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THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES

**MLA PROCEEDINGS**

Spring Meeting – May 6, 2016  
New York, New York

Present:

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

And the following 218 Members:

Kirby Aarsheim	Elizabeth Beazley
Martha C. Adams	Mike Bell
RADM Steven Andersen	William E. Bell
Charles B. Anderson	Jaime Betbeze
Olaf Aprans	F. Nash Bilisoly
Todd Baiad	Gavin Black
Will Baldwin	Peter F. Black
Anthony Barker	Jorge F. Blasini
Dick Basom	Sam Blatchley
Francis J. Barry, Jr.	Patrick Bonner
James Bartlett	Forrest Booth

Lawrence J. Bowles  
Twain Braden  
John E. Bradley  
Keith Brady  
Richard Branca  
Lawrence B. Brennan  
Patrick Brogan  
J. Michael Buhite  
Mark Buhler  
Phillip A. Buhler  
Raymond Burke  
Lizabeth L. Burrell  
Paul E. Calvesbert  
Christopher Carey  
Daniel Carr  
Alberto Castañer  
A. T. Chenault  
Conte Cicala  
Peter D. Clark  
John Cleary  
Mark T. Coberly  
Charisse Coleman  
James Patrick Cooney  
Richard Corwin  
Daniel J. Cragg  
John Crowley  
Blythe Daly  
Martin Davies  
Christopher O. Davis  
Juan Carlos Deliz  
Charles De Leo  
Frank DeGiulio  
Susan Dorgan  
William A. Durham  
Brian Eisenhower  
Anacarolina Estaba  
Philip Fant  
John Farmer

Boriana Farrar  
David C. Farrell  
William Fennell  
Vincent Foley  
Rodney Q. Fonda  
Joshua S. Force  
Prof. Robert Force  
Lars Forsberg  
George Fowler  
Peter Frost  
George Gabel  
Alexander Giles  
Robert Glenn, Jr.  
Glenn Goodier  
Joseph Grasso  
Donald C. Greenman  
Scott Gunst  
Chris Hannan  
Chris Harrell  
Jason R. Harris  
Chris Hart  
Kevin Hartmann  
Raymond P. Hayden  
Keith W. Heard  
Kasee Heisterhagen  
Marissa Henderson  
Seth S. Holbrook  
Chester D. Hooper  
Lori Hopkins  
Rob Hopkins  
Sean Houseal  
Grady Hurley  
Bradley A. Jackson  
J. Walton Jackson  
Mike Jarvis  
Eric Kaufman-Cohen  
John P. Kavanagh, Jr.  
Andrew D. Kehagiaras

Laura Ann Keller	Michael Northmore
Allan R. Kelley	David A. Nourse
Terence Kenneally	Casey O'Brien
Frederick J. Kenney	Sara Ochs
Larry Kiern	Kevin O'Donovan
John D. Kimball	Kevin O'Malley
Lynn Krieger	Armand M. Paré
Marjorie Krumholz	Jason Pedigo
Marc Kutner	Stephanie Penninger
LeRoy Lambert	Dabney Pettus
J. Dwight LeBlanc, Jr.	Rand Pixa
Edward LeBreton	Joni A. Poitier
Keith Letourneau	Jennifer Porter
Todd Lochner	RADM Steven D. Poulin
Geoffrey A. Losee	Gregory Poulos
Henry C. Lucas, III	Ed Powers
CAPT P.J. Maguire	Katharina Brekke Powers
Sam Mandelbaum	Anthony J. Pruzinsky
David Martowski	Lineka Quijano
Warren Marwedel	Donald C. Radcliff
David Mazaroli	Eduardo Real
Patrick O. McAleer	Lisa Reeves
Buckley McAllister	Vince Reuter
Michael McCauley	J. Ramon Rivera-Morales
Jessica McClellan	William J. Riviere
John Hay McConnell	Kent Roberts
Howard McCormack	Antonio J. Rodriguez
Daniel McDermott	Manolo Rodriguez Bird
Peter A. McLaughlan	Paul S. Rosenlund
Art Mead	Thomas S. Rue
VADM Charles D. Michel	Thomas A. Russell
Dennis Minichello	James E. Ryan
Michael Moore	Michael J. Ryan
James Moseley, Jr.	Lindsay Sakal
James Moseley, Sr.	John Sandercock
Tom Muzyka	Michael Savasuk
Mark E. Newcomb	Gordon D. Schreck
Chris Nolan	Pamela Schultz

Dieter Schwampe  
 J. Ben Segarra  
 Imran Shaukat  
 Gregory Singer  
 David W. Skeen  
 Peter Skoufalos  
 David S. Smith  
 Edgar Smith  
 Dr. Steven L. Snell  
 Nathalie Soisson  
 Jonathan Spencer  
 Brian D. Starer  
 Tim Steigelman  
 Rick A. Steinberg  
 Dan Stillman  
 Norman Stockman  
 Michael F. Sturley  
 David Sump  
 James J. Tamulski  
 Paul Tecklenburg  
 David Tubman  
 Mike Underhill  
 Jack Vayda  
 Gina Venezia  
 David N. Ventker  
 Esteban Vivanco  
 Kathleen Wahler  
 David Walker  
 Joe Walsh  
 Kevin P. Walters  
 Rahul Wanchoo  
 Deb Water  
 William (Sandy) Welte  
 Stephen F. White  
 James F. Whitehead  
 Arthur Grady "Bo" Williams  
 Andrew C. Wilson  
 Erich Wise

Frank L. Wiswall  
 John Woods  
 Thomas Wynne  
 Ahmed Zarnegar  
 JoAnne Zawitoski  
 Jon Zinke

And the following 20 guests:

David Colford  
 LCDR Angela Cook  
 Cathy Clyne  
 Lawrence Dardani  
 John Dimitry  
 Ann Fenech  
 LT Nicolaus C. Grueson  
 John Hare  
 Stuart Hetherington  
 Marc Isaacs  
 Hyun Kim  
 Søren Larsen  
 Guillaume Loonis-Quelan  
 Jon Lux  
 LT Sean Majewski  
 Marco Manzone  
 Ricardo Rozas  
 Todd Schauer  
 Bülent Sözer  
 Shari Watson

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PRESIDENT CLYNE: Thank you. Good morning to our Members and to our guests from the CMI. I think we'll be having more people come in throughout the morning. Between the rain and some CMI activities, some people are a bit detained.

I do think that in the future when we schedule MLA meetings, we may want to go to drought-stricken areas because -- maybe we can help them out.

Anyway, before I call the meeting to order, I do want to give a safety briefing of sorts. There are no scheduled fire drills today. If you hear an alarm, it's real. Exit *via* the main doors and head down both staircases, out the front entrance and across the street so that the responders can get access to the building. There's also additional exits on each side of the *dais*. We do have a fire inspector, or I should say a fire instructor, on premises, and he will be here to guide us as well.

Okay. I would like to call the meeting to order. I will hold off on acknowledging our VIPs until the Officers' reports are done, and I will call on the Secretary.

MR. FARRELL: Thank you, Mr. President.

Good morning, everybody. It's been a wonderful, historic week. Outstanding collaboration between the MLA Committees and the International Working Groups. I was very pleased to attend some great joint sessions.

And there was also excellent international collaboration on a Member-to-Member level over lunch, over drinks, and over Manhattan from the Top of the Rock. There have been a lot of good, strong, uniform bridges built this week, and the Board is very grateful to all of the organizers and to our own Vincent Foley for putting on a great CMI 2016 meeting.

Now, as wonderful as New York City is for our annual spring meeting, the MLA Board likes to travel around to various ports in the United States to get a flavor of the maritime industry and get to visit with our Members in their home ports, and this

spring we were hosted by the Charleston Bar, orchestrated by Dal Schreck.

We had a wonderful reception Friday night at the Carolina Yacht Club followed by a meeting on Saturday morning that was presided over by the Silver Oar, which for our foreign guests is a vestige of admiralty courts from our colonial days and goes back to the English admiralty courts. And Dal also explained that the South Carolina Federal District Court was the first court after the Judiciary Act of 1789 to issue a reported admiralty case.

After the meeting, several of our Board Members went out to Fort Sumter where the U.S. Civil War started in 1861. And this exemplifies the opportunities the Board has to get a flavor for local history and meet with the local bar and really connect with them and see maritime commerce firsthand, and we find it to be invaluable. We thank all of the local bars that have helped us and hosted us over recent years, including Boston, Norfolk, Washington, D.C., Jacksonville, San Francisco, both Portlands, and Seattle.

As I reported in Bermuda, the Board is also looking forward. President Clyne has set up a Committee on the Future of the MLA -- and it's headed by Second Vice President Frank Nolan -- and focusing on the needs of the MLA in the next 10 to 15 years and ways to enhance our position during that time. He'll be reporting to us at the next Baltimore Board meeting in August.

The Board is also committed to making the MLA website a useful resource for our Members. We realize the MLA isn't Amazon, but for a small nonprofit, we have an awful lot of interactivity expectations that just haven't been fulfilled. So the Board has decided to hire a consultant/programmer to free up the yeoman-like, spunky work of Lynn Krieger. And we're going to fix the glitches that our website designer just doesn't seem to be able to resolve.

Specifically, we're looking to enhance the document library's searchability and enable the website to support invoicing to Members and improve Committee communications and voting functions.

Also, in a nod to younger lawyers -- and looking at this crowd that means everybody under 65 -- we, as a Board, have duly deliberated and decided to approve the setting up of an MLA group page on LinkedIn. This will require some work with the real Young Lawyers Committee and also the appointment of a moderator to ensure that postings are in good taste and comply with the high standards of the MLA.

Substantively, the Board approved a Resolution regarding vessel documentation regulations contained in 46 CFR Part 67 authorizing the President or one of his designees, the Chairs of the Marine Financing Committee and the Fisheries Committee, to submit to the Coast Guard on behalf of the MLA proposed clarifying revisions to those CFRs, which had been drafted and approved by those Committees recently. We thank both Committees for their work.

On top of his many responsibilities, President Clyne in January led the Officers to Washington, D.C., for our annual luncheon with 50 top government maritime lawyers at the Army and Navy Club. And it's a wonderful gathering. We get great compliments from attendees who value the opportunity to meet with colleagues from other agencies. And even though there's invariably two inches of snow that falls that morning and the Capitol is shut down, the attendance is always very, very good.

President Clyne also served recently as the John Sims Distinguished Admiralty Practitioner in Residence at Tulane Law School. And, finally, he sat as a judge on the Judge John R. Brown Admiralty Moot Court Competition in San Francisco, where on behalf of the MLA and so many of you who contribute your time over Presidents' Day weekend in February judging the briefs, he presented the MLA Award for Best Brief.

Thank you, Mr. President. It's been a pleasure. And that concludes my report.

PRESIDENT CLYNE: May I have a motion for its adoption?

MEMBERS: Aye.

PRESIDENT CLYNE: Second?

MEMBER: Second.

PRESIDENT CLYNE: All in favor?

MEMBERS: Aye.

PRESIDENT CLYNE: Thank you.

Our Bermuda meeting was a fantastic meeting, and we had a lot of Membership support for that meeting. So I'm very grateful to Jim Moseley, Jr., and Lisa Beazley for the great job that they did with that meeting. Of course, we had a little rain there, too, but it wasn't a complete washout.

I really did enjoy the John Brown Moot Court Competition in San Francisco. Sitting in the 9th Circuit Court of Appeals that weekend and then the next weekend in Charleston having the Silver Oar in front of me, I felt like a judge. Anyway, both were great events. I will now ask for the Treasurer's Report.

MR. CONNOR: Thank you, Mr. President.

I'm happy to report that the Association is in sound financial shape. Our dues collection is moving along. There are the usual delinquent deadbeats, but we continue to follow up with them. I want to thank Robin Becker, who's sitting in the back, our Administrator who works so diligently on getting these invoices out and also answering your questions and additional questions about the website and how it works.

I will apologize, on the website we have not been able to set up the automatic invoicing that we've been talking about for the last two years, but hopefully with the addition of the consultant and making some changes, we will get this system automated.

I do have one -- as Treasurer, it's always hard for me to say that something's free, but today we do have something free. Out on the table are MLA bow ties. So if you're a bow tie wearer, please take one. They're available in blue and dark red. These are bow ties that originated during the Moseley Administration and the Treasurers have been the haberdashers for over the last almost 20 years, and we've sold all of the long ties, but I think we misjudged the number of people who wear bow ties. And since we don't have formal dinners anymore, which I thought I was going to get rid of two years ago until Sandy rained us out. But they are there on the table. Please take one. Enjoy it. If you don't know how to tie it, I understand YouTube has a wonderful thing you can go on and learn how to do it. And I think next time, instead of ties, we'll look at MLA umbrellas as something we should buy and sell.

I also want to thank all of the sponsors who participated in this meeting. We were able to subsidize the meeting through the generosity of the various law firms and other vendors who contributed and made it more affordable and allowed us to do more without charging too much.

And one last thing. Hopefully -- as you will hear a little later, I hope to see all of you in New Orleans in the fall. I have my crawfish tie on, so I'm getting into the mood. May have to swim there, but anyway... And that concludes my report, Mr. President.

PRESIDENT CLYNE: May I have a motion?

MEMBER: I move.

PRESIDENT CLYNE: Second?

MEMBERS: Aye.

PRESIDENT CLYNE: All in favor?

MEMBERS: Aye.

PRESIDENT CLYNE: We were honored yesterday to have our long-time Treasurer or Treasurer *Emeritus* Marshall Keating at the Board Luncheon. I was just absolutely thrilled to see him. I'm glad he's not here today, because if he heard that our Treasurer was giving something away, he would be very upset.

Anyway, Membership Secretary's report, Barbara Holland.

MS. HOLLAND: Thank you, Mr. President. Honored guests, Members of the Association.

First, being from Seattle, I am often blamed when there is rain at these meetings. So I just want to set the record straight that when I left Seattle, it was 80 degrees and sunny.

Glad to see you all here. I want to give a special thank you to our Members. You have done a magnificent job of recruiting and sponsoring new Members, and bringing new Proctors up. We have had a tremendous number of applications since we last met.

Before I get to the new Members, I want to report on some Board action regarding Classes of Membership, specifically By-Law 204, which governs what we have called Non-Lawyer Members in the past. Given the confusion that the name of this Class of Membership has created, the Board has voted to change the name to Adjunct Member. So for those of you who are our current Non-Lawyer Members, you will now be Adjunct Members. And the same process for nominating Adjunct Members as currently exists will go forward, and those instructions are on the Member side of the website, just so you know.

The changes to the By-Laws have not yet been input on the website, but will be within the next week. So I invite you to go online, take a look at them, and let us know if you have any questions.

So with regard to our Members, since we met in Bermuda, we've welcomed 51 new Associate Members, six new Non-Lawyer,

now Adjunct Members, and five new Law Student Members. In addition, I'm especially pleased to report that we have 23 Proctor Members who have been elevated.

And what I would like to do is to read their names to recognize their contributions here. They are Kirby Aarsheim, Grace Bae, Philip Brickman, Thomas Brown, Alberto Castañer, Robert Crowder, Brian Eisenhower, Noe Hamra, Rebecca Hamra, Sean Houseal, Adam Jaffe, Rear Admiral Fred Kenney (Retired), Walter Maestri, Gini Mattson, Robin Minturn, James Mondl, Robert Phelan, Glen Piper, Jennifer Porter, Vince Reuter, Ben Segarra, Matthew Shaffer, and Christopher Spain. Please recognize the achievements and contributions of these 23 new Proctor Members with a round of applause.

(Applause)

MS. HOLLAND: With sadness, I have to report, as well, on the deaths that have been reported since our meeting in October. Seven of our Members:

Alan Buchsbaum of New York;

Gregory Buffalow of Mobile;

Rob Fisher of New Orleans;

Robert Giuffra of New York;

Boyd Reeves of Mobile;

Robert Ryniker of Reddington Shores, Florida; and

Hal Clayton Welch of New Orleans.

If we could have a moment of silence to remember these MLA Members, please.

(Moment of silence)

MS. HOLLAND: Mr. President, the total Membership of the Association as of today is 2,802 Members and growing. Continue the good work if you would, Members. We appreciate all that you do.

And that concludes my report. Thank you.

PRESIDENT CLYNE: May we have a motion?

MEMBER: So move.

PRESIDENT CLYNE: Second?

MEMBER: Second.

PRESIDENT CLYNE: All in favor?

MEMBERS: Aye.

PRESIDENT CLYNE: We just got word yesterday that Ed Kalaidjian from Thacher, Proffitt & Wood had passed away as well. So it's always a tough part of the meeting hearing these names. Rob Fisher served on the Board just a few short years ago. So we're very sad to hear all -- some very familiar names, some real titans of the bar. So please keep their families in your thoughts and prayers.

Okay. I would like to introduce a few people. I think we have a lot of dignitaries here. I'm not going to mention everybody, but there are a few that I would like to acknowledge starting with the Coast Guard.

We're honored once again to have with us the Vice Commandant and Vice Admiral Chuck Michel.

(Applause)

PRESIDENT CLYNE: Someone who doesn't need any introduction -- he's been working with our Association for many years. He opened the CMI conference this week with a terrific speech. This is his last activity as the JAG/Chief Counsel for the

Coast Guard. He's moving on to take command of the First Coast Guard District in Boston. Rear Admiral Steven Poulin.

(Applause)

PRESIDENT CLYNE: And we're honored to have the incoming Judge Advocate General and Chief Counsel, Rear Admiral Steven Andersen.

(Applause)

PRESIDENT CLYNE: Chief of the Office of Maritime International Law, Captain P.J. McGuire.

(Applause)

PRESIDENT CLYNE: And P.J. is moving on as well. I believe he's going to the State Department, so we wish him well.

The Coast Guard liaison to the MLA, Lieutenant Commander Angela Cook.

(Applause)

PRESIDENT CLYNE: Admiral Poulin's aide Lieutenant Sean Majewski.

(Applause)

PRESIDENT CLYNE: I don't believe the President of the CMI, Stuart Hetherington, is here yet, but we do have our own Chris Davis, Vice President of the CMI.

(Applause)

PRESIDENT CLYNE: We're very honored to have with us the Vice President *Honoris Causa* of the CMI, Frank Wiswall.

(Applause)

PRESIDENT CLYNE: Also the Director of Legal Affairs and External Relations Division of the IMO, retired Admiral Fred Kenney.

(Applause)

PRESIDENT CLYNE: Deputy Secretary General of BIMCO, Søren Larsen.

(Applause)

PRESIDENT CLYNE: The Chairman of the International Bar Association Committee on Maritime Law, Ricardo Rozas. Is Ricardo here?

(Applause)

PRESIDENT CLYNE: And, as always, we're happy to have the national Presidents of other MLAs with us. We have David Colford from the Canadian MLA here today.

(Applause)

PRESIDENT CLYNE: And from the German Maritime Law Association, Dieter Schwampe.

(Applause)

PRESIDENT CLYNE: I don't know if there are any other national Presidents here or Members of the CMI, but if you are, welcome. Thank you for coming.

