, the Coast Guard really cherishes this relationship that we have with the MLA. It's a longstanding relationship, and I think as Bob mentioned, the number of Coast Guard folks who participated this week I think is a testament to the value that we place on our relationship with the MLA, and the fact that we have Vice Admiral Chuck Michel here, the Deputy Commandant for Operations, Captain Melissa Bert who has come here from Miami, and others, I think is a further testament to the value that we place on this tremendous relationship.

It's an opportunity for us to have great professional dialogue, not simply to explain to you what our Coast Guard priorities are, where we're going with our various programs, but also for us, our professional development, to have a dialogue with members of the Admiralty and Maritime Bar.

In New York, I had an opportunity to address you, and I had been on the job I think less than a month, so I was still very much getting my feet wet. Now I have the benefit of about six months on the job, and I thought I would just take a minute and share with you some of my priorities as a Judge Advocate General and Chief

Counsel, and there are a lot of issues that I'm focused on, but I just wanted to give you a sense of some of the more strategic issues that I hope to advance during my tenure.

The first is cyber security within the marine transportation system. I've had a lot of discussions with Admiral Michel about his emphasis on good cyber hygiene both within and without the Coast Guard and our responsibilities to prevent a transportation security incident. So I want to make sure I support him in his role as Deputy Commandant of Operations in ensuring that we have good cyber security within the marine transportation industry. So I'm focused on that.

The second thing is infectious disease control and what are we doing working with the industry to minimize the risk of infectious disease and its introduction through our ports.

Obviously, we've heard all about the Ebola situation. That is just one part of a larger effort to ensure that we have good practices and protocols in place, so I'm focused on that, and I'll tell you it was my life last week.

The other thing that I want to focus on is advancing our regulatory agenda to keep better pace with the industry. Industry has shown a remarkable ability to adapt to changes, both economic changes and technological changes, and our regulatory process is less agile and less flexible. So I want to focus on that to see what we can do to be more responsive and make sure we're carrying out our responsibilities to the community.

I will continue to focus on marine environmental protection. That is one of our key responsibilities. So that will continue to be a core business line for us.

And lastly, I will continue to focus on federal issues. The uniformity and predictability of maritime law is as important to the Coast Guard as it is to the maritime industry, and it has two

aspects: The first is our work through IMO to develop consistent and uniform requirements for international shipping. And we're glad to have Captain P.J. McGuire here who is head of the U.S. delegation to the IMO Legal Committee.

And second, it's our interaction with state and local authorities as well as to work with them to make sure they understand our posture with respect to federalism, preemption, and other issues, and I look forward to keeping an eye on that issue during my tenure.

So thanks for having us here. I appreciate it.

I'd be remiss if I didn't send a special thanks to Lineka Quijano for organizing this. She's our point person for the MLA and a longtime friend of the MLA, and I know she'll continue to be so.

So thank you again for having me here. I appreciate it.

(Applause.)

PRESIDENT CLYNE: Thank you, Admiral.

I just wanted to mention, we're going to recognize the Philadelphia Arrangements Committee a little bit later in the program. They've just done a tremendous job, and I can't thank them enough for their great work.

I also again want to thank the sponsors for putting on that terrific cocktail party last night.

Last, but not least, I really want to acknowledge and thank our host firms. To put on a meeting like this, it's really key to be able to get firms to sponsor the meeting and to provide conference rooms for our Committee meetings, otherwise it becomes a very, very expensive affair, and we've had great hospitality from the

firms. So we want to thank all of the Philadelphia firms that have hosted meetings.

We're going to start with our standing committee reports and we will start with Arbitration and ADR, Peter Skoufalos first, followed by Carriage of Goods, Dennis Cammarano.

Give your card to the court reporter and then take the microphone.

MR. SKOUFALOS: Good morning, everyone, and thank you Mr. President, for the introduction.

The Arbitration and ADR Committee met at the offices of Mattioni here in Philadelphia on Wednesday, October 22nd, in a meeting that was presided over by our Committee Chair, Leo Kailas, who couldn't be here today. And many thanks to the Mattioni firm, I want to reiterate, for their hospitality.

We had 20 members present at the Arbitration and ADR Committee meeting, four participated by telephone, so we had a good turnout.

The Chair, Mr. Kailas, opened up by reminding members of the November 13 forum that we're having in New York at the Harvard Club, and that will compare the perception and reality of New York and London arbitration, a topic that's of interest to those of us monitoring arbitrations in New York.

Clay Maitland and Liz Burrell gave a more complete presentation of the subject matter of that November 13 forum, and they described what the subject matter will be and the distinguished panel of New York lawyers, arbitrators, and industry representatives who are participating in that program on November 13, and CLE credit will be available for those who attend.

After that presentation, Lindsey East, our colleague from London, made a brief presentation of the Dubai mock arbitration that took place last spring with the participation of members of the New York arbitration community, including Jack Warfield, President of the SMA.

The mock arbitration was based on an actual spill incident, and it involved basically the audience participation in sitting as a panel of arbitrators and deciding whether the owner or the charterer was responsible for the cleanup costs.

This same mock arbitration will be held in London on November 3, again with SMA participation.

We then had a discussion led by committee member Jay Pare on expanding the power of arbitrators to accomplish nationwide service of subpoenas for document production based on recent amendments to Fed. R. Civ. P. 45, and I'm sure he'll be happy to share his work product with you.

We also discussed the impact of the Supreme Court's decision in the *Daimler*² case and its impact on enforcement of arbitration awards here in the United States.

Daimler, as you know, is the Supreme Court decision that severely restricted general jurisdiction over foreign entities.

So we had a good substantive discussion on all of those topics.

In closing, I would just like to express the committee's sincere thanks to Bob Dunn who was the committee's Secretary for six years and Bob is now retiring to his home in Colorado, and the committee is most grateful for his many years of service.

That concludes my report, Mr. President.

² *Daimler AG v. Bauman*, 571 U.S. 310 (2014).

PRESIDENT CLYNE: Thank you. Is Dennis Cammarano here?

Then Nash Bilosoly; Stevedores, Marine Terminals.

MR. CAMMARANO: Good morning, Mr. President, members of the Board of Directors, officers and Members of the Association and guests.

The Carriage of Goods Committee met yesterday, October 23, at the conference room facilities provided by Marshall, Dennehey, Warner, Coleman & Goggin, 2000 Market Street.

On behalf of the committee and those attending, I extend our special thanks to Ed Radzik for arranging our meeting space, and more importantly for his past five years of service as the committee Chair.

There were approximately 30 participants, several who attended by telephone.

The meeting began with introductions by committee Chair, Susan Dorgan, who unfortunately can't be here today.

What followed was an interesting presentation by Leanne O'Loughlin, Claims Director of Charles Taylor, on behalf of the Standard Club.

Ms. O'Loughlin's submittal with PowerPoint focused on the unique considerations in the increasing exploration, carriage, and passage through the Arctic's Northwest Passage and the Northern Sea Route passage above Europe and Russia. Of course, the Northwest Passage being at the top of North America.

This presentation was a stark reminder that the Arctic routes continue to be a focus of those seeking to explore, track, and transfer natural resources, but those routes are also providing

efficient pathways for commercial commerce, and of course, magnets for ecotourism.

At the same time, the harsh physical and unsettled legal environments provide direct and significant challenges for those engaged in shipboard operations, and in turn, those called upon to provide financial security for those operations, including all P&I, cargo, and pollution insurers.

The presentation made clear that the entire shipping community, including members of this Association, have a stake in the safe and profitable Arctic trade and integrity of the passages themselves.

Our next speaker during the meeting was Chet Hooper who provided us with a status of the proposed Rotterdam Rules and hoped for enactment in the United States and abroad. It seems the Rules are presently with the U.S. State Department, having withstood inter-agency review, and it was predicted that the Rules would move to the Senate for its consideration.

It remains apparent that several countries are awaiting the U.S. position before themselves acting on the Rules.

Then there was an open and lively discussion regarding some current considerations of those facing general average demands, including requests for pro-forma security deposits, against the backdrop of some high profile casualties, including the MOL COMFORT and the MSC FLAMINA.

Before the meeting concluded, there was a discussion regarding the outcome of several cases that are highlighted in the fall edition of the *Cargo Newsletter*, as well as their likely impact on future cases.

Those in attendance agreed that the subject matter discussed warranted further discussion.

Mr. President, that concludes my report.

PRESIDENT CLYNE: Thank you, Dennis.

I want to acknowledge and recognize one more special guest here today. We have The Honorable Walter Brudzinski, Chief Administrative Law Judge for the Coast Guard, with us, and Judge Brudzinski gave a terrific CLE on license revocation that you'll be hearing about later in the program.

We thank you, Judge, for that presentation.

Okay. Is Nash here? Followed by Fisheries, Terry Kenneally.

MR. BILISOLY: Mr. President, members of the Board and members of the Association, the Stevedores, Marine Terminals, and Vessel Services Committee met yesterday at Mattioni. We appreciate the hospitality shown by them, in particular we got hot Philly cheese steaks. It was pretty good. We had probably as many people as we had in New York, including several Non-Lawyer members who were there.

Tom Langan from Weeks Marine led a really good discussion, as he always does, on legal and legislative trends. The primary legislative trend was the clear movement on the East Coast to do away with dual jurisdiction within Workers' Compensation accidents and Longshore accidents.

That was first heard in Virginia, it was just heard in Pennsylvania, it is being pressed in South Carolina, and if South Carolina does it, Georgia will do it. Then there will be a clear, competitive issue going on, and we discussed that at some length.

We also discussed the merger of the 4th and 5th OWCP Department of Labor districts and how that is working. There was a great discussion about the privacy issues involved in that because

there's a lot of transmission of medical documents now that are taking place *en masse*, and how that's all going to play out was a very good discussion.

We were lucky to have Jim Bartlett there again to lead the discussion about what we think is probably the inexorable march towards *certiorari* on the issue of a seaman versus an employee under the Longshore Act. Not this time, and not in these cases probably, but soon. Every time there's a new case that comes out, it's got a different set of facts and different decision, and eventually the Supreme Court, we think, will certainly one day take a case, and this committee will report on that I'm sure.

We then had a really robust discussion about port congestion and how it's occurring on both the East and West Coast and how it's being addressed in different ways. There's a union issue because the chassis are being sorted out outside the union terminals and the unions want their jurisdiction. And that was a very, very good discussion led primarily by our Deborah Waters, who is our *de facto* secretary and moral compass at this juncture. She'll understand what I mean, and she sees it from both ways now.

And with that, Mr. President, thank you.

PRESIDENT CLYNE: Thank you, Nash.

MR. KENNEALLY: Thank you, Mr. President.

Good morning, my fellow members, guests. I'm Terry Kenneally. I'm Vice Chair of the Fisheries Committee. Mark Coberly, our Chair, cannot be here today, but he was there yesterday and conducted our meeting, which was held at Reeves McEwing here in Philadelphia.

Incidentally, Brian McEwing provided us with cheese steaks as well, but we topped it off, we also had a fantastic plate of

cookies and other sweets. So we have a great lunch every meeting.

