



THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

MLA PROCEEDINGS

Spring Meeting, May 2, 2014
New York, New York

Present:

ROBERT B. PARRISH

ROBERT G. CLYNE

HAROLD K. WATSON

DAVID J. FARRELL, JR.

WILLIAM ROBERT CONNOR, III

BARBARA L. HOLLAND

PATRICK J. BONNER

And the following 220 members:

Kirby L. Aarsheim

Martha C. Adams

Andy Aley

Charles B. Anderson

Olaf Aprans

Spencer Aronfeld

Frank A. Atcheson

Todd Michael Baiad

Anthony Barker

James W. Bartlett, III

W. Richmond Beevers

Michael K. Bell

William E. Bell

CAPT Melissa Bert

F. Nash Bilisoly

Meredith W. Blanque

Samuel P. Blatchley

Christina Bolmarcich

Forrest Booth

Allan Bowdery

Lawrence J. Bowles

David R. Boyajian

Richard A. Branca
Lawrence B. Brennan
James Brockmeyer
Dane C. Bruun
Phillip Buhler
Lucienne C. Bulow
Lizabeth L. Burrell
Meighan G. Burton
Christopher E. Carey
James L. Chapman
Greg Chase
Conte C. Cicala
Peter D. Clark
John C. Cleary
Mark T. Coberly
Mark Cohen
William H. Collier, Jr.
Daniel Cragg
John Crowley
K. Blythe Daly
Martin Davies
Christopher O. Davis
A. Robert Degen
Frank P. DeGiulio
Charles De Leo
Juan Carlos Delize-Morales
Mark E. Devry
Christopher H. Dillon
Susan M. Dorgan
William A. Durham
Don T. Evans, Jr.
John S. Farmer
Boriana Farrar
William M. Fennell
Robert B. Fisher, Jr.
John Flym
Vincent J. Foley
Rodney Q. Fonda

Lars Forsberg
Shari Friedman
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Erik D. Garza
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Kenneth Gelpi
Alexander M. Giles
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Donald C. Greenman
Arthur J. Gribbin
Scott R. Gunst, Jr.
Chris Hannan
Jason Harris
Parker Harrison
Kevin J. Hartmann
Raymond P. Hayden
Jennifer Hayes
Keith Heard
Kasee Heisterhagen
Marissa H. Henderson
Julius Hines
Seth S. Holbrook
Chester D. Hooper
Lori P. Hopkins
Robert Hopkins
Sean Houseal
Robb Hyde
Bradley A. Jackson
Stephen B. Johnson
Suzanne Judas
Leo G. Kailas
Allan Kelley
Max L. Kelley
Terence G. Kenneally
Lawrence I. Kiern

John D. Kimball
Sandra L. Knapp
Lynn L. Krieger
Marjorie F. Krumholz
Michael J. Kucharski
Ross I. Landau
Kevin J. Lavie
J. Dwight Le Blanc, Jr.
Edward F. Lebreton, III
Richard M. Leslie
Keith B. Letourneau
Geoffrey A. Losee
Henry C. Lucas, III
Guy E. C. Maitland
David T. Maloof
Sam Mandelbaum
John B. Manly
Marc Marling
Janet Marshall
David Martowski
Jessica Link Martyn
Warren Marwedel
Robert K. Marzik
Raymond L. Massey
David L. Mazaroli
Patrick O. McAleer
Brian Buckley McAllister
Jessica McClellan
John Hay McConnell
Jody T. McCormack
David W. McCreadie
Daniel G. McDermott
Brian McEwing
Colin McRae
Art Mead
James E. Mercante
Lara Merrigan
Dennis Minichello
Jeffrey S. Moller
Klaus C. J. Mordhorst
James Moseley, Sr.
James Moseley, Jr.
James T. Murphy
Tom Muzyka
John Nichols
Francis X. Nolan, III
Michael Northmore
David A. Nourse
George Nowell
Robert P. O'Brien
Kevin G. O'Donovan
Michael O'Keefe
Daniela Oliveira
John Eric Olson
Gregory O'Neill
A. Michelle Otero Valdes
Richard Ottinger
Armand M. Pare, Jr.
Jason C. Pedigo
Stephanie S. Penninger
Glen R. Piper
ADM Steve Poulin
Jennifer Porter
Edward J. Powers
Katharina K. B. Powers
Anthony J. Pruzinsky
LCDR Lineka Quijano
Edward C. Radzik
Herbert Ray
James B. Re
Eduardo A. Real
Dave Reeves
Luke M. Reid
Stephen C. Reilly
Vince C. Reuter
William J. Riviere

Edwin D. Robb, Jr.	Michael Stern
C. Kent Roberts	Norman Stockman
Manolo Rodriguez-Bird	Michael F. Sturley
Paul S. Rosenlund	Tom Sullivan
Thomas S. Rue	Dave Sump
James Ryan	Michael L. Swain
John M. Ryan	Joseph C. Sweeney
Michael J. Ryan	Mike Underhill
James A. Saville, Jr.	Alan Van Praag
Thomas J. Schoenbaum	John Vayda
Gordon Schreck	David N. Ventker
Janis G. Schulmeisters	Arthur "Skip" Volkle, Jr.
Pamela Schultz	David R. Walker
Johnathan B. Segarra	Joseph A. Walsh, II
David J. Sharpe	Rahul Wanchoo
Imran Shaukat	Patrick Ward
Louis P. Sheinbaum	Deborah C. Waters
Jim Shirley	William H. Welte
David W. Skeen	James F. Whitehead
Kevin Beauchamp Smith	Thomas E. Willoughby
Johnathan Spencer	Andrew Wilson
Steve Stancliff	John M. Woods
Rick A. Steinberg	JoAnne Zawitoski

And the following 20 guests:

Peter Berns	Helen Noble
Mark J. Bohler	John O'Connor
David G. Colford	Forrest Parrish
Catherine Clyne	Douglas G. Schmitt
Cathy Clyne	Dr. Dieter Schwampe
Anne B. Fischer	Steven L. Shell
Alejandro Hernandez	Donald Smith
Juan J. Jaeger	Adriana N. Ulloa
Luiz Roberto Leven Siano	Godofredo Mendes Vianna
Esther Mallach	Christopher J. Wiernicki

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MR. PARRISH: Come to order, please. Come to order, please. We have a microphone disorder problem, so therefore I'm going to have to shed my usual quiet mode and scream at you a little bit. Hopefully the technicians get the microphones working shortly. They were working a few minutes ago.

Welcome to The Maritime Law Association of the United States 2014 Annual General Meeting. I will call on Dave Farrell for the Secretary's Report.

MR. FARRELL: Thank you, Mr. President. Good morning everyone. A couple of housekeeping matters. I hope you have all had a chance to sign in, even our guests today. The table outside was staffed by Young Lawyer representatives Marissa Henderson of Norfolk and Ben Segarra of Mobile. I think also Robin Becker, our MLA Administrator extraordinaire, was floating around somewhere. I hope you've all had a chance to say hello.

MR. PARRISH: Why don't you come to the podium. I apologize for the technical difficulties. It was working just a few minutes ago. But let's have the speakers come to the podium and project.

MR. FARRELL: And thanks to all them. Thanks as well to Tommy Crites Court Reporters from Savannah, Georgia, who has sent us from President Parrish's parish of Jacksonville, Georgia Winegeart, who will be transcribing today's proceedings. Please consider using Crites for your court reporting needs around the world and domestically. And one final matter. Speakers, when you come up to the podium, please hand a business card to Georgia.

On an historical note, I had an opportunity recently to do a little research. And with the exception of a couple of occasions back in the 1970s, The Maritime Law Association of the United States has been meeting in this room on the first Friday of May ever since 1900. And I really want to thank the New York City Bar Association for its strong support of The Maritime Law Association over the centuries -- and the decades to come.

And speaking of decades to come, your Board is closely considering the graying of the MLA, even as some of us look in the mirror. Here's a startling statistic. In ten years, if trends continue, fully one-third of our membership will be 40-year, non-dues paying Life Members. So that raises a revenue question and also a sustainability concern.

To help counter that, under President Parrish's leadership and the support of our technical expert, Director Lynn Krieger from San Francisco, we're about to roll out a brand-new website. Lynn will be talking more about that. But the new website's not only going to present a new face of the MLA, it's also going to improve our functionality as an organization and will make the MLA more accessible to its members and the public at large.

And related to the website, there are three developments I wanted to highlight.

First, Second Vice-President Hal Watson is putting the final touches on an updated version of the *MLA Committee Chairs' Guide*, which is going to be tied in with the website itself and will facilitate the great work of our committees in advancing maritime law. We all recognize that the committees are the heart and soul of The Maritime Law Association and they do really good work in advancing substantive maritime law.

Second, Directors Susan Dorgan of New York, Robert Fisher of New Orleans, Alex Giles of Baltimore, and Eddie Powers of Norfolk have put together procedures for granting permission to reprint MLA documents in other publications, and that will be tied in with the website as well.

And third -- and this relates to *The MLA Report* which you all just received in the mail recently. This is an excellent compendium of maritime law cutting edge issues that's prepared by Past President Chet Hooper and David Nourse. And the Board has decided that henceforth to save trees and reduce postage costs, *The MLA Report* and the *Proceedings* of this meeting will

generally be made available to the membership online, on the website, but you'll be receiving an e-mail where you'll have the option of choosing to continue receiving hard copies of these publications by U.S. mail.

So this is all in an effort to make the MLA technologically nimble and attractive to new members while maintaining our substantive law excellence and our professional collegiality.

One of the functions that the Officers host each year is a January luncheon meeting in Washington, DC, with 40 or so top federal government lawyers who deal with maritime issues. And this is something that was started by Past President Moseley. All of the agencies that our members deal with on a regular basis send representatives. There's the Coast Guard, the Department of Justice, the State Department, U.S. Navy, Army Corps of Engineers, Customs, Federal Maritime Commission, MARAD, EPA, NOAA, the National Traffic Safety Board. So it's a great opportunity for those agency lawyers to exchange notes on maritime law issues. They really don't have that chance any other time so they're grateful that the MLA provides a forum.

On the international level, President Parrish was in Rio de Janeiro in March attending a meeting of the *Instituto Iberoamericano de Derecho Marítimo*

MR. PARRISH: Close.

MR. FARRELL: -- with whom we co-sponsored the Puerto Rico meeting last fall. And last week he was in London at the International Maritime Organization meetings.

Also on the international front, the Board is closely looking at the MLA's relationship with the *Comité Maritime International*, the CMI. On the one hand, it's a very auspicious moment. The CMI recently elected our esteemed member, Chris Davis of New Orleans, as one of its vice presidents. And a little bit more history. One of the *raison d'etres* of The Maritime Law Association of

the United States when it was formed in 1899 was to become a constituent member of the CMI. And two years from now the CMI will be having a conference here in New York during MLA week which will be hosted by the MLA.

But on the other hand, times change and so do organizations. And the fact is the CMI's substantive work is really largely related to drafting and working on international conventions, which the United States almost never ratifies. So the Board is keenly aware that the CMI at this juncture has marginal relevance to the law practices of many of our members. And going forward in the future, just like the MLA, the Board wants to make sure that the CMI remains responsive to its constituents' needs.

Thank you, Mr. President. That concludes my report. I move its adoption.

MR. PARRISH: Second?

MEMBER: Second.

MR. PARRISH: All in favor.

MEMBERS: Aye.

MR. PARRISH: I want to take a moment to invite the people in the vestibule -- we have a few empty seats scattered. If you want to come on in and grab a chair, you're welcome to do that. I'll take a moment and let you come in. Otherwise, if you want to maintain the option to leave, that's fine. I think the mics are working now. Dave Martowski, can you hear? Mr. Treasurer.

MR. CONNOR: Good morning, Mr. President, fellow members. I'm happy to report that we are on a sound financial basis. Our expenditures and our revenue are pretty much in line with what we expected for the past year. We have had a few additional expenses, such as building the website, which will be a wonderful thing as it comes online in the next month or so.

There is one issue that I want to bring to everyone's attention, which I always do, and that's delinquent dues-paying members. As of last week, we have 610 members who owe us a total of \$128,270. That ain't chicken feed, as they say. We could use the money. All of us pay our dues, and I believe it's not an option of members to not pay their dues. We do send reminders. We send them out by e-mail. We send them out, after two e-mails, by snail mail to remind people.

One problem we do constantly have, though, and I remind you all, some people are no longer with a firm and after 50 years they retire. They move around. When you move, please notify Robin Becker and give your new e-mail address and your new mailing address, because so many times when we send out mailings or an e-mail, they come back, and we don't know where you are and sometimes it's impossible to find you. So if you would remember to do that, we would appreciate it.

And then one last comment from the Treasury. Dave spoke about the option you're going to be given about *The MLA Report* and the *Proceedings*. You will be asked whether you want to receive them electronically, which of course allows you to read it on the train or the plane or sitting at home. So that's a good plus. But one of the reasons that we've looked into this is that the mailing we all received last week, that cost \$41,000 to print and mail to everybody. So as you can see, the cost is significant. And if you are an electronic reader, what better way to do it than to just indicate -- don't send me the book. Don't spend the money on the postage, give it to me electronically, and I can read it on my iPad, my Kindle, I can read it in the bathroom, I can read it on a plane, wherever. So I think it's a great advantage and would significantly cut our mailing costs because we publish two reports a year.

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

MR. PARRISH: Second?

MEMBER: Second.

MR. PARRISH: All in favor?

MEMBERS: Aye.

MR. PARRISH: Madam Membership Secretary.

MS. HOLLAND: Thank you, Mr. President.

Good morning everyone. I am pleased to report to you that in a meeting yesterday, the Board of Directors approved the applications of eighteen new Associate members, three members who wish to be reinstated, seven new Non-Lawyer members, and six new Law Student members.

In addition, we had seven applications for Proctor status that were approved. Those people are -- and if they're here, please stand up. We'd like to recognize you.

Olaf Aprans from Boston, Massachusetts;
Ryan Gilsean from Charleston, South Carolina;
Thomas Grasso from Cranford, New Jersey;
Cheryl Morris from San Francisco, California;
Bert Ray from Anchorage, Alaska;
Thomas Sullivan from Jacksonville, Florida; and
Stanley Weston from Jacksonville, Florida.

We congratulate all of these individuals and thank you for your continuing participation. Congratulations to all of our new members as well.

Unfortunately, part of my job is also to report to you the members who have passed away. We have learned about the deaths of six MLA members since our last meeting. These are:

Jeffrey Barnwell from Charleston, South Carolina;
Richard Bragg from Palmetto, New Jersey;
Gene George from Cleveland, Ohio;
Walter Hartridge from Savannah, Georgia;
Christina Sullivan from New York, New York; and
Hamp Uzzelle from Mobile, Alabama.

If we could have a moment of silence for those members.

(Moment of silence)

MS. HOLLAND: Thank you.

In summary, I can report to you that our total membership at this time is 2,846 members. And thanks to all of you who have been out there recruiting and spreading the word. We ask you to encourage your colleagues and others you know who practice in this area who would benefit from membership to please send in their applications. With the new website, it's going to be easier than ever. If you have any questions, let us know.

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

MR. PARRISH: Second?

MEMBER: Second.

MR. PARRISH: All in favor?

MEMBERS: Aye.

MR. PARRISH: I'm happy to report from what Barb told us that we are stable and not decreasing in membership. That's a very positive sign in spite of what someone referred to as our gray character.

We have numerous dignitaries here today. In order, we have several -- three representatives of the United States Coast Guard, the General Counsel and Judge Advocate General of the Coast Guard, Admiral Steve Poulin, Captain Melissa Bert, head of the International Law Division, and Lieutenant Commander Lineka Quijano. I would ask Admiral Poulin to come up here and take this podium, if you would, and make a few remarks.

ADMIRAL POULIN: Mr. President, thank you so much. Good morning everybody. It's a real thrill for me to be here with The Maritime Law Association in this new capacity as Judge Advocate General.

I was thinking this morning, and I realize that my relationship with The Maritime Law Association started 20 years ago this month. I was a new lieutenant commander. I was assigned to the Maritime -- International Maritime Law Office -- to support our efforts at the International Maritime Organization, and that function also came with the collateral duty, responsibility of being the liaison to the MLA. So I guess this is my 20-year anniversary with The Maritime Law Association. And throughout the course of my career, I've had the very great pleasure of continuing that relationship.

It was an important relationship for me throughout my career and continues to be important to me, but it's important for the Coast Guard at large. It gives us a chance to come in and have a dialogue with the maritime bar, not only to explain what we're doing, but to get your reaction to our priorities, and also to hear what's important to you and your clients.

And I also think it's a tremendous professional development opportunity for our lawyers. Our lawyers don't often get the opportunity to have this kind of professional exchange, and it's just great that they can come in, support the committees. You guys have been so welcoming in allowing us to do that where we can come in and have our young attorneys especially get to know you,

establish those enduring relationships, and continue to be, I think, strong partners as we together advance maritime law and seek to ensure uniformity and predictability in U.S. maritime law.

So it's a real thrill for me to be the Judge Advocate General because I get to continue the strong partnership that we have with the MLA.

The other thing that is really neat about being the Judge Advocate General is that you get the opportunity to recognize people who have served so well. You get to recognize people's tremendous public service, their support to the organization, and it's a real privilege that I get to do that today to your President Bob Parrish.

Bob has been a longtime supporter of the Coast Guard, not just recently as the President of the MLA, but he's been a longtime supporter of the Coast Guard ever since I've known him. And he's been critical most recently on our delegations to the IMO giving us a perspective as we sit there and we negotiate these international instruments -- yes, I know we don't have a good track record of signing them, Bob, but nevertheless we do have a strong interest in shaping those international instruments because they do effect U.S. equities. And so the service that Bob has provided on those delegations has been absolutely essential to forming U.S. positions, achieving U.S. objectives during those negotiations.

But I think I can say it best by reading this citation that is my pleasure to present to Bob Parrish. This is the Meritorious Public Service Award, and it reads as follows:

The Commandant of the Coast Guard takes great pleasure in presenting the Coast Guard Meritorious Public Service Award to Mr. Robert B. Parrish in recognition of his outstanding contributions to the United States Coast Guard as President of The Maritime Law Association of the United States from 2012 to 2014.

In his role as President, Mr. Parrish promoted essential communications between key industry stakeholders and federal government representatives for such matters as maritime safety, maritime security, vessel regulation, environmental pollution, navigation, law enforcement, and maritime legislation. His diligent efforts had a tremendous impact on enhancing public participation in governmental processes and created a productive forum for the discussion and consideration of issues affecting maritime law in an increasingly complicated and diversified shipping industry. His exceptional direction strengthened the bond between the international maritime legal community and provided a collegial forum to address international standards, discuss the application of international law to a variety of complex maritime issues, and promote awareness of emerging legal concerns within the maritime industry.