All right. At this time I'll ask Admiral Poulin to come to the podium and say a few words.

ADMIRAL POULIN: Thanks, Bob. And good morning to everybody. Let me thank you again, Bob, for a tremendous conference. I thought it was just phenomenal. Thank you for the privilege of giving the opening remarks.

The conference represented, as I mentioned, all of the things that are at the forefront of the Coast Guard's mind, whether it's cyber, whether it's Arctic, or whether it's how to keep pace with a rapidly changing industry.

I was talking to several MLA Members out at a coffee break, and one of the things I talked about was the fact that, yes, we're a regulator, we have a responsibility for overseeing the maritime industry, but one of our core missions is also the facilitation of maritime commerce. And so I was very pleased to be able to participate in the conference and share in what I thought was a very productive dialogue.

I've been looking forward to this conference for a very long time, especially because now I get a free bow tie. And the conference did exceed my expectations. So my congratulations not just to Bob, but to all of the MLA Membership and the CMI Membership that helped put it together.

And I want to help give a special shout out to Phil Buhler for putting together that Polar Symposium. We had a big Coast Guard footprint at that session. And the diversity of views, the comprehensive discussion I thought was just tremendous. As I also remarked during my opening comments, we don't always agree on everything, but it's good to have a professional exchange and have a candid discussion of issues.

Let me also recognize Angela and Sean for all of the great work in putting this together and supporting all of the Coast Guard presence here. We really appreciate it. P.J., thanks for your leadership in helping to do that as well.

You know, I did say that I looked forward to this conference, but if I'm being candid with you, I harbored a little bit of reluctance because I knew that this would be one other stark reminder that my time as Judge Advocate General and Chief Counsel in the Coast Guard had come to a close.

You know, I was talking with Bob Parrish yesterday, and I said, Bob, you know, I feel like I'm walking off the football field for the last time, thinking he would understand that. And he put his hand on my shoulder and he goes, Steve, you'll get over it. Thanks for the sympathy, Bob. But in truth, the reason I know I'll get over it is because we've got great folks like Angela and Sean who are coming up behind me, and the legal program will continue to do wonderful things. I'll get over it because we've got a first pick in the draft, Steve Andersen. Steve is going to do a phenomenal job, tremendous lawyer, tremendous Coast Guard Officer, served a year in Afghanistan serving his country. He's a cutter man. And I couldn't be more pleased that Steve is going to take over as Judge Advocate General. So thank you and thanks for being here. If you haven't met Steve, please do so. He's going to be a great friend of the MLA. You know, the other reason why I know I'll get over it is because my relationship with the MLA will continue. Even though I have to hang up my cleats as the Chief Counsel and Judge Advocate General, I don't have to hang up my MLA cleats, and I have no intention of doing so. And I look forward to continuing this journey with you. And it's a journey that I began in 1989 when I came into the legal program. In fact, Vice Admiral Michel and I were law school classmates down in Miami and that began our journey within the Coast Guard JAG.

And you guys have done nothing but embraced and mentored me throughout that journey, and I couldn't be more grateful. The opportunity to have that professional dialogue and exchange of views has been phenomenal. You guys matured me as a lawyer. You guys allowed me to play varsity football really, when I think about it. You guys matured me and really prepared me to be a better lawyer and a better public servant.

So I leave with a great sense of warmth that this is really the culmination of my time as the Judge Advocate General. This conference marks the end of that journey, and I couldn't be more pleased that I get to share this moment with you, if nothing else to say thanks, to reconnect, and tell you, please come up and visit me in Boston. They're putting me in a wonderful lighthouse. That

tends to be the big attraction. But I know that I will continue to work with you, I'll continue to see you, and I look forward to our continued fellowship.

The other reason I know I'll get over it is because I have the great honor of being able to recognize Bob Clyne for his tremendous leadership. And I'm going to ask Vice Admiral Michel, if you would, please join me. I am the Judge Advocate General. The truth is Vice Admiral Michel is the Senior Judge Advocate in the Coast Guard. So it's my pleasure to be able to jointly present this with Vice Admiral Michel.

So I'm going to ask the Coast Guard folks in the room to please rise for the reading of the citation. This is a Meritorious Public Service Award presented to Mr. Bob Clyne:

The Commandant of the U.S. Coast Guard takes great pleasure in presenting the Coast Guard Meritorious Public Service Award to Mr. Robert G. Clyne in recognition of his outstanding contributions to the United States Coast Guard as President of The Maritime Law Association of the United States from 2014 to 2016.

In his role as President, Mr. Clyne demonstrated consummate leadership within the worldwide maritime community. Under his direction, the MLA hosted the second joint conference of the Comité Maritime International, an international organization, aligned with MLA objectives for the unification and consistency of maritime and commercial law. With the last joint conference hosted in the United States occurring in 1965, Mr. Clyne's efforts renewed important bonds between the CMI and the United States maritime community. This important event fostered fruitful, collaborative discussions regarding the application of international law to a variety of complex maritime issues and promoted an awareness of emerging legal

concerns within the maritime industry.

Throughout his tenure, Mr. Clyne's forward leaning initiatives helped forge meaningful dialogue between key industry stakeholders, federal government representatives, and the international community to address increasingly complicated and challenging maritime issues. He vigorously strove to understand, communicate, and address cyber threats to the maritime industry, all significantly complementing one of the Coast Guard's most critical program initiatives.

A stalwart supporter of the Coast Guard, Mr. Clyne also tirelessly promoted the Commandant's vision for operating in the Arctic by working to align the goals and standards in the international maritime community to ensure safe, secure, and environmentally responsible maritime activity in the region.

Mr. Clyne served as an invaluable advisor to the United States delegation to the IMO's Legal Committee, supporting the desired national outcome of greater consistency in the shipping laws, regulations, and practices of different nations. His insightful counsel and comprehensive knowledge of maritime and international law were vital in addressing burgeoning issues of concern within the global community. His positive outlook, camaraderie, and tireless efforts also successfully brought together a multitude of interests across the maritime spectrum to resolve critical issues and to act in common cause, greatly assisting Coast Guard efforts to the same end.

His remarkable efforts helped better position the Coast Guard to understand the increasingly complex and converging challenges of today to adapt to these

challenges through partnership and collaboration and to achieve and maintain a resilient, productive maritime industry with rigorous yet consistent and predictable standards.

Mr. Clyne'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'm pleased to say this was signed by Charles D. Michel, Vice Admiral, U.S. Coast Guard. Congratulations.

(Applause)

ADMIRAL POULIN: And, Bob, for me personally, I'm going to give you one of the most coveted artifacts in Coast Guard Headquarters, and that is my coin, my personal coin. I hope it doesn't become an artifact.

(Applause)

PRESIDENT CLYNE: Thank you very much. What an honor that is.

We also want to recognize Admiral Poulin. And I think our certificate is just as long, but bear with me, please.

The Maritime Law Association of the United States expresses its sincere appreciation for the services and exemplary assistance of Rear Admiral Steven D. Poulin, Judge Advocate General and Chief Counsel of the United States Coast Guard.

Rear Admiral Poulin has been a dedicated officer of the United States Coast Guard since 1984, serving with distinction in numerous capacities. His previous flag assignment was as Director of Governmental and Public Affairs.

Rear Admiral Poulin's prior legal assignments included duty as the Chief, Office of Maritime International Law; a member of the U.S. delegation to the Legal Committee of the International Maritime Organization; Legal Counsel for the Coast Guard's Port Security Director; Legislative Counsel in the Coast Guard's Office of Congressional Affairs; and as an Attorney with the Coast Guard's General Law Division.

Among other assignments, he was Commander of Coast Guard Sector Mobile directing Coast Guard operations in Mississippi, Alabama, and the Florida Panhandle, further serving that region in exemplary fashion as its Incident Commander for the DEEPWATER HORIZON oil spill response operations; Special Adviser for Border and Transportation Security in the office of Vice President Cheney; the Coast Guard's liaison to the State Department's Office of Ocean Affairs; Deputy Commander, Coast Guard Group Galveston, Texas; Law Enforcement Officer and Assistant Operations Officer at Coast Guard Group, Mobile, Alabama; and a Deck Watch Officer aboard the U.S. Coast Guard Cutter DAUNTLESS.

In his service to the Country and the Coast Guard, Rear Admiral Poulin has performed his duties as Judge Advocate General and Chief Counsel in an outstanding manner.

Despite the time required by these duties, Rear Admiral Poulin has participated in numerous activities of The Maritime Law Association of the United States over the years by making presentations to Committees of the Association on topics of maritime law, marine ecology, government relations, Coast Guard policy, International

Maritime Organization proceedings, and other matters, contributing not only his expertise, talent, and knowledge, but also his sense of camaraderie, friendship, and collegiality. In doing so, he has continued and expanded the tradition of cooperation between the United States Coast Guard and the Association.

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 Rear Admiral Steven D. Poulin, and we express our gratitude to our professional colleague and friend.

BE IT FURTHER RESOLVED, that a copy of this Resolution be made a part of the permanent records of the Association.

Dated this 6th day of May 2016.

(Applause)

ADMIRAL POULIN: My thanks again to the Association. The two words that stuck out there at me as being the most important are “colleague” and “friend,” and that’s really what I feel like. So thank you so much. I appreciate it. Thank you for the honor, Bob.

(Applause)

PRESIDENT CLYNE: Okay. I will ask Captain McGuire to come up to the podium as well. But no worries, his certificate is much shorter.

The Maritime Law Association of the  
United States presents this TESTIMONIAL OF

APPRECIATION to Captain Patrick J. McGuire, United States Coast Guard, as the Chief, Office of Maritime and International Law, for his representation of United States interests at the International Maritime Organization sessions and his valued contributions to the Association, 2014 - 2016, including his expert presentations at our meetings as well as his collegiality.

Dated this 6th day of May 2016.

P.J., we wish you all the best going forward.

(Applause)

PRESIDENT CLYNE: I want to recognize somebody else who is here today. We're delighted to have the newly appointed Chief Counsel of the Maritime Administration, David Tubman, with us today.

(Applause)

PRESIDENT CLYNE: And also Deputy Chief Counsel Rand Pixa.

(Applause)

PRESIDENT CLYNE: We're going to start with our Standing Committee reports. And I would call for Arbitration and ADR, Peter Skoufalos.

MR. FARRELL: And would you please have a business card, if you could. Hand it to the court reporter. We're very happy that Crites Reporting is covering this today. For you foreign visitors, they have court reporters throughout the world, so please consider using them if you have any transcription needs.

MR. SKOUFALOS: After all of the medal-giving and certificates, this is going to sound awfully mundane, but here we go anyway.

I'm the Vice Chair of the Arbitration Committee and ADR. Our Chair, Leo Kailas, is taking depositions long scheduled today, but he's asked me to extend his best wishes to all of those in attendance and to the visiting CMI delegates.

It's been another exciting and productive year for our Committee this year. We've been involved in several initiatives with the Society of Maritime Arbitrators, the SMA, to promote arbitration of maritime and maritime-related disputes in the United States. And several of our Members, including Keith Heard, Don Murnane, Robert Shaw, Jay Paré and the Chair have been instrumental in drafting amendments to the SMA rules, which have now been incorporated in the 7th edition of the rules, which are available online or by hard copy from the SMA offices. I encourage you to take a look at the new revisions.

At the fall meeting, we had over 20 members in attendance, and Committee Member George Tsimis of the American Club spoke on the use of anti-suit injunctions to enforce arbitration provisions. This is a problem that arose when a lot of cargo claims were being filed in western Africa in violation of incorporated arbitration clauses in the bill of lading. In many instances, this resulted in security being posted for an extensive period of time, leading ultimately to unfavorable coercive settlements.

Mr. Tsimis described how he turned to the London courts to issue orders enforcing London arbitration provisions and enjoining the cargo interests from pursuing their litigation in the courts in violation of the arbitration clauses, and he reported that this initiative by the Club has cut down significantly the number of improper cargo claims being filed in that region of the world.

Our Committee also held an informative joint session with the CMI yesterday in which the focus was on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the so-called New York Convention, which is now almost 60 years old. With 156 signatory countries, the Convention has built, as one of the participants, Luc Grellet, put it yesterday, a transnational arbitral culture through simple principles.

Other speakers representing the U.K., Japan, Brazil, and Australia provided a local perspective on how the Convention is applied in their own jurisdictions, and there was a particular focus on the public policy exception to enforcement and the availability of pre-award remedies and security.

Leo Kailas, our Chair, closed the meeting by noting that uniformity in the application of the Convention worldwide is certainly something that is desirable but often difficult to attain.

In closing, the Committee was asked to share with you news of a fresh initiative announced by Michael Northmore of the SMA. According to Mr. Northmore, with an influx of new members with extensive insurance backgrounds, the SMA has formed a committee of insurance experts to help further expand the SMA's arbitration and mediation services beyond the traditional blue water owners' and charterers' charter disputes, looking to move into the fields of brown water and coastal, offshore, and onshore energy, shipbuilding, repair, yachts, fisheries, ports and terminals, and reinsurance disputes.

And as the SMA explores these activities, it welcomes the input of MLA Members for suggestions and comments on how to expand this initiative.

We also are submitting with our report today an excellent compilation of cases that our Secretary, Chris Nolan, put together. Chris goes to considerable length to compile cases throughout the circuits, not just one region or the other, and we hope you'll find them useful.

I've also been asked to remind you all to hold the date -- it's a couple of years off now, a year and a half -- but ICMA, the International Congress of Maritime Arbitrators, is having their biannual conference next year in Denmark. That's on September 25 to 29, 2017 for those of you who want to mark your calendars.

Mr. President, that concludes my report today.

PRESIDENT CLYNE: Thank you, Peter.

Carriage of Goods, Susan Dorgan, followed by Cruise Lines and Passenger Ships and Marine Torts, Charlie De Leo.

MS. DORGAN: Good morning, Mr. President, Officers, Members of the Board, colleagues, and our guests.

We had a great time on Wednesday when we had Carriage and Goods --

PRESIDENT CLYNE: Susan please, get to the microphone.

MS. DORGAN: Sorry. Can you hear me now?

We had a great meeting on Wednesday morning, a joint meeting between the Carriage of Goods and also the CMI International Working Group on the Rotterdam Rules. As a matter of fact, we had a standing room only crowd. We're going to have to work on that in the future, Mr. President.

Our session provided a comparative analysis of how different courts in different countries deal with jurisdiction and arbitration clauses and bills of lading and other sea carriage documents. It was co-chaired with Mr. Tomotaka Fujita of Japan and myself, and we had a great list of panelists who attended and participated in our meeting. We had Sarah Derrington from Australia, Ricardo Rozas from Chile, V.J. Matthew of India, Marek Cernis of Poland, also representing the EU position. Chet Hooper spoke about the Rotterdam Rules and also Steve Miller, who gave us an update as to what's going on in Washington. Steve Miller is with the State Department. Later on, Michael Sturley will give you a more detailed update as to what Steve's position is and his statement that was given at our meeting.

Except for Steve, we heard from the panelists as to how their courts treat, currently and in the past, forum selection clauses and also whether they foresee any changes coming in the future. We also looked to see whether or not there was any new legislation

on the forefronts in these different countries to see what impact that would have aside from the Rotterdam Rules, “when” and not “if” they come into play in the United States.

We also learned which countries would most likely opt in to Chapter 14 of the Rotterdam Rules, and we went on and heard from other people in the audience as to what their countries’ and what their positions are. We heard from a Canadian colleague, a Brazilian colleague, and also a United Arab Emirates colleague. So it made for a very interesting panel.

In addition to that, we had our moderator, Michael Sturley, toss out some hypothetical situations for all of the panelists to engage and respond to.

I’d like to thank Mike Ryan, who saw to it that the *Cargo Newsletter* was available at our meeting, and there are also some *Cargo Newsletters* that are outside, if anyone is interested. It will be posted to the website if you want to see it electronically.

In addition to that, I’d like to say thank you to Brian Eisenhower. I had many different communications going back and forth with Brian to ensure that our Committee received two CLE credits. So it was a lot of work, and with all the other Committees that were also dealing with Brian, he did a yeoman’s job in getting everything done. So thank you, Brian.

I would also like to thank Katherine Christodoulatos. I hope I didn’t mess that up too badly. They worked in the back of the room in our session, and it made it great because they took care of the people signing in and signing out for the CLE so it wasn’t disruptive, and we were able to conduct our meeting. So thank you very much to the CLE Committee for all of the work that they did.

And the papers and the PowerPoints will be on our website. And if anyone has any questions, please feel free to contact me.

Thank you, Mr. President.

PRESIDENT CLYNE: Thank you, Susan.

Charlie De Leo followed by Mark Coberly for Fisheries.

MR. De LEO: Good morning, Mr. President, Members and guests.

Cruise Lines, Salvage, and Torts and Casualties met jointly on Wednesday in conjunction with the CMI. We led off with a panel discussion following the presentation of Nick Sloan on the COSTA CONCORDIA. On the panel were Mike Underhill from the Department of Justice, Pietro Pilandri who was the Italian lawyer for Costa and the P&I Clubs, and John Whitcomb from the International Salvage Unit. There were a lot of questions from the audience, particularly on how Italian law was applied. Mike Underhill commented on how U.S. law might have applied had it occurred here.

That was followed by separate speakers. We had Lisa Reeves who gave a very good overview on U.S. limitation of liability, specifically from the perspective of the EL FARO. We then heard from Nick Platt from Gard who gave an excellent presentation on casualty responses from a P&I Club perspective. Finally, we had a presentation by Judge Dickerson from the New York Appellate Division who spoke on cruise line remedies. Following that we had a separate question-and-answer session on that part of the panel.

It was quite a lot of information compressed. We will be posting those PowerPoints on the website and are looking forward to another joint meeting with Cruise Lines in New Orleans in conjunction with the Tulane 50<sup>th</sup> Anniversary. That concludes my report Mr. President.

PRESIDENT CLYNE: Thank you. Mark Coberly followed by Buckley McAllister, Inland Waters and Towing.

MR. COBERLY: Mr. President, Officers, Board Members, special guests and colleagues: Since our last meeting the Fisheries Committee cooperated with the Marine Financing Committee

to draft proposed changes to Part 67 of 46 CFR concerning citizenship determination in certain entities that invest in or own vessels. These are noncontroversial corrections that were drafted by a subcommittee headed up by Steve Johnson, who was a member of both Committees and a former chair of the Fisheries Committee.

The draft language was approved without dissent by both Committees and forwarded to the Board for action. And we heard David Farrell comment on that earlier this morning.

This week the Fisheries Committee participated in the Polar Shipping and Arctic Development Symposium in conjunction with the MLA International Organizations Committee and the CMI Polar Shipping International Working Group.

We were very fortunate to have as our special guest Ambassador David Balton to address fisheries issues. He chaired the U.S. delegation at Oslo in July of last year that culminated in the Joint Declaration of the Arctic Nations Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean. Ambassador Balton is the Deputy Assistant Secretary for Oceans and Fisheries in the Department of State where he is responsible for coordinating development of U.S. foreign policy concerning oceans and fisheries. His presentation was informative and entertaining, was well received, and generated a lively discussion.