In any event, we had approximately nine members in attendance at our meeting yesterday. Three of them attended by telephone, we also had two or three non-MLA members in attendance, one attended by phone. We also had Lieutenant Commander Lineka Quijano attend on behalf of the Coast Guard, and we appreciate her attendance there.

We also had two guest speakers. The first guest speaker was Dr. Michael Rubino from NOAA. He's the director of the Aquaculture Division for NOAA, and one of the interesting things we talked about was how, in aquaculture we see here in the United States, we're trying to address the fact that the majority of the seafood that all of us consume is imported from primarily Asia, and NOAA is trying to work with these people to develop more seafood development here in the United States through aquaculture and try to get that industry up and going, and NOAA is a big part of that.

So his information is on -- uploaded on the website. I encourage you to look at it if you have clients who are working in aquaculture.

One of the other things that came out of that discussion was the development of aquaculture in the Gulf and the Gulf states, and that's one of the things that we're trying to work on in our committee and continue to reach out to our fellow members from the Gulf, is to try to get them to participate, because you seem to have a large contingency from the northeast, a large contingency from the northwest and Alaska, but we seem to not have too many people from the Gulf. So we're reaching out to them, and hopefully they can come and visit with us and participate so we can share their concerns and issues from that area of the country.

Secondly, we had a guest attorney, Rick Marks. He is from the law firm of Robertson, Monagle and Eastaugh in Reston,

Virginia. Mr. Marks is a lobbyist, and he was giving us an update on the status of EPA's final report on the 2014 small vessel permit. That permit applies to any owner and operator of a non-recreational, non-military vessel less than 79 feet in length. I'm sure all the folks here represent some commercial vessel that's less than 79 feet.

What's happening in that situation is that on December 19, 2014, that's going to take effect. Congress has punted the last two times it's come up on two consecutive years. There's no indication right now whether when Congress comes back in session next month it's going to punt again, so we direct you to look at the EPA's website. So if you have any information or any questions, go to the EPA's website, or check us out at the fisheries portal.

I gave my typical fishery summary case law. I uploaded it to the website. It's also available out front here, and if you're interested in fishery law, we try to give a broad range of case law if anyone is interested.

Finally, our member, Steve Johnson from Seattle gave us an update on restriction of maritime fishing permits. Steve is working with our committee, as well the Marine Finance Committee, giving us updates with that progression with the Coast Guard.

Again updating 46 CFR Part 67, Steve recently told us that in a session with the Coast Guard that they'll participate perhaps, and there's going to be a proposal later, sometime in a year or so from now. So we'll see how that develops.

Steve also reported to us that they're continuing to try to get some other things passed through Part 67, so we'll see how that develops in the future.

And that concludes my report, Mr. President.

PRESIDENT CLYNE: Thank you. Inland Waters, followed by International Organizations' report.

MS. HENDERSON: Good morning. I'm Marissa Henderson, the Secretary of the Inland Waters and Towing Committee.

We met Wednesday morning at the offices of Blank Rome, and despite having only two official RSVPs, we actually had 20 in attendance and three call-ins.

We were fortunate to also have the Coast Guard with us, Admiral Michel and Captain P.J. McGuire. We thank you for your attendance.

And we also had Coast Guard Administrative Law Judge Michael Devine, and we thank him for his presence.

Our Committee Chair, Buckley McAllister, was unable to attend due to a conflicting AWO conference in Hawaii where I'm sure he had better weather than we did. And it fell to me as the newly appointed Secretary to chair the meeting.

We began with a discussion of the *McBride v. Estis Well Service*³ case. It's out of the Fifth Circuit *en banc*, and it denied punitive damages in unseaworthiness cases, and it's the first Circuit Court opinion to address the issue since *Atlantic Sounding v. Townsend*⁴ in 2009, and *McBride*'s a 73 page opinion with two concurrences and two dissents. It's very interesting, and reasonable jurists, I think, can go either way on this issue. So it's an issue to follow.

And my short summary of the *McBride* case is on our website.

³ *McBride v. Estis Well Service, LLC*, 768 F.3d 382, 2014 AMC 2409 (5th Cir. 2014).

⁴ *Atlantic Sounding Co. v. Townsend*, 557 U.S. 404, 2009 AMC 1521 (2009).

Next, our past chair and my law firm partner Dave Ventker, gave us a legislative update. He spoke on the promising path of the Vessel Incidental Discharge Act that is making its way through Congress. If enacted, it will establish a uniform standard governing ballast water and other incidental vessel discharges, and it will replace the current inefficient, complicated, and confusing jumble of federal and state laws and regulations that govern this issue now.

Information on this act is posted to our committee site, and we thank John Harms of the AWO, who is also in Hawaii, but we thank him for his information that we posted to the site.

Charlie Cummings was scheduled to give us a presentation for the Subcommittee on American's Marine Highway, but emergency dental procedures got in his way. He did submit a written report, which we will post to the website.

But Dave Farrell thankfully was there, and he was able to pinch hit. He gave us a brief update on a recent study that discussed, well, that concluded, unfortunately, that there are still market barriers to America's Marine Highway, and it concluded right now that rail and truck transportation is probably more economically feasible.

That concluded our meeting, and that concludes my report.

Thank you, Mr. President.

PRESIDENT CLYNE: Thank you, Ms. Henderson.

Okay. International Organizations, followed by Marine Ecology and Maritime Criminal Law, Katharine Newman.

MR. BUHLER: Thank you, Mr. President.

The International Organizations, Conventions, and Standards Committee met on Thursday, October 23, at the offices of Blank Rome. We thank them for their hospitality in hosting that meeting.

The primary purpose of the meeting was a general business and planning session for the committee to address any current issues of importance.

John Kimball gave a report on the CMI meeting in Hamburg in June. I will defer to him. He will be following me to give a detailed presentation of certain events of that meeting.

CMI has established a new committee on arbitration. This elicited a discussion of problems and issues with current arbitration forums and proposed alternatives.

Vincent Foley gave an update on the planning for the joint CMI/MLA meeting in New York in 2016. A detailed report of this will also follow my presentation.

We were pleased to be joined in the meeting by Vice Admiral Chuck Michel and Captain Patrick McGuire of the United States Coast Guard.

Captain McGuire updated us on the progress of the Polar Code through the IMO committees. Implementation of the code will be a key issue in 2015 and 2016.

The U.S. will also chair the Arctic Council starting in 2015, so that issue, which was addressed in a CLE program we had in May, will continue to be an item of importance in our committee.

The committee will commence a biannual newsletter to keep members informed of developments between the meetings. The effort is being spearheaded by our Young Lawyers representative Jessica Martyn.

We are planning a CLE program again for the May meeting, and details will be posted to our web page and in the newsletter.

And that concludes my oral report.

PRESIDENT CLYNE: Thank you, Phil.

Next Marine Ecology followed by Marine Financing, Marjorie Krumholz.

MS. NEWMAN: Thank you, Mr. President.

Katharine Newman, Chair of Marine Ecology. I wanted to speak to you about two things.

One is with respect to our newsletter. Please go to our website. On our committee page, we have a newsletter that's been spearheaded first by Dennis Minichello, and I followed in his footsteps, and I'm trying to do my best to provide the information that he initiated.

And that is work being done by Jennifer Porter, who solicited volunteers on my behalf, John Scarborough, Eddie Christian, Scott Gunst. All these people provided wonderful pieces of information and summaries for the newsletter.

Additionally, our Vice Chair has provided summaries of *DEEPWATER HORIZON*.

At the committee meeting itself, we had the true benefit of having Mike Underhill report on their significant work in the *DEEPWATER HORIZON* litigation.

They spoke to us about the gross negligence findings, willful misconduct, and also about punitive damages. Please read the decision.⁵ I think it's an important decision.

And in connection with punitive damages, please also refer to *U.S. v. ACL*.⁶ It's a decision, which on its face, handles other matters, but the discussion about punitive damages will also be important.

Thank you very much.

PRESIDENT CLYNE: Thank you, Katharine.

Marine Financing, followed by Marine Insurance and General Average, Andy Wilson.

MS. KRUMHOLZ: Thank you, Mr. President.

Members of the Board, members of the Association and guests. The Marine Financing Committee held a joint meeting with Maritime Bankruptcy and Insolvency, which is chaired by John Bradley, who couldn't be with us today. We met on Wednesday afternoon at the offices of Blank Rome.

Steve Johnson gave an update on the 46 CFR Part 67 project. As you will recall, the MLA filed a petition for rulemaking about a year ago to update Part 67, which contains the vessel documentation and mortgage regulations, to update regulations to reflect changes in law, and also to address some areas that have been identified over the years as not being covered in the regulations.

⁵ *In re Oil Spill by the Oil Rig DEEPWATER HORIZON in the Gulf of Mexico, on April 20, 2010*, 21 F.Supp.3d 657, 2014 AMC 2113 (E.D. La. 2014).

⁶ *United States v. American Commercial Lines*, 757 F.3d 420, 2014 AMC 2400 (5th Cir 2014), *cert. denied* 135 S.Ct. 1175 (2015).

The Coast Guard accepted the petition last year and opened a docket, as was already reported. We have heard that there may be a notice of proposed rulemaking published within the next year.

In the meantime, the Part 67 working group within the Marine Finance Committee is continuing to look at the regulations and consider other areas that haven't been addressed in the petition, specifically regarding citizenship. In the vessel finance area, we have to take into consideration citizenship eligibility for vessel ownership. In this process, we're looking at entities not covered by the regulations, such as defined benefit plans and not-for-profit corporations. We're also looking at some other issues that may be the subject of some additional comments by the committee. I expect to have more concrete items to report by the next MLA meeting in May.

We then had a report from Glen Oxtan. Glen chaired our post *Lozman* Working Group, and specifically the implications of *Lozman* in the area of marine finance. As a starting point, the Working Group has come up with some draft legislation as a way for us to focus on the topic. We had a great discussion about this. I think the consensus was while Glen's group's working draft aims for general applicability, we thought it would make more sense and maybe be more likely to achieve a change if we focused our efforts on the implications of *Lozman* on marine finance and vessel documentation.

The Working Group is continuing its work on this. We realize that anything we do has a much larger context, but I think it's a great way to focus us on what the issues are so that we can inform the other groups that are working on this matter of the implications in our areas of interest.

Bob Toney gave a report on the yacht industry and yacht and other recreational vessel finance.

Liz Burrell reported on the status of BIMCO's discussions regarding the possibility of creating ship financing forms. Liz has reported to BIMCO that there is not a lot of interest in the U.S. bar to do something like this, but the sense is that there's some sentiment for doing it from the banking community, or the international banking community, and I know there's a BIMCO meeting coming up. Liz will further report to us on developments following that meeting.

And finally, John Bradley reported on a recent bankruptcy case, *Genco*,⁷ in which the court gave substantial weight to a net asset valuation test when valuing a debtor in bankruptcy. It's a test that we see used a lot in financing, but John reported it is not commonly used in bankruptcy. The impact of that case was to squeeze out the equity interests in the shipowner in favor of the lenders.

And that concludes my report.

PRESIDENT CLYNE: Thank you, Marjorie.

Are you going to report separately on maritime bankruptcy or was that –

MS. KRUMHOLZ: That's it.

PRESIDENT CLYNE: Thank you. Okay. Insurance followed by Marine Torts, Charlie DeLeo.