Mr. Parrish served as an invaluable advisor to the United States delegation to the International Maritime Organization's Legal Committee, consistently advocating greater consistency in shipping laws, regulations, and practices of different nations. His insightful counsel and comprehensive knowledge of maritime international law were vital in addressing emerging issues and concerns of the global community including the development of fair treatment of seafarers, piracy, environmental pollution compensation issues, and cruise vessel safety.

Mr. Parrish was a key participant in the development of guidelines for the preservation and collection of evidence involving serious crimes that occur at sea. He coordinated extensive discussions on critical evidentiary techniques, investigative processes, and medical and emotional support for persons affected by crime which resulted in the overwhelming approval of these guidelines by the IMO Legal Committee.

Mr. Parrish's exceptional professionalism and sense of public service are most heartily commended and are in keeping with the highest traditions of the United States Coast Guard.

And I asked Fred Kenney to sign this because of the strong partnership that he and Bob have. So this was given on behalf of the Commandant to Mr. Robert B. Parrish on the 2nd of May 2014 with our distinct pleasure.

Bob, congratulations.

(Applause)

ADMIRAL POULIN: And one of the things you learn when you go to Admiral School is how to pin on a medal. So I'm going to try.

MR. PARRISH: Don't get too close.

ADMIRAL POULIN: I'm failing.

MEMBER: Bob, get your hands out of your pockets and stand at attention.

MR. PARRISH: I'm not sure who that was, but I'll figure it out.

Thank you. Obviously very humbling. I take the certificate award not to me personally, but to The Maritime Law Association of the United States.

It is true that my mentor, Moseley, did, if not begin, certainly accelerated this close relationship. Somebody said in the '70s, he kind of looked up. I'm not sure if he questioned that date. But sometime in the past he started that. I thank him for that leadership.

This is certificate day, and I get the last word on the Coast Guard certification. Captain Bert, would you join me at the podium?

The good news, if you're wondering, is some Past Presidents had the honor of working with several male captains, heads of the International Law Division. I got the benefit of working with Captain Melissa Bert. She is not only a genius in international law, for those of you who saw her address Tulane, but a wonderful, nice person to work with. So it is my pleasure -- the Board yesterday made this resolution:

The Maritime Law Association of the United States expresses its appreciation for the services and exemplary assistance of Captain Melissa Bert, United States Coast Guard, Chief of the Office of Maritime International Law, Washington, DC.

Captain Bert has been a dedicated officer of the United States Coast Guard serving with distinction in numerous responsibilities and capacities. In her service to the country and the Coast Guard, she has carried out her duties as Chief, Office of Maritime International Law, in an outstanding manner. Captain Bert provided critical legal advice for numerous Coast Guard operational missions including drug and migrant interdiction, counterterrorism, fisheries, search and rescue, piracy, environmental crimes, maritime safety and security, vessel regulation, marine casualty investigations, and oil spill response.

If you haven't ever read calligraphy, it's pretty tough.

She also represented the Country while serving as the head of the United States delegation to the International Maritime Organization Legal Committee held in London in 2013 and 2014. She has also traveled to numerous countries around the world to advance U.S. national interests and Coast Guard objectives. In doing so, she

helped strengthen our international relationships and promoted the facilitation of worldwide commerce.

Although heavily involved in the aforementioned duties, Captain Bert participated in numerous significant activities of The Maritime Law Association of the United States by making presentations to various and numerous committees of the association on topics of maritime law, marine ecology, administrative procedure, Coast Guard regulations and policy, and other matters. In performing these tasks during the last two years, she has consistently educated and informed the members of The Maritime Law Association of the United States.

Anybody got any 2.5 reading glasses?

(Laughter)

Further, she brought to the Association not only expertise and knowledge, but a sense of camaraderie, friendship, and collegiality. In doing so, she brought the Coast Guard and the Association into a much closer relationship.

In consideration of the foregoing:

BE IT RESOLVED, that The Maritime Law Association of the United States expresses its sincere and profound appreciation for the services and assistance of Captain Melissa Bert, and we express our gratitude to our professional colleague and friend.

BE IT FURTHER RESOLVED, that a copy of this Resolution, dated May 1, 2014, be made part of the permanent record of the Association.

Melissa, thank you very much.

(Applause)

MR. PARRISH: You have 30 seconds!

CAPTAIN BERT: I just want to say thank you. That was a beautiful surprise. And I have -- the past two years have been really extraordinary for me. I've made some very longstanding professional and personal contacts here that I'm going to obviously continue. I hope they flourish. And I'm going to hang this proudly in my next office in Miami, but I will stay in touch with all of you.

So thank you very much.

(Applause)

MR. PARRISH: I did want to mention that, Admiral Fred Kenney, I did that certificate procedure with him yesterday at the Board meeting. He is unable to be with us today. His official story, he's visiting his mother, but I actually have information he's playing in a hockey game.

Seriously, several of us went to Washington three weeks ago for the Change of Command Ceremony where Admiral Steve Poulin took over as the JAG and General Counsel for the Coast Guard, and Admiral Kenney's remarks would have made you all very happy about that relationship. He's been a strong friend. I'm not sure I know the exact title, but I think it's now public that he is going to the IMO in London and will take over for Rosalie Balkin, who was here at our dinner last year, and her title is Executive Secretary of Legal Committee or something to that effect. So Fred will still be working on the international stage.

I'm going to move along into our agenda, because, as you know, we have a lengthy committee reporting process. But I have a few other dignitaries to recognize at this time.

First we have, I think four National Maritime Law Association Presidents and I would ask them to stand and wave as I call your name. John O'Connor, our friend from Canada. John, are you here?

(Applause)

MR. PARRISH: And Helen Noble, President of the Irish National Maritime Law Association.

(Applause)

MR. PARRISH: And Dieter Schwampe from Germany.

(Applause)

MR. PARRISH: And my friend Aurelio Concheso from Venezuela. Aurelio, are you here? I know he's in attendance this week.

In addition, I want to recognize very briefly for some remarks, the current President of the *Instituto Iberoamericano de Derecho Marítimo*. I had two years more to practice.

As y'all know, we had a very successful meeting in conjunction with IIDM in Fajardo, El Conquistador, Puerto Rico. And recently our member, longtime member Bill Graffam stepped down as President of the IIDM and Luiz Roberto Leven Siano took over. Luiz, would you come up and say a few words. And he is from Rio de Janeiro.

MR. LEVEN SIANO: Thank you, Mr. President. Distinguished members of The Maritime Law Association of the United States, thank you very much for the opportunity. Just -- I have 30 seconds so just to say -- one, to say thank you for our cooperation we had together to be -- to make it happen, the conference, The Maritime Law Association together with the *Instituto Iberoamericano de Derecho Marítimo*. I made opportunity and we hope we can make it again in the close future. I have been proposing making to do it in Brazil in 2017. There are some beaches there that can be a very good host, so that we can study maritime law and have a good time at the same time.

And the last thing, I'd like to invite everybody to attend our next conference in Lisbon in the week starting 10th of November with the participation of the International Group.

Thank you very much.

MR. PARRISH: Thank you, Luiz.

Keep acting like that and I will make you a committee chair. I'm going to get out of order now. We have a strange appearance at the door, and I invite our friends to come to the lower podium and address the Association.

MR. DeGIULIO: Good morning everybody. If you haven't heard already, you're going to hear it now. You're all personally invited to Philadelphia in October.

The meetings will be October 22nd to 24th. We'll have the full slate of committee meetings. Henry Lucas and I are Co-Chairing, but we have 35 members on the various committees who are working hard to make this a great success. We will have a cocktail party at the Benjamin Franklin Science Institute, which is a fabulous facility. There will be a dinner at the National Constitution Center on Friday night. The General Meeting of the association will also be at the Constitution Center as will CLE on Friday afternoon. And we have Third Circuit Judge Patty Shwartz talking to us about the constitutional foundations of our practice and also talking to us about how we can better educate judges in an age where many are not familiar with our practice.

If you haven't been to Philadelphia or you haven't been there in a while, you're going to find a gem of a city. It's got world class restaurants, hundreds of them, world class museums, more history than you can absorb in a lifetime. It's truly a wonderful place. And I'm not originally from there, so I find it interesting that I'm able to say that.

We did bring an honorary committee member along today to sort of entice you. Mr. Franklin -- of course, there's another thing I wanted to tell you about. Philadelphia is a very easy city to navigate, thanks to this gentleman. He planned it all out. It's very much like New York, square blocks, easy to get around, great mass transportation. You'll get all of the details in August in writing, but right now I'd like my friend to say a few words to you.

MR. BEN FRANKLIN: Thank you. Thank you, Frank. By the way, sir, have you tried reading calligraphy when the S's look like F's.

MR. PARRISH: No, but I think I'd be pretty good at it.

MR. BEN FRANKLIN: Thank you. Frank just gave my speech, but anyway -- and actually I have to defer to William Penn who laid out the streets originally. He just left before anything could get done and it was left to me.

Maritime matters are very important to me growing up in Boston near the sea and later living in Philadelphia, which was the busiest port in North America, and having made four transatlantic round trip crossings, eight trips across the ocean, which was quite unique for an American at that time. So these things are very important to me.

I want to add my welcome to you to Philadelphia. It's a welcoming city. It welcomed me when I was a 17-year-old runaway and it has welcomed people since. Of course, we made a little history there. We signed the Declaration of Independence there, and we kind of defined the whole thing later with a Constitution. And so it's a very historic place. But as Frank said, it has many other things. We have very wonderful theaters. We have wonderful music, and we do have wonderful food beyond that ubiquitous cheese steak. Try one if you must. But, again, I hope to see you in Philadelphia in October. Just tell them Franklin sent you.

Thank you.

(Applause)

MR. PARRISH: I once stood up here in Bermuda shorts at a meeting, so good job.

Thank you also, Henry Lucas, for helping Bob Clyne work up a lovely meeting. Before we go back to our agenda, I have a few more dignitaries to recognize.

Again, back to the IIDM. Just so you'll know, those of you who weren't in Puerto Rico, it's a 300-plus member organization of Hispanic-speaking maritime lawyers. I can tell you there will be numerous of those members in the audience tonight at the dinner, some of the best lawyers, maritime lawyers, in the world. Indeed, we have 40 -- over 40 foreign lawyers from 20 different countries attending our dinner tonight -- so there's something that you are doing right that people still want to hang around with you.

Last thing on the IIDM, I want to recognize Adrianna Ulloa. She's the Young Lawyers Chairwoman of the IIDM. Norman Stockman, if you're here, it would be a good opportunity for you to get to know her and work on the young lawyers' relationships between our two organizations. We will continue to reach out to regional maritime law groups in the world, because that is certainly the future of our world.

Chris Davis, are you in the room? If you'd come up and give us a talk concerning the CMI.

MR. DAVIS: Good morning members and guests. Given the strict time limitations imposed by the President, I'd like to make three very brief points.

First, I want to thank the MLA for its continuing support and the MLA Secretary for his sobering words of caution. The message received was loud and clear. The CMI needs to justify its

continued existence and remain relevant in this changing world. We're well aware of that, and working in that direction.

The second point I'd like to make is to encourage you to visit the updated CMI website which lists the various international working groups, the international standing committees, and the work that we're doing at this time. The work in progress includes important public law issues where we contribute and lend support at the request of the IMO Legal Committee. As you may know, U.S. Coast Guard Retired Admiral Fred Kenney now heads that Committee, so we'll be working closely with him in that regard.

We also work on ambitious private law initiatives such as the new instrument promoting recognition of foreign judicial sales of ships around the world. There have been problems in this area, and Frank Nolan of New York is very much involved in that standing committee which will be finalizing their work in Hamburg in June 2014.

We also work on more modest proposals, for example, trying to harmonize the rules that relate to wrongful arrest, and the circumstances under which wrongful arrest damages should be awarded. That is an area where various jurisdictions apply different standards.

I invite you to participate in the work of the CMI, and perhaps consider attending the Hamburg conference in June 2014.

Finally and most importantly, the CMI is coming to New York in May of 2016. It will be a good opportunity for the CMI to show its relevance to the MLA and for both organizations to get to know each other.

The joint meeting in Puerto Rico with the IIDM was a fantastic success and I hope this will be a similar success. Vince Foley has the planning committee hard at work on making sure that the substantive program is excellent and of interest and we

will have suitable social programs for those attending, including accompanying persons and spouses.

Mr. President, that concludes my remarks. Thank you.

MR. PARRISH: Chris, did you want to expand a little bit on the format of the 2016 joint meeting in New York.

MR. DAVIS: It's going to follow a slightly different format. Number one, it will be a little shorter than the traditional five-day conference, and will coincide with the MLA spring meeting. We will identify some areas where both the MLA and the CMI have common interests. Offshore Industries comes to mind with the transboundary spills that have recently taken place. Arbitration might also be a good topic. The New York Convention is probably the most successful of the private law conventions adopted to date.

John Kimball is working on getting a keynote speaker, perhaps in conjunction with the Healy Lecture. A U.S. Supreme Court justice has been suggested, maybe even the Chief Justice if we're lucky.

We're going to try to meld the culture of both organizations and make sure that the program is substantively excellent and of interest to both organizations.

We look forward to having numerous MLA and CMI registrants for the joint meeting in May of 2016.

Thank you.

MR. PARRISH: Thank you, Chris.

I do want to recognize Vince Foley, who chairs that 2016 committee. Would you stand, Vince? I'm sure everybody knows you. He is doing the hard, hard job of merging two meetings.

We just went through this in Puerto Rico with the IIDM. And any time you have the merger of two cultures, it takes a tremendous amount of effort. We've worked carefully with Vince, you're in great hands, and he's in the process of signing a contract. So you'll hear more and we'll give him a more prominent role as the year comes closer. Thank you for that.

The next item on the agenda is a bittersweet one, in the end very happy, but perhaps for a moment sad.

Mike Underhill, are you here?

MR. UNDERHILL: Yes.

MR. PARRISH: Mike flew from California, I think. Come on up, if you would. Everybody remembers Phil Berns. I'm told you actually had a federal judge adjourn a trial so you could get on a red eye. I think he got here at seven this morning. So this will tell you the love that Mike has for his old boss.

MR. UNDERHILL: Thank you, Bob.

It's only appropriate that we had Ben Franklin here. Phil would have said he is not a bad opening act, but we could have done better. And he would have thought that Franklin, if anybody, was his opening act, probably one of the best Founding Fathers. He would think Jefferson too shy, Washington too aloof, and Hamilton too stuffy and aristocratic. So Franklin is the perfect fit for an opening for Phil.

Phil was a lawyer -- and Phil was an *admiralty* lawyer. Now, that might seem self-evident to all of you who knew Phil, but it's really not the deeper way that I mean it.

You could go around the room and ask people what do they do and people might say I'm a cop, I'm a fireman, I'm a dentist, I'm a doctor, I'm this, I'm that, I'm the other; that would tell you what they do, but it wouldn't tell you who they are. And when you

say that Phil was an admiralty lawyer, that is actually the essence of who and what he was.

Now, most of us here -- probably all of us here -- like the practice of maritime law. Some of us love the practice of maritime law. But Phil actually was admiralty law itself. He needed it. It was part of his blood. He couldn't do without it. In fact, for me and a lot of us who knew him well, it was really a sad moment when he retired because a big part of his life and who he was, was not as much a part of his life anymore; but he nevertheless made that decision.

A lot of us here knew Phil, and we knew that he was a certain kind of guy. He mentored a lot of people, certainly on the West Coast when he came out to California in about 1978 from New York. I suspect he mentored people back here before he left. And Phil not only mentored the people who traveled through our office in San Francisco and worked for him in the Coast Guard billets, the Navy billets, but he mentored people in private practice and people who left government practice and went out in private practice. For many of these people, he affected their lives deeply.

Now, I would be less than honest -- and if you're talking about Phil, you'd better stay honest. He was a no BS guy. He called them as he saw them. So it has to be said that Phil was also a tough mentor.

In fact, I see my friend Jim Moseley, Sr., right there, and if you were to take probably two polar opposites in terms of style, they would be Phil and Jim. For Phil, not only was the practice of law a contact sport, but life was a contact sport.

So you had Jim and Phil on the opposite sides of the style and contact sport spectrum. And the beauty of polar opposites is if you take a stick and you take the ends and you bend them into a circle, the two ends actually meet at the same point. And it means that both styles are both great ways to do it, Jim's way and Phil's way; they are just different ways.

Now, Phil had that effect. And you have to be -- you had to be tough with Phil. And quite honestly, there are some people that didn't like the Phil style and some people that didn't handle it well and some people that left. And that's fine. Different styles. They'd go to work with Jim.

And some of us liked it. We liked the contact sport. But you had to do that with Phil. And this was his life. I mean, some people have hobbies. You might garden, you might read, you might do this. But for Phil, that was it. His idea of a vacation was this MLA meeting. Truly. This was his idea of going on vacation. His idea of *nirvana* was a meeting in Puerto Rico or Hawaii, one of the off-New York meetings. That was truly his vacation. And seriously, those were about the only vacations he took.

So perhaps the best way to summarize Phil, what he meant and what he was about, would be to give -- I think I can give two fairly short personal anecdotes about Phil that sort of summarize a lot about what he was.

When I was a law clerk, my first legal job when Phil hired me as a law clerk after my first year of law school, my first summer, I was working on a boat in San Francisco Bay, a union job working on one of the San Francisco Bay cruise boats, having the time of my life. One of my dream jobs, just to run the boat -- not run it, be a deckhand in San Francisco Bay and get paid for it. But Phil talked me into coming to DOJ. He wanted a guy that knew the pointy end from the square end.

And one of the first things I ever did in the office was he let me come to one of his depositions. And I don't even remember what the case was about. It had to do with charting, I remember that much. There was grounding or a collision or something in Los Angeles, San Pedro Harbor. The deposition was in our office and a bunch of attorneys were there, and Phil was taking the depo for the U.S. And the counsel, I think, for Los Angeles or the harbor authority was not a maritime attorney, and he did not know contact sport. He was not one of those guys.

And I sat through the deposition, and Phil -- well, this is what he did: He did everything we're taught not to do in a deposition, which was to talk, interrupt, object, I mean, all kinds of objections, speaking objections, beat-up objections, ridicule objections. And now, mind you, I hadn't taken Evidence at that point, but I knew this is probably not the way it's usually done.

And eventually what happened was the poor guy who was taking the deposition, the harbor attorney, he couldn't get out a question. Because I'd watch him and a word would come out, and he'd start looking over to see what Phil was going to say. And so Phil would start to say something -- and he'd look again. And the guy would take five minutes to get out a single question.

So I was actually getting to where I wanted to laugh. I thought it was funny. But I thought to myself, "you know what, kid, you haven't paid your dues yet. You don't have a right to laugh at anybody in the practice of law." And so I didn't.