Finally, I want to thank Phil Buhler of the International Organizations Committee and Aldo Chircop of the CMI for their collegiality and hard work in putting together the Polar Symposium and for inviting the Fisheries Committee to participate in it.

Thank you very much. That concludes my report.

PRESIDENT CLYNE: Thank you, Mark.

(Applause)

PRESIDENT CLYNE: Buckley McAllister followed by International Organizations, Phil Buhler.

MR. McALLISTER: The Inland Waters and Towing Committee thanks Lars Forsberg and Reed Smith for hosting our meeting. We were attended by 25 Members in person and one by telephone. David Boyajian, the incoming Committee Secretary, gave a presentation on uninspected barges and OSHA, an area left open by Subchapter M. While the Coast Guard will begin inspecting most larger inland vessels, smaller vessels will continue to be regulated by a mixture of OSHA, state, and local and other regulations, presenting ongoing issues for regulatory oversight, standards of care, burdens of proof, and claims handling.

Aaron Greenbaum gave a presentation on damage waivers and loss of use in towage agreements. While the *Bisso* decision and its bar on exculpation in domestic towing agreements remains, cross insurance clauses and reasonable liability caps have been upheld in a lot of recent decisions.

Raymond Waid gave a presentation on claims for damages to U.S. locks, whether limited to strict liability *in rem* or *in personam* under the Rivers and Harbors Act. Mr. Waid reviewed the split of authority between circuits on the issues and surveyed other bodies of law that would apply to these claims for damages to government infrastructure.

Thomas Baker, for the Subcommittee on the Great Lakes, provided a report on recent Great Lakes legislation. He reviewed recent regulatory activity relating to vessel discharges and invasive species on the Great Lakes. He also detailed the disruptive effect on shipping that might be presented by new ballast water treatment standards being proposed by Transport Canada.

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

Thank you.

PRESIDENT CLYNE: Buckley, thank you very much. Just hang on a second. Buckley is finishing his term as the Chair of the Committee, and we really do appreciate all of the great work that you've put into this. I know you have a significant day

job, but it's very much appreciated. We have a certificate for you. Thank you.

MR. McALLISTER: Thank you very much, Mr. President.

PRESIDENT CLYNE: Thank you.

(Applause)

MR. BUHLER: Thank you, Mr. President. The International Organizations Committee held a joint full day CLE symposium on polar shipping and Arctic development on Thursday in conjunction with the Polar International Working Group of the CMI. Seven and a half CLE credits were approved for this program.

The program provided a comprehensive review of many of the issues arising from the opening of the Arctic region and the implications for global shipping, resource development, and the effects on coastal states. In fact, this is probably the greatest opening of a new frontier in over 100 years, and it affects worldwide shipping interests. We were fortunate to have speakers from every Arctic nation, including Norway, Denmark, the Russian Federation, Canada, and the United States, plus representatives from the IMO, the Arctic Council, the U.S. Department of State, the U.S. Coast Guard, and the International Group of P&I Clubs.

The session began with our keynote speaker, Admiral Robert Papp, former Commandant of the U.S. Coast Guard, who is now the special representative for the Arctic for the U.S. Department of State. Since the United States is currently chairing the new Arctic Council, this was particularly appropriate. Admiral Papp gave a phenomenal one-and-a-half-hour keynote address providing an overview of new initiatives that are just now taking place that will affect many aspects of operations and development in the Arctic region, vessel and rig regulations, search and rescue, and infrastructure developments.

Following that, we moved into a panel discussion on the status and issues with the Polar Code. Admiral Steve Poulin,

Judge Advocate General of the United States Coast Guard, gave an overview and summary of the Polar Code. Then we went into a question-and-answer session involving Peter Pamel with Borden Ladner Gervais in Montreal and Tore Henriksen who is a professor and director for the Center for the Law of the Sea at the University of Tromsø in Norway, and there was a very active participation by the audience in that panel discussion.

That was then followed by a panel discussion on civil liability for drilling and transportation of petroleum products in the Arctic. We were joined there with support from both the Vessel Regulation Committee and the Offshore Industries Committee of the MLA. Larry Kiern with Winston & Strawn, who is the Chair of the Vessel Regulation Committee, served as moderator. Lars Rosenberg Overby with the Hafnia Law Firm in Copenhagen provided an analysis of the CLC,<sup>1</sup> IOPC,<sup>2</sup> and UNCLOS provisions applicable in the Arctic. Bert Ray with Keesal, Young & Logan in Anchorage, Alaska, provided a very interesting presentation on the practicalities of a hypothetical oil spill off the Alaska coast and demonstrated the complete lack of current facilities and infrastructure to handle such an event, raising, of course, a lot of practical concerns for developments up there. David Walker with Royston Rayzor in Houston, who Chairs the Offshore Industries Committee, then provided a comparison and lessons to be learned from oil spills in the Gulf and, of course, this was very applicable to many clients headquartered in Houston who are now looking at development in the Arctic region.

The next presentation was, as reported by Mark Coberly, joined by the Fisheries Committee. Ambassador David Balton provided an outstanding presentation followed by a long interchange with the audience on new potential for fisheries in the Arctic that have to date been closed either legally or practically.

We then followed with a panel discussion on polarworthiness, load lines, and related issues of vessel safety.

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<sup>1</sup> International Convention on Civil Liability for Oil Pollution Damage.

<sup>2</sup> The International Oil Pollution Compensation Funds.

Aldo Chircop, who chairs the Polar International Working Group of the CMI and is a professor at Dalhousie University in Nova Scotia, provided an overview of the current Load Line Convention and questioned whether it was inadequate to address the volume of shipping now entering the Arctic Ocean. Peter Cullen with Stikeman Elliott in Montreal then provided a presentation and discussion of a new concept of polarworthiness and whether or not the common law standards of seaworthiness would apply to conditions that vessels are now experiencing traversing parts of the Arctic that have never been traversed in human history. Finally, Rear Admiral Frederick Kenney, who is currently Director of Legal Affairs and External Regulations at the IMO, provided an overview of the IMO process for procedures to change current legislation and regulations and provisions governing such things as the Load Line Convention and the problems that may be encountered in doing so.

Following this, we had a very interesting presentation by Professor Alexander Skaridov, who is chair leader at the Admiral Makarov Maritime University in St. Petersburg, Russian Federation. He addressed the proposals for a vessel traffic control scheme going through the Bering Straits because of the massive predicted increase in shipping traffic coming from Asia around the northwest to Europe over Siberia and whether or not that can be negotiated with the United States. Professor Skaridov also provided an alternative view on a number of issues that have previously been raised by the Coast Guard and other U.S. and European speakers.

Finally, we had a presentation by David Baker with the Group Secretariat of the International Group of P&I Clubs on lessons from the Antarctic. He is an Antarctic specialist, and he gave a lot of very interesting comparisons from prior experiences in the Antarctic including search and rescue for cruise ships and other issues of regulation or lack thereof for vessel traffic in remote regions.

There was a tremendous volume of material here, and unfortunately I'm only able to briefly summarize all of these presentations, but we have downloaded or plan to download all of the PowerPoints and all of the materials, literally thousands of pages of material, both to the International Organization's web page and the CMI website. I would encourage you if you're interested to go to those web pages. The presentations and the documents, some of the articles written by the speakers are phenomenal, and they're cutting edge in this field.

Finally, Mr. President, as I'm outgoing, I would like to express my thanks to the other Officers of the International Organizations Committee, Vincent Foley, Boriana Farrar, John Kimball, and Doug Burnett and particularly to our Young Lawyer liaison, Jessica Martin, who has done a yeoman's job of obtaining CLE credits and organizing things over these past four years. It was a team effort. We all pitched in. And I certainly couldn't have done this without their help.

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

PRESIDENT CLYNE: Thank you, Phil.

(Applause)

PRESIDENT CLYNE: Phil, hang on a second. Second Vice President Nolan has a comment he wants to make.

MR. NOLAN: Within days of coming back from the CMI meeting in Istanbul, Phil and I sat down for breakfast in New York, and I told Phil that we needed to make this the best thing that ever happened between us and the CMI for a lot of reasons. And I asked him to consider what other Standing Committees in the MLA could be combined to make this program work. And that's almost the last thing I had to say to wind up Phillip.

So Phil has been modest and generous with his praise of the other Committees and the other people who helped in it, and that's all well-deserved, but I think that the Association owes a big debt

to Phil for his work in this thing, and I thank you personally.

MR. BUHLER: Thank you.

(Applause)

PRESIDENT CLYNE: Hold on, Phil. Phil, I can only echo what Frank said and what Admiral Poulin said. You put together a tremendous program and we are tremendously grateful to you. And here's a certificate. Thank you for your service.

MR. BUHLER: Thoroughly enjoyed it. Thank you.

(Applause)

PRESIDENT CLYNE: Is anybody here to report on Marine Ecology and Maritime Criminal Law?

MR. HOUSEAL: Mr. President, the Marine Ecology and Maritime Criminal Law Committee met jointly with a number of other Committees this week. We did not meet separately. We don't have a substantive report.

PRESIDENT CLYNE: Okay. Thank you. Okay. Marine Financing, Marjorie Krumholz, followed by Marine Insurance and General Average, Andy Wilson.

MS. KRUMHOLZ: Good morning, everyone. I am the Chair of the Marine Financing Committee of the MLA, and we had a joint session with the CMI's International Working Group on ship finance security. Our subject was whether ship financiers were content with the level of security currently available and the degree of comfort offered by flags of convenience.

I explained the background for our session. First, UNIDROIT, (the International Institute for the Unification of Private Law) made a recommendation in 2013 to conduct a feasibility study concerning preparation of a new protocol under the Capetown Convention regarding ships and maritime equipment. Capetown covers security interests in mobile equipment. To date, there are protocols under Capetown for

aviation equipment, for space assets, and rail. There's active work on a protocol right now for agricultural equipment and mining equipment and construction equipment, but currently nothing on ships. So that was one of the items that brought us together.

Second, in 2015, the CMI constituted an International Working Group to study ship financing practices worldwide.

Our session was divided into three parts. The first part was presented by Clay Maitland. Clay is the President of International Registries and the President of the Marshall Islands Trust, which is the administrator of the Marshall Islands' maritime laws. Clay gave a presentation regarding comfort provided by Marshall Islands in this digital age.

The second part was presented by Giorgio Berlingieri, who is the President of the Italian Maritime Law Association, regarding the existing conventions on maritime liens and mortgages, those being the 1926 Brussels Convention and the 1993 Geneva Convention. I spoke about deficiencies perceived in these conventions by UNIDROIT.

Our last part was chaired by Ann Fenech. Ann is the President of the Malta MLA and also chairs the International Working Group. Ann talked about the formation of the IWG, its purpose and that it promulgated a questionnaire that has been sent to the national MLAs to report on their ship financing practices. We have received the questionnaire and the Marine Financing Committee will be putting together a working group to formulate a response for the United States.

David Osborne of the U.K. talked about the history of the Capetown Convention and its possible application to ships. Camila Mendes Vianna Cardoso of Brazil reported on a case in Brazil where the court has found that a Liberian mortgage on a vessel would not be recognized because, among other reasons, Liberia was not party to the 1926 Convention that Brazil is a party

to. The case is on appeal. This case is of great interest to the finance community, especially those who have mortgages on ships that operate in Brazil under flags whose states are not parties to the Convention.

Then finally Allen Black, who is the U.S. Member of the IWG, commented on a case involving enforcement of mortgages in Malta in which he was involved.

And that concludes my remarks.

PRESIDENT CLYNE: Thank you, Margie.

(Applause)

PRESIDENT CLYNE: Andy Wilson followed by Maritime Bankruptcy and Insolvency, John Bradley.

MR. WILSON: Good morning, Mr. President, Board, guests. Marine Insurance met on Wednesday at 2 o'clock in a combined meeting with CMI's International Working Group on Marine Insurance. The focus was a panel of international insurance experts who discussed the recent trends in insurance laws in their respective countries.

First, Rhys Clift from Hill Dickinson in London discussed the impact of the U.K.'s 2015 Insurance Act which amends and replaces the 1906 Insurance Act. He grouped the impacts into certain categories relying on that insurance guru, Clint Eastwood. He characterized them as the good, the bad, and the ugly.

The good related to a reduction on the burden on insureds at the time of placement of coverage. The burden now is much lighter as to recognizing only a duty to make a fair presentation of the risk based upon a reasonable search of information available to the assured.

As to the bad, there were changes in the law of warranties which allowed for a breach of warranty to be remedied, but there are open questions as to what amounts to remedying the breach.

This will lead to likely litigation, which apparently was the intention, which may be good for some people.

And the ugly is the Enterprise Bill, which was pending and apparently now has been passed according to updates from our group. That allows for claims for damages for late payments. Rhys advised that this bill has now just been passed, so it's formal; it is in effect.

Our next speaker was Dr. Dieter Schwampe from Dabelstein & Passehl in Hamburg, who provided updates on developments in the law in Germany related to marine insurance. In contrast to the U.K., Germany has apparently jettisoned much of its codal and statutory law related to marine insurance in favor of jurisprudence as of 2008. He compared German law with the U.K. law and pointed out that non-disclosure of material facts is only relevant if there is a causative link to the loss. He also pointed out that warranties are not recognized, but there can be, what he called, hidden obligations which can serve as the equivalent of warranties.

Our next speaker was Dr. Sarah Derrington, who is the Dean of the TC Beirne School of Law at the University of Queensland and is also a barrister. She explained that the current law of the Australian Marine Insurance Act of 1909 is essentially the same as the U.K.'s former Marine Insurance Act of 1906, a rather humorous announcement. She made clear that despite lengthy efforts to revise that act, it appears very little will happen. All of their efforts over the decades are just going nowhere apparently. Nevertheless, there have been repeated recommendations over the years, if not for decades, to change the law related to warranties, the doctrine of utmost good faith, the duties to disclose and not to misrepresent, choice of law and jurisdiction, as well as for requiring an insurable interest at the inception of the risk, but nothing happened. So it remains to be seen whether the changes in the U.K. law that are now going into effect in August of 2016 will have some effect on Australia.

The next speaker was Jyro Kupa from Japan with Tokio Marine and Nichido Fire Insurance Company. He covered Japanese law. He provided a broad overview of the sources of Japanese marine insurance contract law. He covered fundamental issues of marine insurance contracts by the Insurance Act of 2008, the duty of disclosure, rescission due to material events, priority liens on liability insurance money, time limits for insurance payments, expected revisions to the marine insurance law and the commercial code, the definitions of marine insurance contracts, the duty of disclosure and abandonment, and he also dealt with the effect of the English governing law clause.

Our last speaker was unable to make it, that was Mike Pennekamp from Fowler White Burnett in Miami, so Joe Grasso, who's with the International Working Group and helped Chair the Committee, filled in. He went into a discussion of the doctrine of *uberrimae fidei*, which he had covered previously, and that seems to be the major driving issue for American law on marine insurance right now. And the discussion then went off on the importance of how to pronounce it, which led to a lively debate.

That was followed by Julia Moore, who did the newsletter and covered some significant cases on *uberrimae fidei*, if that's the right way to pronounce it, and she also dealt with some *DEEPWATER HORIZON* cases. The saga continues with various insurance and indemnity issues.

And then Rod Fonda, who heads our Subcommittee on General Average, gave us an update from down the hall on the York-Antwerp rules, which he described as less sexy than marine insurance but still interesting. But he said they were making progress, but it was difficult to say exactly what would come about. So film at 11 on that one, I guess.

Then in the fall, we'll be meeting at Tulane as a joint meeting with Carriage of Goods and Uniformity, and we look forward to seeing everybody there.

That concludes my report.

PRESIDENT CLYNE: Thank you, Andy.

(Applause)

PRESIDENT CLYNE: John Bradley -- is anybody from Offshore Industries making a presentation?

MR. RIVIERE: Mr. President, I can make the presentation.

MR. BRADLEY: Thank you, Mr. President.

On Wednesday, the Committee on Maritime Bankruptcy and Insolvency met in a joint CLE session with the CMI's International Working Group on cross-border insolvency. The Working Group is chaired by our friend and colleague Chris Davis of Baker Donelson in New Orleans, who's sitting in the back. I did want to publicly thank Chris for all of his hard work in putting together this session.

The session focused on the unique and often difficult issues associated with cross-border shipping insolvencies. Chris and I served as moderators, and we were very fortunate to have three special guests with us. The first was Professor Martin Davies of Tulane. I think he's back there somewhere. As many of you know, Martin is Professor of Maritime Law and Director of the Maritime Law Center of Tulane University School of Law. He is one of our leading scholars in the field of maritime law and a prolific author of and contributor to numerous journals, law review articles, and books.

We were also joined by Justice Steven Rares, who is a distinguished judge of the Federal Court of Australia. I don't know if Steven is here. He was first appointed to the bench in 2006. Justice Rares also serves as the New South Wales registry convening judge for the admiralty and maritime practice area and is the current President of the Judicial Conference of Australia.

And finally we were joined by Judge Robert Gerber. Judge Gerber served for 15 years as a United States Bankruptcy Judge for the Southern District of New York, which as many of you

know is one of the busiest bankruptcy courts in the country and the busiest Chapter 15 court in the country. During his time on the bench, Judge Gerber presided over some of the largest bankruptcy cases ever filed, including Global Crossing, Adelphia, and General Motors, and presided over numerous cross-border cases. Judge Gerber retired from the bench in January of 2016 and is now in private practice.

The joint session was structured and conducted as an interactive program with Q and A and debate between and among the moderators, the panelists, and between the panelists and many of the delegates in attendance. A broad range of topical issues were discussed, including the jurisdiction of the bankruptcy courts in the U.S., Australia, and throughout the EU, the overlapping relationship between *in rem* jurisdiction exercised by bankruptcy and admiralty courts; and the challenges faced by bankruptcy courts in the sale of ships and other marine assets.

Our panelists also discussed in some detail and answered many questions concerning the effect of the automatic stay on *in rem* and ship arrest proceedings commenced by maritime litigants. As this audience well knows, the answer is very often driven by the jurisdictions involved and the timing of the arrest action *vis-à-vis* the opening of insolvency proceedings.

On this last point, Professor Davies explained his very thought provoking model of achieving reciprocal comity when bankruptcy and maritime courts claim jurisdiction over the same maritime asset. And a copy of Professor Davies' paper can be accessed on the Committee website.

The back and forth between and among our panelists and the guests made for a very stimulating and informative session, and Chris and I have received a lot of positive feedback since. And judging from the overflow number of delegates in attendance and the number and quality of fascinating questions asked of our panelists by the delegates, it's clear to me that the intersection of maritime and bankruptcy law remains quite busy and that the mission of the Committee on Maritime Bankruptcy and Insolvency

is more important today than it was four years ago when the Committee was first formed.

So, Mr. President, that concludes my report. I do want to thank, however, before I go, Kevin Walters, who served as Secretary for the last four years, and Larry Rutkowski, who served as Vice Chair of the Committee for the last four years. And, Mr. President, I do want to thank you for your continuing support of the Committee during your tenure. Thank you.