MR. WILSON: Members of the Board, Members, Guests.

The Marine Insurance Committee met yesterday at the offices of Palmer Biezup & Henderson. We greatly appreciate their hospitality. I was pleased this morning to learn that it does sometimes get "sunny in Philadelphia"!

⁷ *In re Genco Shipping & Trading Ltd.*, 513 B.R. 233 (Bankr. S.D.N.Y. 2014)

We started off with a report from Julia Moore, who has taken over the *Marine Insurance Newsletter*, and she did a great job of presenting various cases. The *Newsletter* is now posted on the website.

She covered certain cases related primarily to the doctrine of *uberrimae fidei*, and the various approaches the different federal circuits have taken in applying that doctrine. Since the doctrine repeatedly arises as a major issue in the courts, she plans on eventually producing a chart to show the differences in the various federal circuits as to how they interpret it. Apparently right now, the Fifth Circuit is the outlier, and she's going to point out the different interpretations among the other Circuits based on various sources and how they are slightly different from each other. But the bottom line is the Fifth Circuit remains the outlier.

In addition, she covered various cases on the differences between certain interpretations of fortuitous versus non-fortuitous activities and/or events, and their implications. She also addressed some other cases related to particular policy provisions. They're all posted on the website.

The *Newsletter* also included an article from Rhys Clift with Hill Dickinson in London, and it was basically a follow up to his appearance at our meeting in the spring in New York, in which he covered various issues regarding reforms in English law.

Finally, Julia covered a couple of state law cases, as well as some involving references to both British and American law. It was pretty interesting.

Our next speaker was John Miklus from AIMU. He gave a detailed description of all the activities in which the organization is presently involved, including various educational activities. They use webinars, seminars, weekly bulletins; they offer courses. They have many courses on all clauses, and as we know, there are numerous forms. They also advocate on various *amicus* briefs.

And he covered the fact that they recently submitted a Fifth Circuit *amicus* brief in the *Sosebee*⁸ case in which AIMU addressed and defended the SB 23 form, distinguishing it from “claims made” policies.

Then Committee Chair *Emeritus* Joe Grasso covered various developments with CMI. And let’s see, also developments related to his involvement with his international working group on marine insurance.

Next David Walker covered developments with the BP litigation in Texas and what amounts to the fact that a \$750 million comma was left out of the policy, and the whole case may turn on, or turn out to be, a decision on the effect of leaving that comma out of the policy. That case is presently before the Texas Supreme Court on two questions certified by the Fifth Circuit.

And then finally we had a -- let’s see. We had our keynote speaker, Captain Ivo Knoblock, who’s a master mariner and an expert marine surveyor from CSL. He is the manager of the Baltimore office. He’s an expert witness, and in his talk he covered various major international incidents involving evidence of causation or the lack thereof. He also pointed out the importance of having foreign documents translated so as to leave no stone unturned. He said even letters home can be dispositive of the entire case! Finally, he also explained the meaning of the phrase “tap the admiral’s blood,” which was an interesting element of maritime trivia, and, which you only learned about if you attended the meeting.

That concludes my report.

PRESIDENT CLYNE: Thank you, Andy.

Marine Torts and Casualties followed by Offshore Industries.

⁸ *Sosebee v. Steadfast Ins. Co.*, 566 Fed.Appx. 296 (5th Cir. 2014).

MR. DeLEO: Thank you.

The Marine Torts and Casualties Committee met yesterday afternoon at The Seaport Museum.

We were going to hear from Alan Rhodes on the *McBride* case but unfortunately he got called to trial. Our Vice Chair Christina Schovajsa, who made the arrangements for him to speak before the *en banc* decision came out, pinched hit for us and had Alan send us his very good article which describes the majority fairly linear decision, the concurrence (which I think makes for very interesting reading), and also the dissent. We posted that article on the website.

We had 45 Members and guests and international guests as well.

Our Vice Chair Paul Hofmann from New York then spoke about some cases that are in the Fifth Circuit and the Fourth Circuit on the post-enforcement phase of Filipino arbitrations under the POEA and one decision from Baltimore where the district judge has refused enforcement based on public policy grounds of the award that was rendered in Manila. Tony Whitman, who was involved in the case with Paul, also gave us his perspective on that case which resulted in a spirited debate.

That was followed by a presentation by Becky Hamra on an overview of decisions on removability under general maritime law based on the amendments to the removal statute.

We will be continuing with the newsletter which should come out soon on the website.

That concludes my report. Thank you.

PRESIDENT CLYNE: Thank you, Charlie.

Now we'll have Offshore Industries.

MR. WALKER: Thank you, Mr. President.

David Walker, chair of the Offshore Industries Committee.

We met Wednesday afternoon at The Seaport Museum, which Charlie already mentioned is a really fantastic venue.

We had 26 attendees, 23 members and three international guests, two of whom are speakers, Enrique Garza and Fernando Escamilla.

Background of their presentation, the far background is that in 1938 under President Lazaro Cardenas, the United Mexican States appropriated all foreign interests in oil and gas production in Mexico, and ever since then, there's been a very strong nationalist streak in Mexico that oil and gas natural resources are part of the patrimony of the Mexican state and not for foreigners.

What's happened is that Mexico's oil, particularly oil has been declining precipitously, and they recognize that they need to increase their production of oil, and they don't really have the technological or other skills that are necessary to get that done. So there's been a profound sea change in Mexico, and that's what Enrique Garza presented to our committee. We're talking about oil and gas reform in Mexico.

And in broad terms, beginning, here again, for the last year, the Mexican government has instituted a whole series of reforms and change in regulations, which will change profoundly the role of the Petróleos Mexicanos, which was the sovereign national oil company of Mexico. A national hydrocarbons commission, which apparently has already been appointed by the President and will be very powerful, has made a lot of changes and has a bidding process for work on oil and gas in Mexico in the future.

And perhaps most interestingly, I think is a big carrot for getting more U.S. participation in the Mexico oil and gas industry, is the possibility of some contracts allowing for compensation to be made in production sharing as opposed to paying with currency.

So this was the lawyers of Mexico City giving a very detailed, and I think very interesting presentation to the committee. It was followed by questions and discussions, and they worked valiantly through technical difficulties. Their slides, which should have been shown, will be up on the committee page on the website.

That concludes my report. Thank you very much.

PRESIDENT CLYNE: Thank you.

Practice and Procedure followed by Recreational Boating, Dan Wooster.

MR. GILES: Mr. President, Officers, Board members, and Members. I think I was probably the tenth person in line to deliver this report. You know, the Chair of Practice and Procedures, Eddie Powers, is enjoying his week in trial in Norfolk. Gina Venezia, who actually chaired the meeting yesterday, had to go back to New York, so I'm here pinch hitting, and fortunately, she typed out a report that I can read to you guys.

So while you're all staring at me, I want you to develop a mental picture of Gina because it's probably a much better picture than what you're looking at right now.

The Practice and Procedure Committee met Wednesday morning at the offices of Montgomery, McCracken, Walker & Rhoads, who we thank for their gracious hospitality.

We had 20 attendees in person and one who participated by telephone.

We began the meeting with a spirited presentation by Gina Venezia of Freehill Hogan & Mahar regarding the use of social media in civil cases from the defense counsel's perspective. Ms. Venezia's presentation focused on issues of discoverability and admissibility of social media as well as ethical considerations in trying to obtain social media.

Her presentation led to a group discussion on a number of questions raised by the attendees.

Next, Alberto Castaner participating by telephone from San Juan, Puerto Rico, gave a presentation concerning the varied cost requirements of the U.S. Marshal in connection with the arrest and attachment of vessels.

Mr. Castaner had undertaken the study of a number of districts and found that the advance costs required by the Marshal to arrest or attach a vessel vary significantly among districts.

Mr. Castaner suggested that the Committee consider further action with respect to this issue. This led to a lively discussion in which it was pointed out that during the preparation of the Model Admiralty Rules, a decision was made to leave Marshal requirements to the individual districts since that had been the practice at the time, and since the different requirements are a function of the factors present in the particular jurisdictions.

A motion was then made to table the discussion until the spring meeting, which motion was carried.

We then turned to a discussion of some recent cases from the Second and Fourth Circuits. In particular, we discussed the *Sompo Japan*⁹ case that was decided a few months ago by the

⁹ *Sompo Japan Ins. Co. v. Norfolk Southern Ry. Co.*, 762 F.3d 165, 2014 AMC 1817 (2d Cir. 2014).

Second Circuit which held that an NVO acts as the agent of the underlying cargo interest with respect to the so-called exoneration clauses in the ocean carrier's bill of lading, whereby cargo interests are bound to an agreement to sue only the ocean carrier and none of the underlying carriers.

We also discussed the *Flame*¹⁰ case recently decided by the Fourth Circuit which held that U.S. law applies to the analysis of whether a particular claim is maritime, even if the claim is governed by a different substantive law.

This ruling is consistent with the recent opinions of the Second Circuit in the *Blue Whale*¹¹ and *D'Amico*¹² cases.

We also discussed the recent trial in the *Flame* case where the District Court found in favor of the plaintiff on the *alter ego* allegations, as this represents one of the few admiralty cases where *alter ego* allegations were actually tried.

Finally, we discussed the Second Circuit's decision from last year in *Blue Whale* in which the Second Circuit acknowledged that the Rule B requirement for the existence of a *prima facie* valid maritime claim consists of two subcomponents, the first being whether the claim is maritime which is governed by U.S. law, and the second being the *prima facie* validity of the claim which analysis is governed by the substantive law applicable to the claim. The Second Circuit further confirmed that the applicable substantive law is driven by a federal choice of law analysis.

Our meeting was then adjourned at noon. That concludes my report, or Gina's report.

PRESIDENT CLYNE: Thank you, Alex.

¹⁰ *Flame, S.A. v Freight Bulk Pte., Ltd.*, 762 F.3d 352, 2014 AMC 2014 (4th Cir. 2014).

¹¹ *Blue Whale Corp. v. Grand China Shipping Development Co.*, 722 F.3d 488, 2014 AMC 145 (2d Cir. 2013).

¹² *D'Amico Dry Ltd. v. Primera Maritime (Hellas) Ltd.*, 756 F.3d 151, 2014 AMC 1539 (2d Cir. 2014).

Recreational Boating followed by Regulation of Vessel Operations, Larry Kiern.

MR. WOOSTER: Thank you, Mr. President.

Ladies and gentlemen, the Recreational Boating Committee met yesterday at the offices of Reed Smith. We had 31 members in attendance -- most of them in person, and a few on the phone.

First we had a presentation from Todd Lochner of Annapolis. He talked with us about the sharing economy that's beginning to spread to the boating sector. You've no doubt heard of Airbnb or Uber for renting an apartment or a car. The peer-to-peer concept is now being carried over to boating. There are six or seven web-based companies in the business of arranging what amount to charters between boat owners and people who want to rent a boat for a day or two.

We talked about the insurance, regulatory, and tax issues that can arise from these transactions. Peer-to-peer boat rental is relatively new, and a lot of these issues haven't been worked out yet.

We also had a presentation from Dan Rutherford of Ocean Marine Specialties. He gave us some war stories from his work as a marine investigator and he talked about the distinction between a marine surveyor and a marine investigator and the kinds of cases that may warrant using a marine investigator.