Anyway, we went out at a break, and I said, "Mr. Berns, what are you doing? I don't think that's the way you're supposed to do it."

And he looked at me, and he said, "Kid, don't you play poker?" And that was it. And so Phil was playing poker with the guy, and Phil was bluffing him, and Phil was pretty much taking every hand. And I think he did win the case.

The last anecdote about Phil is also a contact sport story because that's the way he mentored. And he would tell people who came to work in the office, "If you think I'm tough, I want to know how you're going to stand up to an old federal judge when he's got life tenure, and he can say and do anything to you that he wants -- and there are judges who will. If you can't stand up to me, then I don't want you going to court to represent our client." And if you couldn't pass his test of challenge, be challenged and come back at him -- and if you did come back at him, you'd better have an idea

of what you were talking about because if not, you were going to have a really bad day.

So I was not a junior attorney at this point. By this time Phil and I were friends. I mean, he was -- his son Pete is here, you'll meet him in a moment. His sons told me after Phil retired that it turns out that -- and I did the math and they're right -- I probably spent more time with Phil than his kids did, over 25 years. And it's really true.

So Phil was my friend. He was my mentor. And you could call him a dad in some ways. I loved the man that much. But we also fought. Because I like contact sport, too. And I don't remember what the argument was, but it was -- I don't remember. It was some damn thing about law. And we got mad. I got mad; he got mad. I wouldn't back down; he wouldn't back down. And we really got into an argument. And I mean an argument. It was one of those things like you see on TV where, "I quit!" -- "You can't, you're fired!" Of course he can't really fire me, and I didn't want to quit. So we didn't speak, and we avoided each other for three days. You know, we did this guy "pout" thing.

And it got to the point where our wives, who were both friends, too -- we'd go on vacations together -- our wives got involved and said to each of us, my wife to me and Jane to Phil, "You know, you guys have to grow up and get over this." And which we recognize we needed to do eventually, because we did love each other.

So eventually we kind of approached each other, and it was a guy thing, you know, like, "Well, I don't think I did anything wrong, but if I did, I apologize." And, of course, I had to go first. I recognized that I'm the junior guy. I had to do it. So I did and Phil did it, and we finally -- we finally kissed and made up.

But the office didn't know that. And so we had this figurative kiss and make up session in Phil's office. And when we finally got over it, we're laughing about it and it's like, you know,

“We’re both a couple of asses.” Okay, that’s us. But we got over it. But the door was closed, so we came up with this idea that I would upset the chair, the chair I was sitting in, I would put it back on the floor, and I would scream and Phil would scream, and we’d yell at each other. And we did.

And honest to goodness, the secretary standing outside -- sat outside Phil’s door, she opened the door and came in, and I’m lying on the deck. I’m on the deck. And honest to goodness, she believed it. She believed it. So Phil and I had a good laugh about that.

So I guess the moral of the story is that we had a unique office and a unique relationship. But that was Phil and what he brought to it. And all of you that got his e-mails, whether that was a good thing or bad thing, certainly there are times when I wished I wasn’t on his e-mail list after he retired, you knew that Phil -- that’s the way he approached life, with gusto, with vigor, with love, with intellect and all of those things that made him a unique person.

We’re all unique beings, but Phil truly was unique. He was one of a kind. And in my lifetime, I probably won’t meet anybody quite as unique.

In closing, I would say this: That of all of the things that Phil loved the most -- and I’m not saying this just to please the crowd -- of all of the things Phil was probably proudest about in his life was when he finally got to sit up there on the dais as an MLA officer with those folks. He was MLA through and through. And it was truly -- and I mean truly -- probably the most proud moment of his life or certainly one of the most proud moments of his life when he got to sit up there with these folks with the MLA.

And Phil was not the kind of guy that would let you know that’s what he felt, but if you knew him, you knew well -- and Jane did tell me this -- that that was one of the happiest days of his life,

that it was kind of the pinnacle for him of where he wanted to be at that point, up there as a part of this organization and as a part of all of you.

So I will send off my friend Phil, and I hope you do, too. I miss him a lot.

Thank you, Mr. President.

(Applause)

MR. PARRISH: I put this matter on the agenda, and I take this, of your valuable time, because I think that after 115 years the importance of our organization transcends the law and sometimes it comes down to certain individuals who give their lives as Phil did for the MLA. So thank you for listening to that carefully.

Very briefly, Phil is survived by his oldest son Dave, middle son Pete, youngest son Jay, and his wife Jane. I've asked Pete to come up. I have some inscribed copies to Mom and your brothers of MLA Document 810, which contains an In Memoriam of your Dad. And I'll give you a couple of minutes to talk about the project you wanted to about Phil.

MR. BERNIS: Thank you everybody. I appreciate it. What Mike said is absolutely correct. This is who my dad was and is and always will be. And this organization meant -- means quite a bit to my Dad and my Mom and to my brothers and myself. And I apologize if I'm a little emotional. It's a little bit more powerful than I thought. But, yeah, this is great.

My father was maritime law. He cared about the law. He cared about what was right and what was just. And he cared about changing the world. And I think he hit on all points. Not just from people in this room, but after he was done coaching and traveling half the time -- or, excuse me, being an attorney and doing what he did, he would come home and coach me and my brothers and

gave me opportunities he never had. And to that point, I don't want to go too deep, but my father is a graduate of Fort Schuyler and that was as big a part of his life almost as The Maritime Law Association, and he carried that with him just as he did this group.

And I know my Dad is remembered in here, but I want to make sure he's remembered for as long as possible. And to that point, we have put together a perpetual scholarship fund at Fort Schuyler in his name, looking at the same standards as my Father was as a student.

And most of you don't know my Dad. He was a very private guy. A very sarcastic guy, but very private with his sarcasm. And by the way, I got it from him, so I deal with a lot of the stuff he did. And I was nominated to come because I look the most like him so...

But what we decided was that my Father -- my Grandfather wasn't around -- my Father raised himself. He got into Fort Schuyler because he was the best student he could be. He did everything he could at Fort Schuyler to be the best student and exemplary leader, and he carried that through life. And due to that, we're putting together a perpetual scholarship, the Phil Berns Scholarship at Fort Schuyler. We have C-funded it. And some people have already made donations to the Fort and to other organizations in his name.

If possible, if you are interested, if you would please donate, that would be very great. It would be very powerful, and it would mean the world to me.

Thank you very much. I appreciate all of your time. I appreciate everything you've done for my Father. I appreciate everything you've done for my family. I appreciate everything you've done for me. Thank you.

(Applause)

MR. PARRISH: We're going to move very rapidly with the Standing Committee Reports. If you saw me fiddling with my headphone, I was not doing it; I was setting up my timer.

Leo Kailas, ADR.

MR. KAILAS: Should I come up?

MR. PARRISH: Please, briefly.

MR. KAILAS: I will be brief.

We've had a good year at the Arbitration and ADR Committee. I'd first like to thank my Vice-Chair Peter Skoufalos and Committee Secretary Robert Dunn for their good work.

We had two very important meetings this year. The first one was in Puerto Rico where we had a distinguished panel of maritime lawyers from around the world discussing the difference in approach to maritime mediations in their respective forums.

Some of the specific topics covered were the role and perception of mediators in different cultures. And one of the examples used was the little white lies that are uttered during a mediation and sometimes during settlement conference, and specifically, the truth about settlement authority. In some cultures it is accepted to "fudge" your true settlement authority. In others, such an approach might be unethical.

This past Wednesday during New York MLA week, we had a meeting regarding the wisdom and availability of appeals in arbitration. We had three great speakers. Don Murnane was there. Jay Pare was there, who's also here today. And Richard Naimark, who is a senior vice president of the AAA here in New York.

The AAA in November adopted a rule that permits appeals to an internal body of the AAA from errors of law and from clearly

erroneous fact findings. The AAA rule gets around *Hall Street Associates, LLC v. Mattel, Inc.*, 552 U.S. 576 (2008), in which the Supreme Court ruled that attempts to go to the federal courts on clearly erroneous fact findings or error of law standards could not be done because you were circumventing the exclusive grounds for arbitral appeal set forth in Title 9, the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*

Jay Pare gave us some very good reasons in favor of allowing appeals -- a more inclusive body of potential clients, increasing the pool of willing participants, and obtaining a measure of review that would legitimize inconsistent decisions of arbitrators. It also helps us compete with London. And we do have sufficient, as we said today, eminent retired and semi-retired members of the maritime bar who could act as the appellate panels.

Don Murnane spoke and mentioned in his opening that George Washington did not like the legal system in the U.S., and in his last will and testament included an arbitration provision that required any dispute among his heirs to be adjudicated by three commercial people. Don pointed out the advantages of not having appeals -- finality, less expense -- and he mentioned that some international participants in arbitration have bemoaned the judicialization of the arbitration process in the United States by use of the appeals process.

One of the interesting comments that Mr. Naimark made was that among users of the AAA system, the user's number one desire was a fair and just result over and above finality, cost, and everything else.

In any event, our Committee will also be submitting case notes to Chet Hooper and Dave Nourse this year, and we look forward to the upcoming Fall MLA Meeting and year.

Thank you.

MR. PARRISH: Carriage of Goods.

MR. RADZIK: Good morning everyone. The Carriage of Goods Committee met on Wednesday at the AIG Corporate Center on Water Street. We had standing room only attendance, about 56 people, and several others on the phone. I think had there not been confusion about the location of the meeting, we probably could have had more.

The first order of business was a report from Chet Hooper, former member of the US UNCITRAL delegation and former Chairman of this Committee, who gave us a report on the status of the Rotterdam Rules and where they are today in terms of ratification by the United States.

Chet spoke with folks at the State Department, who reported to him that the Rotterdam Rules had cleared all of the agencies that need to look at the Rotterdam Rules, including the Justice Department and the Maritime Administration. He also reported that the rules package is back with the State Department and it's ready to be turned over to the White House, and then it's going to -- it will go off to the Senate floor, hopefully for ratification. And the prognosis is that all of this is going to happen, quote, unquote, soon.

We had also a scheduled presentation of one hour and a half CLE credits on the topic of "Who is a Merchant and what does that mean?" The paper was very capably presented by fellow member and Editor of the *Cargo Newsletter*, Mike Ryan, who gave us a very concise and humorous presentation – on a dry, on a very dry topic.

Mike, not surprisingly, was able to cover this most adequately with recent case law, examining what the ramifications are of the broad merchant clauses in ocean bills of lading.

The presentation was very well received by all including some of our esteemed foreign visitors. We had Helen Noble from Ireland, Charlotte and Arnold Van Steenderen from the Netherlands, and Dieter Schwampe from Germany.

We have copies of the *Cargo Newsletter*, No. 63, available outside and it's also going to be posted on the Committee and the MLA websites.

That concludes my report. Thank you.

MR. PARRISH: Ed, can you stay up for a second? Ed is concluding his By-Laws limited term as Chair of the Carriage of Goods Committee. Actually I think it's by presidential right for the fifth year, for the Rotterdam Rules to be ratified. Unfortunately they outlasted you. But here is a certificate for your service. Thank you so much.

Fisheries, Mark Coberly.

MR. COBERLY: Mr. President, officers, members of the association, special guests. I'm pleased to report on the Fisheries Committee meeting this week.

We met on Thursday at the offices of Reed Smith who graciously hosted us once again. And, we were happy to have two special guests with us: Lieutenant Commander Lineka Quijano who attended as the Coast Guard liaison, and Jim Landon, who is basically the chief prosecutor for NOAA. His position is NOAA general counsel. He is chief of the enforcement branch. We had an opportunity to hear a presentation by him on fines and penalties and the new penalties schedule that has been implemented at National Marine Fisheries, and those of us in private industry had a neutral setting to have discussions with him about how fines and penalties are handled. He made an excellent presentation, and his PowerPoint will be posted on our website shortly after the meeting for those of you who might be interested.

Thereafter, Steve Johnson made a presentation on the Coast Guard and Maritime Transportation Act of 2014, House Bill 4005, which has a particular section that includes restrictions on maritime liens that pertain to fishing permits, which has a particular application to us.

Vice-Chair Terry Kenneally and Kirby Aarsheim then kept us informed by presenting a committee case law summary that discusses cases that involve fishing vessels and the fishing industry since our last meeting in November. The *Fisheries Committee Case Law Summary* has been posted on our website for access by any members who have an interest.

Finally, the MLA petition for rule making that actually originated in the Marine Finance Committee -- and I'm sure you'll hear more about that later -- was discussed briefly in our committee to the extent that a portion of it involves rules governing the eligibility of fishery endorsements.

Mr. President, that concludes my report.

Thank you.

MR. PARRISH: Mark, you just received a one-year presidential extension on your chairmanship.

(Applause)

MR. PARRISH: I've been told by my soon-to-be-president/friend Mr. Clyne, to give your business cards to the court reporter as you get up here. Thank you.

MR. McALLISTER: Thank you, Mr. President. The Inland Waters and Towing Committee met on Wednesday morning with about thirty attendees, three of whom attended by teleconference.

Vice-Chair Kent Roberts gave a presentation on a recent Coast Guard notice of proposed rule-making. It's a restatement of existing law, but may clarify federal authority on regulating navigation and pollution prevention on a state and local level.

Jason Pedigo, our Young Lawyer liaison, surveyed cases on the availability of an unseaworthiness cause of action to tug crew members who may board a third party barge or other vessel. While there are diverse holdings on the issue, the greater weight of authority does not support extension of this remedy under most circumstances.

David Boyajian gave a presentation on recent maintenance and cure developments including a number of decisions suggesting an expansion of this remedy in the Pacific Northwest.

The committee had a discussion on recently proposed responder immunity legislation. On behalf of the Subcommittee on the America's Marine Highway, Charles Cumming gave a presentation on a recent MARAD project to support transportation of containers on an articulated tug barge unit between Portland, Maine, and Brooklyn, New York.

On behalf of the Subcommittee on the Great Lakes, Michael Hartman reviewed efforts to develop LMG as a marine fuel on the Great Lakes.

And lastly, we also discussed the Vessel Incidental Discharge Act, currently Senate Bill No. 2094. A similar bill was passed in the House last year. This bill would establish a uniform national framework for consistent regulation of ballast water and other vessel impacts on the environment.

Written materials on these presentations have been posted to the MLA website.

Thank you. This concludes my report.

MR. PARRISH: Thank you. Phil Buhler. Followed by John Kimball. John, you want to stand in the bay on the CMI Subcommittee?

MR. BUHLER: Thank you, Mr. President.

The International Organizations, Conventions, and Standards Committee met on Thursday, May 1st, at 9 a.m. at the offices of Holland & Knight. We had roughly 36 persons in attendance.

This time the Committee hosted a CLE program addressing current issues affecting the Arctic. Our panel included Mark Rosen, Vice President and Deputy General Counsel of the CNA Corporation and also the legal advisor for the Arctic Security Initiative of the Hoover Institute of Stanford University. He gave a comprehensive overview of the current legal regime in the Arctic and what is needed to address liability issues and governance as development continues in that region.

We then heard the Canadian perspective from Douglas Schmitt, a partner with Alexander Holburn Beaudin + Lang in Vancouver and a Director of the Canadian MLA. He addressed the Canadian perspective with regard to recent Canadian legislation, boundary issues, the Arctic Council, the Northwest Passage, the IMO, and U.S./Canada cooperation.

We then received some very good presentations on the Coast Guard perspective for Arctic governance. Admiral Poulin gave contextual opening remarks for the Coast Guard of the U.S. position. We then received a detailed PowerPoint presentation from Commander Jason M. Krajewski, Chief of the Prevention Law Division, Office of Maritime and International Law with the United States Coast Guard, who addressed the Arctic operating environment, legal developments, and issues pertaining to increased oil drilling and cargo operations in the Arctic area.

At the conclusion of the CLE program, Dr. Dieter Schwampe gave us a presentation on the upcoming CMI meeting in Hamburg with a very good video.

Further details concerning these matters will be contained in my written report. That concludes my report.

MR. PARRISH: Thank you. John Kimball.

MR. KIMBALL: Thank you very much. Let me just offer a few details on the CMI conference that will be held in Hamburg on June 14th through June 19th. We are very privileged to have Dieter Schwampe with us in the audience today. Dieter is the Chair of that meeting. We are hoping for a strong attendance by the delegation from the United States.

The conference will be focusing on a number of the projects the CMI has been dealing with for years, including the judicial sale of vessels and the York-Antwerp Rules. It should be a great conference, and we are hoping for, as I said, strong support from this organization.

The CMI is struggling to understand its relevance, not only to the U.S. Maritime Law Association, but also around the world. And the CMI has appointed a committee that is headed by Liz Burrell to consider the future of the organization. And so I think the CMI is very alert to concerns about its relevance and certainly looks forward to working with this organization.

We are having the CMI conference here in 2016. And I think the CMI does want to find its mission and certainly looks forward to having the support of this organization. Thank you.

MR. PARRISH: Thank you John.

Marine Ecology. Sean Houseal. Sean, are you here today? Katharine Newman the Chair of that Committee, I think is at a ConocoPhillips spill drill or something to that effect.

MR. HOUSEAL: Mr. President, Katharine Newman is presently on the West Coast, attending to an unavoidable work conflict. She asked me to serve as her stand-in, so to speak, and she sends her regards.

In the interest of time, I think I'll defer to Jeff Moller, from whom you'll hear regarding our committee's joint meetings this week with the Vessel Ops Committee. I will take the opportunity, though, to thank Admiral Poulin and others. We had a very educational, and I think productive, exchange during both the DC meeting on Tuesday, as well as during yesterday afternoon's meeting here in New York.

One point I will raise with respect to yesterday's discussion is that U.S. Coast Guard Chief Administrative Law Judge Walter Brudzinski shared his remarks regarding an initiative that he is spearheading which is designed to place attorneys who are seeking courtroom experience, or who may be looking for *pro bono* opportunities, into contact with credentialed mariners who are facing license suspension and revocation actions. We talked about the size of the docket and his concerns with respect to the number of mariners appearing *pro se*.

I am going to collaborate with Young Lawyers Committee members to gather names of lawyers across the country who are willing to volunteer to be appointed to represent *pro se* mariners on a *pro bono* basis in the lawyers' respective jurisdictions. I commend Judge Brudzinski for spearheading this effort. After discussing his initiative during yesterday's committee meeting, I took the opportunity to crash the Young Lawyers event last night so that I could initiate discussions with respect to creating a list of volunteers, and implementing the program.

Judge Brudzinski's paralegal's name is Regina Maye, M-a-y-e. The Honorable Chief Judge encourages those of you -- and I echo his recommendation -- to discuss with your colleagues whether you would deem participation in this worthy program to

be appropriate. If you're interested in volunteering, please contact Regina directly. Her number is (202) 372-4444.

