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DOCUMENT NO. 828

May 5, 2017



THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

MLA PROCEEDINGS

Spring Meeting, May 5, 2017
New York, New York

Present:

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

And the following 194 Members:

Kirby Aarsheim	William Bell
Andy Aley	Nash Bilisoly
Olaf Aprans	Gavin Black
Tyler Arnold	Michael Black
Todd Baiad	Peter Black
William Baldwin	Patrick Bonner
Anthony Barker	Twain Braden
B. Jason Barlow	John Bradley
James Bartlett	James Brockmeyer
Michael Bell	Patrick Brogan

Walter Brudzinski	Robert Glenn Jr.
Mark Buhler	Richard Gonzalez
Phillip Buhler	William Graffam
Lucienne Bulow	Joseph Grasso
Robert Burger	Aaron Greenbaum
Brendan Burke	John Grimmer
Lizabeth Burrell	Barrett Hails
Seth Buskirk	Carrol Hand
Christopher Carey	Chris Hannan
Conte Cicala	Douglas Hard
John Cleary	Michael Harowski
Mark Coberly	Jason Harris
Richard Corwin	Kevin Hartmann
Daniel Cragg	Raymond Hayden
Anthony Cuva	Keith Heard
K. Blythe Daly	Kasee Sparks Heisterhagen
Eric Daniel	Seth Holbrook
Christopher Davis	Chester D. Hooper
Frank DeGiulio	Lori Hopkins
Charles DeLeo	Robert Hopkins
Christopher Dillon	Sean Houseal
Susan Dorgan	Kristi Hunter
William Durham	Bradley Jackson
Brian Eisenhower	Leo Kailas
Gary English	John Kavanagh Jr.
Timothy Farrell	Laura Ann Keller
William Fennell	Allan Kelley
Anthony Filiato	Terence Kenneally
Carol Finklehoffe	RADM Fred Kenney (Ret.)
Vincent Foley	Michael Kenny
Lars Forsberg	Kaspar Kielland
Angie Fredrickson	Robert Klawetter
Peter Frost	Lynn Krieger
Richard Furey	LeRoy Lambert
Bryant Gardner	Kevin Lavie
G. Beauregard Gelpi	Carlos Llinas Negret
Alexander Giles	Geoffrey Losee
CAPT Shannon Gilreath	Henry Lucas
Ryan Gilsenan	Jamie Madriaga

Matthew Marion	Salvador Pusateri
David Martowski	Donald Radcliff
Carole Martrou	Edward Radzik
Warren Marwedel	Luis Raven
Patrick O. McAleer	Vince Reuter
Daniel McDermott	J. Ramon Rivera-Morales
Robert McIntosh	William Riviere
Colin McRae	Kent Roberts
Arthur Mead	Thomas Rue
Carra Miller	James Ryan
Dennis Minichello	Michael Ryan
Klaus Mordhorst	William Ryan
Cheryl Morris	Lindsay Sakal
James Moseley Jr.	Christina Schovajsa
James Moseley Sr.	Gordon Schreck
Kelly Mulrane	Pamela Schultz
Thomas Muzyka	Dieter Schwampe
Mark Newcomb	J. Ben Segarra
Chris Nolan	Anthony Severino
Michael Northmore	Imran Shaukat
David Nourse	Louis Sheinbaum
Robert O'Brien	James Shirley
Liam O'Connell	David Skeen
Kevin O'Donovan	Peter Skoufalos
Gavin O'Hare	David Smith
Ralph O'Neill	Steven Snell
Constantine Papavizas	Jonathan Spencer
Jay Parè	Steven Stancliff
Robert Parrish	Rick Steinberg
Jason Pedigo	Douglas Stevenson
Stephanie Penninger	Daniel Stillman
Dabney Pettus	Norman Stockman
Andres Pico-Ramirez	Michael Sturley
Robert Plansker	Norman Sullivan
Zachary Politis	David Sump
Jennifer Porter	Joseph Tabrisky
Gregory Poulos	Michael Timpone
Edward Powers	G. Robert Toney
Anthony Pruzinsky	R. Michael Underhill

Matthew Vafidis
Jack Vayda
David Walker
Joseph Walsh
Kevin Walters
Rahul Wanchoo
Daniel Warman
William (Sandy) Welte
Joseph White
James Whitehead
Tony Whitman
Andrew Wilson
Erich Wise
John Woods
Marva Jo Wyatt
Thomas Wynne
Robert Zapf
JoAnne Zawitoski

And the following 9 guests:

Tina Cardone
David Colford
Peter Cullen
Iwam Jaeger
Aimee LaTorre
Phil LeBlanc
LT J. Travis Noyes
G. Rodriguez
Harry Thurlow

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PRESIDENT WATSON: I'd like to call the meeting to order. I have some introductions I would like to make. Admiral Steve Andersen, who is the Judge Advocate General of the Coast Guard, was here with us all week but could not be here today, but the Coast Guard is well represented. Captain Shannon Gilreath, who is the Chief of Maritime & International Law -- Shannon are you here? Lieutenant Travis Noyes, who is the Coast Guard liaison of the MLA. Travis?