We then heard from Bob Toney of National Liquidators who brought us up to date on the lending and sales market. Marine lenders remain conservative, though several companies do offer loans to less-creditworthy borrowers at significantly higher rates. Nationwide, dealers have been selling a higher volume of boats, but overall dealer profits are actually down.

We also had our usual review of the recent cases as reported in our committee newsletter, *Boating Briefs*.

And finally we heard from Lieutenant Commander Lineka Quijano of the Coast Guard's Office of Maritime and International Law. She gave us an overview of what the Coast Guard is up to in terms of regulatory proposals that could affect recreational boating. One proposal the Coast Guard is mulling over is a "preemption restatement" that would try to clarify the circumstances in which Coast Guard regulations will preempt state law. This was Lt. Commander Quijano's second presentation to our Committee this year, and we thank her for her input.

Mr. President, that concludes my report.

PRESIDENT CLYNE: Thank you.

Larry Kiern followed by Uniformity of U.S. Maritime Law, Kevin O'Donovan.

MR. KIERN: Good morning, Mr. President.

Officers, members of the Board, and Members of the Association. The Regulation of Vessel Operations, Safety, Security, and Navigation Committee had the great pleasure of participating jointly with the Marine Ecology and the Government Lawyers Committees in a very productive and insightful meeting this Thursday, yesterday afternoon at Blank Rome.

We deeply appreciate the support provided and the hospitality provided by the firm of Blank Rome, and our former Chair, Jeff Moller, who made all the arrangements.

I'd also publicly like to emphasize how much we appreciate the cooperation of Katharine Newman and Michael Underhill in the arrangement of this joint meeting.

Approximately 40 persons were in attendance, several persons by telephone.

Katharine has already provided you a report with respect to a portion of the meeting, particularly as it pertained to the Department of Justice presentations by Michael Underhill and Jessica McClellan, which were incredibly insightful.

Michael Underhill's presentation was quite striking with regard to DEEPWATER HORIZON, and I don't know if that information is going to be posted or available, but I would certainly recommend if you're interested in the case, it would certainly be worth your time to review.

With respect to the other speakers who pertained more particularly to the operation of vessel regulation, I'll highlight some of the contributions, particularly that of Captain P.J. McGuire from the Coast Guard who provided an overview of current Coast Guard issues with respect to towing vessel regulation and safety, the Polar Code, and very fascinating insights into the Coast Guard's ongoing and current actions with respect to the Ebola crisis.

For those of you who have clients who may be impacted by these developments, I would refer you to the Coast Guard's Marine Safety Information Bulletins, and Captain McGuire's presentation was extraordinarily helpful to us all.

He also responded to questions from the members about the status of the ballast water management regulation and the controversies concerning that regulation, and he also responded to questions about legislation which is pending on Capitol Hill with respect to that issue.

He indicated the Coast Guard is interested in a uniform standard and also in guidance with respect to preemption issues as they pertain to state regulations.

We were lucky to have at the Committee meeting Denise Krepp, who represents EMR Southern Recycling, and spoke to us about what she described as a robust ship recycling industry which has developed on the Gulf Coast of the United States, particularly along the coasts of Louisiana and Texas.

She highlighted for us the development of a new legislative proposal on Capitol Hill with respect to U.S. flag vessel recycling.

So I would urge all of you who have clients who may be U.S. flag vessel owners or operators who are contemplating scrapping their vessels to learn more about this and to contact Denise.

She pointed out that the legislative proposal would require U.S. flag industry vessels to be scrapped in the United States. This would pertain specifically to the vessels in the current marine security program who have been receiving government funds for vessel operations.

She mentioned that since 2005, the Maritime Administration has collected over \$70 million as a result of scrapping of government vessels, and that a portion of this money has been used to support the state maritime academies and also maritime heritage programs.

She reported that the Department of Homeland Security Inspector General has opened an investigation into the management of this program, and she told us to stay tuned for further developments.

She indicated that her client and other companies that support recycling in the United States have asked MARAD to oppose the Hong Kong convention with respect to ship scrapping and recycling.

We were especially pleased to have a presentation with respect to the Coast Guard suspension and revocation process. This CLE program was organized by our Vice Chair Dave Sump, and our secretary Alan Black, with the cooperation of Coast Guard participants, including Chief Administrative Law Judge Walt Brudzinski and Administrative Law Judge Mike Devine, and representatives from the Coast Guard Center of Excellence with respect to the suspension and revocation proceedings.

The program was a huge success. The membership had the option of bailing out at that point in the proceeding, and we were very pleased to see that the vast majority of the almost 40 attendees remained and participated for the 75 minute CLE.

The presentation featured a fact pattern which was developed by participants, and it enjoyed the benefit of insight from the Coast Guard Center of Excellence and the Chief Administrative Law Judge, and Mike Devine, another Administrative Law Judge.

It was an enormously productive experience, and it resulted directly from the Chief Administrative Law Judge's request to our Committee last May that we assist the Coast Guard with respect to the development of a skill-set among lawyers who are interested in providing *pro bono* assistance to mariners.

Mr. President, this concludes my report. Thank you very much.

PRESIDENT CLYNE: Thank you, Larry.

Uniformity followed by the Young Lawyers, Norman Stockman.

MR. O'DONOVAN: Good morning, Mr. President.

A spunky group of lawyers braved the cold and rain to join me at Palmer Biezup & Henderson on Wednesday afternoon for the Uniformity Committee.

We started off with Lieutenant Quijano, who apparently was at every meeting for the past couple of days, and she gave us an update on the Coast Guard's federal preemption. I prevailed upon her to tell us what the Coast Guard was doing about Ebola and infectious diseases, and we thank her for that.

We followed up with a discussion by Eric Daniel, who is the Young Lawyers liaison to the Committee, on the *McBride* case. I volunteered Eric to do this because he was involved in the briefing on the punitive damages and general maritime law issues in the MARDOC asbestos cases, so he discussed the decision by Judge Mack, and compared with the discussion in *McBride*.

After that, I led a discussion on a couple of cases that several people have already talked about earlier today, including the cases out of Louisiana and Maryland, in which the courts have held that, despite the Filipino arbitration award, those arbitration awards would not be enforced in the U.S. because the Filipino seamen did not recover the remedies that they were entitled to under U.S. law, and that U.S. law was applicable because these gentlemen were injured on a Liberian flag vessel in U.S. waters.

We spent most of our time at the meeting talking about admiralty jurisdiction and the various extremes that courts have taken in deciding whether or not admiralty jurisdiction applies, going from one extreme to another; for example, a court in Florida determined there can be a maritime attachment over the operator of a bus that was taking cruise ship passengers to go zip lining because that was considered as a traditional maritime activity, to the other extreme of the Texas Supreme Court, who recently decided that a passenger who was drinking on a charter fishing boat was not involved in a traditional maritime activity.

Mr. President, that concludes my report.

PRESIDENT CLYNE: Thank you.

MR. STOCKMAN: Thank you, Mr. President.

The Young Lawyers Committee did not hold a formal meeting in Philadelphia. We did, however, have a dinner last night, and we had several informal gatherings around town Wednesday night and Thursday night. I'll get to those later.

But first, since our New York meeting, the Young Lawyers have assisted with several projects of the MLA, including further work on the *amicus* brief project, which is nearing completion.

We also assisted in proofreading *The MLA Report*, and as you heard from Katharine Newman, assisted in the preparation of the newsletter *Bilge & Barratry* for the Marine Ecology and Maritime Criminal Law Committee.

After the cocktail reception last night, the Young Lawyers retired to Tinto Restaurant for dinner. We had about 20 people in attendance, which we felt was a good turnout. The food was wonderful, the camaraderie was wonderful. A special thanks to Dan Wooster who organized the event.

On Wednesday and Thursday evening, we had several gatherings around town. The details of those gatherings are, as always, confidential. This is a rule that is of general application to Young Lawyers Committee events. The wisdom of that rule was never more evident than here in Philadelphia.

I am, however, authorized to provide some information concerning one of the outings, which involved *karaoke* at an Irish pub.

We learned several things from that outing. First, late night karaoke in an Irish pub in Philadelphia is a pretty good time. Second, some of our Young Lawyer Committee members have an

unusual talent for *karaoke*. And if you've never heard a maritime lawyer giving a spunky rendition of Shaggy's "Boombastic," you've missed out on something. But if you see me after the meeting, I do have a video.

Mr. President, that concludes our report.

PRESIDENT CLYNE: Norman, I assume that BandAid on your face has nothing to do with last night.

MR. STOCKMAN: Preexisting condition.

PRESIDENT CLYNE: Thank you.

I had the opportunity to join the Young Lawyers for a little while last evening. They had a good crowd, and we're happy to see a number of young lawyers in Philadelphia join the group. So thank you.

Okay. Now we're going to have just a few special committee reports, we're winding down here.

But I would ask John Kimball to come up to talk about CMI, followed by Vince Foley who will talk about CMI 2016.

MR. KIMBALL: Thank you, Bob.

As Dave Farrell mentioned earlier, the CMI met in Hamburg in June. The meeting was very well attended, and I was very pleased that the United States had a strong delegation.

It was a very successful meeting in many ways, including the completion of the Beijing draft convention on judicial sales.

The CMI is focused on a wide range of topics, many of which are very relevant to your law practices. I urge you to support the CMI. I realize that the CMI is a topic of debate in our

Association. But right now, we're joined at the hip. We are going to be hosting the CMI in 2016, and I hope all of us will support that meeting. Vincent will talk about that.

The CMI has a lot of activities going on. They are promoting participation by young lawyers. There are opportunities for members of this Association to be involved in committee work.

The CMI is focusing on many of the same topics that we are concerned with, except on an international level.

The CMI will meet next in Istanbul in June of 2015, and I hope this Association will have a strong attendance at that meeting as well.

PRESIDENT CLYNE: Thank you, John.

Vince?

MR. FOLEY: Good morning Mr. President, Officers, fellow Members.

I'm Vincent Foley. I'm here to report on the planning of the CMI conference in 2016 in New York.

There has been -- as John Kimball and Dave Farrell have told you -- a lot said at this meeting about the CMI. The CMI is a group of maritime law associations from different nations, and it's comprised basically of maritime lawyers from those different jurisdictions, and not just maritime lawyers, but maritime lawyers like ourselves who are really interested in the development of maritime law, uniformity issues, participating in their own jurisdictions and then joining internationally.

So I think that's important to think about when you're trying to -- when you think about who is CMI and what type of organization it is. They're maritime lawyers, just like us, except from some 50 jurisdictions around the world.

We had a planning meeting yesterday, Thursday, October 23 from 4:00 to 5:00 PM at the offices of Marshall Dennehey.

The CMI conference is planned for May 3 through 6, 2016. It's planned to coincide with our spring meeting in New York. We have booked the New York Hilton, which is a great location on 53rd Street and 6th Avenue right in the heart of Midtown. There's a city block of conference space that we're going to use for the conference, as well as ballrooms and a grand ballroom for our joint dinner on Friday.

The CMI conference will start Tuesday night with an opening ceremony. We're expecting about 400 attendees, 300 delegates, plus 100 accompanying persons from all the different maritime law associations around the world.