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

MR. PARRISH: Thank you, Sean, very much.

Marine Financing, Marjorie Krumholz.

MS. KRUMHOLZ: The Marine Financing Committee met at the offices of Vedder Price on Wednesday afternoon.

We had various subcommittee reports starting with Steve Johnson, who is also the Vice-Chair of our committee. Steve chairs our Coast Guard Documentation, U.S. Citizenship & Related Matters Subcommittee. We talked about the status of the petition for rulemaking regarding part 67 of 46 CFR, that covers the Coast Guard vessel documentation and mortgage regulations. The MLA filed a petition for the rulemaking last fall, and we supplemented that petition with our commentary, which we filed earlier this year. During the course of our Marine Financing meeting this week, we talked about additional areas that we might want to comment on when the notice for rulemaking is published by the Coast Guard. Those areas include more robust regulations regarding citizenship matters.

Mike Timpone, the Secretary of our committee, is chairing a new subcommittee named the International Blue Water Shipping Subcommittee. We had noticed over the last several years that our committee had spent a lot of time and focus on U.S. domestic maritime finance and we are trying to see if it can be more expansive and address international finance issues as well.

Mike Frevola, who chairs our Maritime Liens and Mortgages Subcommittee, reported on recent case law. David Bohannon and Bob Toney, who chair our Yacht Financing Subcommittee, gave a report on the state of the recreational vessel

industry. David also told us that UCOTAV, which is the Uniform Certificate of Title Act for Vessels, is nearing passage in the State of Connecticut.

Glen Oxtan chairs the *Lozman*¹ working group in Marine Financing. Glen led the discussion on the implications of the *Lozman* Supreme Court decision on marine finance issues.

Finally Frank Nolan, our former Chair, gave a report on the CMI working group for the Convention for Recognition of Judicial Sales. Frank told us that this was our last opportunity to bring any issues to his attention in advance of the Hamburg meetings this June.

And that concludes my report.

MR. PARRISH: Thank you, Margie.

Former Chair Frank Nolan, I think he just located the wisdom of the By-Law provision on chairmanship termination.

MR. NOLAN: You could have gotten rid of me earlier.

MR. PARRISH: We have a lot of fun.

Marine Insurance, Joe Grasso.

MR. GRASSO: Thank you, Mr. President.

The Committee on Marine Insurance and General Average met yesterday morning at the office of Curtis Mallet, whom we thank for their hospitality. We had about 40 members and guests in attendance with a smattering of guests with British accents, one of whom gave us a very interesting presentation, Paul Jaffe from Catlin in London, which took the bulk of our meeting time, on the London insurance market's recent interest in choice of law

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

provisions in insurance policies. It was more interesting than it sounds. Paul did a great job of bringing us up to date on that.

And he mentioned some changes to the British Marine Insurance Act that are in the offing, and Rhys Clift of Hill Dickinson also gave us some further information on that.

We had a very brief – brief comments from Jonathan Spencer on proposed changes to the York-Antwerp Rules. And we had a presentation of our newsletter which was posted on the website last night, and we dedicated our newsletter, a fall newsletter, to Gene George, who, as most of you know, passed away in the last year. There is a lovely tribute to Gene on the cover. There are some paper copies of the newsletter out on the desk. I would encourage you all to read through the Memoriam. Gene was an active and beloved member not only of our committee and the Inland Waters and Towing Subcommittee on the Great Lakes, but of the Association in general. Gene had a unique ability to take a 10 page court decision and summarize it in 20 to 30 pages.

In closing, I would like to thank the Association for the privilege of chairing the Committee on Marine Insurance for the last four years.

That concludes my report. Thank you.

MR. PARRISH: Joe is also -- Joe, we have a certificate of appreciation for your service, my friend.

MR. GRASSO: Thank you.

MR. PARRISH: Lisa Reeves was called away suddenly. Is there anyone reporting from Marine Torts? Charlie De Leo from Miami.

MR. De LEO: Good morning, Mr. President. Lisa Reeves who is our outgoing Chair had to return to Philadelphia on an

urgent matter, but asked me to read the following report on her final meeting as Chair.

Marine Torts and Casualties met jointly with Cruise Lines Wednesday afternoon at Carter Ledyard. After an excellent presentation by the Cruise Line Committee on man-overboard issues, myself and our new Vice-Chair Paul Hofmann updated certain topics arising from the amended removal statute, punitive damages post-*Townsend*,² and vessel status post-*Lozman*. We also had an excellent presentation on German law, passenger, and crew claims by Esther Mallach from Hamburg.

Lisa wants me to express her mixed emotions as she hands over the Chair to me. She says that when she became Chair three years ago, it was 10 days after DEEPWATER HORIZON and the first few months were very challenging and fascinating for her as a number of bills were introduced to repeal the Limitation Act and change many aspects of maritime law as we know it.

She had to solicit comments not only from our Committee members, but tally votes on Board Resolutions, and she said she had lively discussions with then President Bonner, Congressional staffers, and other people in Washington.

She said it was a great honor for her to be part of the MLA's true mission to influence or at least inform our government with respect to these important maritime legal issues and uniformity.

Lisa also wants me to express her thanks to the other officers, past President Bonner, committee members, and also specifically to President Parrish, who allowed her to air what she said were great frustrations with the soon-to-be ex-website.

Finally, she asked me to thank you all for the opportunity that she had to serve the MLA and looks forward to seeing you all in her hometown of Philadelphia in the fall.

² *Atlantic Sounding Co. v. Townsend*, 557 U.S. 404, 2009 AMC 1521 (2009).

That concludes my remarks. Thank you Mr. President.

MR. PARRISH: Thank you.

John Bradley, Maritime Finance -- Maritime Bankruptcy, I'm sorry. I can't read the regular script. We'll skip to Offshore, Dave Walker. Anybody sees John Bradley outside, he can have the floor.

MR. WALKER: Thank you, Mr. President.

The Offshores Industries Committee sheltered from the storm Wednesday afternoon at Carter, Ledyard & Milburn's office. We thank them for their hospitality. There were about 22 people in personal attendance with additional people attending by phone.

With President Parrish's assistance, we were able to arrange for a presentation by a prominent Brazilian maritime practitioner, Iwam Jaeger, Jr., with the Kincaid Mendes Vianna firm of Rio de Janeiro. He provided a very comprehensive and informative PowerPoint presentation on first some metrics about Brazil's importance in the world's offshore oil and gas sector, particular provisions of Brazilian law that are of interest to those of us who have clients who work down there, and some of the vagaries of dealing with the Brazilian state oil company, Petrobras.

The presentation was very well received and prompted a number of very interesting questions.

We then had a discussion about a recent BSEE initiative, which they're presently trying to gain industry buy-in for -- to have industry and individual workers submit confidentially and voluntarily reports of near-miss incidents on the outer continental shelf in the offshore sector. We thought that was an area of interest. It's pretty new, so we're going to continue to follow that as it develops and should have more to say about it in October at the Philadelphia meeting.

We concluded with sort of an internal discussion about where we are as a committee, how we'd like to move forward and perhaps organizing some new subcommittees. And I would just encourage everyone if you have an interest in this area or you have clients who work in this area, reach out and join us, work with us. We'd like to do more as we go forward.

That concludes my report, Mr. President.

MR. PARRISH: Thank you, David.

Eddie Powers, Practice and Procedure.

MR. POWERS: Thank you, Mr. President.

The Practice and Procedure Committee met on Wednesday morning at the offices of Carter Ledyard as well. They've been very hospitable to many of the committees. Mike Frevola is the Chair of the Subcommittee on Maritime Liens and Mortgages, which is a Joint Subcommittee between Marine Financing and Practice and Procedure. Mike gave a brief report updating the committee on recent cases involving Rule B attachments, including the Second Circuit case of *Blue Whale Corporation v. Grand China Shipping*, 722 F.3d 488 (2d Cir. 2013), which changes the choice of law analysis in Rule B piercing the corporate veil cases.

Professor David Sharpe reported on a project he is working on regarding the history of the model local admiralty rules and acknowledged the invaluable assistance of our dear departed friend Phil Berns in bringing the model rules to life.

John Cleary, our resident expert on the *Lozman* case, provided a brief update on cases following the Supreme Court's *Lozman* decision as he's been doing since the decision came down. You may recall that John participated in the *amicus* brief and attended the oral arguments in front of the Supreme Court.

And finally, Dave Dickinson from Durbin, South Africa, gave an informative talk on admiralty jurisdiction and maritime enforcement remedies under South African law.

Mr. President, that concludes my report. Thank you.

(Applause)

MR. PARRISH: Lars Forsberg, Recreational Boating.

MR. FORSBERG: Thank you, Mr. President, fellow members, and friends.

Yesterday the Recreational Boating Committee met at the New York Yacht Club. Fifty-five members attended. We had seven speakers.

Our real resident expert on the *Lozman* matter was there, Frank Nolan, yesterday bringing us updates and ongoing concerns of how we figure out mostly in the recreational area what a boat is, followed by Alan Swimmer from National Maritime Services on a market update, followed by Paul Rosenlund of Duane Morris in their San Francisco office. He was discussing matters relating to the America's Cup, particularly a disciplinary matter. Exciting event last summer in San Francisco, but unfortunately there's always controversy surrounding the America's Cup.

Paul also discussed a case involving assumption of risk. An unfortunate fatality matter in recreational vessels that ran aground on the Farallon Islands outside San Francisco resulting in the deaths of five sailors. And unfortunately for the defendant in that case, there was a pleaded assumption of risk. Last week the California Supreme Court denied that defense.

Followed by Daniel Wooster of Palmer Biezup from their Philadelphia office. Daniel is also the Editor of our Pulitzer Prize winning newsletter *Boating Briefs*. We did a little CLE with

Dan yesterday and covered many cases, recent cases, as well as updating us on some regulations.

We were very fortunate yesterday to have Lieutenant Commander Quijano from the U.S. Coast Guard's Office of Prevention and Law Division to talk to us about the preemption of Titles 1 and 2. And I don't know if this is a result of some of the activities in Puerto Rico, but there was also a discussion about parasailing. And then finally a quick discussion about the National Boating Safety Advisory Council, the upcoming activities there.

The Vice-Chair of the Recreational Boating Committee, Mark Buhler from Orlando, Florida, talked about the Maritime Labour Convention and how this crossed over from yachting all the way through every kind of commercial activity in the marine world.

And finally, our Secretary of the Committee, Todd Lochner from Annapolis, Maryland, talked about the state of regulatory matters, developments in state regulatory matters, and also updates on the National Boating Safety Advisory Council.

Mr. President, that concludes my report. Thank you.

(Applause)

MR. PARRISH: Thank you, Lars.

MR. PARRISH: Jeff Moller, Regulation of Vessel Operations.

MR. MOLLER: Mr. President, officers, fellow members, honored guests, ladies and gentlemen. The Committee on Regulation of Vessel Operations, Safety, Security, and Navigation held two meetings this week -- both in conjunction with the Committee on Marine Ecology and Maritime Criminal Law. The first was held in Washington at the offices of Winston & Strong on Tuesday. The second was held here in New York yesterday

afternoon at Holland & Knight. I wish to thank both of those firms for their hospitality.

The Washington meeting was attended by 40 members and guests, inclusive of those attending by phone and via webinar. The New York meeting was attended in person by over 70 members and guests.

We were honored to have two very highly placed federal officials in attendance at these meetings. First in Washington, Director Brian Salerno of the BSEE attended and presented. And then yesterday in New York, the new Chief JAG for the Coast Guard, Admiral Poulin, was in attendance and participated.

We also had presentations by DHS Chief ALJ Walt Brudzinski, which Sean mentioned; the Coast Guard's chief environmental lawyer, Michaela Noble; and the DOJ's Jessica McClellan.

Ms. Noble of the Coast Guard, who is the senior chief environmental lawyer at the Coast Guard, described the various ongoing regulatory programs in the Coast Guard including ballast water, MARPOL VI, and the important notice of proposed rulemaking regarding regulatory preemption.

Ms. McClellan gave us an update with respect to the civil litigation after DEEPWATER HORIZON.

David Sump, the Committee Secretary and incoming Vice-Chair, presented on the final STCW rule.

Dave Dickman of Washington spoke regarding notable developments in maritime criminal law including criminal cases pertaining to DEEPWATER HORIZON.

And last but certainly not least, Larry Kiern, incoming Chair of our Committee, in his inimitable style, described with passion what unfolded earlier this year at a hearing held by a

subcommittee of the U.S. House where a long list of industry stakeholders gave dramatic speeches regarding the impact of confusing and conflicting regulations specifically as to ballast water upon their operations.

We also had a wholesome discussion of the Coast Guard's forthcoming NAVIC with respect to the reporting of marine casualties.

A more detailed description of these presentations will be found in my written report.

Finally, I wish to thank Past President Bonner and outgoing President Parrish for giving me the opportunity to serve as a committee chairman in this august organization.

I wish to thank the membership of my Committee, particularly Secretary Dave Sump, for their unwavering support and assistance.

And I would also like to thank the senior Coast Guard lawyers, Admirals Fred Kenney and Steve Poulin and Captain Melissa Bert for their enthusiastic participation in the Committee's meetings and activities throughout my tenure.

That concludes my report.

MR. PARRISH: Thank you, Jeff.

(Applause)

MR. PARRISH: Thank you for your service on that very important committee.

Jason Harris, Salvage.

MR. HARRIS: Good morning. Thank you.

The Salvage Committee met yesterday morning at Reed Smith. Thank you, Lars Forsberg, for hosting us yet again. We had 35 members in attendance, plus four by telephone.

The bulk of our meeting was primarily devoted to the escalating costs of wreck removals and defining factors and, of course, why those are not the fault of the salvors. Presenting on that topic was Lindsay Malen from Marine Response Alliance/TITAN Salvage.

For those of you not able to attend our committee meeting, Lindsay will also be presenting a similar topic at this year's Southeastern Admiralty Law Institute meeting in June.

Thank you very much to Art Mead for supporting and sponsoring Lindsay's attendance.

We next heard from John Waldron of Washington, DC, for an update on responder immunity legislation. That resulted in a spirited participation from Buckley McAllister offering up some points of view on that from AWO. We also heard from John Driscoll on some additional points of view.

We next heard from our Vice-Chair, a non-lawyer, Dagmar Etkin, who provided us some updates on the reactions to the NOAA and Coast Guard Wreck Oil Removal Study. The, I think, result of that is that there's some more collaboration to be done on the ideas concerning the funding for ongoing projects.

We next heard from Doug Martin from Smit Salvage Americas on issues associated with implementation of the new salvage regulations. Dick Fredericks from the ASA provided a number of handouts to our group including the new salvage regulations.

We then heard from Peter Wiswell on the new MARSALV. The new MARSALV was issued within the past year, and receives the support of several of our committee members. There was a

lot of input offered by our committee members into the terms of the drafting. Several members of the SMA were in attendance at the committee meeting and asked that the MLA offer its support for the new MARSALV. They noted that some 100 -- roughly 100 arbitrations have been convened on salvage issues based on MARSALV, and they're hoping that there will be more in the future.

One of the features of it, of course, is the U.S. maritime law selection provision, as well as forum remaining here in the United States rather than the Lloyd's Open Form, which typically brings arbitrations outside of the United States.

Some guy name Jason Harris presented the eleventh edition of the *Recent Developments in Salvage Law*. And in the spirit of avoiding the aging of the committee, we had substantial input from the Young Lawyers Committee. I thank them very much. And my associate Ellen Shults.

Mr. President, that concludes our report. Thank you.

MR. PARRISH: Thank you very much, Jason.

Stevedores, Nash Bilisoly.

MR. BILISOLY: Mr. President, the Stevedore, Marine Terminals, and Vessel Services Committee met Wednesday in Puerto Rico. Alberto Castaner was our host and a gracious host. Alex Giles, the Vice-Chair, chaired the meeting. And I think he may have reported on it, but it was -- the highlight of that was the discussion by Alberto about how stevedore and terminal operations work in Puerto Rico, and it's a different animal. You should ask him at some point.

Both times, Tom Langan, who may be the only non-lawyer in the room, gave us a CLE worthy report. He does it every year. And we're going to turn this into a CLE report in the future as to the state of the law.

We also met yesterday -- Vince Foley hosted us at Holland & Knight, very graciously as he did again -- and he has in the past. Deborah Waters led us through the usual discussion, a very good discussion, about the state of the ILA and the state of stevedoring negotiations in the United States.

We talked about what the potential impact of the Affordable Care Act will be on longshore claims, which is a very interesting discussion.

And primarily we -- on the last three meetings and similar to this last one have been dedicated to the inexorable march towards the Supreme Court on the issue of who was a seaman and who was a longshoreman and a member of the crew. We were led in that discussion yesterday by Professors Sturley and Bartlett, who brought us up to a point where I think we are -- we're going to continue to follow that issue, and that is certainly the primary issue in our area.

Mr. President.

MR. PARRISH: Thank you, Nash.

(Applause)

MR. PARRISH: Kevin O'Donovan, Uniformity.

MR. O'DONOVAN: Good morning, Mr. President, members of the Association. The Uniformity Committee meeting was on Wednesday afternoon at two o'clock. We had about 20 people who braved the deluge and made their way to Marshall Dennehey, and I thank Dan McDermott for hosting us.

We started off the meeting with a general discussion about how future meetings would take place. In the past, the Uniformity Committee held a lot of CLE meetings. As the incoming chair, I thought it would be helpful sometimes to just have meetings where we could discuss cases that were of general interest to the

committee as a whole and not focus just on a CLE presentation. After some discussion, there was a general agreement that we will change to an extent so that some of the meetings will be CLE and some will be more in the way of general information.

We also had a presentation by Lieutenant Commander Quijano, who has obviously been at several meetings, who gave a presentation on the proposed Coast Guard preemption regulation.

And then we had a general discussion about various areas of uniformity. We discussed the flurry of cases from Louisiana and Texas about removal. We talked about the Third Circuit decision in the ATHOS,³ both the ruling in that case in which the Third Circuit has now taken a side on the scope of safe berth warranty clauses and also perhaps an issue that we should all watch going forward where the owner is entitled to take the benefit of the safe berth warranty which was in the sub-charter between the time charterer and the voyage charterer. There was a general consensus at the meeting that we can expect to see a flurry of cases where owners will now try and take advantage of clauses in charter parties that they're not actually a party to.

And finally we finished up with a discussion of the *McBride* case out of the Fifth Circuit⁴ and the ruling there permitting punitive damages under general maritime law, and the fact that this case is now going to be heard *en banc* scheduled for May of this year.

Mr. Chairman, that concludes my report.

MR. PARRISH: Thank you, Kevin, very much.

Norman Stockman, Young Lawyers.