PRESIDENT CLYNE: John, thank you very much.

(Applause)

PRESIDENT CLYNE: John, hang on. We decided to form this Committee four years ago, and John has done a great job in setting it up, and they do really great work. And we're just so grateful to you for establishing the Committee and it's really thriving now. We have a certificate of appreciation for you. Thank you.

(Applause)

PRESIDENT CLYNE: Offshore Industries.

MR. RIVIERE: Mr. President, Bill Riviere of New Orleans, Secretary of the Offshore Industries Committee.

Our Committee met jointly with a CMI session on the afternoon of Thursday, May 5. The topic was liabilities arising from offshore activities. The session was led by Mr. Patrick Griggs and our Chair, David Walker, participated in the session primarily focusing on pollution issues. Also, the Committee assisted in the development of the Polar Shipping and Arctic Development Symposium. And our Chair, David Walker, participated then, discussing lessons learned from casualties in the Gulf of Mexico. That session has been described by Phil Buhler at length.

And that will conclude my report, just like our Committee meeting concluded timely yesterday.

(Applause)

PRESIDENT CLYNE: Thank you. Practice and Procedure, Gina Venezia, followed by Recreational Boating, Mark Buhler.

MS. VENEZIA: This microphone is almost taller than me. Good morning, everyone. Thank you, Mr. President.

On Thursday, the Practice and Procedure Committee co-chaired two sessions with International Working Groups of the CMI. First, we co-chaired the session on liability for wrongful arrest. The session was opened by a welcome from me, followed by a brief presentation by Giorgio Berlingieri with the CMI. The substantive discussion then began with a presentation by Aleka Mandaraka-Sheppard who gave a summary of the responses to the questionnaires sent by CMI to the national MLAs on the standards applied in the various jurisdictions around the world to the question of whether an arrest is wrongful. Encouragingly, the CMI has received substantive responses thus far from 38 countries, which is quite an accomplishment.

The results of that study reveal that there is great disparity between and among civil and common law jurisdictions principally on the issues of whether security is required when a party arrests a vessel and on the standard of conduct that will give rise to liability for wrongful arrest.

After Aleka's presentation, Sir Bernard Eder gave a quite lively presentation on U.K. law and in particular on his views why U.K. law is less than desirable, let's say. He feels quite passionately about that. It was definitely a very lively and interesting presentation.

Next Captain Kim from Korea provided us a detailed account of the law on wrongful arrest in Korea.

Finally, our own Tony Whitman gave a short but insightful presentation on U.S. law.

At the conclusion of the panel discussion, an informal survey was taken of the attendees on the question of whether there is a need for uniformity, to which about half of the room agreed.

The second session that we co-chaired was with the International Working Group on judicial sales. The session was moderated by CMI's Henry Lee, who along with Jonathan Lux, who I see sitting in the back right there, had been busy working on a draft convention on judicial sales. Speakers included Jonathan Lux and Andrew Robinson. The presentations focused on the background of the draft convention, the relevant terms of that draft, and the current status. The group is scheduled to make a presentation to the IMO Legal Committee at their upcoming session this June. That's Session 103. The IWG asked that anyone with examples in their practical life of difficulties surrounding the enforcement of a judicial sale, please send those examples to the group so that they can consider incorporating that information in their presentation to the IMO in June.

I'm also pleased to report that both of our sessions qualified for CLE credit. And I must extend my sincerest thanks to Sam Blatchley and Kirby Aarsheim, both of whom were instrumental in getting the CLE credit, submitting the papers, and in organizing the necessary sign-in/sign-outs.

And that, Mr. President, concludes my report.

PRESIDENT CLYNE: Thank you, Gina.

(Applause)

PRESIDENT CLYNE: Mark Buhler followed by Vessel Operations, Larry Kiern.

MR. BUHLER: Thank you, Mr. President.

We had a tremendous meeting yesterday at the New York Yacht Club. We had about 80 people in attendance. We would like to thank our host, Lars Forsberg, who helped arrange that splendid venue. We had an extremely full agenda, with nine speakers in the course of two hours.

We started out with an update on the superyacht industry brought to us by Crispin Baynes, a broker with Burgess Yachts, which is an international yacht brokerage firm. He gave us an update on the sale and purchase, construction activity, and chartering of superyachts. Fortunately, business is staying reasonably good. In fact, last year in the charter market in the Mediterranean, they had record charter activity.

Boats keep getting bigger. The biggest -- I should say the longest, rather than the biggest -- yacht now is a 590-foot yacht that is reported to have cost about a billion dollars. I don't think there are too many of those in the pipeline!

Then we moved on to a presentation by Andy Sturner, who is the executive chairman of a company called Boatsetter, which I can only describe as kind of the Airbnb of boats. They have a peer-to-peer rental business, which operates basically from boats of about 15 feet up to about 70 feet. He gave us a sobering outlook on the demographics relating to boat purchasers. The age of boat purchasers is getting quite old. In the last, say, ten years, there's been a tremendous change in the age of boat purchasers. Perhaps even more troubling is a change in the amount of boat usage. The trend has come from averaging about 37 days a year of boat usage down to about 14 days a year. These trends have some pretty troubling implications for the recreational boating industry going forward. And, of course, they have some good implications for companies like Boatsetter, which is appealing typically to younger customers than the people who are buying boats.

Then we had a presentation by Michael Moore of Moore & Company in Coral Gables on recreational boating opportunities to Cuba. Most of you have heard a lot in the news about trade opening up with Cuba. There are 12 categories of travelers who

are now permitted to go to Cuba under a general license. For those who are interested in finding out about it, you can look in 31 CFR Part 515. And then there are also “Frequently Asked Questions” that are posted online by the Office of Foreign Assets Control. It seems as if every few weeks they come out with new questions explaining how the process works to be able to travel to Cuba. One of those 12 categories of travelers is “people-to-people” travel, but not “tourism” travel. So a lot of the travel that takes place, I think, comes under “people-to-people” visits.

Our next speaker was Coast Guard Captain P.J. McGuire, who you’ve seen earlier today. He gave us a presentation on boating safety and regulatory developments related to recreational boats. I’m happy to report that the last year for which statistics were available apparently had the second lowest number of deaths in accidents relating to boating. He also reported on various boating safety regulatory initiatives that are in the pipeline.

Our next speaker was John Rousmaniere, who is a noted sailing author and historian. He is the historian of the New York Yacht Club and chairman of their Library Committee. He gave us quite a presentation on boat safety as it relates to racing sailing yachts, and how over the last 30 or 35 years, there’s been quite an improvement in safety, basically resulting from a terribly tragic race some years ago in which about 15 people died in the course of the race. So now there is a lot of inspection of racing sailboats, and crew safety training, and that kind of training is working its way down into club sailing and sail training programs.

Next, we had a presentation by Kent Roberts of Schwabe, Williamson & Wyatt in Portland on collateral security during new vessel construction. Some of you may have heard that there have been a number of either bankruptcies or receiverships, particularly of American yacht builders, in the last few years. Kent gave us a presentation on both securing the interests of an owner in foreign construction, and in domestic construction, including rights that you can acquire under Article 9 of the Uniform Commercial Code. He also brought us up to date on some sorts of ancient state law liens that most of us thought had been superseded by the Federal Maritime Lien Act. But apparently some of these state

law liens still apply to boats under construction. Once the vessel is completed, those lien laws don't apply. Some customers at the Christensen Shipyards in Washington State have found out about that the hard way lately.

The next presentation was by Catherine Kent, a lawyer with Alley, Maass, Rogers & Lindsay in Palm Beach, on the tax implications of chartering yachts. She discussed U.S. income tax issues, the European Value Added Tax, and then state income and sales taxes as relating to chartering activities.

Then we had a presentation by Bob Toney, who is the founder of National Liquidators and National Maritime Services, who gave us an industry update on yacht lending and collateral recovery. Fortunately, the loan business is pretty good currently, and there are some new lenders that are coming into the smaller boat lending market. From Mr. Toney's perspective (as owner of a repossession and liquidation company), unfortunately the repossession and remarketing end of the business is a little slow currently.

And then the last speaker we had was Dan Wooster from Palmer, Biezup & Henderson in Philadelphia, who is the Editor of our newsletter, *Boating Briefs*. There were, the last time I saw, a few copies of *Boating Briefs* left on the table out there. I would recommend it to you. It's a great summary of recent cases relating to recreational boating, and also state legislative updates.

And with that, I end my report. Thank you.

PRESIDENT CLYNE: Thank you, Mark.

(Applause)

PRESIDENT CLYNE: Larry Kiern followed by the Salvage Committee, Jason Harris.

MR. KIERN: Thank you, Mr. President. Thank you very much, colleagues.

On behalf of the Committee on Regulation of Vessel Operations, Safety, Security, and Navigation, our Committee participated in two panel presentations with the CMI this spring.

Our former Chair, Jeff Moller, participated on Wednesday, May 4th at 2 p.m. in Session 4 of the conference on a panel addressing legal issues pertaining to unmanned craft. It was widely attended and a fascinating presentation led off by a representative from Rolls Royce, who showed us the future of unmanned vessels and other craft in the marine environment. Other members of the panel addressed additional issues, particularly with respect to not only technology, but also insurance issues and regulatory issues.

On Thursday, May 5th at 11:45, I participated as moderator in the panel dealing with polar shipping, civil liability for drilling, and transportation of petroleum products. It was likewise a fascinating presentation. We had the benefit of participants from the CMI and also, of course, David Walker from the Offshore Industries Committee. It was a remarkably practical and useful discussion of not only the practical limitations that any oil pollution response would face in the Arctic region, but also the speakers actually presented what occurred to me to be some pretty sensible steps that could be taken to mitigate those risks substantially.

All of the materials from these two panel presentations are available on the website. If you have an interest, I would urge you to review the materials there.

Over the last two years, our Committee has depended heavily upon the assistance and support of the U.S. Coast Guard participants, in particular Admiral Steve Poulin and Captain P.J. McGuire. And on behalf of our Committee, I would like to thank them, and also to urge the Coast Guard's continued support of the Committee's ongoing activities.

As this is my last report, and I'm stepping down after two years as Chair, I would like to particularly thank my Vice Chair, David Sump, and our Secretary, Allen Black, who have been an enormous support to me, and we've been able to work very closely together as a team over the last two years, and our Committee has put together some remarkably important and valuable presentations. In particular, I recall the CLE presentation in Philadelphia which David and Allen put together with the assistance of the Coast Guard Chief ALJ. It was a great presentation.

So thank you all for your support over the last two years. Mr. President, thank you as well.

PRESIDENT CLYNE: Larry, thank you so much. This Committee has a very extensive agenda every year, and we appreciate the heavy lifting that Larry has done the last two years. Next year we will go back to the Tuesday afternoon sessions in Washington, D.C., because they've been so successful. Anyway, Larry, I wanted to give you a certificate, and thank you for all of the great work.

(Applause)

PRESIDENT CLYNE: Jason Harris followed by Blythe Daly, the Young Lawyers.

MR. HARRIS: Thank you, Mr. President.

The Salvage Committee participated in three sessions this week, two joint with CMI on Wednesday, as well as our traditional meeting on Thursday. The Thursday meeting was at Reed Smith. Thank you Lars Forsberg for hosting us once again.

The Committee meeting consisted essentially of four segments. First, we heard from the government sector; second, the insurance and club sector; third, from private counsel in the U.K. and U.S.; and fourth, from the industry segment.

First turning to the government sector, we received an update from the U.S. Navy Supervisor of Salvage, the SUPSALV, Captain Gregg Baumann, United States Navy. He discussed several changes in the department, as well as several military vessel incidents over the past year.

Second, concerning the insurance and club segment, it was essentially an interactive panel -- first, we heard from two folks at Liberty. We had Laura Block and Chris Frick, both attorneys in the claims unit. They essentially focused on the brown water salvage contacts that they've had over the years. Then we heard from Travelers. Tory Hall was the representative there. He discussed their boat and yacht salvage interaction. After that we received the club perspective from Charles Taylor P&I Management, The Standard Club. Their representative was Leanne O'Loughlin. She is Claims Director for the U.S. and Americas. It was an interactive, very involved panel with several interactions from our Committee.

The third segment was from private counsel. First, we heard from Richard Gunn, Reed Smith, a London, U.K. attorney, advising on several salvage matters. He discussed alternative funding sources in salvage and had some creative ideas similar to establishing an OPA 90 pollution type fund. Ship owners might call it a tax, so perhaps next year we'll get the ship owners heavily involved in our Committee as well. Second, on the private counsel side, we heard from Jon Waldron, Blank Rome in D.C., and Ben Segarra from Maynard Cooper in Mobile, on salvor immunity, legislative efforts which have been ongoing for quite some time, case law and how it's actually turned out in practice. Of significance, there's been a case just this year very recently arising out of the BP litigation yielding a Judge Barbier ruling, which essentially affords derivative immunity to emergency responders who are following government plans. The case has been appealed, and I expect that we'll have, based on the briefing schedule, that maybe we'll get a decision from the Court of Appeals in 2016. We shall see.

Speaking of cases, the 11th annual *Salvage Case Law Update* should be available right outside. It's also available on -- or will be available on the website. I salute Ben Segarra, again, from Maynard Cooper in Mobile, for taking on that initiative from me. I'm free at last.

Fourth, we heard from the industry segment. We heard from our Committee Vice Chair, Dagmar Schmidt Etkin. She is a non-lawyer environmental scientist and discussed the report from the Wrecks of the World. I think it's their third conference. She also mentioned a new project that the American Salvage Association, ASA, is involved in to do some clean-up work in the Caribbean.

We next and finally, had a roundtable with industry members, and I'm very pleased to announce that we had several salvors in attendance. We had -- Ardent was there. Smit and Resolve, I think, had three representatives, who are also here today. Thank you to them. Marlinspike, Jim Shirley's JTS Marine, Interlake were present, and Crowley was there, and all of those Members actively participated in our discussion. The topics that were focused upon included industry consolidation, activation of vessel response plans in the United States, environmental disaster avoidance as an award factor. And we also highlighted a few upcoming events between now and our fall Salvage Committee meeting.

First there is the International Tug and Salvage OSV Convention May 23rd through 27th. I believe that's in Boston. And then the American Salvage Association will meet next in June, the 13th through the 15th, in Miami.

So, Mr. President, with three sessions this year, two with CMI and our third on Thursday, that concludes not only my report, but the Salvage Committee's spring 2016 campaign to make salvage great again. Thank you.

PRESIDENT CLYNE: Thank you.

(Applause)

PRESIDENT CLYNE: Blythe Daly, Young Lawyers.

MS. DALY: Thank you, Mr. President. Mr. President, Officers, Directors, Members, and distinguished guests.

Over 40 Young Lawyers convened on Thursday afternoon at the offices of Holland & Knight. We were fortunate to be joined by Past President Liz Burrell, who shared her perspectives on the vital importance of the Association in addressing substantive legal issues. She also explained the nomination and election process for MLA Chairs, Officers, and Board Members. She advised our Committee on the opportunities for Young Lawyers to become involved with and more visible within the Association, and she conveyed her genuine love for the Association to the Committee. We thank Liz Burrell for joining us.

In addition, the YLC Committee Liaisons provided status reports about the work and projects of each Standing Committee.

The Committee Liaison program assigns one Young Lawyer Member to each of the MLA's Standing Committees. We take this opportunity to remind our Chairs and Standing Committees that the Young Lawyers remain ready and willing to assist on any projects going forward. We were fortunate to have President Bob Clyne, Vice President Hal Watson, and Second Vice President Frank Nolan attend our meeting. We are always appreciative of the support and interest that our leadership shows in the Young Lawyers.

As is our tradition, we reconvened our meeting on Thursday night at Favela Cubana. We were fortunate to be joined by some of the CMI attendees and some of our honorary or, as we would say, young at heart Members and their spouses. It was a sold-out event, a great success, and we want to thank Pamela Schultz for her superb organization of the social event over the past many years. We could not do it without Pamela.

This afternoon, Members of the Young Lawyers Committee together with the Young CMI Members will present the CLE program at the Hilton Hotel. We have two excellent panels prepared for this afternoon's program.

The first panel will discuss various perspectives on the OW bankruptcy. This panel includes both United States and international lawyers. The panel will be moderated by David Boyajian.

The second panel will discuss procedural differences in obtaining evidence. Again, we will have members of both the bars of the United States and international lawyers address these issues. And this panel will be moderated by Imran Shaukat.

The Young CMI essay winner will finally present his paper on the Aegean Sea dispute over the continental shelf.

Young Lawyer Member Jennifer Porter and Brian Eisenhower were instrumental in preparing all of the materials for the CLE accreditation, so we thank them for their support.

And that, Mr. President, concludes my report.

PRESIDENT CLYNE: Thank you, Blythe.

(Applause)

PRESIDENT CLYNE: I remain thoroughly impressed with the Young Lawyers. I had a chance to go to the meeting yesterday. There's just so much enthusiasm there. There is a great program set up this afternoon. And there's great leadership with Blythe and Jennifer Porter. So thank you very much.

So that concludes our standing reports. We do have a few Special Committee reports and a few special reports going forward. I'll first call on Lynn Krieger, Website Committee.

MS. KRIEGER: Thank you, Mr. President.

My fellow maritime colleagues and guests, my name is Lynn Krieger, and I'm the chair of the MLA's Website Committee. We're a little different than the other Standing Committees that reported today. Our sole purpose is to provide support and to house the substantive work of all of the other Committees in the MLA.

As many of you know, that effort has been a bit challenging as we've tried to develop a new website. Our Committee met yesterday. And going forward, our Committee Members are going to be dividing up the website, so that different people are going to be responsible for different sections of the website. We hope that this will help us to help you improve your interactions with the website. Going forward, you're going to be hearing from various Members of our Committee trying to get feedback from all of you and help you work your way through the website and become a little bit more familiar with all of the various things that it can do for you.

As always, we do welcome your unsolicited comments and feedback about any problems you might have, any suggestions for improvement. And if any of you have any interest at all in getting involved with the website and providing support to all of the other Members and Committees of the MLA, please contact me.

Thank you. That concludes the report of the Website Committee.

PRESIDENT CLYNE: Thank you, Lynn.

(Applause)

PRESIDENT CLYNE: The In-House Counsel Committee, Art Mead, followed by the Special Committee on Cybersecurity, Joe Walsh. We have Tom Wynne up here as well.

MR. WYNNE: Good morning, Mr. President.

MR. MEAD: Good morning, Mr. President, MLA Members, and distinguished guests.

The In-House Counsel Committee met concerning the topic of cybersecurity in the maritime industry on Wednesday, May 4th, from 3 p.m. to 5 p.m. at the midtown offices of Reed Smith. Thanks to Lars Forsberg for graciously hosting us and his impeccable timing with, among other things, providing us with warm cookies while we were about to doze off into a late afternoon

cybersecurity-induced coma. Also thanks to my Co-Chair Tom Wynne of Interlake and Seastreak Ferries and Kurt Odell, of Moran Towing and for their hard work on the Committee this year.