There will be two working day sessions, Wednesday and Thursday, from 9:00 to 5:00, and on Friday a general assembly where the CMI will meet and discuss the work they accomplished during those two days.

And when we talk about the work that they're doing, the MLA and the CMI are now coordinating between MLA committees and CMI international working groups and subcommittees.

So CMI is made up of international working groups and subcommittees that address very similar issues to a lot of our MLA committees, and the topics that we are looking at addressing in 2016 include Offshore Activities, Arctic issues that have been mentioned in several committee reports today, General Average and York-Antwerp Rules, which is a special area that the CMI still has jurisdiction over, and there will be about 20 percent of the

program that's going to be developed as we move towards May 2016, so we can address the most important issues to both the MLA and the different member organizations of the CMI.

As for other events, we are planning a joint cocktail party on Wednesday evening, about a two hour event. We are looking for someplace Midtown. We looked at Rockefeller Center, we've looked at maybe Cipriani's in Grand Central Terminal, someplace that will be close to the hotel venue.

On Thursday night, John Kimball is planning a lecture, where we're looking for a very prominent legal speaker, a Supreme Court judge or someone of a similar caliber, and that will be a joint participation with the CMI and the MLA.

And on Friday, we are having a dinner with, we are expecting up to 1200 persons, the 800 that we normally get from the MLA dinner, and the 400 from the CMI, all in the grand ballroom at the New York Hilton.

That concludes my report.

PRESIDENT CLYNE: Thank you, Vince.

This issue of the CMI is a difficult one for us. As many of you know, our organization was formed, in part, as a constituent member of the CMI. So this is a discussion that's going to go on. The question has been raised what does the CMI do, since the IMO has essentially taken over the task of convention drafting?

We have to help them solve that problem. We need to go to them and give them ideas about what they can do to make the CMI more relevant -- we've taken a step in that direction. We have asked them to undertake an international study as to what is a vessel in different jurisdictions. We want to bring that information back to our Members to help them with their international disputes.

But this will be an ongoing issue that we need to talk about over the next couple of years.

As John said, we are, until May of 2016, joined at the hip with CMI, and Vince has done a great job. There's a tremendous amount of planning to put this meeting together, and Vince and the committee are working through the issues. So thank you.

Okay. Chet Hooper, you wanted to talk about the Rotterdam rules.

Liz Burrell, do you want to talk about the report on BIMCO or –

MR. HOOPER: Thank you, Mr. President.

I think this is my 23rd annual report on the Rotterdam Rules.

We are now -- basically the State Department is meeting now with all interested parties to try to clear the way in the Senate for the Rotterdam Rules. I think as soon as that way has been cleared, and there are no objections that we can foresee in the Senate, the Rotterdam Rules will go to the Senate for its advice and consent, and then back, of course, to the President for ratification.

We don't know when this will happen, we think maybe 2015. Maybe I can say something next meeting, but that's about it.

The State Department is working very hard on it, and hopefully we'll see some results soon.

While I'm up here, I'll also mention *The MLA Report*. I'd like to acknowledge the members of the Young Lawyers Committee who acted as assistant editors: Corey Greenwald of Clyde and Co. in New York; Patrick Ward of Hand Arendall in Mobile; Ben Segarra of Maynard Cooper in Mobile; and Richard Beaumont of the Tulane Law School.

David Nourse and I ask all the committees to send us their newsletters in Word format. We go through the newsletters to unify the format. David Nourse does an awful lot of work on that. We then divide the newsletters and send them to the assistant editors; they correct citations and update citations. They do a lot of work. After they send them back to us, we proofread them again, add a table of cases, and prepare to be printed.

I should say that David, in his retirement, is farming the land that his family has farmed in Massachusetts since 1722; if it's raining outside, I know I'll get a call from David, or an email from David, because he's working on *The MLA Report*. If the weather is good, he's probably outside with his cattle. David does a tremendous amount of work on the *Report*. Thank you.

I understand in the future, to save postage, it will only be mailed to those who take the affirmative action of requesting a paper copy.

If not too many are interested, maybe with the new website, we have to question the need for it, but we'd like to hear your comments.

PRESIDENT CLYNE: Thank you, Chet.

Liz Burrell, BIMCO.

MS. BURRELL: Good morning, Mr. President, members and guests.

I am the coopted delegate of The Maritime Law Association of the United States BIMCO Documentary Committee.

The title is one that I find confusing, but in any event, it means that I attend the Documentary Committee meetings at BIMCO, which take place twice a year, at which that committee considers the drafting and works on the drafting of both entire

contracts for transactions, as well as particular clauses to meet situations that come up.

So for example, a few years ago, there was a very, very, very hard and concentrated effort on producing a contract for hiring guards to protect vessels from piracy. So there are contemporary issues that are addressed very expeditiously. There are other longer term projects.

At the moment, the BIMCO Documentary Committee is considering drafting a uniform financing agreement. I've heard from many members of this Association that they think it would be a very bad idea, particularly a bad idea here in the United States. But unfortunately, BIMCO -- not unfortunately, but the fact is that BIMCO is an owner's organization and not a lawyer's organization, and therefore is more swayed by commentary from people in the industry on its efforts than it is by a U.S. maritime lawyer sitting there and telling them what she thinks people want.

So if you have any clients, if you know people in the industry who oppose the idea or think it's not going to be very fruitful to try to produce a single financing agreement that everybody will always agree to, then please, please contact me, let me know the names of such brave individuals who are willing to give their opinions on the side of this question.

In addition, if you ever have any ideas about a clause that is needed, something contemporary that has arisen suddenly, for example, the Ebola crisis, whether there should be a clause developed quickly to be put in charter parties and other relevant documents that would somehow allocate the risks and burdens of any outbreak, of any contamination and so forth. Again, please send those to me.

While I'm up here on international matters, I will say that I've noted that the CMI has been more mentioned during this particular meeting than any meeting that I can recall in the past.

I think that's really great. I think that this is a subject that this Association should consider, each member should consider.

I also chair a committee of the CMI on its own future, and it is a small working group, and we're trying to come up with ideas that would indeed promote the existence and relevance of the CMI for centuries to come.

In this connection, though, of course we know that this particular nation has not acceded to many maritime conventions, and therefore, in terms of much of the work, not all of the work, but much of the work of CMI is, therefore, not immediately relevant to many of our practices. However, it is valuable. And I do think that if there are any ideas that you have about how the CMI can provide more benefit to U.S. maritime attorneys, I strongly urge you to convey those ideas to me because we have a forum now for those ideas.

I thank you very much for your attention, and I do hope to hear from many of you.

Thank you.

PRESIDENT CLYNE: Thank you, Liz.

Okay. Lynn Krieger, Website.

MS. KRIEGER: Thank you, Mr. President.

Officers, fellow Directors, and Members, my name is Lynn Krieger, and I've been working on the website.

First I'm going to hand it to Kevin for using "spunky" to describe his Uniformity Committee meeting. Spunky is not a word I would use to describe the Uniformity Committee off the top of my head. Maybe I'm going to the wrong meetings.

So when I first stood up at the General Meeting over a year ago, I compared the website to the Rotterdam Rules, which we hear are coming. Now, I compare it to the rollout of Obama care. I think we'll be better off than the healthcare website. We did not use the same website developers, I can assure you.

We are about ready to launch, and we're in the process right now of moving the data from the old website to the new website. That process will take about two weeks.

We are going to send out an email to all of the Members at the end of the two-week period, notifying all of you that we're going to shut down the old website for about 48 hours, it will be offline, and during that time, we're going to finalize the transition. We're going to do our quality control checks, and you're going to receive another email that says everybody gets to log in to the new website, you'll re-register there.

We think the new website is going to be a lot more intuitive to use. It will have a lot of things that you can read to help you. We have online video tutorials that will help you learn how to do things like online voting and posting documents to your committee pages.

In addition -- and the reason we say please register as fast as you can when we first notify you it's available -- we have a 60-day period with our website developers during which time they will field questions and fix any glitches that we have.

We want the new website to be an effective communication tool for our Members. We want it to be a resource, we want it to be a draw for new Members, and in order to do that, we need the website to be dynamic and relevant, and in order to be dynamic and relevant, we'll need input from all of you. We want people in our membership and outside of our membership to contribute commentary on new case decisions, news, online discussions, all the things that we are fairly used to these days, and that will make our website relevant and useful.

So in the next few weeks and going on into the future, please take the time to figure out ways you as Members can contribute. We will likely reach out to you, probably reach out to Committees to help in this effort.

So again, thank you all for your patience in the last year-and-a-half. We are looking forward to hearing your feedback, and the new website will be launched very soon.

Thank you.

PRESIDENT CLYNE: Thank you, Lynn.

I really do appreciate everybody's patience on this. This has been a larger undertaking than most people anticipated. Lynn has put in a tremendous amount of time on this on a voluntary basis.

So we will get there. We will send out a notification instructing you what to do and letting you know when the website is live.

I know some people in the last couple of days had difficulty logging in. Please bear with us. And please let us know if you have any further issues with the website.

Thank you.

Okay. Mike Underhill, Government Counsel.

MR. UNDERHILL: Good morning. Mr. President, I scoured the MLA rules and I found no prohibition against taking one's baseball gang colors up to the podium.

The story is that my priorities today are with the MLA, even though my heart is in San Francisco with the opening game of the World Series between the Giants and Kansas. The good news is that my wife backs up my commitments to the MLA, although I think the reason is because she scalped my ticket tonight for the amount of a

down payment for our daughter's first year of college. So it was a win/win for all of us.

We had our committee meeting. Thanks very much to Katharine and Larry for the joint presentation in which we all collaborated.

My colleague from Justice in D.C., Jessica McClellan, who is the Vice Chair of our Government Counsel Committee, was also an integral team member of the DEEPWATER HORIZON trial team.

We gave a presentation, a PowerPoint on Judge Barbier's recent decision.¹³ I've had a request to provide that, put it on the website, or I should say the website for the committee, and I'll do that.

The audio video won't come through, particularly a demonstrative from the President of the Commission, which gave us an overview of deepwater drilling, which might be useful for those of you who are making presentations to clients that are not from the industry. I'm pretty sure that won't transfer up to the website; that is, the audio video of the deepwater drilling example, but I can try to figure out, with perhaps Lynn or others. Alternatively, I've got it on my computer, so we can drop it onto a CD-ROM and make it available to those who ask for a copy.

In short summary, the DEEPWATER HORIZON presentation was summarizing Judge Barbier's recent findings of gross negligence and willful misconduct against BP. The case made me regret that government attorneys don't do work on contingent fees. Even a slice of 18 billion dollar potential would probably even do better than my wife is going to do tonight selling my Giants ticket.

¹³ *Supra*, n.5.

There were other aspects of the court's decision besides the issues between BP and the government concerning the Clean Water Act penalty. There are a lot of other factual and legal issues decided in the court's ruling that are highly relevant to other, non-government maritime law practitioners, such as the court's ruling concerning punitive damages. Judge Barbier found as a factual matter that the gross negligence and willful misconduct of BP would warrant the assessment of punitive damages; however, the court indicated it was constrained under existing Fifth Circuit law regarding the legal standards governing punitive damages. So while the court held that BP's actions factually would warrant the assessment of punitive damages under the legal standards of some federal circuits, as well as under the *Restatement*, Fifth Circuit law (*P&E Boat Rentals*¹⁴) precluded punitive damages under the facts of the case.