³ *Frescati Shipping Co. v. Citgo Asphalt Refining Co.*, 718 F.3d 184, 2013 AMC 1521 (3d Cir. 2013), *cert. denied*, 134 S.Ct. 1279 (2014).

⁴ *McBride v. Estis Well Service, LLC*, 731 F.3d 505, 2013 AMC 2409 (2013), *rev'd en banc* 768 F.3d 382, 2014 AMC 2409 (5th Cir. 2014).

We're perilously close to an on-time finish.

MR. STOCKMAN: Thank you, Mr. President. The Young Lawyers Committee met yesterday at Holland & Knight. We had over 50 in attendance, which may be a record. We'll check the books on that.

Our feature presentation was a panel discussion by Amy Lovseth, Becky Hamra, and Leanne O'Loughlin. The discussion focused on claims handlers' expectations of outside counsel and in particular expectations of associates and young lawyers.

Betsy Bundy, our past chair, made a guest appearance and spoke on that topic as well.

President Parrish and Vice President Clyne were in attendance. We appreciate the support we've received from the MLA's leadership, and we look forward to contributing in the future to the organization's business.

We also heard from our committee liaisons, and you've heard already some of what the committee liaisons have done for the standing committees. We hope to formalize a job description for the committee liaisons and have that available both to the liaisons and the committee chairs and vice-chairs. Those will be guidelines, not regulations.

As is our tradition, we reconvened in a less formal setting yesterday evening. Over 70 attended dinner and cocktails at POCO in Alphabet City. That was followed by an after party at Ace Bar.

The arrangements were deftly handled once again by Pamela Schultz, Blythe Daly, and Susan Lee. We thank them very much for their hard work in putting that together, and also Peter Dee, who did some reconnaissance for us on the bar and other locations. Once again, it's a tough job, but someone has to do it.

Once again, our cocktail hour was sponsored by SEA Limited, and we appreciate their continued and consistent support of the Young Lawyers.

To give a few of the details, but not too many, about the dinner and the rest of the evening, the dinner was delicious. The after party featured several impromptu skeeball and dart tournaments. Skeeball in particular drew a good crowd. It was made more exciting by the fact that the machine's scoring was inaccurate, and so you had to keep score in your head.

Not surprisingly perhaps under the circumstances, scores steadily improved as the night wore on. And I'll leave you to draw your own conclusions as to the cause of that result.

And that, Mr. President, concludes my report.

MR. PARRISH: Thank you very much, Norman.

The substantive weight of the Young Lawyers' agenda continues to amaze me.

Jim Bartlett, are you in the audience?

MR. BARTLETT: Yes.

MR. PARRISH: Would you come up, please, sir.

Jim has been our liaison to the ABA for two years, another thankless task. He said he didn't want to make a report, but I invite him to make some brief remarks if you'd like. Or you can just take your certificate and run.

MR. BARTLETT: It has been my pleasure for two years to represent this Association at the House of Delegates of the ABA. It was a great honor, and I thank you, Mr. President, for that appointment.

(Applause)

MR. PARRISH: Past President Hooper, I believe you have some remarks to tell us about the AMC, American Maritime Cases, and also the imminent passage of the Rotterdam Rules.

MR. HOOPER: The word they used was soon. But it is moving and that's very good news.

On behalf of the AMC, I would like to announce that the five-year digest is dedicated to Professor Tom Schoenbaum and this past year's volume is dedicated to Bob Parrish himself.

I'd like to ask the committees to send to David Nourse and me newsletters and other reports you wish to publish in *The MLA Report*, and please send it in Word format.

Thank you.

MR. PARRISH: Thank you. All the extremely hard but wonderful work that Chet and David Nourse do on *The MLA Report*. One of the joys of this office is being able to hand those memorials to the survivors of some of our past members.

Next, fresh off a plane from Dubai, Past President Liz Burrell. Without going into the details, she had a rough transit coming back. I think she's been under the weather. But in spite of my numerous e-mails this morning, she's toughed it out. She's going to address us briefly, I think, about BIMCO where she was representing us in Dubai and whatever else she wants to talk about.

Liz Burrell.

MS. BURRELL: Thank you.

I'm just back from the BIMCO meeting in Dubai. It was a meeting of the general membership, as well as of the Documentary Committee. I am The Co-Opted Delegate of The Maritime Law

Association of the United States to the BIMCO Documentary Committee. I have yet to figure out who has co-opted me and for what purpose, but I live with the ambiguity.

In any event, the Documentary Committee is the entity that produces most of the forms that are used in most maritime transactions.

It is, of course, an owners' organization, and sometimes that has figured into the forms that they have generated. Nevertheless, the last session reflected the group's recognition of the fact that if you draft a clause too much in one direction, nobody else will agree to it, thus defeating the purpose of having a form.

The Documentary Committee has made some good progress in producing fairly balanced documents. There also has been progress on a joint project with ASBA to revise the New York Produce Exchange form. In that document, New York rather than London arbitration is the default position, as would be logical given the form's name.

The BIMCO general membership meeting featured a program titled "Double Jeopardy, Trial by the Press, Trial by Arbitration" that involved a mock casualty and arbitration using role players from the BIMCO membership as well as members of the New York, London, and Singapore arbitral communities. The scenario was a grounding in an American river with a pollution incident. The program permitted audience interaction at several points, both in decision-making at each stage of the casualty, starting with the question of whether or not the vessel should proceed upriver when depth readings were not reliable, and in how they thought the parties would fare in arbitration.

The program was an immense success. In the enactment of the relevant events during the morning session, I played the role of an impassioned environmentalist, which was a great deal of fun. I went screeching up to the owner and demanded full satisfaction, by a pound of flesh if I could have had my way. Such drama aside,

it was a very amusing and engaging program. People were very, very much involved in it.

The afternoon was the Trial by Arbitration segment featuring an arbitrator from Singapore, an arbitrator from London, and an arbitrator from New York. I am convinced that the inclusion of arbitrators from New York and Singapore was the result of our organization's efforts to make sure that the United States is still viewed as part of the shipping world. We sometimes seem to drift below the horizon, especially in groups dominated by individuals and organizations with ties to London.

At this point, though, I think that BIMCO leadership is conscious of the need to maintain its connection with the United States. In fact, there is a plan to bring the same program to Stamford shortly. I will let you all know when that event is scheduled.

Thank you very much.

(Applause)

MR. PARRISH: Thank you, Liz. I assure you the world is not resting in this competitive international marketplace, and Liz does a lot for you all in our membership to maintain our posture in that environment.

Next is CLE. I don't think Betsy Bundy is able to be here today, but, Mike Ryan, I thought I saw you in the audience. Are you here?

MR. RYAN: Reluctantly, yes.

MR. PARRISH: This is another gentleman who continues to give to the MLA. Look at the years on his certificate. It's 2007 to 2014.

MR. RYAN: At your service, sir.

MR. PARRISH: That's all you've got?

Mike is a dear friend. He's a great friend to the Association, and he has gracefully allowed Betsy to move in and take over on the CLE.

For many years, he led the effort to keep us straight on our paperwork. I'm not sure that all states are represented here but I can tell you that our State of Florida presents some challenges, and Mike has undergone the tough task to learn all those different states' CLE certification rules. We thank you for your service.

(Applause)

MR. PARRISH: Government Counsel. Mike, my notes indicate Jessica McClellan will give a report.

Jessica.

MS. McCLELLAN: Thank you, Mr. President.

The Government Counsel Committee convened yesterday here in New York with the committees involving vessel operators, marine ecology, and maritime criminal law. I'm not going to repeat what was already presented by Jeff Moller and Sean Houseal. Instead I wanted to provide a brief update of the status of the DEEPWATER HORIZON civil litigation.

At last year's meeting, the Government Counsel Committee Chair and lead trial counsel for the United States, Mike Underhill, reported on the Phase I trial that had just concluded. And you may recall that Phase I concerned liability for the oil spill and lasted a total of 29 days with 39 witnesses.

Simultaneous with the Phase I trial, Phase II discovery was conducted and included 123 depositions. The Phase II trial was

then held last fall over 12 days. Two issues were presented by the parties: First, source control, which the court defined as “what occurred from the time the DEEPWATER HORIZON sank and the riser fractured and oil began to escape, until 87 days later when the well was finally capped.” The second issue presented by the parties was quantification -- how much oil flowed from the well. Phase II post-trial briefs and findings of fact were submitted by the parties in January.

Cumulatively for both phases, close to 16.5 million documents or more than 22 terabytes have been produced by the parties. There have been more than 45,000 trial exhibits, and in total, the trial spanned 41 days with 79 live trial witnesses.

The question as to what’s next? Phase III, which is the penalty phase. Last week, the court issued an order regarding the penalty phase and set a trial date of January 20th, 2015. The penalty phase of the trial is expected to last three weeks and the main issue in Phase III will be the Clean Water Act penalty factors.

The outcome of the penalty phase is expected to be the court’s determination of the actual dollar amount of the civil penalty to be paid by each defendant, based upon the evidence that has been presented in Phases I and II as well as the penalty phase.

So next year’s report should highlight the penalty phase trial, as well as the schedule for later phases, such as Phase IV, which will involve the assessment of environmental and natural resource damages, and is anticipated to be the largest phase of the DEEPWATER HORIZON litigation to date.

Thank you, Mr. President. That concludes our report.

MR. PARRISH: Thank you.

In-House Counsel. Art, are you giving a report.

MR. MEAD: Yes.

MR. PARRISH: Art Mead from Crowley. This is a joint chairmanship. We have competitors from either coast who are Co-Chairs of the Committee.

MR. MEAD: Good morning, Mr. President, MLA Board members, officers, members, and distinguished guests. You can tell I'm an electronic guy here.

The In-House Counsel Committee met yesterday, May 1st, at the offices of Holland & Knight, and for that I would like to thank our gracious host, Vince Foley. I also would like to thank my Co-Chair Skip Volkle and my Secretary Tom Wynne for invaluable contributions to support the efforts to put together another successful meeting.

We had 25 members physically present and one on the phone. And these members came from a wide variety of major sectors of the maritime industry, insurance, risk management, liner, oil company counsel, petroleum transportation counsel, and tug and barge.

We had two presentations, each involving the participation and the vigorous discussion by committee members.

The first was made by John Butler, who was the General Counsel of the World Shipping Council in Washington, DC. His presentation was entitled "Current International Convention Shipping Policy and Regulatory Issues Update."

Members of the World Shipping Council comprise about 90 percent of the world's liner tonnage, and John gave us an introduction into exactly what that association is working on, which includes EU trust and economic policy matters and U.S. shipping matters.

A current initiative in the IMO regarding weight of containers, which would amend SOLAS, is slated to come around 2016.

The current state of the Rotterdam Rules is that only three countries out of the twenty needed to ratify it, have signed it. And therefore, they're all pretty much looking at the United States' leadership to see whether the United States is going to sign it. John gave us some insight that because it's an election year, that it probably won't have any action this year.

Finally, he discussed some air emissions issues: MARPOL VI, SOx, NOx Tier 3, NECUS, Tier 3 compliance, and greenhouse gases.

Our second speaker was Commander Jason Krajewski from the United States Coast Guard Office of International Maritime Law, in Washington, DC. The Commander gave the Committee an update on U.S. domestic legislation, regulatory, and policy matters starting with the Coast Guard's preemption restatement notice of proposed rulemaking, marine casualty reporting, and Outer Continental Shelf issues, which the Commander noted we should expect about twenty NAVICs in total fairly shortly.

And finally, Commander Krajewski discussed Coast Guard investigation and enforcement procedures and the work being done by the Coast Guard related to the Arctic.

You know, that's kind of my scripted remarks, but I wanted to go off script for a minute with respect to everybody's time because of what's going on this morning and just say that I, too, am a graduate of Fort Schuyler. I worked with Phil Berns. I had the honor of working with Phil Berns for a year and a half in his office during law school in San Francisco, and that brief time had a positive trajectory on the rest of my life. And for that I'm very grateful.

Mr. President, that concludes my remarks.

(Applause)

MR. PARRISH: Thank you, Art.

Last but not least, we have one more Special Committee Report, the Website and Technology Committee. Lynn Krieger, come up if you would.

Just a matter of brief introduction: At the Committee Chairs' Meeting, which occurred on Wednesday before I took Office as President two years ago, we received, how shall we say, some strong comments concerning our existing website. It served us well for several decades, but it became clear, particularly from the younger people who are far more conversant than I, that we need to change it.

Marc Marling, then Chair and Lynn Krieger, now Chair of the Website and Technology Committee, undertook with my guidance to create a consensus of shareholders and stakeholders. It is my view that whenever you change something that's as important as a website, particularly in 2014 where we're all seemingly tied to it, we do this slowly.

It's a slow process, intentionally slow, and we're not going to have a -- more than about a five-minute show and tell today, but it is going to roll out shortly. If there's something wrong -- if you don't like the colors -- hopefully any problems that you see we'll address, in a positive manner. I'm excited about it.

Lynn Krieger. I have to move my laptop.

MS. KRIEGER: Thank you, Mr. President. Thank you, members.

It sounds like the new website is just going to barely beat the Rotterdam Rules; it has been a long time coming.

So a moment of thanks. We met again this year thanks to our host Bill Bell at Jones Hirsch.

As Bob indicated, I do want to take my brief time up here to give you a preview of what should be coming possible in June [referring to projection of website on large screen].

As you can see on the screen, the first page of the new public side of the website will be more colorful than the private side because we want to show photos that represent all of the different practice areas of all of our members. It will have a much more modern appearance and a lot more news up front on the home page.

Information will be more accessible. We're going to have an Events Calendar that's a little bit more intuitive. You can export events directly to your Outlook calendar or your Google calendar. The entire site will be fully searchable.

We will have applications that can be submitted online, which will make the Membership Secretary's job easier. As you can see [referring to screen], everything is going to be directly online, and the onus will be on all of the members who want to be Proctors and the new Associate applicants to assemble all the required supporting documentation before submitting the application.

Now you're seeing the new member side of the site [referring to screen]. You don't actually have to have a photo of yourself in your space; it is optional. If you choose not to post a photo of yourself, the space will show the MLA seal.

Another great feature of this new site is that it's intended to be a working tool for all of our members. Members have the dashboard that is fully customizable for each member. You can put whatever you want to have easy access to on the dashboard via widgets that you can just click and drag into your opening page.

Each committee page will also have its own options for forum discussions, e-mails, and committee documents. It should be very, very intuitive.

Here's a further look at the lower page of our member dashboards [referring to screen]. You can see upcoming events will be to your right so everyone can see them at a glance. You can also see in the lower right-hand corner [referring to screen], that you'll be able to search the entire site, including documents which will be fully searchable.

Here are the committees [referring to screen] that you can put on your dashboard as well. You can also vote on your committee pages.

The intent is to have everything, as we've always said, run through the website. It's been a little bit difficult in the past. From now on it really should be workable and accessible to everyone.

For those members who are concerned about whether they'll be able to understand how to use the new site, we're going to have very short instructional videos. They will be linked to YouTube. If you want to do anything on the website, and you aren't quite sure how to do it, there will be a link you can click on and see an instructional video about what you need to press and click in order to accomplish whatever you're trying to do.

And finally, we will have on the last page [referring to screen] a gallery where we can post photos – subject to approval – of MLA events.

We will notify everybody by e-mail about the date for transition to the new website. Delinquent members will be notified about the need to pay their dues, so we will probably put some sort of annoying pop-ups when you have to register, notifying you if your dues are delinquent.

It's been a long time coming, but we're almost there. I have to thank Marc Marling. He started this process a long time ago. Now I'm the one up here getting the visibility, but Marc was the one pushing this in the beginning and should get most of the credit, for better or for worse.

Once the site goes live, please don't hesitate to e-mail the Website Committee with any comments or criticisms. We welcome all of it.

Thank you.

MR. PARRISH: My charge to Lynn was to the best of her ability to make The Maritime Law Association of the United States website truly the foremost state-of-the-art maritime law website in the world, including social -- what's that stuff called -- social networking, YouTube and all of those other things. Twitter. I'm sure Admiral Poulin tweets all the time.

But my point is I think she's done that. I'm not really competent to say. So I ask all of you, my friends -- particularly my younger friends who know what words she's saying -- to help her out by -- when it rolls out, tell her how about this little tweak or that little tweak. She's incredibly open to that. She's incredibly smart and technically proficient.

Can I ask Bill Fennell to come up. Bill has also had input into the task of taking over the dinner arrangements committee for tonight from the incredible Boriana Farrar, who did that a long time. Bill is going to tell us what we're doing tonight.

MR. FENNELL: Thank you, Mr. President.

The MLA's Annual Spring Dinner is this evening. Once again, it will be held at Cipriani's, which is located in the city's historic landmark at 55 Wall Street. It's just a short subway ride away from here on the 2 or 3 train.

This year, like last year, we have an excellent turnout and there will be more room this year for socializing during the cocktail hour where we're expecting over 800 guests. The cocktail hour will start at 6 p.m. and dinner will be served from 7 to 11.

I remind you that there is an open bar all night long, so there's plenty of opportunity to meet up with your friends and share a drink. And I know the Officers and the Dinner Committee have worked very hard in putting together what is going to be a fantastic evening. So I look forward to seeing you all there.

MR. PARRISH: Thank you, Bill. Getting real close.

Will retiring Board members Susan Dorgan, Rob Fisher, Alex Giles, and Eddie Powers please come forward?

One of the great joys of being the President of the MLA is to take instruction, direction, and policy determination from the Board of Directors. The President and the Officers do not make the policy of this Association. That is set forth in the Articles of Incorporation and the By-Laws, and it's determined from time to time by members of the Board of Directors, who are in turn put forth by the Nominating Committee for election at these annual general meetings.

And I have had the honor and privilege of having an extraordinary Board. I'm sure every president feels that way. But these four certainly committed themselves to me for the last three years in helping me and guiding me. I went out of my way to try to solicit input because I know that there's a lot of people smarter than me, I'd better be asking them what to do. So I did, and they gave, and I thank them from the bottom of my heart for helping me with my job.

Here is a certificate for you. Thank you.

(Applause)

MR. PARRISH: My agenda tells me I should call on the new Past President Pat Bonner for a report of the Nominating Committee.

MR. BONNER: I'm not going to let you off the hook. We're going to keep you for another year.

The Nominating Committee met on Wednesday and recommended the following slate:

For President, Bob Clyne of Houston; First Vice-President, Hal Watson of Houston; Second Vice-President, Frank Nolan of New York; Secretary, Dave Farrell of Cape Cod; Treasurer, Bob Connor of New York; Membership Secretary, Barb Holland of Seattle; and for the four incoming Board members, Dan McDermott of New York; Donny Radcliff of Mobile; Kevin Thornton of Atlantic City; and David Ventker of Norfolk.

This concludes my report.

MR. PARRISH: Do I have a motion?