It is impossible to overstate the contribution that our friends in the Coast Guard make at these meetings. They have attended a number of Committee meetings, made presentations at any number of Committee meetings, and they richly enhance our meetings.

We have some distinguished guests: David Colford, President of the Canadian MLA; Mark Isaacs, National Vice President of the Canadian MLA; John O'Connor, Immediate Past President of the Canadian MLA and member of the Executive Council of CMI; Dr. Ignacio Melo, the First Vice President of the Mexican MLA. We are delighted that whatever certain people in the Administration think about the North American Free Trade Agreement, the relationships of this Association with our brothers and sisters north and south of the border remain very strong. Dieter Schwampe, President of the German MLA; Alessandro Lopez Pinta, Vice President of the Instituto Iberoamericano de Derecho Maritimo.

Bob Parrish, did I say that right?

We also have some distinguished members of our Association. Chris Davis, Vice President of the CMI, and retired Admiral Fred Kenney, Director of Legal and External Affairs of the International Maritime Organization.

Fred? Where is Fred? Fred, would you like to say a few words about the IMO?

ADMIRAL KENNEY: Now or...

PRESIDENT WATSON: Yes.

ADMIRAL KENNEY: Good morning, everybody. And thank you, Mr. President.

It is a pleasure to be here again. This is one of the highlights on my calendar every year because it really is, if not the largest, one of the largest gatherings of maritime lawyers in the world. It's great to see so many other Maritime Law Associations here. This really is an opportunity for us at the IMO to talk to a much broader audience than we normally get to speak to in other venues.

I will not take a lot of time. I will just kind of recap the week for me. I have been able to attend a number of the Committee meetings. I think the topic that was on most people's mind was the coming of autonomous vessels, or remotely operated vessels and what that is going to mean for the law.

The first paper to discuss the subject will be presented at the IMO at the Maritime Safety Committee meeting in June. And it is largely looking at it from a technical viewpoint. It was submitted by the United States and the United Kingdom, and a couple of other countries co-sponsored it.

I think the thing that is interesting about the paper is it is not calling for any particular regulation. What it is calling for is a scoping exercise to see what exactly the coming of autonomous or remote command vessels -- I know those are two different things -- is going to mean for safety, security, and environmental protection.

The other question is what it is going to mean for maritime law. And I think that is something that we all need to start thinking about. The CMI has already started doing some very good work. They have put out a paper that looks at autonomous vessels from the perspective of SOLAS and the COLREGS, but I think we need to start looking at it from the entire body of maritime law, and that's something that I think will be an issue that will involve many of you. I'm looking forward to it.

The only other thing I'll mention is, that with these oncoming issues, the IMO is completely renewing its strategic plan. It has been completely overhauled. It's got seven strategic directions, which include the incorporation of technology into regulations and how we can better adjust our regulatory processes to meet the change and the pace of technology.

There are a number of other issues in the new strategic directions -- implementation is another. We are still seeing many, many countries lagging behind in the effective implementation of IMO instruments. I talked about that last year. That issue has not gone away.

We are starting some pretty exciting new programs in terms of developing legislation for countries so that they can better implement IMO regulations. We are still looking for consultants, particularly those who speak French and Arabic. So if you speak one of those languages and you are interested to travel to some exciting places, let me know.

And with that, I will get off the podium. Great to see you all, and I look forward to seeing you again.

PRESIDENT WATSON: Thank you, Fred.

(Applause)

PRESIDENT WATSON: I would also like to recognize Robin Becker.

Robin, can you stand up?

Now, Robin is our Administrator and she keeps this Association running. I think that if all the officers of the Association went down in a plane crash, the MLA would continue to function, but heaven help us if anything happened to Robin.

Thank you, Robin.

(Applause)

PRESIDENT WATSON: Madam Secretary.

MS. HOLLAND: Thank you, Mr. President.

I want to join Hal in thanking all of you for being here this morning and for all that you do for the Association. I think the spring meeting in particular really highlights the extraordinary work that the Committees of this Association carry out. And what I've seen this week has been truly impressive. So thanks to all of you for your leadership and participation.