The court nevertheless cited other jurisdictions, such as the Ninth and First Circuits, where the same factual findings would have warranted punitives. One can likely assume that some of the parties, such as the private plaintiffs and perhaps the states, will appeal the punitive ruling and seek *en banc* by the Fifth Circuit to review its prior decision in *P&E Boat Rentals*. Ultimately, I think for probably many, many meetings to come we'll be reporting on this case up through the Fifth Circuit, and I think it very well could end up in the Supreme Court on one or more issues, including the matter of punitive damages.

So that's the end of my presentation. Thank you, and thank you for tolerance of my San Francisco Giants gang colors.

PRESIDENT CLYNE: Thank you, Mike.

Okay. 2015 Bermuda Arrangements Committee, Jim Moseley.

MR. MOSELEY: I'll be brief. I am pleased to report that the 2015 meeting will be at the Fairmont Southampton in

¹⁴ 872 F.2d 642, 1989 AMC 2447 (5th Cir. 1989).

Bermuda, and we are going to have the normal complements of golf, tennis, Fun Run, dinners, taco parties and CLE. We'll also have committee meetings.

And the property is beautiful. I'm pleased to report that there was no damage with the recent hurricane, and we are going to appoint a weather czar for this meeting. It won't prevent bad weather, but at least we'll have someone to whom you can complain if something happens.

But we're excited. We met yesterday at the law firm of Ricci, Tyrrell, Johnson & Grey. We appreciate their courtesies.

And we are busy planning the committee meeting, and it will be a big success, and we look forward to seeing you a year from right now, October 20 through 24, where it's currently 75 degrees and sunny.

Thank you.

PRESIDENT CLYNE: Thank you, Jim.

I'm going to call on the First Vice President to talk about the 50th anniversary of Tulane in the fall of 2016, as well as what we're looking at in the fall of 2017.

MR. WATSON: Thank you, Mr. President.

As I reported previously, in 1966 this Association held its meeting in New Orleans, and that was the first meeting this Association ever held outside of New York.

That meeting was held in conjunction with the first Tulane Admiralty Law Institute, and in celebration of the 50th anniversary of those two events, in the fall of 2016, we're going to be meeting in New Orleans, again in conjunction with the Tulane Admiralty Law Institute.

Grady Hurley and Bret LeBreton are co-chairing the coordination with the Tulane Institute on behalf of the MLA.

I think this is going to be a spectacular meeting. We're looking at the week of October 24, and more details will follow.

Yesterday, the Board approved the site for the 2017 fall meeting, which will be held at the Silverado Resort in Napa Valley, California.

The Silverado Resort is a venerable old resort with two wonderful golf courses. They held a PGA tour event there two weeks ago, and needless to say, Napa Valley, California is a lovely place to be.

And unlike hurricanes, which occur at random, once an area has an earthquake, it's very unlikely they will have another one for a long time. And they had theirs a couple months ago. So I think we'll be safe in that regard. I think that will also be a very nice place for our meeting.

PRESIDENT CLYNE: Thank you, Hal.

Okay. Before I call on Sandy Knapp to talk about this afternoon's CLE, did I miss anybody that wanted to speak?

Okay. Sandy?

MS. KNAPP: Welcome to Philadelphia, everybody. I want to make that personal remark.

(Applause.)

It's been great. This afternoon's CLE is going to be fantastic. Bob and I want to make a plug for you to attend the CLE this afternoon. I know it's a nice day, but you have a two hour break between this General Meeting and the CLE, which starts at

two o'clock, and then you have a two hour break between CLE and dinner so you can enjoy the day.

I should say you're in the historic district here, so if you have time after this meeting, definitely walk around and check it out. If you haven't seen this museum in particular, it's one of my personal favorites, so definitely check it out.

With respect to the two hour CLE, we have a Third Circuit Judge from right across the street. She will be coming over and addressing our group. Since we are in the Constitution Center, we contemplated Article III of the Constitution. I'll read it in part, "Judicial power shall extend to all cases of admiralty and maritime jurisdiction."

Why are admiralty and maritime both mentioned? Who wanted that clause in the Constitution? It is very interesting. If you want the answers to those questions, come.

And we will also have a panel discussion, including a former Chief Judge, District of New Jersey, on how to educate federal judges on maritime law without insulting them.

And then the second part of our program, very practical, very interesting on vessel and port security. We have our local Congressman Patrick Meehan. He is very involved in maritime issues. He is on the Committee of Homeland Security, plus the Transportation Committee. And he subchairs the Cyber Security Committee of Homeland Security.

We also have someone from Homeland Security who's going to be here, Joseph Mayer, he's Principal Deputy General Counsel. We're very honored to have him here. Both of these gentlemen should be friends of this organization, so I hope there's a great turn out for that.

We also have Cynthia Hudson, who is CEO of Hudson Analytix, a consulting firm. They work with a lot of our clients on

security issues and other issues, including environmental. We are very delighted to have her come talk to us.

So with that plug, I hope to see you later. Come back, and definitely enjoy Philadelphia and the rest of your time here. We are very pleased to have everybody here.

PRESIDENT CLYNE: Thank you, Sandy.

We'll actually have a two-and-a-half hour break, unless you know something that I don't know.

Okay. Last, but certainly not least, I wanted to recognize and thank from the bottom of my heart the Philadelphia Arrangements Committee.

Frank DeGiulio, one of the Co-Chairs, unfortunately cannot be here today. As many of you know, he suffered a very bad leg break a week-and-a-half ago and he had to go in for further surgery today. We are very, very indebted to Frank and all the work that he's done.

The other Co-Chair, Henry Lucas, also has done a fabulous job, and you saw the fruits of that last night.

So thank you very much.

What I want to do is call the names, it's a long committee list, and a lot of people did a lot of good work, but starting with Henry, if I can call the names -- if you are here on the Arrangements Committee, if you can come up front, I'd appreciate that.

Okay. Henry Lucas, Rick Whelen, Bob Degan, Carl Buchholz, George Zacharkow, Kevin O'Donovan, Jim Johnson, Lisa Reeves, Steve Galati, Gene Mattioni, Steve Calder, Sandy Knapp, Fred Kuffler, Mike Merlie, Jeff Moller, Chuck Neely,

Charlie McCammon, Stan Sneath, Brian McEwing, Gene Maginnis, Basil Frens, Dan Wooster, Jessica Martyn, Kevin Thornton, Jim Maley, John Levy, and Mike Keating.

I hope I didn't forget anybody, but if I did, please come up.

A round of applause.

(Applause.)

PRESIDENT CLYNE: Thank you very much. It takes a tremendous amount of work. Thanks to the rest of the Committees.

Okay. So dinner starts at 6:00 tonight. Looking forward to seeing you all there.

Is there any new business?

Okay. I will call on our most senior Past President, Chet Hooper, to make a motion.

MR. HOOPER: Thank you Mr. President. It's a great meeting. I just have one hope for you, that you'll finish the things that you started in your Presidency faster than I have.

I move to adjoin.

PRESIDENT CLYNE: Second? All in favor? We're adjourned. Thank you.

11:27 AM

**MINUTES OF THE BOARD OF DIRECTORS'
MEETING OF THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES**

Held at Garvey Schubert Barer,
Seattle, Washington

on

Saturday, August 9, 2014
9:00 a.m.

The August 9, 2014 meeting was called to order by President Robert G. Clyne at 9:00 a.m. In addition to President Clyne, the following Officers were also present:

Harold K. Watson, First Vice President
Francis X. Nolan, III, Second Vice President
David J. Farrell, Jr., Secretary
William Robert Connor, III, Treasurer
Barbara L. Holland, Membership Secretary

The following Directors were present:

Robert B. Parrish, Immediate Past President

Charles B. Anderson	Boriana Farrar
Michael K. Bell	Lynn L. Krieger
Katharine F. Newman	Daniel G. McDermott
Joseph A. Walsh, II	Donald C. Radcliff
Christopher E. Carey	Kevin J. Thornton
John S. Farmer	David N. Ventker

At President Clyne's invitation, Past Presidents James F. Moseley, Howard M. McCormack, and Thomas S. Rue also attended the meeting.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes from the May 1, 2014 meeting of the Board of Directors held in New York City.

TREASURER'S REPORT

Mr. Connor discussed his Quarterly Report for the three months ending June 30, 2014 and summarized that the MLA's finances are in good shape.

Notably, the Annual Spring Dinner, which normally runs a small deficit, held at Cipriani Wall Street on May 2, 2014, lost only \$930 this year due in large measure to a reduction of about \$3,000 in printing costs from last year.

Mr. Connor provided a dues update and list of delinquent members, requesting that Directors contact people on that list whom they know. He anticipated that with the new website there would be automatic pop-up reminders and monthly duns to delinquent members.

Mr. Connor also addressed projected expenditures based on itemized MLA income and expense data along with summary pie charts he prepared for 2011, 2012, 2013, and year-to-date 2014. This highlighted, for example, that our spending patterns are not uniform year-after-year, with printing costs for the MLA Directory, for instance, incurred only during even years.

President Clyne then noted that going forward, for those quarterly Board meetings when expenses are reimbursed, Directors would be limited to two days' and Officers limited to three days' expenses. He noted the importance of maintaining a prudent reserve in the MLA treasury in the event of an extraordinary expense, as for example could have been incurred had Cipriani Wall Street not agreed to accommodate us when we were forced

to cancel our Fall 2012 New York City Meeting due to Superstorm Sandy.

The Board next held a discussion on membership reinstatement, to clarify whether different dollar amounts should be assessed depending on whether the member was up-to-date or delinquent with dues payments upon membership termination. On motion duly made and seconded, the Board unanimously approved as policy that following the Board's approving a former member's reinstatement, before the reinstatement becomes effective (1) a \$250 reinstatement fee plus the current year's dues must be pre-paid by those members whose membership had been terminated for non-payment of dues whereas (2) just the current year's dues must be pre-paid by those members who resigned their membership in good standing.

On motion duly made and seconded, the Treasurer's Report was unanimously approved.

MEMBERSHIP SECRETARY'S REPORT

Ms. Holland reported that Ex-Officio member USCG CAPT Melissa Bert of Miami, FL had applied for Associate Lawyer membership in the Association but in view of her previous service and contributions to the MLA, the Board in its discretion under By-Law 204 waived the four-year requirement for Proctor Status in her case.