MEMBER: So moved.

MR. PARRISH: Wait, wait. From a Past President, I believe. There's some confusion, but I believe that past President Hooper is going to make a motion.

MR. HOOPER: Mr. President, I move to close the nominations and direct the Secretary to cast one vote for the ballot.

MR. PARRISH: All in favor?

MEMBERS: Aye.

MR. PARRISH: Thank you. Congratulations, President Clyne.

(Applause)

MR. PARRISH: Before I turn the podium over to you, may I make a few remarks?

MR. CLYNE: Sure.

MR. PARRISH: Two years, it's a long and a short time. Over that time, I have come to truly understand that this is not a job. It is a privilege that the membership accords you to experience the sheer joy of working for you.

Traveling the world as MLA President, one appreciates how much respect is felt for our Association because of the rich history that we enjoy. And I hope that I have done nothing to diminish that respect.

Serving as your President has been the greatest joy of my professional career. I indeed must thank those who have stood by me. Of course the *numero uno*, my bride of several years. Forrest, would you rise and take applause.

(Applause)

MR. PARRISH: And I am going to do, as I stated -- this will be brief -- but to thank also my partners, who definitely helped pay for me to do the job. Several of them are there.

The Committee Chairs, wow, what a performance today. I'm not sure this is record breaking, so the Past Presidents will have to tell me, but we are -- you did a great job. I thank you so much.

And the Officers. A lot of the work gets done pre-Board level, the day-to-day stuff, balancing of the books and keeping of the minutes and membership and all of that and the guiding from the Immediate Past President -- that's a tremendously hard job for him -- but I thank each one of my fellow officers.

Past Presidents, unfortunately we've lost a few. But they are of essential worth to the President as he tries to do right. Everybody tries to do right in this job. But the best source of

wisdom is the past, and I called upon the Past Presidents heavily and they responded in kind. Thank you so much for your help.

We also have the services of Robin Becker, whose name has been mentioned. She's been our longtime Administrator. Most of you know her on a first name basis from working with the website. She will continue to work on this new website, perhaps a different role, and continue as an integral part of our organization. And Kathy Gunter, who is with my firm, to assist the MLA president. She's been in this room.

And, finally, in terms of thanks to my boss, the person that hired me on command from a federal judge -- it wasn't his fault -- James F. Moseley. Thank you, Jim.

The MLA is in very good shape. It has a stable, if not growing membership.

In the past, Presidents have written a private note to their successor, and I've been whispering to Bob Clyne for over a year now. So instead, I handed him a thumb drive that contains all of my MLA presidential e-mail with my inbox organizational structure. I trust that he will throw it in the trash can and do it his way, a better way.

This job has been made much easier by modern technology, remote access, and e-mail. Bob, you will handle this job with ease while continuing to perform at the highest level during your day job.

Thank you all again.

(Standing ovation)

MR. PARRISH: So you made it.

MR. CLYNE: Bob has been looking forward to this moment. I don't know how many of you know this, but Bob was drafted by the New York Jets in 1974. We tried hard to get Bob's hero, Rex Ryan, a man he considers to have great wisdom and vision, to come here and say a few words, but what came back from the Jets organization, and I quote, was, "Are you kidding? You want me to come into a room full of lawyers and talk about an offensive tackle? No way."

In all seriousness, nothing is more important to Bob than his family and his close friends. And Bob has many close friends, which is a testament to his character and to his larger than life personality. But if you get to know Bob, on a professional level, there's three things that are most important to him. One is his affection for his *alma mater*, Duke University. The second is his relationship with the judge for whom he clerked, Judge Gerry Tjoflat -- the former Chief Judge of the Eleventh Circuit Court of Appeals, and the third is his relationship with his law firm, and in particular with Jim Moseley.

In trying to come up with a gift for Bob, we tried to incorporate all three of those things that are so important to him. Don't worry, it's not a picture of Rex Ryan.

MR. PARRISH: He used to sit on my lap. His father was my coach.

MR. CLYNE: What's become a tradition in the last several years is to provide the outgoing MLA president with the Silver Oar of Admiralty. And we've gotten that for Bob today but we've also incorporated a letter from the Dean of Duke Law School, Dean Levy; a congratulatory letter from Judge Tjoflat; and a letter from Jim Moseley. We've put all that in a frame for Bob. It's something that he can take home and put on a wall, or put in a closet, or do whatever he wants with it.

Bob, congratulations on a job well done. You were a tremendous President to this Association, and we appreciate

everything that you have accomplished in the last two years as President and for your dedicated service in the other positions you've served.

(Applause)

MR. PARRISH: Thank you, Bob.

MR. CLYNE: So while Bob anxiously awaited this day, I wondered if it would ever come. I'm truly humbled, and I feel honored to take the helm of this great Association.

As I thought over the last several weeks and months about the awesome responsibility and challenges ahead, I became a little nervous and apprehensive. But then I said to myself, wait a second, you were the dinner chairman. If you can do that job, you can do anything.

I have no such illusions.

Bob has been keeping me in the loop on all of the issues for the past year and has done his very best to prepare me for this job, and for that I am most appreciative.

So how did I get here? Well, I need to start by acknowledging and thanking the most special person in my life, my soul mate and my best friend, my wife -- Cathy. I can very honestly and very sincerely tell you that if it wasn't for her, I would not be doing many of the things that I'm doing today. Believe me, the indebtedness runs very high and cannot be repaid. So thank you, Cathy.

(Applause)

MR. CLYNE: I'm also very proud to have my youngest daughter, Catherine, here this morning. My other two daughters are at school but I'm very happy that she was able to be with us today.

I also want to acknowledge and especially thank Ray Hayden. Ray was the person who got me involved in the MLA and encouraged me to run for the Board and, along with Tom Rue, to become an Officer. Ray has sponsored me every step of the way.

So thank you, Ray. I continue to appreciate all that you've done, and for your wise counsel that I hope to continue to draw upon.

I equally want to thank Tony Pruzinsky, my former partner and my very close friend. Tony not only supported my involvement with the MLA, he enthusiastically encouraged it. That support and encouragement never wavered and has meant more to me than you can imagine. So thank you, Tony.

I also want to thank all my former partners at Hill Rivkins for supporting me in the MLA. Never once did I hear them say he's spending too much time doing MLA work. They may have thought it, they may have even said it, but I never heard it.

And so in all seriousness, I've had tremendous support from the firm, and I feel very privileged to walk in the footsteps of the Past Presidents from Hill Rivkins -- Ed Carey, Frank O'Brien, and Ray Hayden.

And last and very significantly, I am beyond appreciative and want to thank the Chairman and CEO of ABS, Chris Wiernicki, who is with us today along with the CFO of ABS, Jeff Weiner. It's with Chris' support and the support of the Board of ABS that I have been allowed to become the first in-house counsel to be President of this 115 year old Association. So thank you, Chris.

So what am I looking to achieve over the next couple of years? Well, first and foremost, I want to see the rollout of the new website, which hopefully will go off without a hitch. Fingers crossed.

I'm so thankful to Bob for moving forward with this and to Lynn Krieger and the team that has been working so hard on this project. I'm beyond excited about getting this important tool into the hands of the members to enhance their practice and to aid in their networking. That's what it's all about for us, to be there to provide value to the members.

But it doesn't stop with the website. We need to look at other forms of social media and think about what value they can provide to our members. I am not a Facebook person. I don't tweet. But as I mentioned to the Board at our March meeting, it's not what I want or what I do, it's what's beneficial to the membership and, particularly, the young members of our Association. So we will be looking at all of these things.

I also want to make sure that the relationship that we have with the Coast Guard stays strong. I'm not sure it can get any better, so I'm just hoping not to screw it up.

A number of years ago, we had established the MARAD forum with the Maritime Administration. With the recent changes in leadership at MARAD, I'd like to see if we can reinvigorate or restart that forum to establish closer ties. Given the opportunities in the offshore industry, we would like to develop some ties with BSEE as well. I was really pleased to see Admiral Salerno attended our Vessel Regulation Committee meeting and gave a presentation on Tuesday in Washington. I'm hoping we can do more of that sort of thing and develop a cooperative relationship going forward.

Finally, one of my goals is to encourage more participation from the membership. As you know, we have over 2800 members, and I think it's less than 15 percent who actively participate in the MLA. We need to try to get some more involvement from other members, and we're going to start that process in Philadelphia in October. We're taking the MLA to a place we've never been for a meeting, to get a membership drive going and to encourage some local involvement in the Association.

The MLA's assets are its people. And today we remember Phil Berns and Gene George, two members who represent what this organization is all about.

I served as an Officer with Phil. I was the Treasurer when he was the Membership Secretary. And in between jokes, Phil would say to me, "Just because you're the Treasurer, you're not just a number cruncher. Your views matter and they need to be put forward."

And Gene George. What can I say about Gene? He represented the gold standard when it comes to being a member, quietly going about the work of the MLA and letting others take credit for it.

They both will be sorely missed.

Let me say in closing that I've had the good fortune of serving as an Officer under four terrific Presidents. If I could have half the vision and affection for the Association as Liz Burrell; if I could be half the steward and be half as effective as Warren Marwedel; if I could be half as dedicated and persistent as Pat Bonner; and if I could be half as enthusiastic and sincere as Bob Parrish, I will serve you well.

There are few guarantees in this life, and I can't guarantee you that I will be a good President; but I can say this: No e-mail will go without a reply; no phone call will go unanswered. I will work tirelessly every day to make this great Association a place that the members want to be a part of.

From the bottom of my heart, I thank my fellow Officers, the Board, the Committee Chairs and members, which are the lifeblood of the organization, the Young Lawyers and the members for their support. I look forward to seeing you at the dinner this evening and in Philadelphia in October.

Thank you.

(Standing ovation)

MR. CLYNE: Now we're going to slightly depart from tradition. Instead of having the most senior Past President make a motion to adjourn, we're going to, with Chet Hooper's gracious consent, call on one of our most senior members and Past President, one of the true deans of the admiralty bar, Jim Moseley, to approach the microphone.

MR. MOSELEY: President Clyne, Mr. Immediate Past President, we have plenty of work for you when you get back.

I want to thank Past President Chet Hooper, one of my dear friends, who relinquished his prerogative of closing the meeting by allowing me to speak.

Bob Parrish has been one of my partners, seemingly forever. Years ago, I received a call from U.S. Circuit Judge Gerry Tjoflat, who likes me so much, he moved across the street. Gerry said, "I've got this guy, I've got to get him off my hands, and I can't seem to do it. I think he wants to be a law clerk forever. Please take him."

And I said, "Well, I need somebody desperately and send him on over here." And so with that, Bob started.

It was not long before his first trial came up. I was going to be the second chair, and he was going to be the first chair. I had my fingers crossed. I had my toes crossed. I wrote a book about this trial, *The Longest Day*. And I had it subtitled *Assault on Dean Wigmore's Rules of Evidence*. But he pulled through and actually got a verdict.

And when the jury went out, I had to go to a pretrial over in Federal Court. And so after the jury came back in, I'm still in the

Federal Court. So Bob comes running over to the courthouse, and he said, I got hit for \$300,000. I almost fainted. Then he told me he was just teasing and it was not guilty. He's full of tricks, then and now.

I wish to tell Bob something now. I'm not sure he's ever listened to me, but he looks as if he's listening. Success comes when you're a steward of a great organization like this. You've only got two years to give it all you have. And Bob has had a great number of ideas and implemented them.

And what happens soon -- and not today, but soon -- you will see some of the ideas that you advanced and the guidance that you gave are following in full fruition with the new leaders. And your heart of heart will tell you -- almost smiles at you and you know that the things that you have presented are now part of MLA.

And then there is the challenge to never tell anybody that it was your idea. Don't. You just enjoy seeing it happen with the people you really care about. And I know you will do that.

This is an Association that has prospered. It's probably one of the two greatest legal organizations in America. The other one is the American College that has had numerous Fellows, past and present, since its founding. The success of MLA is measured not in the numbers of members, but in the quality of the people. And when you would hear somebody as the Chief Judge up here in New York saying he loved to have an admiralty case because everybody was ready, they were prepared, they were forthright, they were civil, and they had done everything they were supposed to do. That's a hallmark of MLA.

And I'm pleased to have a second MLA President in my firm. I did such a poor job that we called Bob the "mulligan" because he was straight and true and down the middle about 300 yards, after I drove off the tee with an eight iron.

So Bob, you have done a great job. And there's a sense of pride you get when you see somebody develop, have a wonderful family and a wonderful ability to bring others along on the paths that you trod. And he's the one that brings along all of our young lawyers, with our firm members' help.

And Bob, I'm proud of you. I'm proud of what you've accomplished. And nobody can do it better. So congratulations.

In addition to Bob, Pat Bonner has been my longtime friend. And to date, I haven't heard Pat's name mentioned except in great respect, which he deserved. He has held about 12 consecutive years as leader of the Committee on the Coast Guard where I was the Chair and Pat began as Secretary. He cut his teeth by being on that Committee.

And then he's had 18 years as an Officer. And that's about 30 years as I add it up. So he's been committed. He would not want me to mention him and that's why I enjoy mentioning him. Pat, you are a wonderful man. We're proud of you, too.

And to you, Bob Clyne, you will do a great job, I hope that you'll call on me. If you need somebody that's grazing out at pasture, just call me, and I'll be there for you.

Thank you very much.

(Applause)

MR. CLYNE: Do I have a motion?

MR. MOSELEY: I move adjournment.

MR. CLYNE: Do we have a second?

MEMBER: Second.

MR. CLYNE: All in favor?

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MEMBERS: Aye.

MR. CLYNE: We're adjourned. Thank you.

(The meeting adjourned at 12:09 p.m.)

Report of the Inland Waters and Towing Committee

Wednesday, April 30, 2014

Our meeting was attended by 30 attendees in person and three by teleconference. We commenced the meeting with a moment of silence in remembrance of Gene George and W. Hamp Uzzelle.

Committee Vice Chair Kent Roberts gave a presentation on the recent Coast Guard Notice of Proposed Rulemaking on Preemption, 78 Fed. Reg. 79242 (2013). The rulemaking is basically a restatement of existing law and clarifies federal authority in regulating navigation, maritime equipment standards, and pollution prevention. This rulemaking promises to be of particular interest in connection with state and local laws relating to oil and gas transportation.

Jason Pedigo, the Committee Young Lawyer Liason, surveyed cases on the availability of an unseaworthiness cause of action to tug crewmembers who board a barge or other third party vessel. While there are diverse holdings on the issue, the greater weight of authority does not support extension of a claim for seaworthiness against either the vessel owner or the employer under these circumstances.

David Boyajian gave a presentation on recent maintenance and cure developments. He surveyed a number of decisions indicating an expansion of this remedy in the Pacific Northwest.

The Committee had a discussion of recently proposed responder immunity legislation, reviewing perspectives of responsible parties, responders, and mariners in light of the Macondo incident.

On behalf of the Subcommittee on America's Marine Highway, Charles Cumming gave a presentation on a recent MARAD project to support transportation of containers on

an Articulated Tug Barge Unit between Portland, Maine and Brooklyn, New York.

On behalf of the Subcommittee on the Great Lakes, Michael Hartman reviewed efforts to develop LNG as a marine fuel on the Great Lakes.

Lastly, we also discussed the Vessel Incidental Discharge Act, S.B. 2094. A similar bill was passed in the House last year. This bill would establish a uniform national framework for consistent regulation of ballast water and other vessel impacts on the environment.

Written materials on these presentations have been posted on the MLA website.

Respectfully submitted,

Brian B.A. McAllister
Chair

Report of the International Organizations, Conventions, and Standards Committee

Thursday, May 1, 2014

The International Organizations, Conventions, and Standards Committee met on Thursday, May 1, 2014 at the offices of Holland & Knight in New York. Approximately thirty-six persons attended.

The Committee hosted a CLE program addressing current issues affecting the Arctic. The subject matter was timely due to the rapid development of the Arctic region for both resource exploration and exploitation and increased commercial vessel traffic. Issues affecting the Arctic have been addressed in numerous maritime industry publications and are core topics in recent meetings of the IMO, CMI, and other multi-national organizations.

The first presentation was given by Mr. Mark Rosen, Vice President and Deputy General Counsel of CNA Corporation and Executive Legal Advisor of the CNA Arctic Security Initiative of the Hoover Institute of Stanford University. His presentation was entitled “The Changing Arctic: Strategic Opportunities and Challenges.” In an extensive PowerPoint presentation Mr. Rosen gave a comprehensive overview of the current legal regime as well as governmental and industry perspectives on development in the Arctic and what is needed to address liability risks and governance issues. Mr. Rosen spent some time addressing current hydrocarbon activities and prospects for the future, noting that most such activities will occur inside of the established EEZs of the five littoral claimants (U.S. (Alaska), Canada, Russia, Norway and Denmark (Greenland)). Serious questions remain concerning development of the Outer Continental Shelf since claims are not adjudicated.

Mr. Rosen next identified operational risks for vessel transits, oil and gas extraction, and tourism. He noted some

legal gaps in the safety of navigation, financial support, and insurance for oil and gas extraction and standards for foreign direct investment. Mr. Rosen outlined the current legal regime as governed by Article 234 of the Law of the Sea Convention, state regulation of navigation and resource extraction, and the work of the Arctic Council. He then addressed possible mitigation schemes under discussion to address the increase in vessel operations and transit with regard to pollution, vessel casualties, and safety of mariners. A critical issue is response to pollution risks which has magnified due to both increased and prospective natural resource development and anticipated burgeoning vessel traffic with the reduction in sea ice. A number of possibilities were discussed that might provide avenues of approach. These could include an IMO Polar Code, increased limits on liability, and cooperation between littoral states. After addressing these possibilities Mr. Rosen set out a suggested agenda for the Arctic Council and conditions precedent to responsible development in the Arctic. The PowerPoint presentation for this talk will be posted on the IOCS webpage.

The next presentation was given by Mr. Douglas G. Schmitt, a partner with Alexander Holburn Beaudin + Lang LLP in Vancouver, British Columbia. Mr. Schmitt is on the Board of the Canadian Maritime Law Association, has chaired several CMLA committees, and prior to his legal career served as Chief Oceanographer on the Canadian Coast Guard vessel QUADRA. Mr. Schmitt gave a presentation on Arctic issues from the Canadian perspective. In his overview, he described the importance of the large Canadian territory inside the Arctic Circle for the relatively small population, including Inuit and other native peoples. Mr. Schmitt devoted some time to the issue of defining the boundaries of the Canadian Arctic area, noting ongoing friendly disputes with both Denmark (Greenland) and the United States (Alaska), and the increasing importance of these disagreements due to the potential for oil exploration and development within the contested territory. Mr. Schmitt from his personal experience was able to describe the vagaries of vessel transit in the Arctic region, describing how his

own Canadian Coast Guard vessel became blocked by ice near the Canadian Archipelago and had to transit around the entire North American continent to the east, (including the Panama Canal) in order to reach its home port of Vancouver for the winter.