So we had 23 in attendance in person and four Members by phone. We had a panel discussion of three panel members on the topic of cybersecurity in the maritime industry with emphasis on vessel owner and operator issues. The panel members were Commander Nicholas Wong, Chief Domestic Ports Division, United States Coast Guard; Steven Ellis, iSIGHT Partners (iSIGHT Partners is a subsidiary of FireEye, a global cybersecurity contractor); and Martin McCluney, Managing Director of Hull/P&I of Marsh U.S.A.

Following instructions, roll call, and the Committee's antitrust policy statement, the meeting began. The three presenters spoke on the subject of cybersecurity from the point of view of the U.S. Coast Guard, security, and insurance industries, respectively.

Nicholas Wong's presentation focused on the advancements in shipping for convenience and efficiency which have led to exposure of cyber threats. He mentioned the Coast Guard is involved in cybersecurity issues because the risks posed by cyber threats are in their traditional domain of concern, including pollution, injury, collision/allision, and environmental impact.

The reporting of cybersecurity issues to the NRC have increased greatly over the years, from about three to about 15, and they would encourage more reporting, although their ability to assist in a situation may be limited with respect to resources as they seek to mirror the framework for other matters reported to NRC, for instance, oil spill reporting.

The Coast Guard has three elements to its cybersecurity strategy: Protect their equipment, utilize cybersecurity to their advantage, and protect the maritime infrastructure. So, in particular, with respect to the third, the Coast Guard is hoping that the maritime community will embrace the threats of cybersecurity to form a working group which will partner with the Coast Guard.

They've said they're not going to issue new regulations on cybersecurity but the Coast Guard is working on a cybersecurity NVIC, which should be out for comment this fall.

Steven Ellis presented on the shape of cybersecurity threat. Hackers are categorized by motivation and intent into three categories: Cyber crime, cyber espionage, and hacktivism. Greatest risks are cyber espionage and hacktivism. He discussed the risk profile of the maritime sector as minor, but stated obscurity is not security. And he provided a few examples of recent incidents in the maritime sector that show increasing interest by criminals in that area. He discussed ship systems which may be most vulnerable to cyber threats, including BDR, AIS, ECDIS, and GPS.

Martin McCluney reviewed the current insurance landscape for cyber risk products and the gaps in traditional maritime cover. A standalone cyber risk property policy typically covers theft of IP, destruction of data or software, and loss of funds, but does not cover first-party or third-party physical damage. When looking to traditional hull and P&I insurance for such coverage, recent policy exclusions may limit or prevent coverage as insurers are worried about cumulative exposures to one event and have very limited actuarial data.

He reviewed two hull exclusions, CL 380 and the American Institute cyber exclusion clause, which both seek to limit coverage for these cyber risks. And he also reviewed the International Group P&I coverage for such risks, along with war exclusion of poolable P&I and cyber exclusion of the IG excess war P&I buyback.

He discussed how best for vessel owners to proceed, which is fact specific to each specific client, and from the insurance and legal perspectives, the exclusions and clauses have not yet been tested and the market is unsettled as to pricing.

There was robust discussion around each of these panel presentations during which an entire plate of cookies was consumed.

I want to turn it over to Tom for a minute.

MR. WYNNE: Thanks, Art. As we beat the bushes to get attendance to our meeting, a couple of interesting things came to light that we wanted to bring to your attention and hopefully you can help us with this.

As you know, we're a closed Committee, but that has a misconception out there that you have to be invited to the Committee. And as we talked to people and said are you coming to our meeting, various insurance folks and government folks, we were told, well, we weren't invited, or it's not open to us. And so we just wanted to make sure everybody knows that it's really an open Committee that's only closed to people with legal services for hire. So we encourage the government folks and the MARAD and the Coast Guard, people who don't bill for a living; right?

We have a great group of people, and I think that everybody in here who is eligible would benefit from it. So if you're an MLA Member, or if you know an MLA Member who isn't selling legal services, they're welcome to join our Committee and come to our meetings.

And also a couple of folks thought there was a prohibition against multiple people from the same organization, and that's not true either. So we'll take as many people as we can. It's a great group of people.

So thank you.

PRESIDENT CLYNE: Thank you, Art and Tom.

(Applause)

PRESIDENT CLYNE: Joe Walsh.

MR. WALSH: Thank you, Mr. President.

Mr. President, Officers, Directors, honored guests, fellow MLA Members: For the rest of us who do offer legal services, the Special Committee on Cybersecurity also got together.

Just by way of a reminder, last May Susan Dorgan from the Carriage and Goods Committee had made a formal recommendation that the Board of Directors consider establishing a committee on cybersecurity given its emerging prominence in our field and in the world, the legal community as well. Last autumn the Board followed through on that and constituted a Special Committee on Cybersecurity. We now have 21 members appointed by President Clyne.

Three charges I think we had after the initial phone call, and that was, one, to get ready to work with the International Working Group, the CMI, for yesterday's session on cybersecurity, and the next two charges on an ongoing basis will be to continue to follow developments in the law and regulatory standards, and then third, would be to keep our Members apprised of the things that we, as lawyers, need to worry about with respect to our own security and data protection obligations. So that will be happening on a go-forward basis.

Yesterday we, the Special Committee along with the -- let me get this right -- Stevedores, Marine Terminals, and Vessel Services Committee, jointly hosted an exciting session on cybersecurity. I want to thank, Nash Bilisoly, who is the Chair of that Committee, along with that Committee Member Deb Waters, also my Vice Chair John Cleary, Charlie McCarthy, our Secretary, and a special shout out to Kate Belmont for helping us identify various speakers and helping to put the format together to keep the ball rolling as we were all trying to formulate.

We had a speaker yesterday, a keynote speaker, Dr. Peter Singer, who is a strategist and fellow at New America. He's been described in the media as one of the top ten most influential voices in cybersecurity. He gave a fantastic presentation, followed by Mike Riley of Blumberg News, who broke a story last July on

the Antwerp hackers and how two insiders, two employees, were forced into helping the mob smuggle drugs into the port there.

Following that, Cynthia Hudson with Hudson Marine moderated a panel with Robert Peterson from BIMCO, who talked about guidelines; Randy Parsons from the Port of Long Beach; and Joe Ruddy from the Virginia Port Authority, who talked about the special challenges that they have, the effort they've made with respect to a small port and a large port as well.

And since I can't read the rest of my notes, Mr. President, that concludes my report.

(Applause)

PRESIDENT CLYNE: Since it's been ten years since Liz Burrell headed up the Long Range Planning Committee, the Board decided that we wanted to form a new Committee to look at these issues afresh. And Second Vice President Frank Nolan is chairing that Committee. Jennifer Porter is the Vice Chair. And I'll just ask the Second Vice President to make a couple of comments about it.

MR. NOLAN: I call it the very Special Committee on the Future of the MLA, because it's mine, and I, you know, have a healthy ego. But this Committee has been focusing on putting together an agenda going forward, not just a meeting agenda, but a purpose to its efforts.

We met the other day in the offices of Vedder Price, where I have some declining influence, and we started working more on that agenda, and we started talking about how we were going to implement it. And we are going to be reaching out to the Committees, to local lawyers in different areas. We'll be looking to develop as many statistical measures as we can as to who we are and what we're doing. We're looking to project the MLA long after the people on this *dais* are wormwood, and we hope that you'll cooperate with them to see what the MLA would look like, what its Committees would be doing, what its efforts would be to make it even more valuable to its Members and to take this energy

that we have already, as you can see in this room, and to leverage that going forward into the future indefinitely.

So please be cooperative with them when they come with their special badges for their very Special Committee, and I look forward to reporting on interim results as we go forward. Thank you.

PRESIDENT CLYNE: Thank you, Frank.

(Applause)

PRESIDENT CLYNE: And now Liz Burrell to report on BIMCO activities.

MS. BURRELL: Thank you, Mr. President. And good morning everyone.

As I have said to you many times before, the Documentary Committee of BIMCO drafts the forms that are used in an amazing range of maritime transactions and situations, as well as clauses.

Now, I know that there has been discussion of how the CMI directs its drafting efforts. The drafting efforts of BIMCO are directed towards the industry and what the industry requires, because the Documentary Committee, and, indeed, BIMCO itself, is a ship owner's organization. These are people who have problems in their own daily commercial lives and say, "We need something to solve this."

There are two contracts and two clauses up for adoption at the meeting that I will be attending next week in Copenhagen. These are very useful documents, for example, two novation agreements, one for time charters and one for ship building contracts. I anticipate that I will find these very useful.

In addition, there are clauses for redelivery under time charters, which can also be a very troublesome area, and a clause on ballast water management sampling, because this is a new area in need of management.

Current projects that are not yet ready for adoption include standard ship financing term sheets, the Supply Time 2005 revision--that's the offshore service vessel time charter party -- and revisions of the BARECON, Bareboat Charter Party of 2001 the FONASBA Liner Agency Agreement, the World Food 99 Voyage Charter Party, the Hydro Charter Voyage Charter Party, the Offshore Installation Dismantling Contract, the Spill Response Services and Equipment Contract, and the Terminal Conditions of Use clause.

I will not even mention the projects that are now up for consideration as future work, but by telling you the things that are now in process and the things that will probably be adopted and the things that are not yet ready for adoption but are in process, I think you can get an idea of the range of contracts that are being drafted by BIMCO. And, indeed, standardization has its uses. Everybody knows what they're getting. Obviously things can be changed as needed. But I do urge you to keep track of these things.

If you're interested in any of these contracts, if you're interested in having a voice, if you have comments, please let me know. I'll be very glad to assist in conveying those and making sure that these documents are as good as they can be, which, of course, depends in part on their being appropriate for U.S. users and U.S. lawyers.

So please, indeed, keep in touch. Any questions, please call. Thank you. That concludes my report.

PRESIDENT CLYNE: Thank you, Liz.

I call on Admiral Fred Kenney to report on the developments of the International Maritime Organization.

ADMIRAL KENNEY: Mr. President, distinguished delegates, good morning.

I know that many of you have wanted to thank me and my fellow IMO staff personnel who attended the meeting this week for bringing London weather to New York. Really, it's not necessary. I would note that it is 72 degrees, or 22 for our CMI friends, and bright sunshine in London today. Sorry about that.

This isn't so much an update on IMO activities, but more of a thank you to all of you. The theme that you chose for this week, building bridges for uniformity of maritime law, really couldn't have been more appropriate, I think. It struck me as I was working with Bob Clyne and Vincent Foley and especially John Hare from the CMI to coordinate IMO participation this week and watching how much closer the three organizations came together through that process and seeing the results of this week, that I think you -- in a city that is known and has so many famous bridges, you have built another very strong bridge this week to the benefit of the IMO, the CMI, and the MLA. I do hope that you didn't install toll booths on that bridge, though.

Looking forward, I'd like to actually move back to the words of the IMO Secretary General in his keynote speech on Tuesday evening which was so well attended, and I can tell you in talking to him the next day, he was very, very excited about the work that went on here this week and the continuing contribution of CMI to the International Maritime Organization.

But why I say that your theme is so appropriate is there are still a significant number of bridges that need to be built around the world. As we examine the results of the IMO's member state audit scheme, one thing that is apparent is that particularly in developing countries and small island developing states, there are, in some cases, a total lack of maritime law and maritime-implementing legislation for IMO conventions. And there is a significant need, as we expand our Integrated Technical Cooperation Program, to establish that foundation and rule of maritime law around the globe to effectively implement those conventions. We have a need for the collective experience of maritime lawyers around the world to assist in that process.

We are expanding our Integrated Technical Cooperation Program particularly aimed at developing maritime legislation to promote the rule of maritime law around the world. We have a critical need for consultants in that regard, particularly those who speak French, because we have critical needs particularly in francophone African countries. I can tell you the pay is not great. It approaches *pro bono* work. But it can be very rewarding and build significant bridges for the future, and I would encourage you to look at those opportunities. You can find them on the IMO website. If you have an interest in exotic travel and doing meaningful work, we have opportunities available.

Finally, I'd like to say in the last year I've been able to host many of you at IMO headquarters in London. We do allow visitors, and we do have a visitor program. So if you are in London and have never been to the IMO, please come by. I'd love to see you.

Thank you very much.

PRESIDENT CLYNE: Thank you, Fred.

We are getting close to the end. I will call on John Kimball, relations with the American Bar Association.

MR. KIMBALL: Thank you. I have the high honor of representing this Association to the American Bar Association. For those in this organization who may not be aware of this, the MLA participates in the work of the American Bar Association as an affiliated organization. Based on our status as an affiliated organization, we have a seat in the House of Delegates, which meets twice a year.

The House of Delegates is the legislative body of the American Bar Association, and, as such, it is the ultimate governing body of the ABA. And under the ABA bylaws, I sit with the delegation of my home state, which for this purpose is New York.

Now, in recent years, the ABA has not dealt with any matters that are of direct concern to the Association. We monitor the work of the ABA to keep a handle on what is going on. But it's very important for this Association to continue this relationship with the ABA. We are all lawyers, and the role of the ABA, frankly, is more related to, frankly, our jobs as lawyers. And so it's very important for us to remain as participants with the American Bar Association.

Much of the work of the ABA, like the MLA, is done through its committees. The ABA does have an Admiralty Committee, which is part of the TIPS Group, and they coordinate with the MLA as well.

So I have nothing specific to report, just to let you know that we do have this relationship. If matters come to your attention, which you believe would be worthy of bringing to the attention of the American Bar Association, please be sure to get in touch with me. Thank you very much.

PRESIDENT CLYNE: Thank you, John.

(Applause)

PRESIDENT CLYNE: I also want to thank John for putting on a tremendous Healy Lecture last evening. It was just tremendous and really well attended. Thank you very much.

I will call on Michael Sturley for the Rotterdam Rules.

PROF. STURLEY: Good morning, Mr. President. Thank you. And good morning everyone.

I'd like to start with some brief background for the benefit of those who did not hear my more detailed report in Bermuda. When we started the negotiation of what eventually became the Rotterdam Rules, the head of the U.S. delegation invited all stakeholders to participate in the process.

The ports declined to participate in this, noting that they were barely affected by the Rotterdam Rules and, to the extent they would be affected, the stevedores were representing their interests.

Nevertheless, years after the Convention was signed, the ports objected to U.S. ratification of the Rotterdam Rules for reasons that I think have very little to do with the merits of the Rules.

Now, as anyone who reads the newspapers knows, it's very hard to get the Senate to do anything even when there isn't any objection, and it's even more difficult when there is an objection.

So at the end of Session 3 yesterday that Susan has already reported to us on, we had a representative from the State Department give the latest report from Washington. And the opening sentence of his report was the United States government remains firmly committed to the Rotterdam Rules. He reported that the Department disagrees with the ports' objections to the Convention, but given the practical realities of getting something to the Senate, he reported that they are working hard to address the objections that the ports have raised.

I might add that the representatives of this Association are working very hard with the State Department and with the representatives of industries who are more directly affected by the Rotterdam Rules to address those objections and achieve U.S. ratification of the Rotterdam Rules as soon as possible.

Thank you.

(Applause)

PRESIDENT CLYNE: Thank you, Michael.

I'll call on Chet Hooper for *The MLA Report* and American Maritime Cases.

MR. HOOPER: Thank you, Mr. President.

We have 255 copies, I think, of *The MLA Report* available, or maybe they've been picked up already here. Forty-one copies are being mailed to those who found their way through the website to opt in to receiving paper copies of *The MLA Report*. If you wish to receive a paper copy, you must find the place in the website where you can say that you wish to receive a paper copy. If anyone would like to receive a paper copy rather than read it on the website, please get in touch with me or with David Nourse and we'll attempt to lead you through the process -- it's like a little treasure hunt. We ask that all Committee newsletters be sent to David Nourse and to me in Word format as soon as possible, and we'll try to put together the next *MLA Report* reporting on the papers and the newsletters presented at this session.

Now, for the AMC, I just wish to announce that the 2015 volume of AMC is being dedicated to Bob Clyne, and he will receive a copy of that at the AMC lunch right after this meeting.

Thank you.

PRESIDENT CLYNE: Thank you, Chet.

(Applause)

PRESIDENT CLYNE: I just want to acknowledge Chet and David for the wonderful work that they do. When we've done surveys in the past, *The MLA Report* is one of the things that's always been mentioned as something that the Members really appreciate getting. And you guys have done a wonderful job, and we really appreciate it. Thank you.

(Applause)

PRESIDENT CLYNE: Before we get to CMI 2016, we have two wonderful meetings coming up. In the fall, we will be celebrating the 50th anniversary of the Tulane Admiralty Law Institute and holding our fall meeting in New Orleans. And I would call on Grady Hurley and Bret LeBreton to report on that meeting.

MR. LeBRETON: Good morning. Several years ago, Hal Watson pointed out that 2016 is the 50th anniversary of the Tulane Admiralty Law Institute. And it began with the support of the MLA and would not have ever gotten off the ground without the support of the MLA.

The first issue in 1966 was on the hull policy, and the papers were submitted by all of the leading MLA members. And that became, at least for me, a great reference on hull insurance. And the Institute has continued over the last 50 years and continues to be very close with the MLA. So this October 26, 27, and 28, there will be a joint meeting in New Orleans. The details will be posted on the websites of both Tulane and the MLA in June sometime, so you can watch for the details there. But the basic program will be that in the morning, the Admiralty Institute will present in its usual fashion. The topics will be major maritime law issues, such as insurance, collision, finance, pollution.

The speakers will address the last 50 years and what to expect in the next 50 years. I think it will be a great update for everyone.

And in the afternoon, the MLA Committees will hold meetings. The meetings will be certified for CLE, so between the two halves of the meeting, you'll be able to get 15 hours of CLE. Grady may talk about this a little bit more.

When you do sign up, some of this is sponsored by Tulane; some is sponsored by the MLA. So just be careful that you sign up for everything you want to.

So it's going to be a great meeting on maritime law, but being in New Orleans, there will be some social events as well. Grady will talk about that.

MR. HURLEY: Somewhere in a Federal Express truck in Manhattan are save the date flyers. So hopefully by tonight we'll be able to pass that out to you.

If it hasn't gone unnoticed, the 26th, 27th, and 28th is the weekend before Halloween in New Orleans, which means there are many special events, including the Voodoo Fest, Tulane homecoming, and Boo at the Zoo. So we will have a little bit of competition, and because of that, there will be several hotel selections this year, in addition to the Windsor Court. Hopefully all of those hotels will be suitable, and they're all in the downtown area.

What makes this meeting a little bit special is, one, we get to partner again with the Tulane Admiralty Law Institute and Bret, Janet Marshall, and I, as part of the host committee, would be remiss in not recognizing all of the hard work that the Tulane Admiralty Law Institute has done in putting this program together. Its Chair, Frank Barry, is here today, as well as the Planning and Program Committee Chairs, who are David Sharpe and Patricia Krebs.

For those of you who are in 60-hour states for CLE, there will be 10 hours of CLE credit from the Admiralty Law Institute program, and you can translate that, if you're a 50-hour state.

In addition, which is going to be unique this year, is that Martin Davies has partnered the *Tulane Maritime Law Journal* with the MLA, so that in several MLA Committee meetings, there will be *Tulane Maritime Law Journal* papers being presented, which will also offer at least five hours of CLE credit. So you will have CLE credit both through the Admiralty Law Institute, as well as through Tulane's efforts with the MLA.