Ms. Holland reported there were thirteen applicants for Associate Lawyer membership:

Laura Bond
New York, NY

Mary Clymer Brownlee
Hillsboro, TX

18582

Theresa M. Carroll
Philadelphia, PA

Joseph Z. Cavanah
Galveston, TX

Phillip C. Choi
Houston, TX

Annette C. Clark
San Diego, CA

Christopher N. Harrell
Norfolk, VA

Jack S. Kallus
Boca Raton, FL

William Patrick Keith
San Diego, CA

Steven E. Psarellis
New Orleans, LA

Manford Benjamin Susman
Los Angeles, CA

Christine M. Walker
Miami, FL

Matthew E. Waters
Seoul, Korea

One application for membership reinstatement as a Proctor was received:

Ronald J. Anania
Davie, FL

Ms. Holland regretfully reported learning of the following eight deaths since our May 1 meeting:

Edward C. Biele of Seattle, WA
Life Member: elected 1954

Richard W. Buchanan of Seattle, WA
Life Member: elected 1964

William D. Carle III, of Lakewood, OH
Life Member: elected 1964

Lisa M. Houlihan of Alameda, CA
Proctor: elected 2005

Dante Mattioni of Philadelphia, PA
Life Member: elected 1972

Prof. William Aubrey Tetley of Montreal, Canada
Honorary Member: elected 1984

Lewis F. Ward of Cincinnati, OH
Non-Lawyer: elected 1986

Wesley D. Wheeler of Stamford, CT
Non-Lawyer: elected 2002

With the above membership changes, the MLA's total membership now stands at 2,845 and is comprised as follows:

VOTING MEMBERS

Proctors	1289
Associates	1176
Non-Lawyers	177
Academic	28
Subtotal	2670

NON-VOTING MEMBERS

Ex-Officio	15
Honorary	4
Judicial	122
Law Students	34
Subtotal	175

On motion duly made and seconded, the Board unanimously adopted Ms. Holland's report.

FIRST VICE PRESIDENT'S REPORT

Mr. Watson noted he is awaiting final coordination with the new website before finalizing the *Committee Chairs' Guide*.

SECOND VICE PRESIDENT'S REPORT

Mr. Nolan presented an updated version of a memo, "Duties of the Directors of The Maritime Law Association of the United States."

BOARD LIAISONS TO COMMITTEES

President Clyne requested that all Directors become involved in the Committees to which they have been assigned as Board Representatives and coordinate with the respective Chairs well before the Philadelphia Fall 2014 Meeting. Specifically, Chairs are to be reminded that committee agendas must be posted on the website six weeks in advance.

DISCUSSION ITEMS

Membership Issues

Two issues related to increasing the MLA membership were addressed.

First, Ms. Newman and Ms. Farrar raised a question whether Non-Lawyer applicants, such as marine surveyors, are discouraged by By-Law 204's eligibility requirement of "distinguished service in the advancement of the Maritime Law or its administration." After discussion, the application of this language to individual applicants was determined to be within the discretion of the Non-Lawyer Nominations Committee.

Second, Mr. Thornton presented his ideas on using the new website not only as a resource but also as an advertising and recruiting tool. On the new "Join the MLA" tab he suggested posting a punchy invitation to apply, describing membership benefits, directed to young lawyers, in-house counsel, brokers, and tech-savvy maritime entrepreneurs, with links to application forms. President Clyne appointed a Board Subcommittee comprised of Ms. Holland, Ms. Newman, Ms. Farrar, and Mr. Thornton to work on this and coordinate its website implementation with Ms. Krieger.

Status of the New Website

Ms. Krieger reported that before going live it will take Boost by Design at least two weeks to thoroughly test the new website once it is fully constructed. She is now aiming on roll out at the end of September 2014.

Mr. Walsh suggested it would be good to have a number of computer stations at the Philadelphia Fall 2014 Meeting for members to familiarize themselves with the new website and it was decided that Ms. Krieger would coordinate that with the Philadelphia Arrangements Committee.

Rotterdam Rules

President Clyne noted that Past President Hooper reports the Rotterdam Rules are still making progress through the Executive Branch preliminary to the advice and consent of the Senate. However, the American Association of Port Authorities (“AAPA”) has been recently lobbying against ratification, concerned now with port liability exposure under the Rotterdam Rules, despite AAPA’s lack of complaint earlier in the process.

Comité Maritime International (“CMI”)

Mr. Nolan presented a memo detailing developments on the CMI “Draft International Convention on Foreign Judicial Sales of Ships and their Recognition.” He noted that at the June 17, 2014 CMI meeting in Hamburg all the national MLAs present voted in favor of that proposal, with the exception of abstentions by the Polish MLA and the MLAUS. The MLAUS abstained because neither a two-thirds vote of the MLA Board of Directors nor a majority vote of the members at a General Meeting of the MLA had been previously obtained, in accordance with By-Law 701.5.

Mr. Nolan summarized the impetus for the draft convention, noting that in the United States and around the world there have been vessel foreclosures completed through the court

system with an auction sale to a purchaser but then the vessel's former mortgagee refused to remove its mortgage from the original registry, with the purchaser unable to complete permanent registry in another country. He explained that the draft convention resolves this problem, which would be good for U.S. interests even if the United States does not eventually ratify the convention.

After discussion, on motion duly made and seconded, the Board approved changing the MLAUS vote from its prior abstention to yes, in support of the draft convention.

Mr. Nolan, on an unrelated topic, also suggested that the MLA request that the CMI undertake a study on the definition of vessel under the laws of different nations. This would be a useful exercise for the CMI and may be instructive on international uniformity and domestically in post-*Lozman* developments.

Mr. Bell renewed a discussion held at the Atlantic Beach Board of Directors' Meeting on March 9, 2014 concerning the future of the CMI and the MLA's role in it. He was concerned that no definite decisions had been made and that in the future a Board comprised of new directors would face similar recurring questions.

After some discussion, it was again noted that the MLA's 1993 Articles of Incorporation contemplate our participation as a constituent member of the CMI and it was also recognized that the MLA will be co-sponsoring the CMI's 2016 meeting in New York. It was the general consensus of the Board that the 2016 CMI meeting would provide an excellent opportunity to closely explore the future of the CMI and the MLA's relationship with it. It was also decided that CMI Vice President Christopher O. Davis would be invited to the Philadelphia Board of Directors' Meeting on October 23, 2014 to address these topics.

***USCG License and Revocation Proceedings
Pro Bono Opportunities***

Mr. Farrell reported that USCG Chief Administrative Law Judge Walter J. Brudzinski had approached Young Lawyer's Committee Chair Norman M. Stockman and others concerning *pro bono* representation opportunities. Specifically, Judge Brudzinski inquired whether the MLA might be interested in sponsoring a program providing *pro bono* representation to licensed mariners with limited financial means who are facing a USCG license revocation or suspension hearing.

Mr. Stockman had suspected that the MLA's administering a program like this would present several challenges and envisioned instead that the Coast Guard would be better suited to manage it and the MLA could then let our young lawyers know about it. Mr. Farrell also checked with ABA guidelines for pro bono programs and confirmed that administrative requirements for bar association sponsors are quite rigorous and include obtaining malpractice coverage. Accordingly the Board concluded that Mr. Stockman would email YLC members to advise them, if interested, to contact Judge Brudzinski's office, who would provide further information.

FUTURE MLA MEETING PLANS

Fall 2014 Philadelphia Meeting

President Clyne reported that the Philadelphia Arrangements Committee had done a great job planning for the Fall 2014 Meeting, to be held October 22-24, 2014. Roughly \$27,000 had been raised by the local bar to defray the costs of the Thursday evening cocktail reception at the Franklin Institute, reducing to \$250 the charge for members to attend the Friday night dinner at the National Constitution Center (it is anticipated that spouses will be charged less). A hotel block at the Marriott Downtown Hotel has been reserved at less than \$200/night.

Registration materials will be mailed this week. President Clyne urged Directors to promote the Philadelphia Meeting, noting that 200 paid attendees would be needed in order to break even.

March 10, 2015 New Orleans Board Meeting

Mr. Watson reported that the next Tulane Admiralty Law Institute will be held March 11-13, 2015 so in keeping with tradition an MLA Board Meeting will be held on Tuesday March 10, 2015 in New Orleans.

Spring 2015 New York Meeting

Because of large attendances at the Spring 2014 New York meetings of the Marine Torts and Casualties Committee and the Carriage of Goods Committee, Mr. Watson noted that for the Spring 2015 New York meeting he is looking for larger conference room spaces that might accommodate them.

Mr. Connor reported that Cipriani Wall Street had offered us its facilities on May 1, 2015 at the same 2014 cost. Favorable reviews from members, with almost no complaints, indicated that our return in 2015 made sense and the Board accordingly approved Mr. Connor's signing a contract with Cipriani Wall Street for next year.

Mr. Connor also recommended that the Board consider raising the price next year, perhaps to \$265, in line with dinner prices charged by comparable organizations. This may be addressed at future Board meetings.

Summer 2015 Joint Board Meeting with Canadian MLA

President Clyne led a brief discussion concerning the location of a joint board meeting with the Canadian MLA during the summer of 2015. Chicago, Annapolis/Baltimore, and San Francisco were among the possible sites mentioned.

Fall 2015 Bermuda Meeting

President Clyne has appointed an enthusiastic committee chaired by James F. Moseley, Jr. to plan the Fall 2015 Bermuda Meeting, October 20-24, 2015. The Southampton Princess promises to be a fantastic venue, with its own beach and water shuttle into Hamilton.

Spring 2016 New York Meeting with CMI

President Clyne reported that Vincent J. Foley has been working hard coordinating the MLA Spring 2016 New York Meeting with our co-sponsor, the CMI. An event planner is at work and the hiring of a sponsorship coordinator is under consideration. Many events and meetings throughout the week will be joint MLA-CMI functions.

President Clyne also noted that a contract had been signed with the New York Hilton Midtown, with an outstanding overnight room rate of \$279. The joint gala dinner with an anticipated 1,500 members and guests will also be held there.

Fall 2016 New Orleans Meeting with Tulane ALI

Mr. Watson reported that Grady S. Hurley and Edward F. LeBreton, III, had been appointed Co-Chairs of the MLA Fall 2016 New Orleans Meeting which will be held in conjunction with the 50th Anniversary of the Tulane Admiralty Law Institute. Mr. Watson also noted there is a new slate of ALI Officers, with Francis J. Barry, Jr. as Chair and John M. Woods as Vice Chair. Mr. Watson is in the process of finalizing dates and hotels.

Fall 2017 Resort Meeting

Mr. Watson along with George W. Nowell and their wives are going to scout the Silverado Resort and Spa in the Napa Valley next week in anticipation of holding the Fall 2017 Resort Meeting there.

PRESIDENTIAL ACTIVITIES

On behalf of the MLA, Mr. Clyne recently attended the annual dinner of the Association of Average Adjusters in London, the CMI Meeting in Hamburg, and spoke at SEALI on classification societies. He will be delivering a paper on attorney-client privilege issues at the Houston Marine Insurance Seminar in September and will be attending several marine industry dinners in the fall as well as the Lisbon meeting of the *Instituto Iberoamericano de Derecho Maritimo* in November.

There being no other business, President Clyne adjourned the meeting at 12:13 p.m.

Respectfully submitted,

/s/ David J. Farrell, Jr.

David J. Farrell, Jr.

Secretary

**MINUTES OF THE BOARD OF DIRECTORS'
MEETING OF THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES**

Held at Palmer Biezup & Henderson
Philadelphia, Pennsylvania

on

Thursday, October 24, 2014
9:00 a.m.