Mr. Schmitt outlined many concerns to Canada, including the increased shipping traffic due to ice reduction and risk of environmental catastrophe, problems with overfishing, the high cost of exploiting resources, and threats to Inuit way of life. He then walked us through a very detailed outline of Canadian legislation impacting the Arctic and legislative and case law history impacting vessel transit and resource exploitation. The problem of controlling vessel traffic through the “Northwest Passage” of the Canadian Archipelago was of particular concern. This discussion addressed the current Canadian maritime law regime applying to the Arctic, including shipping pollution prevention and vessel traffic control, the application of UNCLOS, and Canada’s participation in the Arctic Council.

Mr. Schmitt spent considerable time addressing Canada’s position with regard to the Northwest Passage and opposition to the concept that it is an international strait. In conjunction with this, Mr. Schmitt outlined in further detail the Alaska/Yukon offshore boundary dispute and its implications for future resource exploitation. Mr. Schmitt also addressed the IMO Polar Code and international agreement on search and rescue in the Arctic. His PowerPoint and presentation summary will be posted on the Committee webpage.

The next presentation was preceded by remarks given by Rear Admiral Steven Poulin, Judge Advocate General of the United States Coast Guard. He provided contextual remarks for the presentation to be provided by the Coast Guard, noting the importance of the development of legal regimes to cover the increased vessel traffic and agreements to provide adequate response and hopefully preventative measures for environmental hazards presented by offshore resource development as well

as increased tanker traffic. Admiral Poulin also provided a good-natured retort to the Canadian position with regard to the Northwest Passage and the United States position that this constitutes an international strait governed by applicable provisions of UNCLOS.

The third presentation was given by Cdr. Jason M. Krajewski, Chief, Prevention Law Division, Office of Maritime and International Law of the United States Coast Guard. His presentation was entitled “Arctic Governance: A United States Coast Guard Perspective.” Cdr. Krajewski provided an overview of concerns and challenges in the Arctic environment, some of which have been identified also by prior speakers. These include magnified risks of incidents through increased use of the Arctic waters, the unique aspects of the Arctic environment, challenges to creating a legal framework for the Arctic and the potential for international cooperation for Arctic initiatives. The Coast Guard believes that activity in the Arctic will continue to expand at a rate which will drive both national and international agendas. They do not believe that domestic laws and policies can address the full measure of legal and logistical challenges and therefore development and implementation of international legal instruments will be critical for Arctic development.

Cdr. Krajewski’s PowerPoint, which will be posted on the Committee webpage, outlines a number of concerns targeted by the Coast Guard. These include increasing cargo operations in the Arctic and western Alaska in a harsh and unforgiving environment unlike that found anywhere else in the world. Tremendous potential untapped natural resources exist in this zone, many in areas not currently governed by established international or national legal regimes. The unique environment of the Arctic also presents challenges to developing proper Coast Guard responses to maritime perils. Cdr. Krajewski set forth the Coast Guard’s missions, which include maritime safety, security, and maritime stewardship (the latter primarily protection of the environment and law enforcement). Each of those missions is subject to unique

challenges due to the Arctic environment and the as yet incomplete legal regimes governing much of the area. For instance, at this time there are very limited Coast Guard resources to respond to oil spills in the Arctic and most private and Coast Guard response assets are located on the southern coast of Alaska, far from any potential spill in the Arctic Ocean or the North Slope of Alaska. The same holds true for air/sea rescue capabilities in the newly opened sea lanes along the Arctic coast.

Cdr. Krajewski outlined U.S. Coast Guard goals and strategic objectives in the Arctic, which include broadening partnerships and modernizing the governing structure there to help ensure safe, secure, and environmentally responsible maritime activity. Domestically, the legal framework would include application of federal statutes such as the Outer Continental Shelf Lands Act, but much more should be involved with application of international legal regimes, including the UNCLOS, the IMO Polar Code, agreements through the Arctic Council, and related bodies.

Following the conclusion of these presentations the Committee was provided with a presentation by Prof. Dr. Dieter Schwampe, President of the German MLA, regarding the upcoming CMI meeting in Hamburg in June, 2014. Dr. Schwampe gave an interesting PowerPoint presentation and summary of plans for this meeting. He and John Kimball encouraged all interested Committee members to register for this conference.

Following this, the Committee engaged in a discussion with questions and answers concerning the subjects of the CLE program. The meeting was adjourned shortly before noon.

The IOCS Committee plans to meet during the MLA's Fall Meeting in Philadelphia. This will probably be a standard meeting with presentations and discussions of current matters of interest to the membership. Members are encouraged to contact

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the undersigned regarding any subjects which they wish to address at the Fall Meeting.

Phillip A. Buhler

Chair, IOCS Committee

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

Held in Atlantic Beach, Florida

on

Saturday, March 8, 2014

9:30 A.M.

The March 8, 2014, meeting was called to order by President Robert B. Parrish at 9:30 A.M. In addition to President Parrish, the following Officers were also present:

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

The following Directors were present:

Patrick J. Bonner, Immediate Past President

Susan M. Dorgan	Robert B. Fisher, Jr.
Alexander M. Giles	Edward J. Powers
Charles B. Anderson	Michael K. Bell
Katharine F. Newman	Joseph A. Walsh, II
Christopher E. Carey	John S. Farmer
Boriana Farrar	Lynn L. Krieger

Past Presidents James F. Moseley, Thomas S. Rue, Lizabeth L. Burrell (by telephone), and Warren J. Marwedel also attended at the invitation of President Parrish.

Also in attendance at President Parrish's invitation was Donald C. Radcliff, Chair of the MLA Committee on Planning and Arrangements for the 2013 Fall Resort Meeting in Puerto Rico.

SECRETARY'S REPORT

On motion duly made and seconded, the Board approved the minutes from the October 29, 2013, meeting of the Board of Directors held in Fajardo, Puerto Rico.

Mr. Farrell then led a discussion on the printing and mailing costs incurred for *The MLA Report* and the *MLA Proceedings*. A March 2, 2014, letter from Chester D. Hooper and David A. Nourse, editors of *The MLA Report*, advocating for its continued printing in hard copy was attached to the agenda. Mr. Farrell also distributed a table comparing past and projected printing and mailing costs for both publications in various quantities, based on the assumption that many members would choose not to receive hard copies by mail, preferring to review them online.

Comments from Directors were mixed. Some thought printing and mailing should continue as a tangible showing to members of the MLA's good work; many thought members should be given the option to opt out of hard copy mailing, in conjunction with the new website's roll out; and some thought members rather should opt in for hard copy mailing, to dramatically reduce printing and mailing costs.

President Parrish encouraged the Board to closely consider the letter from Messrs. Hooper and Nourse so that the topic could be further discussed and a decision made at the next Board meeting on May 1, 2014.

A brief discussion followed, regarding a resolution of appreciation for USCG RADM Frederick Kenney, which on motion duly made and seconded, the Board approved.

TREASURER'S REPORT

Mr. Connor reported that the MLA's finances are generally doing well. He reported on dues collection and delinquencies.

Included with the agenda was a table projecting the increase in Life Members through 2030. Mr. Connor reiterated that increasing numbers of Life Members in the coming years will reduce MLA dues collections which will hopefully be offset with the addition of new dues paying members.

Regarding the Treasurer's Report for the three months ending December 31, 2013, Mr. Connor noted we are about \$50,000 behind where we were the previous year at that time due to extraordinary website, CMI travel, and printing costs.

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

MEMBERSHIP SECRETARY'S REPORT

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

Mark E. deVry, LT, JAGC, USN
Washington Navy Yard, DC

Jeffrey M. Dine
New York, NY

Brooke E. Grant, LCDR, USCG
Miami, FL

J. Walton Jackson
Mobile, AL

Todd A. Jennings
Tampa, FL

John B. Manly
Savannah, GA

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Lara D. Merrigan
San Francisco, CA

Stephen C. Reilly
Boston, MA

James F. Watkins
Mobile, AL

Ms. Holland reported that ten law students had submitted
Law Student applications:

Peter F. Black
Tulane University Law School

Shinhong Byun
Tulane University Law School

Randy Derrick
Tulane University Law School

Donald Elliott
New England Law | Boston

Kelly Faber
Roger Williams University School of Law

Richard Leishman
Tulane University Law School

David Maass
Tulane University Law School

Michael Moore
Tulane University Law School

Philip Powell
Tulane University Law School

Joshua Quaye
Washington University School of Law

Ms. Holland regretfully reported learning of the following two deaths since our October meeting:

Richard E. Bragg of Helmetta, NJ
Non-Lawyer Member: elected 1993

Hamp Uzzelle of Mobile, AL
Life Member: elected 1970

With the above membership changes, the MLA's total membership now stands at 2,835 and is comprised as follows:

VOTING MEMBERS

Proctors	1291
Associates	1170
Non-Lawyers	174
Academic	27

NON-VOTING MEMBERS

Ex-Officio	15
Honorary	5
Judicial	123
Law Students	30

Ms. Holland observed that over the last several years sub-totals for dues paying Voting Members has remained flat and that over the last five years, while we have added 430 new dues payers (not counting Law Students), there has been a roughly comparable loss of dues payers from member deaths and Life Member increases.

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

FIRST VICE-PRESIDENT'S REPORT

First Vice President Clyne outlined several goals for his term as MLA President, starting May 2, 2014.

Mr. Clyne looks forward to encouraging more active involvement in the MLA by a wider group of our current membership and in order to achieve that he is planning efforts to take the MLA to our members.

Continuing the theme addressed earlier in the meeting by Mr. Connor and Ms. Holland, Mr. Clyne noted that based on current trends, in ten years about one third of our membership will be Life Members so that it is incumbent on us to address the attractiveness of the MLA to potential members. He anticipates that the our new website will help present a modern look for the MLA and that staying on the cutting edge of technology and social media will be essential.

SECOND VICE-PRESIDENT'S REPORT

Second Vice President Watson reported that a revised version of the *Committee Chairs' Guide* would be available for the Board's review at its May 1, 2014 meeting.

BOARD SUBCOMMITTEE REPORT

Ms. Dorgan reported that the work of the Board Subcommittee on Reprinting MLA Publications had finished its work, culminating in an easy to use, single permission form. It encompasses both the request for reprinting an MLA publication in an outside publication and then the Secretary's signed authorization, for ease of record keeping. The form will be made available on the website.

OTHER REPORTS

Fall 2013 Puerto Rico Resort Meeting with IIDM

Mr. Radcliff provided some observations on the MLA's partnering with the *Instituto Iberoamericano de Derecho Maritimo* ("IIDM") in holding our joint fall resort meeting in Puerto Rico and received a round of applause for a job very well done.

Of 405 adult registrants, 244 were MLA members and accompanying persons. For attendees this meeting was the most economical in recent memory, with registration fees the lowest in years combined with low hotel room rates and cheap U.S. airfares. Sponsor contributions also assisted in keeping costs down, with approximately \$40,000 and \$20,000 donated, respectively, by IIDM and MLA members and other sponsors. While soliciting donations from members is a new concept for the MLA, Mr. Radcliff thought it advisable to seriously consider similar solicitations in the future as a means of reducing resort meeting costs.

MARAD Symposium

Mr. Farrell reported on MARAD's National Maritime Strategy Symposium, January 14-16, 2014, which he attended at the Department of Transportation, Washington, DC.

More than 200 maritime industry representatives (e.g., vessel interests, cargo shippers, labor representatives, financial consultants, shipyards, maritime academy leaders) attended and contributed to a MARAD scoping session and discussion with the goal of developing wide ranging policy ideas that might rejuvenate and stimulate growth in the U.S. commercial fleet. The new MARAD Administrator, former Navy CAPT Chip Jaenichen, next plans to travel around the United States to seek similar input from the maritime industry at the local level.

Officers' Annual January Luncheon with Government Lawyers

President Parrish reported that the January 27, 2014, MLA Officers' annual luncheon with government lawyers in DC, initiated by Past President Moseley in 1997, continues to be successful. Many of the attending government lawyers comment that this is the only regular occasion they have to compare notes on maritime law issues with their colleagues in other agencies and they are grateful for the opportunity the MLA provides.

Regional Events

Mr. Walsh reported he is planning to hold an MLA event in Long Beach, CA for local lawyers.

EXTENSIVE DISCUSSIONS

The Board devoted considerable discussion to three topics.

New MLA Website Project

Ms. Kreiger brought the Board up to date on new website developments, utilizing overhead projection of various website page designs and options.

Ms. Krieger displayed several prototype pages from the public side of the website, with various imbedded photos with a nautical flavor. The Board decided that no foreign flag vessels or foreign ports would be posted and that photos of domestic drilling rigs, terminals, and fishing vessels should be added, photoshopping out names or unique identifying features where appropriate.

The Events Calendar was addressed in some detail. Ms. Krieger demonstrated that upcoming important events (such as semi-annual MLA meetings) would be highlighted and that particular events could be clicked on and added to a member's personal Outlook or Google calendar. Mr. Rue suggested that

whenever possible events should be posted early, even before the start of a new year, so that law firms can budget annual expenses. Ms. Holland recommended posting deadlines for membership applications and committee agendas. Mr. Giles and Mr. Walsh anticipated the MLA would be asked by diverse other groups to post their events on our Events Calendar and suggested a protocol might be needed, although leaving those sorts of decisions in the hands of the First Vice President as webmaster and Robin Becker as website administrator may be sufficient.

Ms. Krieger also displayed a sample member's personal home page where the member's membership class and contacts will be displayed. The Board decided not to list committee memberships on the member's personal home page but supported the display of a head shot photo that can be uploaded by the member (in lieu of the MLA seal). The member's dashboard would be linked to the Events Calendar, again with important events highlighted.

On the website's private side, which will be accessible only by MLA members, it was noted that photos would be absent. The Board agreed that different degrees of private side access and control would be available for different users. For instance, "Super Users" such as the President and First-Vice President would have unlimited access and control of the website; Past Presidents would have "Super User" website access but no control; Law Student members would have the same access as other dues paying members; and in general Ex-Officio members (unless special arrangements are made) would not have access to the website's private side.

Ms. Krieger also displayed alternate views of the public and private sides of the website as they would show on mobile devices.

Regarding "mailing list" members, it was decided that emails would be sent to them letting them know they can opt out of receiving hard copies of MLA publications.

Regarding notice to members about unpaid dues, and whether for instance their access to the private side of the website is barred or sharply limited until dues are paid, the Board decided to address this at its next May 1, 2014 meeting.

The Board raised several other questions. There was concern that safeguards prevent the easy assembly of a mailing list by outsiders simply copying and pasting members' contacts *seriatim*. Also, Ms. Dorgan questioned whether there should be a disclaimer on the website regarding viruses.

There are no doubt other issues that will need to be addressed following the website's roll out, now planned by Boost by Design for April 19, 2014, or thereabouts. Toward this end, the MLA's notice of termination has been sent to our current server, ICVM, and data has been transferred to Boost by Design.

President Parrish thanked Ms. Krieger for her hard work in reaching out to a large umbrella of website stakeholders and incorporating their varied input and the Board seconded him with a hearty round of applause.

Future of the CMI Working Group

President Parrish opened a discussion on the CMI Working Group addressing the future of the CMI which was established following the CMI's 2012 Beijing meeting and is chaired by Past President Burrell.

President Parrish reflected that the same problems prompting the MLA at the Beijing meeting to call for a hard look at the CMI's future role in the development of international maritime law continue today: While the MLA's leadership remains highly aware the MLA was formed in order to be a constituent member of the CMI, the relationship of the organizations has been challenged by inequitable subscription assessments, the CMI's Eurocentric emphasis, and the fact that only a small portion of our membership benefits from the CMI's activities. One positive development

noted by President Parrish was the recent election of MLA member Christopher O. Davis as a CMI Vice President, but the failure of the United States government to ratify the Conventions that form much of the maritime law of other nations (despite the periodic urgings of the MLA) will continue to be a limiting factor in the overlap of the work of both organizations.

Apart from the questionable benefit to our membership, there are concerns about the CMI's direction, especially on the CMI's continued focus on drafting international conventions when that function has shifted effectively to the IMO, making it still more important to examine whether the MLA's money is being well spent in continuing to fund the CMI with a significant subscription.

There also appears to be a lack of understanding in the CMI that the current state of the practice of law in the United States places severe constraints on the amount of time and money that lawyers can spend on non-billable activities, making the CMI's lengthy, elaborate, and expensive meetings inaccessible to the vast majority of our members.

Ms. Burrell expressed her initial optimism that the Working Group would address the CMI's mission and change the way it does business. Nevertheless, while she considers that all members of the Working Group are strongly motivated to preserve and strengthen the value of the CMI, there appears to be such a divergence of opinion about the CMI's direction, *modus operandi*, and the level of support to be expected from other national maritime law associations that she has developed concerns about the outcome of this exercise. Examples of some important areas of disagreement concerned whether or not the CMI should expand its administration or return to an earlier dues structure.

In order to try to move the Working Group discussions forward, Ms. Burrell asked the Board to discuss and inform her of any ideas on how the CMI might benefit MLA members so that

she might then suggest them to the Working Group for eventual adoption by the CMI.

Mr. Powers asked, "What does the CMI do?" This question has been asked at many Board meetings because all U.S. attendees at CMI events -- except for two to four MLA representatives, most frequently including the President and First Vice President, who receive limited funding from the MLA -- must pay their own way. Accordingly, few MLA members, including Directors, are able to see for themselves what the CMI does. Moreover, CMI meetings consist largely of meetings of various working groups that address topics of little or no value or relevance to the practices of nearly all MLA members. Past President Marwedel observed that only about a half dozen non-officer MLA members attend CMI meetings, with the apparent goal of networking to benefit their own firms.

Ms. Burrell responded that much of the CMI's work is involved with international conventions. Because the United States generally has not ratified maritime conventions and is not expected to change this disposition in the foreseeable future, it is appropriate for the Board, in its fiduciary capacity, to consider whether or not the dues of MLA members are being well spent on its CMI subscription. In addition to the limited relevance of conventions to U.S. practice, Past President Moseley commented that the MLA had decided in recent decades to increase our participation in IMO activities in view of its role in creating international maritime law. Immediate Past President Bonner noted that there is an international connection nurtured by the MLA relationship with the CMI which is otherwise hard to achieve with other worldwide organizations. Past President Rue commented that the Board should give serious consideration to how the CMI could become more valuable to the general MLA membership at this particularly auspicious moment created by Mr. Davis's new leadership role.