This is going to be priced such that there will be one price for everything. And what does everything include? Well, we're excited that on Wednesday night, we will be on Jackson Square at the historical Cabildo for a reception that is being catered by Galatoire's. I need say nothing else about that.

On Friday we are planning a special 50th anniversary dinner at the Audubon Tea Room, and we are very excited about that and we're working on those plans right now.

So make your plans early. I've been told that the weather is clear and sunny in New Orleans, but just in case --

PRESIDENT CLYNE: Yeah, right.

MR. HURLEY: -- we have, for this event, some special MLA shrimp boots and crawfish slickers. So save the date, and we look forward to seeing you in New Orleans. Thank you.

(Applause)

PRESIDENT CLYNE: Is John Farmer here?

MR. FARMER: Yes.

PRESIDENT CLYNE: John will report on the fall 2017 meeting in Napa Valley.

MR. FARMER: Mr. President, it pleases me to announce to the Membership and guests that in the fall of 2017, a year and a half from now, we will meet for our fall meeting at the Silverado Resort in Napa, California, on October 16th through the 21st. It will be a joint meeting partnering with the Pacific Admiralty Seminar. We'll have lively CLE. We'll have a wonderful array of outdoor activities as usual. And I can almost guarantee, unlike these other meetings, sunshine and wonderful sunsets.

PRESIDENT CLYNE: You're in trouble. You're going to lose that bet.

Okay. We just finished up an historic week here. It's been an amazing week. And the presentations have been wonderful. Unfortunately, the weather hasn't been wonderful. But there's so many people I need to thank for putting this program together.

But before I do that, I would like to ask the President of the CMI, Stuart Hetherington, to come up and say a few words.

MR. HETHERINGTON: Thank you very much, Mr. President.

While the Secretary General is just helping me out with some props, a couple of remarks about things that have been said earlier. I think I can help the Marine Insurance Committee on the correct pronunciation of *uberrimae fidei*. I have it on good authority from the London market, a person of many years standing, that the proper pronunciation is “you bury me Friday.”

And just, secondly, to follow up on what Liz Burrell was saying, if I understood Bent Nielsen correctly earlier in the week, BIMCO has high hopes that if I get back to the Hilton early enough, we have our Assembly and Plenary meetings this afternoon, and we’ll have a new York-Antwerp Rules of 2016. BIMCO will be promoting that at its coming meeting, and so they’ll be coming into effect, as far as BIMCO is concerned, within the next few weeks. So just keep our fingers crossed that all goes well this afternoon.

Just a few remarks about the conference -- I think most of you have been present over the last few days. You don’t need me to tell you it’s been a great success. That success, I think, is owed hugely to your current President, the last two Presidents, Pat Bonner and Bob Parrish, their organizing committee, and everyone in the U.S. MLA and the Chairs who have supported it. And I think they all deserve a huge round of applause and your thanks.

(Applause)

MR. HETHERINGTON: I’m not sure how one judges the success of a conference. I think it can be judged on numerous levels. The first one, I suppose these days, is that we look at the finances. We’re not going to know the end result of the finances for a few days yet, but I think we are all optimistic that no one will lose money, and we might make a small surplus to carry forward to our respective ventures in the future.

But money isn’t everything. The quality of the papers, the detail of the presentations, people who speak are another measure. And I think from all of the sessions I was able to attend -- I didn’t get to as many as I’d like to because I got stuck in some because I

was just so intrigued, particularly in the cyber presentations, which were just extraordinary. But to everyone who presented papers, to the Chairs of the Committees, to the Chairs of the IWGs who put those together, I think they deserve your applause as well. They were just unbelievable.

(Applause)

MR. HETHERINGTON: In relation to the finances, I meant to say, of course we will break even. We're optimistic of that, but that will be primarily on the basis of the huge sponsorships that you-all contributed, or many of you contributed, and John Kimball and his team were able to secure for us. That makes a huge difference to the success if you measure it in financial terms. So we're all very grateful to John and his team. And I'd like to thank you again personally, John. If you'd pass that on to all of your colleagues.

(Applause)

MR. HETHERINGTON: Now, there are two people very close to me down here who I would like to ask to stand, Vince and John Hare.

MR. HARE: We have to stand together.

MR. HETHERINGTON: They're joined at the hip. These two gentlemen have put this together. We all get copies of the e-mails that -- well, not all of them, but a large number of them. You would be horrified and appalled if your inbox contained the amount of material that theirs has contained relating to this event --

MR. HARE: Seven thousand.

MR. HETHERINGTON: -- daily? For the last three or four years. I mean, this work started three or four years ago and has been ongoing every day right up until today. And the amount of time that they've put into an event like this is just outstanding. So would you, please, on my behalf thank them very much for everything they've done.

(Applause)

MR. HETHERINGTON: And, finally, from my point of view, one of the measures of success, I think, from the CMI point of view, as to this venture (and one of the reasons we wanted and were so keen to do it) was to get as many MLA Members to understand what it is the CMI does. Unless you come to one of our events or happen to see our website or get involved in one of the working groups, you would have no understanding of what the CMI does.

Your Presidents over many years have supported the CMI and other Board Members obviously, and a number of them have been mentioned over the last few days. In my lifetime and my involvement with the CMI, it started off with Nick Healy, Frank Wiswall, Michael Marks Cohen, and Chris Davis who is presently on our Executive Council, they have all been intimately involved with what the CMI does, but the general MLA Membership, as in most general MLA memberships, probably don't know enough about what goes on. So this has been a wonderful opportunity for you to see the sort of work the CMI does and how it goes about it, and I hope that measure of success has been met and people have a better understanding of what we do, and you'll be keen to get involved in some of the work programs and the work we do.

So in my view, it's been a huge success, and I hope you've all enjoyed it and will come to our future meetings. The next meeting will be in Genoa next year in September. It will be a very much more limited meeting. We only have these conferences every four years. But you're very welcome to join us in Genoa. It's quite a nice part of the world!

So, Bob, thank you very much for everything you and your colleagues have done this last week. And I hope some of you will come to the Assembly meeting this afternoon and see us introduce the new York-Antwerp Rules.

Thank you very much.

PRESIDENT CLYNE: Thank you, Stuart.

(Applause)

MR. HETHERINGTON: I forgot my prop. Down here we have a number of CMI ties. We have a number of copies of the 1965 meeting, which, as you know, is a brick, but we'd like you to share those amongst your Board Members. It's silly keeping them in storage in Antwerp all of these years. I'm sure some of your Board Members would like to see them.

PRESIDENT CLYNE: Wonderful. Thank you. Today is a day for giving away ties.

Thank you very much, Stuart. And let me echo what he said about the work that our Committee Chairs and the heads of the International Working Groups of the CMI did to put together a spectacular program. The array of speakers was just unbelievably good, and the sessions were tremendous. So thank you very much.

I also want to acknowledge John Hare for the work that he has done. It is a daunting task to put a meeting like this together. And I was very nervous at first and -- but John has really -- his organizational skills are second to none, and he's done a fantastic job. He's going to say a few words, I think, later tonight at the dinner. But thank you, John, for everything.

(Applause)

PRESIDENT CLYNE: I will have a word to say about Mr. Foley, but I'm first going to ask our Frank Wiswall, the CMI Vice President *Honoris Causa*, to come up and say a few words.

MR. WISWALL: Mr. President, I have stood here before, I'm sure to the horror of some who can remember. I'd like to say three things. I was going to make some notes, but gave up.

I want to say, first, something about the CMI and help you to understand how it is -- finally -- truly "International." If you go to the *Comité's* excellent website and travel around, you'll see that

there is a history in it of the CMI that I wrote. You will cavil at the word "brief" if you do read it -- it was supposed to have been brief. But you will understand why the CMI was from the beginning, a Eurocentric organization. I don't mean to insult our European friends, but that is the simple case.

Despite the Presidency of Lord Justice Scott at the outbreak of World War II, when all CMI functions were suspended, and since of course even with Patrick Griggs as President, the European centrality prevailed. It was in late 1989, when Allan Philip and I sat down to write the current constitution of the CMI that Allan -- who was not only a maritime lawyer but a renowned international arbitrator -- having traveled the world came to realize that the CMI couldn't remain Eurocentric. Allan Philip, who became the *Comité's* President, was the moving spirit in internationalization.

This is one of the major new aspects of the current CMI constitution; it not only lends itself to more international participation, but in fact directs it. Then I must say this in addition -- he may not like it, but I don't care whether he likes it or not -- history will prove it is not just my interpretation, but it was not until the election of Stuart Hetherington that things really changed.

Stuart will remember a little meeting in 1990 in Paris when I had a discussion with the Australian delegation about more active participation in the CMI. Although our situs will always be Antwerp, because we have a very unusual legal status in Belgium as an international organization -- it's a legal status that CMI needed to gain special Consultative Status with the United Nations. So there will always be the legal and historical association of the *Comité* with Antwerp, but what has been accomplished is that the CMI now has a widespread international presence. It is Stuart and the other Members of the Executive Council of the *Comité* that have done this. One of the great recent improvements is the website -- a remarkable and different achievement. But you should know, although it probably will never be written in a history, that when you think of the *Comité Maritime International*, one must remember Allan Philip and Stuart Hetherington.

Secondly, to turn to this Association I am of course delighted to hear that there's going to be a Committee on the Future of the MLA. But one of the things all you Members must do is to be more concerned with the past of the Association. The MLAUS has no official history or anything approaching it. There is no permanent repository for things that the Association should preserve, including documents, objects, *et cetera*.

I began years ago to make tape recordings of some of the Past Presidents and other Members of the Association. They're in the top drawer of my dresser at home in Maine. John Sims, Nick Healy -- a very long interview -- David Owen, Elliot Nixon, who was not a president but a notable figure of the MLAUS, and I think two or three others. If the Association will pay the price of transcribing these, I will give them to the Association, and they can form part of a background for a history of the Association. Better yet, if they were put on the MLA website so that people could listen to them, they are words straight from the mouths of those who knew it all best. I haven't mentioned this before because it was a one-off on my part.

No respectable Association of our size and longevity can go on without having some kind of an official history. We need to do this; we must do this. I hope the Association will have a subcommittee or group working on this. I will be glad to do what I can to help, but I can't do it myself.

Finally for myself, I'm not easily embarrassed, but I have been -- I'm sorry -- at this Meeting by the really excessive attention that's been paid to my presence. I'm a Member of the Association and, of course, of the CMI, but I have really been a second fiddle. That's the way I perform best.

Everything that I have managed to do with regard to maritime law has been out of a deep love of the subject and its history, and in this I've just been in the right place at the wrong time or the right time for some things to have happened in life. I have been supported by a wife who has tolerated my eccentricities

even when they have verged into the bizarre. You should know that Madam is also a Division Commander in the Coast Guard Auxiliary, so she has some steel in that sleeve. You might not see it immediately, but it's there.

To me, the association with people in the maritime world, not just lawyers but others as well, though particularly with maritime lawyers and Members of the CMI, and also -- I'm sorry about this for the Navy people, but they must acknowledge it -- the Members of our oldest seagoing service, the Coast Guard. It's been an honor and privilege to have enjoyed the wonderful association that I have had with those of *Semper Paratus*.

I have to say these are the great abiding things that I take with me going back to Maine. I don't think I'm going to have a chance to speak again like this, as I now dread coming to this city and did so despite the threat of having to speak early in the Conference and then more surprisingly today.

Well my admiralty brethren of this Association and admiralty sisteren -- and when I started there were either one or two sisteren, but now I see how the ladies have come along strongly over the past fifty years, which is a good thing. I have abused this microphone, and won't go on to do so anymore. I want to thank all of you for the forbearance that you have shown to me in the past. And if there's affection, I assure you it's mutual.

Thank you very much.

(Applause)

PRESIDENT CLYNE: Thank you, Frank. And thank you, Libby. You've really honored us with your presence here this week.

I do want to say one thing. We are -- we do have an ongoing MLA archives project that's headed by Bill Bell. We've got 78 boxes of documents that we're actually going through, culling and sorting, which we're going to get on to the website. It is a big project. But Frank is absolutely right. We need an

organized history of our Association, and we will take you up on your suggestion. Thank you.

All right. I want to ask Vince Foley to come up here beside me. As I said earlier, it has been a daunting project to get this conference organized. Vince has been working on this for the better part of five years, and he has done a fabulous job. I can't tell you how much time and effort he has put into this. And I'm very grateful to Vince and to his wife Morgan for all of the work and all of the time, all of the commitment that they've put into CMI 2016.

Vince, Morgan, will you please stand up.

(Applause)

PRESIDENT CLYNE: I thought it would be good if Vince could read off the names of the people on the Committee, and if you could please stand so we can give you an ovation.

MR. FOLEY: Debbie Nolan, Frank Nolan, Morgan Hillis. Stand up. John Kimball, Pat Bonner, Chris Davis, Kevin O'Malley, Ed Floyd, Alan Van Praag, Bob Connor, Jonathan Spencer, Phil Buhler, Boriana Farrar, Charlie Schmidt, Blythe Daly, John Woods, Hal Watson, Bob Parrish, Liz Burrell, Greg O'Neal, and Cathy Clyne. I just want to thank all of the Committee Members for helping me to organize this event and to bring it together. It was, when we started, Pat Bonner told me it was the mother of all thankless jobs that I was being asked to undertake, and I gladly accepted it.

I think after having done it and after having been here this week, I've had many expressions of thanks and gratitude. So, Pat, I'm not sure you were really right about that. But I really want to thank John Kimball with the sponsorships, Kevin O'Malley with the Rock Center, Ed Floyd on the opening ceremony, Boriana Farrar on the dinner committee. Everybody had their own task. Blythe Daly did the Young Lawyers. Everyone sort of worked together. We had 100 different moving parts, and we had to find a way to make them all come together for this one three-day

event. So I really appreciate all of the help and support from the Committee for that. Thanks.

(Applause)

PRESIDENT CLYNE: We have a certificate of appreciation for Vince for all of the great work. Thank you, Vince.

(Applause)

PRESIDENT CLYNE: Okay. We have somewhere in the neighborhood of 1,300 people coming to the dinner this evening. And if the Dinner Chairman, William Fennell, is here, I'll ask him to come up and report. Is he here? There he is.

MR. FENNELL: Thank you, Mr. President. Officers, Directors, distinguished guests, and fellow Members: The MLA will hold its spring dinner in conjunction with the closing ceremonies for the CMI at the Grand Ballroom in the Hilton Midtown this evening.

For any of you who haven't attended the joint sessions with the CMI, the Hilton is located at 1335 6th Avenue, which is just a short ten-minute walk north of here by about 10 blocks to 53rd Street. The reception and cocktails and hors d'oeuvres will begin at 6 o'clock and dinner will follow from 7:30 until 10. It will be an open bar during the reception. Thereafter, wine will be served with dinner, and other drinks will be available at the cash bars. Afterwards there will be a live band in the adjacent ballroom.

With the CMI joining in the night's festivities, we have over 1,300 people attending this evening. I know the Officers, the MLA Administrator Robin Becker, the CMI Planning Committee, in particular, Vince Foley, and the MLA's Dinner Committee have worked very hard in putting together what's going to be a fantastic evening. I look forward to seeing you all at 6 p.m. Thank you.

(Applause)

PRESIDENT CLYNE: Thank you, William.

All right. As I said at the Board Meeting on Tuesday, this term of outgoing Directors for the 2016 term has been among the most active that I have ever been involved with since I've been an Officer of this Association. And I would like for the four of them to come up now, because we have certificates of appreciation for them. Lynn Krieger, Boriana Farrar, John Farmer, and Chris Carey.

(Applause)

PRESIDENT CLYNE: I just want to again thank you so much for the great work that you've contributed to this Association. Very much appreciated. And hoping that you all stay involved. I know Lynn is in for the long haul for the website.

Thank you again. I have a certificate for each of you.

Okay. Before I call for the nominating report, have I missed any reports from anybody?

Okay. I will call on our Immediate Past President, Bob Parrish, to give the report of the Nominating Committee.

MR. PARRISH: Thank you, Mr. President. It's with great joy and humility that I report that 26 members of the Nominating Committee met on Wednesday this week for two or three hours. In keeping with your commitment to diversity, there were lengthy and substantial discussions concerning a really remarkable slate of nominees. They're not candidates; they are nominees. This is often termed by us with the privilege of being in that room as a contest amongst good friends, and it truly was that sort of affair.

The Nominating Committee unanimously recommends for your consideration for election, the following slate of Officers: For President, Harold K. Watson of Houston; for First Vice President, Francis X. Nolan, III, of New York; for Second Vice President, David J. Farrell, Jr., of South Chatham, Massachusetts; for Secretary, Barbara L. Holland of Seattle; for Treasurer, William R. Connor, III, of New York; for Membership Secretary, Grady S.

Hurley of New Orleans. And for a class of Directors whose terms would expire in 2018: Phillip A. Buhler of Jacksonville, Deborah Waters of Norfolk, Pamela Schultz of San Francisco, and Jason Harris of Houston. That concludes my report.

PRESIDENT CLYNE: May I call on Past President Hooper to make a motion?

MR. HOOPER: Mr. President, I move that nominations be closed and that the Secretary be directed to cast one vote for the slate.

PRESIDENT CLYNE: Second?

MEMBERS: Second.

PRESIDENT CLYNE: Any discussion?

All in favor?

MEMBERS: Aye.

PRESIDENT CLYNE: All opposed?

The motion carries. Congratulations to President Watson and to the new slate of Officers and Directors.

(Applause)

PRESIDENT CLYNE: May I have a moment?

MR. WATSON: Please do.

PRESIDENT CLYNE: Well, it's amazing how fast two years can go by when you really enjoy what you're doing. Being an Officer of this Association has been a really fantastic experience and one that I would recommend to anyone. It is a time commitment, but one that's manageable and, with the right support, is doable for even the busiest of practitioners.

I feel compelled to end my tenure as President where I started off, and that is by thanking my wife Cathy for all that she

has done and continues to do. You see, it's not just that Cathy puts up with me, which is a really tall -- I mean, a really tall order, it's not just that she sacrificed her career, a promising career as a C.P.A., to raise our family and to support my career and my professional development. What it is about is that she has gone out of her way to be a truly wonderful ambassador for this Association. For that I am both proud and profoundly grateful. Cathy, could you please stand up.

(Applause)

PRESIDENT CLYNE: I have some other family members here today. My daughter Anne is here, as well as my mother-in-law and my three sisters, and they'll all be attending the lunch for Cathy after this meeting. And I'm just so very grateful that they could be here for her.

And then there's my former firm. What can I say about Hill Rivkins and how much they supported me in MLA activities in the nearly 24 years that I was at that firm? I have to especially acknowledge and thank both Ray Hayden and Tony Pruzinski for all that they've done for me in my career, both in the MLA and in the practice of law. Thank you, Ray and Tony.