The October 24, 2014 meeting was called to order by President Robert G. Clyne at 9:00 a.m. In addition to President Clyne, the following Officers were also present:

Harold K. Watson, First Vice President
Francis X. Nolan, III, Second Vice President
David J. Farrell, Jr., Secretary
William Robert Connor, III, Treasurer
Barbara L. Holland, Membership Secretary (by telephone)

The following Directors were present:

Robert B. Parrish, Immediate Past President

Charles B. Anderson	Boriana Farrar
Michael K. Bell	Lynn L. Krieger
Katharine F. Newman	Daniel G. McDermott
Joseph A. Walsh, II	Donald C. Radcliff
Christopher E. Carey	Kevin J. Thornton
John S. Farmer	David N. Ventker

At President Clyne's invitation, Past Presidents Chester D. Hooper, Howard M. McCormack, Thomas S. Rue, Lizabeth L. Burrell, and Warren J. Marwedel also attended the meeting.

As well, Frank P. DeGiulio, Henry C. Lucas, III, and Christopher O. Davis attended to address the Board, at President Clyne's invitation.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes from the August 9, 2014 meeting of the Board of Directors held in Seattle.

TREASURER'S REPORT

Mr. Connor discussed his Quarterly Report for the three months ending September 30, 2014 and summarized that the MLA's finances are generally in good shape.

Mr. Connor noted, however, that the MLA faces rising expenses due to escalating printing and postage costs, constructing the new website, and increasing airline fares for approved travel by Officers and Directors. He related that in 2014 total dues invoices amounted to \$348,245 with only \$306,000 received to date, leaving a current shortfall of \$42,245.

In response to these developments (and in addition to continuing to reduce when possible MLA expenditures), Mr. Connor recommended raising annual dues by \$25, which for most members would bring dues to \$175/year. He recalled that the last dues increase of \$5 in 2012 turned out to be ineffectual as consumed by credit card fees, which members are increasingly using to pay for MLA dues and events. Mr. Connor projected dues at \$175 would be adequate for several years to come and believed it to be a reasonable level, in line with comparable groups.

An extensive and careful Board discussion ensued, with concern that the MLA might lose members from a dues increase. Some thought an increase of even \$50 would be reasonable while others thought small, incremental increases would be more palatable to many members. While most state bars charge more than \$200/year, it was also noted that MLA dues is a non-required expense on top of that, that law firms often do not reimburse young lawyers and other members for their own MLA-related expenses,

and that maintaining high quality MLA CLE programs is one important way to ensure value to our members and retain them.

Mr. Connor's motion to increase MLA dues by \$25/year was duly seconded and carried by a majority vote.

MEMBERSHIP SECRETARY'S REPORT

Ms. Holland reported that since the Board's August 9, 2014 Seattle meeting, five Associate Lawyers had been recommended for Proctor status by the Committee on Proctor Admissions:

David R. Boyajian
Portland, OR

Gary E. English
Norfolk, VA

Steven Gordon
Houston, TX

Jeanne M. Grasso
Washington, DC

Christopher R. Koehler
Tampa, FL

Ms. Holland reported there were fifteen applicants for Associate Lawyer membership:

Ada V. Añon
New York, NY

Donald L. Brown, Jr.
Washington, DC

18595

Courtney M. Crawford
San Francisco, CA

Robert Franco
Seattle, WA

Emma Gillespie
Seattle, WA

Kate S. Goodsell
Miami, FL

Kristi L. Hunter
Norfolk, VA

Kaspar Kielland
New York, NY

Meredith A. Kirby
Reston, VA

Joseph G. Moynihan
Quincy, MA

Stephanie Propsom
Sturgeon Bay, WI

Gregory R. Singer
Annapolis, MD

Ivan L. Tjoe
Los Angeles, CA

Ellen Tobin
New York, NY

C. Richard Wilkins
Mobile, AL

Ms. Holland also reported that she received two applications for Non-Lawyer membership

T. Quin Leon
Houston, TX

USCG LT Jeremy D. Maginot
Staten Island, NY

and one for Law Student membership

Judith Cregan
Tulane Law School

Ms. Holland regretfully reported learning of the following three deaths:

Donald M. Kennedy
New York, NY
Life Member: elected 1967

David de C. Robles
Panama City, Panama
Life Member: elected 1973

Sheldon Tabak
New York, NY
Life Member: elected 1970

With the above membership changes, the MLA's total membership now stands at 2,859:

VOTING MEMBERS

Proctors	1292
Associates	1185
Non-Lawyers	179
Academic	27
Subtotal	2683

NON-VOTING MEMBERS

Ex-Officio	14
Honorary	4
Judicial	123
Law Students	35
Subtotal	176

The Board held a brief discussion, in the context of By-Law 204 Eligibility for Non-Lawyer Membership, on whether in-house counsel are considered "engaged in the private practice of law." With the consensus of the Board that in-house counsel are not in private practice, Past President Burrell planned to circulate a clarifying draft amendment for the Board's consideration.

On motion duly made and seconded, the Board unanimously adopted Ms. Holland's report.

PHILADELPHIA MEETING STATUS REPORT

With the Philadelphia meeting in full swing, President Clyne offered the Board's accolades to Co-Chairs Frank P. DeGiulio and Henry C. Lucas, III for a job well done.

Messrs. DeGiulio and Lucas reported that 175 members had registered for the week's events, with 259 expected at the

Friday night dinner. They projected the meeting will at least break even thanks to law firm sponsors helping to defray costs. They expressed appreciation to George R. Zacharkow for his work on registration materials, to Sandra L. Knapp and Kevin J. Thornton for Friday afternoon's CLE program, and to the Philadelphia maritime bar in general for its support.

Second Vice President Nolan commended Lisa Reeves for nicely coordinating space at law firms and other sites for committee meetings, which provided good substance and were well attended.

DISCUSSION ITEMS

Status of the New Website

Ms. Krieger reported that construction of the new website is proceeding ahead but some unanticipated delays in assimilating it and the MLA data base would push back the launch date. A meeting between Boost by Design and MLA Administrator Robin Becker seems needed in order to ensure a smooth transition.

Membership Issues

In conjunction with the new website, the "Join the MLA" Board Subcommittee continues work on preparing a list of polished bullet points promoting MLA membership to prospective applicants. This topic will be an agenda item at the next Board meeting, with a draft to be circulated to the Board before the website goes live.

Also in conjunction with the new website, finalizing the 2014-16 *Directory* has been delayed but will be published as soon as possible.

Ad Hoc Committees

In recognition of the success of the MLA's Ad Hoc Committee on United States Coast Guard Relations over the past several years, and the value that good MLA and USCG communications provide for our members, two other agencies particularly important to our members' practices were discussed – the Department of Transportation's Maritime Administration ("MARAD") and the Department of the Interior's Bureau of Safety and Environmental Enforcement ("BSEE").

It was the consensus of the Board that President Clyne should reach out separately to MARAD and BSEE officials to inquire whether similar MLA ad hoc committees could be established with them.

Comité Maritime International ("CMI")

With several recent Board meetings addressing the MLA's relationship with the CMI and its future, the Board was pleased to hear from Christopher O. Davis, a CMI Vice President, on his inside observations.

Mr. Davis noted several active CMI members from other countries who share concerns about the future of the CMI. He acknowledged that the CMI's relevance in the future needs monitoring and he offered several substantive examples of how the CMI remains relevant today, as for example, with its work on the Foreign Judicial Sales of Ships; General Average; and Offshore Activities, as related, for example, to multinational spills.

The CMI's assessment of MLA dues is another area of concern, as our Board has previously raised.

Board comments also raised questions about the transparency of CMI governance and a need for the MLA to articulate how, going forward, the CMI as one of very few

international maritime law organizations can best provide value to our members. The CMI's work on compiling the definition of vessel under various legal regimes, in response to our own concerns arising from the U.S. Supreme Court's 2012 *Lozman* case, was cited as one such positive example.

Again, consistent with recent Board meetings, the general discussion concluded that the CMI and MLA co-sponsored Spring 2016 New York Meeting will provide an excellent opportunity for the MLA to explore these considerations and engage in dialogue with CMI officials in an effort to enhance the relationship.

FUTURE MLA MEETING PLANS

Summer 2015 Board Meeting in San Francisco

President Clyne reported that Forrest Booth has made economical arrangements at San Francisco's Parc 55 Hotel for next summer's Board meeting. This will be a good opportunity for the Board to visit with our California members.

Attendance by Canadian MLA members unfortunately does not look promising due to their concerns over expensive air fares from Canada to San Francisco.

Fall 2015 Bermuda Meeting

President Clyne reported that the Bermuda Arrangements Committee, chaired by James F. Moseley, Jr., is continuing preparations for what should be an excellent resort meeting.

Spring 2016 New York Meeting with CMI

President Clyne reported that Vincent J. Foley will report at tomorrow's General Meeting of the Association on recent planning developments, such as the hiring of a sponsorship coordinator and arrangements with venues holding evening and other events.

Fall 2016 New Orleans Meeting with Tulane Admiralty Law Institute (“ALI”)

First Vice President Watson reported that plans are well underway for the joint MLA/ALI meeting during the week of October 24, 2016 in New Orleans, celebrating the fiftieth anniversary of the ALI and the first MLA fall meeting held outside of New York.

One area of planning logistics involves squeezing the MLA’s normal three days of port city meetings and the ALI’s normal two and a half days of seminars into a four day period, Tuesday through Friday. Tentative plans have the General Meeting of the Association on Friday afternoon.

Fall 2017 Resort Meeting

Following a site visit by the Watsons and the Nowells in August 2014, First Vice President Watson reported on the many positive attributes of the Silverado Resort and Spa in the Napa Valley, along with some minor drawbacks.

Pros include outstanding nearby restaurants and wineries; excellent golf courses, a lovely spa, and nice pool and tennis facilities; nearly perfect weather in October; good accessibility from the Oakland and San Francisco airports; good meeting spaces; and good hotel room prices tentatively priced at \$229/night for resort rooms and \$309/night for suites.

Cons, considered quite minor, include somewhat dated and somewhat spread out hotel accommodations, although the room interiors are fine. Past President Rue concurred, having visited Silverado recently and found it a delightful place for an MLA resort meeting.

First Vice President Watson noted that the resort was holding a place for the MLA as of today’s meeting. A motion was

made, duly seconded and unanimously passed, for him to form a Committee for the Fall 2017 Napa Valley Resort Meeting and to negotiate with the Silverado Resort and Spa with a view toward signing a contract on terms favorable to the MLA.

PRESIDENTIAL ACTIVITIES

On behalf of the MLA, President Clyne recently delivered a paper on attorney-client privilege issues at the Houston Marine Insurance Seminar; attended two marine industry dinners in New York City, one hosted by the Association of Average Adjusters and another hosted by the Marine and Insurance Claims Association; and delivered a paper on anti-suit injunctions at the Lisbon meeting of the *Instituto Iberoamericano de Derecho Maritimo*.

President Clyne also reported he had asked the Past Presidents from New York City to represent the MLA at the 225th anniversary of the Southern District of New York on November 4, 2014, at which Judge Charles S. Haight, Jr. will speak about the Court's admiralty history.

There being no other business, President Clyne adjourned the meeting at 11:51 a.m.

Respectfully submitted,

/s/ David J. Farrell, Jr.

David J. Farrell, Jr.

Secretary