Mr. Anderson and Ms. Farrar questioned whether there might be a way to involve the MLA Young Lawyers Committee with young CMI members, albeit recognizing that the cost of international travel and attendance of young lawyers at CMI

meetings was prohibitively expensive for almost all firms. Otherwise, the Board had a difficult time enumerating specific CMI benefits for the bulk of MLA members.

President Parrish proposed that the Board engage in further discussion of these issues at its May 1, 2014, meeting. In the interim, President Parrish invited Directors to email Ms. Burrell, copying him, with ideas to further the discussion, a procedure which the Board approved.

CMI Questionnaire Responses

In the course of introducing the topic of MLA responses to not infrequent CMI questionnaires sent to national maritime law associations on various substantive law matters, President Parrish noted that it is the MLA Board's prerogative to decide whether or not to submit a response. Two such questionnaires were discussed.

First, related to the 2006 Maritime Labour Convention which was not signed by the United States, there was a recent CMI questionnaire on the Fair Treatment of Seafarers in the Event of a Maritime Accident. Answers had been drafted, in consultation with the United States Coast Guard, by Jeffrey S. Moller, Chair of the Regulation of Vessel Operations, Safety, Security, and Navigation Committee, and Mary Elisa Reeves and Charles G. De Leo, Chair and Vice-Chair, respectively, of the Marine Torts and Casualties Committee.

On the Board's review of this questionnaire and draft answers there was discussion regarding U.S. Constitutional questions raised such as *Miranda* warnings and other due process rights. Mr. Walsh offered to provide some revisions to particular answers, which the Board decided to further address at its May 1, 2014, meeting.

Second, MLA member Clifton J. Hall had drafted answers to a CMI questionnaire on United States offshore energy activities

and regulation. On motion duly made and seconded, the Board approved sending those answers to the CMI.

UPCOMING EVENTS

New York Spring 2014 Meeting

President Parrish reported that he had been approached by the arbitration services group JAMS who offered to host a cocktail reception in its Midtown offices for MLA members on Wednesday evening, April 30, 2014. A complication is that the JAMS space is limited to 150 people. The Board approved President Parrish's recommendation that the JAMS invitation be sent by email to all MLA members, requiring an RSVP and admission on a first come, first served basis.

JAMS is also interested in having a table outside the Friday May 2, 2014, General Meeting of the Association at the New York City Bar Association. We will charge JAMS our standard \$1,000 fee.

Mr. Connor provided an update on Friday May 2, 2014, dinner arrangements at Cipriani Wall Street. Because there will be no band or dance floor this year he anticipates less congestion in the Cipriani bar areas. Mr. Connor also noted that our return to Cipriani will again accommodate easy transportation at the end of the evening and/or change of venue by the Young Lawyers and others to the nearby Stone Street nightlife.

Seattle Board Meeting, August 2014

Mr. Clyne and Ms. Holland reported that arrangements are proceeding for the Board meeting in Seattle, August 8-9, 2014.

Fall 2014 City Meeting in Philadelphia

Mr. Clyne also reported that plans for the Philadelphia city meeting, October 22-24, 2014, are shaping up well.

CMI Spring 2016 Conference in New York

Further to the discussions that took place at the last several Board meetings, the Board was pleased to learn that CMI had agreed to partner with the MLA for the CMI Spring 2016 Conference in New York, with a sharing of advanced costs and any profits between the CMI and the MLA as equal partners.

Recently a professional organizer had been hired and it appears likely that the Hilton will be the hotel where blocks of rooms are reserved and at least some related activities are held.

Fall 2016 City Meeting in New Orleans

Mr. Watson reported he is continuing with plans for a Fall 2016 city meeting in New Orleans, in conjunction with the 50th anniversary of the Tulane Admiralty Law Seminar.

Fall 2017 Resort Meeting

Mr. Watson also indicated that Napa Valley, California, is under serious consideration as the location of the MLA's Fall 2017 resort meeting.

There being no other business, President Parrish adjourned the meeting.

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 the New York City Bar Association
on
Thursday, May 1, 2014
9:30 A.M.

The May 1, 2014, meeting was called to order by President Robert B. Parrish at 9:30 A.M. In addition to President Parrish, the following Officers were also present:

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

The following Directors were present:

Patrick J. Bonner, Immediate Past President

Susan M. Dorgan	Joseph A. Walsh, II
Robert B. Fisher, Jr.	Christopher E. Carey
Alexander M. Giles	John S. Farmer
Edward J. Powers	Boriana Farrar
Charles B. Anderson	Lynn L. Krieger
Michael K. Bell	

At President Parrish's invitation, William M. Fennell, Frank P. DeGiulio, Henry C. Lucas, III, and Vincent J. Foley attended portions of the meeting to address the Board.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes from the March 8, 2014, meeting of the Board of Directors held in Atlantic Beach, Florida.

The Board then continued a full discussion on recent printing and mailing costs totaling \$40,795.09 for two volumes of *The MLA Report* and one volume of the *MLA Proceedings*, considering as well a thoughtful letter received from Past President Chester D. Hooper and David A. Nourse, Co-Editors of *The MLA Report*.

As discussed at prior Board meetings, it was assumed in very general terms that younger members would prefer reviewing these publications electronically while older members prefer receiving hard copy. For most Directors the question at hand was whether members should be asked in response to a blast email to designate their preference to receive the publications electronically or in hard copy. Either way it was anticipated that a substantial decrease in printing and mailing costs would be realized.

Immediate Past President Bonner commented, however, that for many of our members around the country who do not attend meetings (he estimated 85% of the membership), mailing hard copies of these publications is money well spent, constituting the primary tangible contact many have with the MLA. He cautioned that as a practical matter a blast email will be overlooked by perhaps 30% of members such that if affirmatively opting for continued receipt of hard copies is required, the result will be an unwitting loss of tangible contact with the MLA for some members.

Various alternative approaches were considered by the Board but deemed impractical, such as emailing these publications to members, which would be ineffective given that one volume of a 200 page *MLA Report* would be too large as an attachment and the email would bounce back.

After due consideration and in recognition of trends strongly favoring paper and mailing cost reductions, and in conjunction with our new website roll out, the Board discussion strongly supported making these publications generally available electronically.

Accordingly, on motion duly made and seconded, the Board approved that following the new MLA website roll out an email blast would be sent to all members providing links to *The MLA Report* and the *MLA Proceedings* on the website and instructing members who desire to continue receiving hard copies by U.S. mail to specifically so designate, also making clear in the email that not exercising that option will mean hard copies will no longer be mailed to that member.

Mr. Farrell then read a proposed Board resolution in appreciation of USCG CAPT Melissa Bert's work with the MLA which on motion duly made and seconded was unanimously approved.

TREASURER'S REPORT

Mr. Connor reported that Citrin Cooperman & Co. conducted an audit approving the MLA's statement of cash receipts and disbursements for the year ended December 31, 2013.

Mr. Connor then provided a dues update as of April 24, 2014, noting that 450 members were delinquent in paying their dues this year, 67 members were delinquent for two years, and 93 were delinquent for three years. Some of these delinquencies can be explained by member job moves and delays in providing the MLA with updated contacts such that dues invoices might not be reaching them. Mr. Connor raised the possibility of having Directors follow-up and track down delinquent members directly, as has been done in the past -- an approach which may be revisited at the August Board meeting.

Mr. Connor also raised the possibility of raising dues, because revenues from the \$5 dues increase authorized by the December 2011 Board meeting have largely been offset by credit card fees. He projected a \$10 increase would be needed in order to keep the MLA's cash flow in balance. After discussion, it was the consensus of the Board to monitor cash flow and consider a possible dues increase during the year ahead.

On motion duly made and seconded, the Treasurer's Report for the three months ending March 31, 2014, was unanimously approved.

MEMBERSHIP SECRETARY'S REPORT

Ms. Holland reported there were seven applicants recommended for Proctor membership:

Olaf Aprans of Boston, MA

Ryan D. Gilsean of Charleston, SC

Thomas M. Grasso of Cranford, NJ

Cheryl A. Morris of San Francisco

Herbert H. Ray, Jr. of Anchorage, AK

Thomas C. Sullivan of Jacksonville, FL

Stanley W. Weston of Jacksonville, FL

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

Spencer Aronfeld of Coral Gables, FL

Katharine R. Colletta of New Orleans, LA

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Alan R. Davis of New Orleans, LA

Juan Carlos Delize-Morales of San Juan, PR

Alton J. Evans, Jr. of Red Bank, NJ

Claire E.B. Garza of Houston, TX

Kasee G. Sparks Heisterhagen of Mobile, AL

Joseph B. Marino, III of New Orleans, LA

Huyen-Lam Nguyen-Bull of Seattle, WA

Dustin M. Paul of Norfolk, VA

Jason C. Pedigo of Savannah, GA

USCG LT Sean T. Pribyl of New Orleans, LA

USCG LCDR Lineka N. Quijano of Washington, DC

Stephanie Camille Reifers of Memphis, TN

Zoë E. Sajor of New York, NY

Brett Saunders of Norfolk, VA

John L. Schouest of Houston, TX

Christopher Clay Trundy of New Bedford, MA

Three applications for membership reinstatement were received:

Loren Andrea Friedel of Fairfax, VA
Associate Lawyer

18340

Capt. Michael J. Kucharski of Pembroke Pines, FL
Associate Lawyer

Capt. J. Michael Shea of Tampa, FL
Proctor

Ms. Holland reported there were seven applicants
recommended for Non-Lawyer membership:

Kenneth E. Challenger of Kirkland, WA

Lawrence Malizzi of Wilmington, DE

John A. Miklus of New York, NY

Captain William B. Polikoff of Bohemia, NY

Matthew Roethke of Berkeley Heights, NJ

Todd Roper of Bristol, RI

Kenneth J. Weinbrecht of Yaphank, NY

Six law students had become Law Student members since
our March meeting:

Kathleen Banaszak
American University Washington College of Law

Daniel DeRight
University of Pittsburgh School of Law

Michael-Javad Hedayat
New York Law School

USCG LT Edward J. Quinn
Temple University School of Law

18341

William C. Royal, III
Rutgers School of Law – Newark

Stanton James Terranova
Roger Williams University School of Law

Ms. Holland regretfully reported learning of the following four deaths since our March meeting:

Jeffrey A. Barnwell of Charleston, SC
Associate Member: elected 2002

Gene B. George of Cleveland, OH
Proctor Member: elected 1975

Walter C. Hartridge of Savannah, GA
Life Member: elected 1972

Christina H. Sullivan of New York, NY
Associate Member: elected 2011

Ms. Holland referred two requests she had received to the Board, which denied them. First, a Law Student applicant who noted on his application that he was not in good standing at his law school was denied membership under By-Law 208. Second, a part-time law school teacher's request for reduced dues was denied because all Academic members are charged dues under By-Law 210.

With the above membership changes, the MLA's total membership now stands at 2,846 and is comprised as follows:

VOTING MEMBERS

Proctors	1295
Associates	1167
Non-Lawyers	179
Academic	27
Subtotal	2668

NON-VOTING MEMBERS

Ex-Officio	15
Honorary	5
Judicial	122
Law Students	36
Subtotal	178

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

A discussion was then held on membership recruitment. Second Vice President Watson related that he had recently attended a Greater New Orleans Barge Fleeting Association (GNOBFA) meeting and identified roughly 50 lawyer attendees who are not MLA members. It was also noted that roughly 200 Southeastern Admiralty Law Institute (SEALI) members are not MLA members. Similarly, it was recognized that other regional groups, such as the Pacific Admiralty Seminar (PAS), have some attendees who are not MLA members. It was decided that appropriate means to contact these potential new MLA members would be considered in the future, perhaps in conjunction with the roll out of the new MLA website.

Regarding the reinstatement of former MLA members, a distinction was noted between those whose memberships were terminated for three years' non-payment of dues in contrast to

those who resigned their memberships with up-to-date dues payments. The Board concluded that reinstatement fees should be similarly distinct and it was decided that Mr. Connor would draft a policy statement accordingly for the Board to consider at its August meeting.

DISCUSSION ITEMS

MLA Response to CMI Questionnaire on the Fair Treatment of Seafarers in the Event of a Maritime Accident

Further to the discussion held at the March Board meeting, Mr. Walsh reported he had coordinated with Ms. Newman and Charles G. De Leo in finalizing edits to a succinct response to a *Comite Maritime International* (CMI) questionnaire, which the Board approved.

Future of the CMI Working Group

President Parrish referred to the March Board minutes and his solicitation for Directors' comments and suggestions for any ideas on how the CMI might benefit MLA members, noting however, that none were received. He again asked the Board for any specific suggestions and input on an appropriate message the Board would like to send back with Past President Burrell when she reports to the Future of the CMI Working Group.

Website

Ms. Krieger reported that roll out of the new MLA website would need to be extended to no sooner than June 2014, due to additional time needed to organize and transfer the voluminous "content" of MLA online documents from our current website.

Utilizing a large screen display, Ms. Krieger provided the Board with updates on the development of the public side of the website, including online membership applications, and on the

development of the private side of the website, including a sample member's personal home page, online committee discussions, and integrated online payment functions.

Prior to roll out Ms. Krieger anticipated there would be two weeks of testing the website's functionalities by Boost by Design, the Board of Directors, and committee chairs. Video instructions for various functions and tasks will be provided to enhance member education, with detailed instructions, for example, on how to set up a committee vote for chairs.

The Board made several decisions on issues that had been raised at its March meeting.

Regarding access to the website's private side when a member is dues delinquent, the Board decided there will be no cutoff of website privileges during 2014 for anyone. Thereafter, however, on motion duly made and seconded, the Board unanimously approved as MLA policy that if a current year's dues are not paid by December 31, the member's private side website access will be terminated. The Board also decided there would be frequent notices to delinquent members prior to December 31, including specific dunning pop-ups when they log on to the private side of the website.

Regarding safeguards to protect the MLA's interests, the Board decided that a virus disclaimer should be displayed on the website and that a standard statement should appear in conjunction with the calendar of events that the MLA is not endorsing non-MLA events.

Regarding the MLA copyright, the Board concluded it needs to determine what materials and documents that should encompass.

Regarding Second Vice President Watson's updating the *Committee Chairs' Guide* and policies regarding the reprinting of MLA publications, these projects will be coordinated with the new

website's roll out. First Vice President Clyne also recognized that following roll out a variety of policy questions will undoubtedly arise requiring Board consideration.

At the conclusion of the website discussion President Parrish expressed appreciation for Ms. Krieger's successful efforts in obtaining input from various stakeholders and looked forward to the roll out in the near future.

RECENT INTERNATIONAL MEETINGS

President Parrish reported on two international meetings he recently attended.

First, he attended the March 2014 meeting of the *Instituto Iberoamericano de Derecho Maritimo* (IIDM) meeting in Rio de Janeiro, reporting that the IIDM is very pleased with its MLA relationship, mutually enhanced by our joint Fall 2014 Puerto Rico resort meeting.

Second, President Parrish attended the May 2014 meeting of the International Maritime Organization (IMO) Legal Committee, 101st Session, in London. By virtue of the office, the President of the MLA is an official member of the United States delegation to the IMO. President Parrish reported that with the reassignment of USCG CAPT Melissa Bert, the new Coast Guard Chief, Office of Maritime and International Law, will be USCG CAPT P.J. McGuire.

UPCOMING EVENTS

The Board reviewed the status of upcoming events.

Cipriani Wall Street Dinner, May 2, 2014

Mr. Fennell, the New York Dinner Arrangements Chair, was pleased to report that turnout for tomorrow night's dinner would be the same as last year, even though this year there would

be no band and spouses would generally not be attending. Thanks to hiring a new printer, last year's glitch with name tags and dinner brochures would not be repeated. And last year's congestion around the upstairs bar would be relieved since two downstairs bars would be open from the start.

President Parrish then thanked Mr. Fennell for his committee's hard work and Mr. Connor noted that Cipriani Wall Street had agreed to reserve Friday May 1, 2015, for MLA use at this year's price, if we desire it.

Seattle Board Meeting, August 8-9, 2014

Ms. Holland reported on plans for the Seattle Board meeting and related functions, which will include attendance by members of Seattle's and also Vancouver's maritime bars.

Philadelphia City Meeting, October 22-24, 2014

Messrs. DeGiulio and Lucas, the Philadelphia Meeting Co-Chairs, presented an update on plans for the fall meeting, to be held Wednesday, October 22, to Friday, October 24, 2014.

Generally the Philadelphia meeting will follow the New York City meeting format, with a full array of committee meetings to be held in law firm offices, which Mary Elisa Reeves is coordinating.

There will be a cocktail reception with heavy *hors d'oeuvres* Thursday evening. On Friday, the morning Association General Meeting, the afternoon CLE program featuring a federal judge and Department of Homeland Security official, and the closing dinner will be held in the National Constitution Center. Room blocks will be reserved at the nearby downtown Marriott.

Messrs. DeGiulio and Lucas were pleased to report there is widespread local support in hosting the Philadelphia meeting, with thirty-five MLA members on the arrangements committee,

which will meet this afternoon. One of the important topics it will be considering is the attendance fee for the Thursday cocktail reception and Friday dinner, preliminarily projected at \$350 per person including both events, based on 200 attendees.

Bermuda Resort Meeting, October 2015

First Vice President Clyne reported James F. Moseley, Jr., had been appointed as Chair of the Bermuda Meeting Arrangements Committee, on which Ms. Farrar will also serve. There will also be a meeting of that committee this afternoon.

CMI New York Conference, Spring 2016

Mr. Foley was pleased to report that the MLA and CMI were very close to co-signing a contract with the soon-to-be renovated New York Hilton Midtown where the joint gala dinner will be held, with an excellent overnight room rate of \$279. After some extensive back and forth with the CMI, as addressed at the past several Board meetings, the Board was satisfied that the CMI had agreed to share costs and revenues with the MLA for this meeting.

New Orleans City Meeting, Fall 2016

Second Vice President Watson reported that former MLA Director Grady S. Hurley has agreed to jointly chair the fall 2016 city meeting in New Orleans, which will be held in conjunction with the 50th anniversary of the Tulane Admiralty Law Institute.

Napa Valley Resort Meeting, Fall 2017

Second Vice President Watson also reported that he had made preliminary contacts towards arranging a fall 2017 resort meeting in the Napa Valley.

SUMMATION

After devoted service on the Board for 19 years, Immediate Past President Bonner was recognized by the Board for his excellent work throughout, including his stewardship in rebuilding the MLA's reserves after the 1999 centennial celebration.

President Parrish then thanked the Board from his heart for the opportunity to serve The Maritime Law Association of the United States and expressed his deep appreciation to the Board of Directors -- which he emphasized throughout his tenure is the MLA's policymaker -- for its thoughtful direction and timely responsiveness.

There being no other business, President Parrish adjourned the meeting.

Respectfully submitted,

/s/ David J. Farrell, Jr.

David J. Farrell, Jr.

Secretary