(Applause)

PRESIDENT CLYNE: I also want to thank all of the partners at Hill Rivkins, because they all supported me along the way. And a special thanks -- I don't know if she's here, but Susan McGeady, who assisted me when I was treasurer of the MLA at Hill Rivkins, and my long-time administrative assistant, Christine Burns, who for the better part of 30 years has been working behind the scenes on MLA activities, including the MLA dinner. I think she's sent out more invitations to MLA dinners than anybody on this planet. Thank you, Susan and Chris.

Any Past President will tell you that when you are actually going through the process, it's the people you are working with, the ones that cover for you so you can do your job with any degree

of success, who make all the difference. That is true for me. And I am so grateful to the management of ABS and to the personnel in the legal department for covering for me, for assisting me, and for helping me in getting this job done. And two of them are here today, Martha Adams and Charrise Coleman. I want to thank them as well.

And because we have no employees in the MLA, we are dependent on volunteer work, and my administrative assistant, Viridiana Hulse has been so incredibly instrumental in helping me carry out the administrative duties of the Association. She couldn't be here today, but she has my sincere gratitude.

And also I wanted to acknowledge Robin Becker, who is with us, for all of the great work that she's done over the years for the Association.

So where are we? I think we've embarked on some good projects. We've created a Cybersecurity Committee and new Long Range Planning Committee to look at the future of the MLA.

We have the new website up and running, and although it still needs a lot of work, we are getting there. It is a vast improvement over what we had before.

Our relationship with the Coast Guard remains strong, and we are looking forward to working with the Maritime Administration going forward as well.

I am extremely grateful to the Committee Chairs for the great substantive work that they've done over the last two years and particularly this week. And our Young Lawyers group never ceases to amaze me.

As President, I've had the opportunity to meet with a number of law students over the last few years, and I always encourage them to join the MLA. And when I do that, I always point to the Young Lawyers Committee as one of our success stories. They just have terrific meetings where you can actually learn something and network with other young lawyers. I had the

pleasure of spending a little time with them -- I didn't go to the dinner last night, but I did go to the meeting yesterday, and I can only tell you that the future of the Association is bright.

So one drawback of this job is sometimes I felt like an event coordinator rather than a President, but it sort of goes with the territory, not having any employees. I just wish that I had a little more time to talk about strategy for the Association going forward and what we can do to better assist our Members. There's a really bright group up here, and I'm sure they'll work on that aspect and move things forward in the future to a point where they can spend a little more time on strategy.

When I took the General Counsel's position at ABS a few years ago and decided at the same time to pursue the MLA President's position, Hal Watson said to me, Bob, you're the first in-house counsel in the 115-year history of our Association, and I'm okay with that. What I'm not okay with is that your office is in Houston. He said to me, you see, I was supposed to be the first President from the Great State of Texas.

Well, here's how I see it. I'm a lifelong New Yorker. I still have a house in the New York area. My family is still in the New York area. I still pay taxes in the New York area. And I don't own a pair of cowboy boots. So I think it would be fair to say -- and I'd like the record to reflect that President Watson is the first MLA President from the Great State of Texas.

(Applause)

PRESIDENT CLYNE: I want to congratulate the new slate of Officers and the new Board Members. And don't let the gray hair fool you up here. There are some really forward-looking people in the Officers' ranks of this Association. The Association is in good hands for years to come.

I want to again thank the CMI for its decision to come to New York and for the truly tremendous effort that was put on this week by all involved.

And as Bob Parrish steps off the Board and this *dais* for the last time, I want to thank him for his leadership, his mentorship, his friendship, and for all of his contributions to the MLA.

(Applause)

PRESIDENT CLYNE: Looking forward, I personally cannot wait for the day when a second female Member stands at this podium as President. Barbara, no pressure.

Let me close by simply thanking the Officers and the Board for their camaraderie and their assistance, the Past Presidents for their wise counsel and for sharing their experiences, the Committee Chairs for their great substantive work -- they are the life blood of the Association -- the Young Lawyers for their vibrant ideas and energy, and most of all, I thank you, the Members, for affording me the privilege -- and not just the privilege, but the honor and the privilege of serving this great Association. Thank you.

(Applause)

PRESIDENT WATSON: Well, I am delighted and honored that the first act that I get to do as President of this Association is to express thanks to Bob Clyne for the wonderful job he has done as President.

On a personal note -- Bob has been a wonderful President, and I want to thank him for including me and Frank Nolan, as the Second Vice President, in so much of the activity that was going on so that we have a great idea what we're going to be doing going forward.

Bob has been a great President on any number of levels. He has run wonderfully efficient meetings. Of course, his predecessor, Mr. Parrish, set a high standard for that, but Bob Clyne was able to do it without the assistance of an hourglass.

MR. PARRISH: Didn't help much.

PRESIDENT WATSON: He's leaving the Association in great financial shape. And I can't say enough about what he has done to make this joint meeting with CMI a great success.

Obviously Vince Foley and so many other people did yeomen's service in making this work, but as Harry Truman said, the buck stops with the President. And Bob bore the ultimate responsibility that this meeting would work, and he gets the ultimate credit. So I believe he is to be congratulated on that.

As is typical, we have a couple of minor tokens of our appreciation for Bob. When I started thinking about what we should give Bob to honor his Presidency, I talked to his lovely wife Cathy to get some ideas. And Cathy said two things: One, Bob would prefer if you kept it relatively simple and, second, that Bob expressed some concern about how he's going to take all of the stuff from this meeting back to Houston.

Now, as Bob mentioned right before he became First Vice President of this Association, he went in-house -- left the private practice of law with Hill Rivkins here in New York, and went in-house with the American Bureau of Shipping and moved to Houston.

Now, in the south where I'm from, we have a term -- and it originally had certain derogatory connotations, but it has come to be used much more affectionately and lightheartedly -- for northerners who move to the South to take positions of power. So I have for Bob this little container.

(Laughter)

PRESIDENT WATSON: Madam Court Reporter, if you will, let the record reflect that I was holding up a carpetbag.

Now, we also have here a certificate which I will read that says

The Maritime Law Association of the United States presents this TESTIMONIAL OF APPRECIATION to Robert G. Clyne, President, 2014 to 2016.

The Association takes this means of recognizing his able and successful leadership, his constructive efforts, and his outstanding contributions to The Maritime Law Association of the United States and to the field of Maritime Law.

Dated the 6th day of May 2016. Barbara Holland, Secretary; Harold Watson, President.

(Applause)

PRESIDENT WATSON: First Vice President Nolan is going to put something else together here. We have here the traditional Silver Oar. As was mentioned earlier, the Silver Oar was the symbol of the authority of Vice Admiralty Courts in colonial days and has become a traditional thing to award to our Presidents to honor them for their service. I will read it here. Thank you. It says, "Robert G. Clyne, President of the MLA 2014 to 2016."

(Applause)

PRESIDENT WATSON: Bob, thank you so much for your service.

PRESIDENT CLYNE: Thank you.

PRESIDENT WATSON: As I stand here before you as the 50th President of this august Association, I have to confess that I feel a little bit like the proverbial fence post turtle. Now, those of you who aren't from Texas may not be familiar with this term, so maybe a little explanation is in order.

It seems one day these two cowboys were out riding the range, and they came upon a turtle sitting on top of a fence post.

And one of the cowboys turned to the other and said, you know, there's three things for certain I can tell you about that turtle. First, he didn't get up there by himself; second, he doesn't know what he's going to do while he's up there; and, third, he has no idea how he's going to get down.

Now, the analogy is not perfect. For a start, I know how I'm going to get down. When my term of service is over, the Association will elect someone equally or, more likely, better prepared to serve than I am, as my replacement.

Secondly, while I may not know exactly what I'm going to do while I'm up here, I will have the advice of my fellow Officers and the Board and the wise counsel of Bob and the other Past Presidents of the Association who have led it so ably in the past.

But in one respect, the analogy is perfect. I know I didn't get up here by myself. And I hope you will indulge me for a couple of minutes while I thank a number of people who made this possible. First and foremost, my beloved wife Shari, who has supported me in everything I have ever done, and she's been an eager participant in the affairs of this Association throughout our marriage. Shari, could you stand up, please.

(Applause)

PRESIDENT WATSON: I'm also delighted that our daughter Alexandra could be here. She just returned from her honeymoon this past Sunday, and I can't tell you how much it means to me to have her here today.

Turning to the people that kind of shaped my professional career and led me to this spot, I would start with A. N. Yiannopoulos, known affectionately as Yippy to many of us, who taught me admiralty and first interested me in this body of law that became my life's work; the late Alvin Rubin, the Federal Judge for whom I clerked, one of the great admiralty judges of the second half of the 20th Century, who taught me how the maritime law should be administered; the late professors Grant

Gilmore and Charles Black, who were my mentors at Yale where I did postgraduate work. Professor Black introduced me to the work of this Association. I remember spending hours in the bowels of Sterling Law Library at Yale reading the *Proceedings* of this Association as I worked on my master's thesis under him on the 1976 Limitation Convention. Tod Dimitry, my first boss at Vinson Elkins where I started my practice, who brought me to my first MLA meeting in May of 1978 and instilled in me the notion that if one is going to be a maritime lawyer in the United States, you have to be an active Member of this Association; the late Bunky Healy, who encouraged me to become involved in Committee work; the late Bill Dorsey, who appointed me to my first leadership position in the Association; my former partner, Marion McDaniel, who encouraged me to run for the Board of Directors; my partners at Chaffe McCall and before that, Locke Lord, who supported me in doing the work I needed to do to advance in the leadership of the Association.

In that regard, I want to acknowledge Dwight LeBlanc being here and to also express my appreciation to Dan Tadros, Derek Walker, Ivan Rodriguez, and my late partner Rob Fisher for all they did to help me.

And I want to thank all of the Past Presidents of this Association who encouraged me and led me to believe that I might be able to do this job.

And finally, last but not least, you, my fellow Members, whose friendship has made it such a joy to serve this Association.

About 25 years ago, I was getting ready to try a marine insurance coverage case in federal court in Newark, New Jersey before the Honorable Al Wolin, a Judicial Member of this Association. On the first day of trial, we were back in chambers right before the trial started. And just before we went into the courtroom to start the trial, he turned to us and he said, "Gentlemen, let's go have fun." I've always thought that was rather good advice because if you could have fun trying a multi-million dollar case in federal court, you ought to be able to have fun doing just about anything.

This Association does serious and important work. We support the CMI in working towards the unification of international maritime law. We work for the improvement of our own maritime law here in the United States. We keep our Members informed about developments in the law that make them better able to serve their clients. We work very closely and have wonderful relationships with the Coast Guard, the Maritime Administration, and other agencies with whom our Members and their clients interact. But I have always thought that perhaps the most important thing that this Association does is maintain a sense of camaraderie that makes the maritime bar a model of civility and professionalism.

As your President, I will do what I can to maintain the traditions and the good work of this Association, but also to maintain that spirit of conviviality that has always been the hallmark of The Maritime Law Association of the United States. And with that thought, ladies and gentlemen, let's go have fun. Thank you.

(Applause)

PRESIDENT WATSON: I would like to call on Past President Hooper to make a motion.

MR. HOOPER: Thank you, Mr. President. And congratulations.

And thank you, President Clyne, for all you've done and the rest of you on the *dais*. It's been great. In fact, it is a collegial organization -- I'm wearing Ken Volk's old tie, which his widow gave me a few weeks after his death. That's how collegial we are. And Ken kept it pretty clean. I would like to thank all of the CMI people for coming. It was sort of like show and tell. If you've been watching our TV or reading our newspapers and sort of learning or observing what we do when we try to elect a leader in this country, you may get an appreciation of what we've been trying to do to get the Rotterdam Rules ratified.

So with that, I move to adjourn.

PRESIDENT WATSON: Is there a second?

MEMBERS: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: All opposed?

We stand adjourned. Thank you.

(Whereupon, the proceedings were adjourned at 12:14 p.m.)

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

Held at Womble Carlyle Sandridge & Rice, LLP  
Charleston, South Carolina  
Saturday March 12, 2016  
9:30 a.m.

The March 12, 2016 meeting was called to order by President Robert G. Clyne at 9:30 a.m. In addition to President Clyne, the following Officers were present:

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

The following Directors were present:

Robert B. Parrish, Immediate Past President

Christopher E. Carey	Kevin J. Thornton
John S. Farmer	David N. Ventker
Boriana Farrar	Joseph G. Grasso
Lynn L. Krieger	LeRoy Lambert
Daniel G. McDermott	Jonathan S. Spencer
Donald C. Radcliff	R. Michael Underhill

At President Clyne's invitation, Past Presidents James F. Moseley, Raymond P. Hayden, Thomas S. Rue, and Warren J. Marwedel attended the meeting. Past President Lizabeth L. Burrell attended by telephone.

Also attending at President Clyne's invitation were our host, Gordon D. Schreck, and MLA Administrator, Robin Becker.

## **SECRETARY'S REPORT**

On motion duly made and seconded, the Board unanimously approved the minutes from the October 22, 2015 meeting of the Board of Directors held in Bermuda.

## **TREASURER'S REPORT**

Mr. Connor discussed his Quarterly Report for the three months ending December 31, 2015.

While he noted there are the usual delinquent dues paying Members, Mr. Connor was pleased to report that the MLA is very solvent and our cash position is significantly ahead of where we were at this time last year. He attributed this to our 2015 dues increase, printing cost reductions for *The MLA Report* and *MLA Proceedings*, the avoidance of CMI-related travel expenses with the next meeting in New York City, and reduced website expenses, all in combination with particularly successful financial results from the Fall 2015 Bermuda resort meeting. President Clyne complimented Bermuda Chair James F. Moseley, Jr. and Vice Chair Elizabeth P. Beazley for a terrific job.

On motion duly made and seconded, the Board unanimously approved Mr. Connor's Quarterly Report.

## **MEMBERSHIP SECRETARY'S REPORT**

Ms. Holland reported that 16 applications had been received for Associate Lawyer membership:

Markus Apelis  
Cleveland, OH

USCG CAPT James Carlson  
Miami, FL

Courtney Collins  
Anchorage, AK

19121

Charles Davant  
Miami, FL

Adam Deitz  
Southport, CT

Katharine Essick  
San Francisco, CA

Laura Ann Keller  
New Haven, CT

Alan Kolodny  
Houston, TX

Jamie Christine Santos Madriaga  
Honolulu, HI

Liam O'Connell  
Salem, MA

Joni A. Poitier  
Jacksonville, FL

Kristina Ragone  
Boston, MA

Diego Ramirez Rodrigues  
Fort Lauderdale, FL

Marshall Swanson  
Corpus Christi, TX

Robert P. Thibeaux  
New Orleans, LA

Davis Lee Wright  
Wilmington, DE

In addition, RADM Frederick Kenney (Ret.) of London, England applied as an Associate Lawyer Member but in view of his contributions to the MLA and his service as USCG Judge Advocate General and Chief Counsel, under By-Law 203 the Board waived the four year membership requirement and approved his application as a Proctor Member.

Five former Associate Lawyers applied for reinstatement:

Deborah Davidson  
Pensacola, FL

Marina Ann Gaglias  
Jersey City, NJ

Lawrence C. Glynn  
New York, NY

Richard Singleton  
New York, NY

Marva Wyatt  
Metairie, LA

And two law students had become Law Student Members since our Bermuda meeting:

Kevin Gallagher  
Philadelphia, PA

Maryanne Mundy  
Arlington, VA

Ms. Holland regretfully reported the deaths of the following five Members since our Bermuda meeting:

Alan H. Buchsbaum  
New York, NY; Life Member, elected 1970

19123

Gregory C. Buffalow  
Mobile, AL; Proctor, elected 1980

W. Boyd Reeves  
Mobile, AL; Life Member, elected 1961

Robert J. Ryniker  
Reddington Shores, FL; Life Member, elected 1973

Hal Clayton Welch  
New Orleans, LA; Proctor, elected 1984

With the above changes, the MLA's total membership is now

#### VOTING MEMBERS

Proctors	1,274
Associates	1,153
Non-Lawyers	170
Academic	22
Subtotal	2,619

#### NON-VOTING MEMBERS

Ex-Officio	13
Honorary	4
Judicial	120
Law Students	15
Subtotal	152

TOTAL 2,771

On motion duly made and seconded, the Board  
unanimously approved Ms. Holland's Quarterly Report.

## DISCUSSION ITEMS

### *Website*

Ms. Krieger led a discussion updating the Board on several website issues.

The Website and Technology Committee will be considering means to attract content contributions in an effort to keep the website fresh and dynamic. Regarding various website postings, First Vice President Watson will periodically review and purge outdated items. It was also noted that MLA Administrator Robin Becker is continually working on website updates and document additions.

While the bulk of the MLA Document Library is now available for review on the website, and is generally searchable, that is not the case for old, handwritten documents. Mr. McDermott reported that about 75% of archived documents in 75 cardboard boxes have been reviewed and decisions will need to be made regarding what to keep and what to discard as repetitive and having no historical value.

A recent problem with website voting was reported by the Marine Financing Committee and to a lesser extent the Fisheries Committee. This glitch will be reviewed and a clear set of voting procedures will be included in the new *Committee Chairs Handbook*, which needs updating particularly on how Chairs should interface with the new website.

Mr. Connor highlighted that the website's dues processing function still needs to be implemented, which must be accomplished before the end of the year when our current platform is scheduled to terminate.

### *Linkedin*

The Board continued discussions held at recent meetings regarding various options for having an MLA presence on

Linkedin. It is anticipated that a vote will be taken at the Spring 2016 Board Meeting in New York.

### ***Membership By-Law Amendments***

Ms. Holland led a discussion regarding the several MLA by-laws which govern eligibility for different classes of membership and the extent to which they should be amended to tie in with the new website.

While there was some sentiment that by-laws should exclusively state policy rather than technical procedures, there was also recognition that since membership applications are now submitted *via* the website, a reference in the membership by-laws directing applicants to the website would be appropriate. Accordingly, Ms. Holland will draft proposed amendments to submit for a vote at the Spring 2016 Board Meeting in New York.

On the conundrum the Board has long been discussing regarding membership eligibility for foreign lawyers resident in the United States under By-Law 204 and possible amendments to it, Ms. Farrar volunteered to prepare a memo and/or to propose further wording for the Board's consideration.

### ***Committee on the Future of the MLA***

Second Vice President Nolan reported that the newly constituted Committee on the Future of the MLA had met recently with five attendees and others by telephone. There will be another meeting on May 3 in New York with an initial substantive report anticipated at the Summer 2016 Board Meeting in Baltimore.

### ***Marine Financing/Fisheries Committees' Votes and Board Resolution***

Second Vice President Nolan summarized the Marine Financing Committee's work, supported by the Fisheries Committee, to revise 46 CFR Part 67 with ministerial, non-controversial, clarifying language. The revisions had been approved by both Committees and were proposed to the Board for its approval:

The Board hereby resolves as follows:

The Board authorizes the President of the Association and/or the Chairs of the Marine Financing and Fisheries Committees (as the President may determine) to submit on behalf of the Association the attached proposals to amend the Coast Guard's regulations at 46 CFR Part 67 on the Coast Guard's pending review of Part 67 (Docket USCG-2013-0942).

The Board further authorizes the Chairs of the Marine Financing and Fisheries Committees (or their designees) to communicate on behalf of the Association with the Coast Guard and other interested parties concerning the proposed amendments to Part 67 and to make or accept such editorial revisions, consistent with the intent of the proposals, as they may deem appropriate.

The Board directs the Chairs of the Marine Financing and Fisheries Committees to regularly report to their Committees and to the Association on the status of the proposed amendments to Part 67 and their communications with the Coast Guard and other interested parties from time to time.

On motion duly made and seconded, the Resolution was unanimously approved.

### ***MLA Nominating Committee***

President Clyne reported he had appointed a younger, more diverse Nominating Committee comprised of 30 Members.

**FUTURE MLA MEETING PLANS*****Joint CMI/MLA New York Spring 2016 Meeting, May 3-7***

President Clyne reported that Conference Chair Vincent J. Foley had been working very hard coordinating the upcoming Joint CMI/MLA Meeting and that \$200,000 in sponsorship pledges had been received. The IMO Secretary-General will be the Tuesday evening Opening Ceremony's keynote speaker. Plans for joint meetings of MLA Committees and CMI Working Group were shaping up very well and all social events were on track.

Mr. Spencer provided an overview of the new York-Antwerp Rules on general average which are expected to be adopted by the CMI Plenary and Assembly on May 6, 2016.

***August 2016 Baltimore Board Meeting***

First Vice President Watson noted that plans for the August 13, 2016 Board Meeting were coming together, including a tour of the Naval Academy on Saturday afternoon.

***Fall 2016 New Orleans Meeting with the Tulane Admiralty Law Institute ("TALI")***

First Vice President Watson also updated plans for the joint MLA meeting with TALI, Tuesday October 25 through Friday October 28, 2016.

Because of a shortened TALI format to accommodate MLA Committee Meetings, there will be fewer than normal TALI CLE credits available. To make up the difference, MLA Committees will generally be expected to provide CLE as part of their meetings. Tulane University Law School students are available to conduct CLE presentations and Board liaisons were urged to contact their Committee Chairs promptly to start coordination with students before they disperse for the summer.

***Fall 2017 Napa Valley Resort Meeting with the Pacific Admiralty Seminar (“PAS”)***

First Vice President Watson and Mr. Farmer who will Chair it provided an update on plans for the Fall 2017 Napa Valley Resort Meeting. The MLA contract with the Silverado Resort and Spa had been signed and a contract with an offsite winery is about to be signed.

The meeting will be jointly held with PAS which will provide the CLE program. There may be some revenue sharing issues that need to be ironed out between the MLA and PAS as some of its members may desire *à la carte* participation rather than payment of full registration fees. Mr. Underhill stated that since he is both an MLA Director and on the PAS Steering Committee, he will recuse himself from any overlapping financial discussions.

**RECENT ACTIVITIES**

President Clyne reported that the annual January 2016 Officers’ Luncheon in Washington, DC with top government maritime lawyers was once again a great success.

President Clyne also reported he recently had the pleasure of serving as the John Sims Distinguished Admiralty Practitioner in Residence at Tulane University Law School and judged the Judge John R. Brown Admiralty Moot Court Competition in San Francisco, where on behalf of the MLA he presented the award for Best Brief.

**ADJOURNMENT**

There being no other business, President Clyne thanked Mr. Schreck for all his help in setting up the Charleston meeting and the reception hosted by the local bar, and the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

*/s/ David J. Farrell, Jr.*

Secretary

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

Held at the American Bureau of Shipping  
New York, New York  
Tuesday May 3, 2016  
12:00 p.m.

The May 3, 2016 meeting was called to order by President Robert G. Clyne at 12:00 p.m. In addition to President Clyne, the following Officers were present:

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

The following Directors were present:

Robert B. Parrish, Immediate Past President

Christopher E. Carey	David N. Ventker
John S. Farmer	Joseph G. Grasso
Boriana Farrar	LeRoy Lambert
Lynn L. Krieger	Jonathan S. Spencer
Daniel G. McDermott	R. Michael Underhill
Donald C. Radcliff (by phone)	

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

Also attending at President Clyne's invitation was James W. Bartlett, III, reporting on plans for the upcoming Baltimore Board Meeting.

## **SECRETARY'S REPORT**

On motion duly made and seconded, the Board unanimously approved the minutes from the March 12, 2016 meeting of the Board of Directors held in Charleston.

Mr. Farrell also reported that *The MLA Report* and *MLA Proceedings* from the Bermuda meeting had been posted on the website and mailed to those Members who had opted-in to receive hard copies.

Two Resolutions were submitted and unanimously approved by the Board for certificates of appreciation to be presented to USCG RADM Steven D. Poulin and CAPT Patrick J. McGuire at the May 6, 2016 General Meeting of the Association.

## **TREASURER'S REPORT**

Mr. Connor discussed his Quarterly Report for the three months ending December 31, 2015, summarizing that we are in good financial shape.

While he noted that dues collection was moving along at the normal pace for this time of year, the usual delinquents continue and Mr. Connor may decide to propose a \$25 late fee at the upcoming Baltimore Board Meeting.

On motion duly made and seconded, the Board unanimously approved Mr. Connor's Quarterly Report.

## **MEMBERSHIP SECRETARY'S REPORT**

Ms. Holland reported a banner season for MLA membership applications, all of which were submitted *via* the website.

The Proctor Admissions Committee recommended 22 applicants for Proctor status membership and approval by the Board:

19131

Kirby Aarsheim  
Boston, MA

Hae Woen Grace Bae  
Woodbridge, NJ

Philip Brickman  
New Orleans, LA

Thomas Brown  
Dickinson, TX

Alberto Castañer  
San Juan, PR

Robert Crowder  
Los Angeles, CA

Brian Eisenhower  
New York, NY

Noe Hamra  
New York, NY

Rebecca Hamra  
New York, NY

Sean Houseal  
Charleston, SC

Adam Jaffe  
San Diego, CA

Walter Maestri  
New Orleans, LA

19132

Gini Mattson  
Dallas, TX

Robin Minturn  
Houston, TX

James Mondl  
St. Louis, MO

Robert Phelan  
New York, NY

Glen Piper  
Long Beach, CA

Jennifer Porter  
San Francisco, CA

Vince C. Reuter  
Minneapolis, MN

Jonathan Segarra  
Mobile, AL

Matthew Shaffer  
Houston, TX

Christopher Spain  
Washington, DC

The Board unanimously agreed not to waive the By-Law 203 four-year membership requirement for two other Proctor applicants.

One former Associate Lawyer applied for reinstatement:

Keith Brady  
Norfolk, VA

Ms. Holland reported that 29 Associate Lawyer applications had been received:

Michael Beattie  
Baltimore, MD

John Buhite  
Baltimore, MD

William A. Burke  
Norfolk, VA

Eric Chang  
New York, NY

Esteban Delgadillo  
Brownsville, TX

Han Deng  
New York, NY

Katerina Duarte  
New York, NY

LT Dennis Harbin, USN  
Chesapeake, VA

James Jeffcoat  
Baltimore, MD

James F. Kuhne, Jr.  
Long Beach, CA

Marc Kutner  
Houston, TX

Christopher Land  
Woods Hole, MA

19134

Jeffrey Lewis  
Washington, DC

Richard McNelley  
St. Louis, MO

Marios Monopolis  
Hunt Valley, MD

David "Bobo" Mullens  
Savannah, GA

Casey O'Brien  
New York, NY

Juan Obregon  
New Orleans, LA

Patrick J. O'Connor  
New York, NY

Sara Ochs  
New Orleans, LA

Barbra Parlin  
New York, NY

Vanessa Pierce  
Brownsville, TX

Natalie Ramsey  
Philadelphia, PA

Destiny Scott  
Charleston, SC

LT Seth Tremble, USCG  
Washington, DC

19135

David Tubman  
Washington, DC

Ryan Vechan  
Houston, TX

Tarryn Walsh  
New Orleans, LA

Martin West  
New York, NY

Ms. Holland also reported that the Non-Lawyer Committee had recommended six applicants for approval by the Board as Non-Lawyer Members:

Steve Benedict  
Maryville, TN

Richard John Gayton  
New York, NY

N. Lee Sykes  
Morehead City, NC

Kathleen Wahler  
New York, NY

John Walker  
New York, NY

Luke Zadkovich  
Jersey City, NJ

And three law students had become Law Student Members since our Charleston meeting:

Nina Mercedes Rabin  
San Diego, CA

Radina Whittemore  
New Orleans, LA

Brett Beaubien  
Bristol, RI

Ms. Holland regretfully reported the death of the following Member and former Director since our Charleston meeting:

Robert B. Fisher, Jr.  
New Orleans, LA; Life Member, elected 1974

With the above changes, the MLA's total membership is now

#### VOTING MEMBERS

Proctors	1,293
Associates	1,159
Non-Lawyers	175
Academic	22
Subtotal	2,649

#### NON-VOTING MEMBERS

Ex-Officio	13
Honorary	4
Judicial	120
Law Students	16
Subtotal	153
TOTAL	2,802

On motion duly made and seconded, the Board unanimously approved Ms. Holland's Quarterly Report.

### **FIRST VICE PRESIDENT'S REPORT**

First Vice President Watson reported that a revised Committee Chairs' *Handbook* consistent with recent website changes will be coming out shortly. He has been keeping the website's Calendar tab updated as part of his MLA Webmaster duties, which will be transferred to new First Vice President Nolan.

### **SECOND VICE PRESIDENT'S REPORT**

Second Vice President Nolan expressed great appreciation for the MLA Committee Chairs' arranging a high grade program of first rate speakers, including 20 CLE hours, for the joint CMI/MLA 2016 Spring Meeting.

He also reported that the Committee on the Future of the MLA will be holding its second meeting tomorrow, focusing on ways to enhance the MLA's position in the years ahead.

### **DISCUSSION ITEMS**

#### *Website*

Ms. Krieger reported to the Board on several website issues.

There is general dissatisfaction with Boost by Design, particularly its lack of responsiveness and lack of familiarity with WordPress such that Boost is unable to program routine changes to the MLA website, contrary to earlier representations. An added complication is that our financial platform, Vista, will terminate at the end of 2016.

A discussion ensued on hiring a consultant to address and propose various website fixes. Topics for the consultant's consideration would include an overview of the MLA website; whether switching hosts is legally and practically advisable; how best to implement website invoicing; how to establish a workable,

searchable, online document library; how to quickly and easily resolve website glitches that may arise; and what new computer hardware and software might be needed for MLA Administrator Robin Becker.

On motion duly made and seconded, the Board unanimously approved hiring a website consultant to address these issues.

### ***Linkedin***

After discussion, on motion duly made and seconded, the Board voted to establish an MLA “Group” on LinkedIn with representatives from the Officers, Young Lawyers Committee, and Website and Technology Committee tasked with establishing guidelines for interactive usage.

### ***Membership By-Law Amendments***

Following discussions at the last several Board meetings, Ms. Holland proposed Membership By-Law amendments which on motion duly made and seconded were unanimously adopted by the Board.

First, as a ministerial matter without any substantive change, By-Laws 202 to 204 and 206 to 208 were amended to reference that membership applications are to be submitted in accordance with instructions on the MLA website.

Second, the Board resolved a recurring question on how to handle U.S. resident foreign lawyers applying as non-lawyers by amending By-Law 204 and changing the name of that category to Adjunct Membership. This name change is also reflected in By-Law 201.

Third, several amendments were made for clarification, for example, to By-Laws 204 and 205 for consistency, precluding written recommendations from Proctors who are employed or associated with Adjunct or Honorary applicants, respectively.

And fourth, two changes to By-Law 210 were approved making dues payable upon receipt of invoice and making January 1 the designation date for eligible Life Members.

The amended By-Laws appear below, with bold type highlighting the new language:

## 201. MEMBERSHIP CLASSES

Any person who is interested in the objectives of the Association and who can satisfy the qualifications required for membership in any of the below designated classes shall be eligible for membership. There shall be nine classes of members:

1. Proctor in Admiralty
2. Associate Lawyer
3. Adjunct
4. Honorary
5. Judicial
6. Academic
7. Life
8. Ex-Officio
9. Law Student

Members shall be elected by the Board of Directors, with the exception of Life Members, who shall automatically be elevated to that category in accordance with the requirements of Section 210, and Law Student Members, who may be admitted to membership in accordance with the requirements of Section 208.

The Board of Directors may designate certain posts or positions that are substantially concerned with maritime affairs as Ex-Officio memberships. The persons holding such posts or positions shall be Ex-Officio members during their tenure in such post or position.

## 202. ELIGIBILITY FOR ASSOCIATE LAWYER MEMBERSHIP

Any person admitted to the practice of law before any of the several courts in the United States shall be eligible for Associate Lawyer membership. An applicant **for Associate Lawyer membership shall apply online as provided on the Association's website**, and shall submit written support from two Proctor members of the Association.

## 203. ELIGIBILITY FOR PROCTOR MEMBERSHIP

An Associate Lawyer or Academic member who has been a member of the Association for four years may apply for Proctor membership.

An applicant for Proctor membership **shall apply online as provided on the Proctor Application page on the Member side of the Association's website**. Each Proctor applicant shall furnish satisfactory evidence of experience and qualifications as set forth on the application form, and shall submit written support from two Proctor members of the Association, neither of whom shall be associated with the applicant in the practice or teaching of law. **All supporting materials shall be submitted with the completed online application**. The Committee on Proctor Admissions shall make recommendations to the Board regarding the admission of new Proctors.

Upon recommendation of the Committee on Proctor Admissions, or in the Board of Directors' discretion, the Board of Directors

may waive the four-year requirement for Proctor membership if an applicant is otherwise qualified for Proctor membership.

#### 204. ELIGIBILITY FOR **ADJUNCT** MEMBERSHIP

Any person who has rendered distinguished service in the advancement of the Maritime Law or its administration may be eligible for **Adjunct** membership if he or she (1) is a resident of the United States, (2) is not admitted to the practice of law in the United States, and (3) is not engaged in the private practice of law **in the United States**. A candidate for Adjunct membership must be proposed and recommended by two Proctor members of the Association, **neither of whom shall be employed at the same organization as the candidate.**

**The requirements for proposing a candidate for Adjunct membership may be found on the Member side of the Association's website. The Committee on Adjunct Member Admissions shall make recommendations to the Board regarding the admission of new Adjunct members.**

**Adjunct** membership shall terminate when an **Adjunct** member ceases to meet the requirements of this By-Law. No **Adjunct** member shall be elected when the **Adjunct** members would thereby exceed ten percent of the total membership of the Association.

## 205. ELIGIBILITY FOR HONORARY MEMBERSHIP

Any person who has rendered distinguished service in the advancement of the Maritime Law or its administration may be eligible for Honorary membership. A candidate for Honorary membership must be proposed and recommended by two Proctor members of the Association, **neither of whom shall be associated with the candidate in the practice or teaching of law.**

## 206. ELIGIBILITY FOR JUDICIAL MEMBERSHIP

Any person who is a judge or magistrate of a court in the United States and who is substantially concerned with maritime affairs, shall be eligible for Judicial membership, which shall terminate when the member ceases to hold office. **A candidate for Judicial membership may apply online as provided on the Association's website or be proposed for membership by a member of the Association.**

## 207. ELIGIBILITY FOR ACADEMIC MEMBERSHIP

Any person who is engaged on a full-time basis in the teaching of law or legal theory on the faculty of an accredited institution of higher learning shall be eligible for Academic membership, which shall terminate when the member ceases to be so engaged. **An applicant for Academic membership shall apply online as provided on the Association's website.**

## 208. ELIGIBILITY FOR LAW STUDENT MEMBERSHIP

Any person who is a resident of the United States, who is currently enrolled as a student in a U.S. school of law, accredited by the American Bar Association, and who has expressed an interest in the practice of **maritime** law, may be eligible for Law Student membership, which shall terminate at the end of the calendar year in which the member graduates or ceases to be a student in good standing at the school. **An applicant for Law Student membership shall apply online as provided on the Association's website** and shall submit a one-time dues payment in an amount set by the Board of Directors. Each application shall be supported in writing by a professor or administrative official at the law school attended by the applicant or by a member of the Association

## 210. DUES

The amount of annual dues of members shall be fixed by the Board of Directors and shall be payable **upon receipt of invoice**, with the exception of Law Student members, whose dues shall be payable as set by the Board of Directors. The following classes of members shall be exempt from the payment of dues:

1. Honorary, Ex-Officio, and Judicial members.
2. Members in good standing who have, as of **January 1** in any year, maintained membership in the Association for 40 years. Members so exempted shall be designated as Life Members.

### ***Revisions to York-Antwerp Rules***

Anticipating that the CMI will pass proposed revisions to the York-Antwerp Rules, on motion duly made and seconded the Board unanimously authorized new President Watson at the Friday May 6, 2016 afternoon CMI Plenary Session to vote in favor of the new York-Antwerp Rules.

### ***Future of the CMI***

Past President Burrell provided her overview of the CMI and the relationship of the MLAUS with it and reported she will be soliciting other national MLAs' ideas on CMI governance and core CMI issues.

### ***Joint CMI/MLA New York Spring 2016 Meeting, May 3-7***

President Clyne reported that Conference Chair Vincent J. Foley worked very hard (and Immediate Past President Parrish added that so had President Clyne) in setting up what promised to be an excellent, world class event for maritime lawyers from around the world, with memorable social events as well as professional seminars coordinated by Second Vice President Nolan and the MLA Committee Chairs.

## **FUTURE MEETINGS**

### ***August 2016 Baltimore Board Meeting***

Mr. Bartlett reported on plans for the Saturday August 13, 2016 Board Meeting in Baltimore. A reception with the local bar is set for Friday night with a tour of the U.S. Naval Academy Saturday afternoon. He has arranged for an excellent hotel rate at the Royal Sonesta Harbor Court with options for attending the Propeller Club Crab Feast, a golf outing, and a cruise on an 80 foot sloop.

***Fall 2016 New Orleans Meeting with the  
Tulane Admiralty Law Institute (“TALI”)***

First Vice President Watson updated the Board on plans for the joint MLA meeting with TALI, Tuesday October 25 through Friday October 28, 2016. At the MLA General Meeting of the Association on Friday May 6, 2016 Grady S. Hurley and Edward F. LeBreton, III, will present the Members an overview of what promises to be another historic week.

***Fall 2017 Napa Valley Resort Meeting with the  
Pacific Admiralty Seminar (“PAS”)***

Mr. Farmer reported that his full planning committee will be meeting later this week to further scheduling and logistics for the Fall 2017 Napa Valley Resort Meeting.

**ADJOURNMENT**

President Clyne thanked the outgoing Directors, Mr. Carey, Mr. Farmer, Ms. Farrar, and Ms. Krieger, as well as Immediate Past President Parrish, for their years of service on the MLA Board and each of them echoed kind words of gratitude for their rewarding experience.

There being no other business, the meeting was adjourned at 2:48 p.m.

Respectfully submitted,

/s/ David J. Farrell, Jr.

Secretary