First, a couple of housekeeping items. The sign-up sheets for this meeting are outside of the door on the table. Please make sure that you do sign in so that we have a record of your attendance.

In that regard, I want to thank the Young Lawyers who helped out by sitting there this morning to greet all of you and get your signatures: Zach Politis, Peter Black and Kasee Heisterhagen. Thank you.

I also want to mention our court reporter, Georgia Winegeart, who is here from Tom Crites & Associates International. We all owe them a great debt of gratitude for donating her services and the transcript for our proceedings.

Committee Chairs, when you come up to give your reports this morning, it would be great if you would bring a business card and hand it to Georgia so that she has that to refer to as she prepares the transcript.

Since we last met in New Orleans, your Board has continued its focus on the future of the Association. Subcommittees of the Board have focused particularly on recruiting and retention of

members and on how we can continue to improve the membership experience and the opportunities for engagement and participation.

To continue this effort, President Watson has now established a Special Committee on Membership. This committee is meeting for the first time this afternoon. Pamela Schultz has agreed to chair this committee for us, so we thank her.

On the website, I'm happy to report that the website is well on its way to becoming the functional and user friendly tool that we intended it to be. It's on track, we understand, for a fix this year, and we appreciate all of you showing your patience as we have worked through this. It's going to be a very good product when it is completed. You will hear more about this from the Chair of the Website Committee, Lynn Krieger later in the meeting.

I want to mention a huge project that has been completed this year by the MLA Archives Committee. This group of hardy and committed historians has gone through 72 boxes of MLA historical documents. Huge job. And you're going to hear from Bill Bell, I believe, this morning. He can tell you a little bit more about it. But, again, a great effort by that group and very much behind the scenes, so we thank them.

While on the subject of history, I want to mention the MLA history project. We have a 125-year anniversary coming up in 2024. President Watson has appointed Liz Burrell as the Chair of the special committee for this MLA history project and the editor of the 125-year history of the MLA.

Looking ahead, we hope you all are planning to join us in Napa in October. You're going to see some wonderful photographs and hear about the plans that are well in place for that meeting towards the end of the meeting today, so stick around if you can.

And, finally, I want to thank Chet Hooper and David Nourse for once again compiling the MLA report for the fall of 2016. That is completed and it will be up on the website next week. Thank you.

Thank you Mr. President. That completes my report and I move for its adoption.

PRESIDENT WATSON: Is there a second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Thank you very much, Barbara.

Mr. Treasurer.

MR. CONNOR: Good morning everyone and welcome to sunny downtown New York. I've been thinking that maybe we should loan ourselves out to any country that's in need of drought repair. All we have to do is schedule a meeting and rain comes. So if you have any ideas, let us know. We can always make a buck that way.

As treasurer, I'm happy to report that we are in sound financial shape. Our revenue and our expenses are just about in line with what we projected. Our only extraordinary expense this year will be the repairs to the website, which is obviously critical and originally unanticipated, but when it's done, it will be well worth it.

One additional thing, and I'm sure it doesn't apply to anybody in this room, but as usual we have a delinquent list of people who haven't paid their dues. As you know, we send out invoices via e-mail attachments usually two or three times before we switch to snail mail. This year we went to snail mail a little earlier to see if that will trigger people who open their e-mail and discard it and when they finally get a paper invoice, send it to accounting.

The Association obviously has to plan. And in that plan is anticipated revenue, and when members don't pay their dues, that

shakes it up a bit. As always, the Board looks at this and considers what we should do in the future.

As you know, the By-Laws provide that if you are in arrears three years, you no longer are a member. So if you have any partners or associates in your firm who have forgotten to pay their dues, we would appreciate your kicking them in some appropriate place.

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

PRESIDENT WATSON: Is there a second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Thank you very much, Bob.

Membership, Grady Hurley.

MR. HURLEY: Thank you, Mr. President.

First, let me thank all of our members who have recommended new members and have recruited new members. I would also like to welcome all of the new members to our Association who are attending their first meeting here this morning.

I would also like to extend my thanks to Mr. Marwedel and Mr. Ryan for their work on the Proctor and Adjunct committees.

As our membership ranks mature, new membership is vital. We would encourage all of our members to help recruit new members and, more importantly, to encourage them to participate in our Association.

Our Board has ongoing short-term and long-term membership initiatives which Barbara mentioned, including a committee chaired by Pamela Schultz.

Our last general meeting was in October of 2016. Since that time, our Board has met in March 2017 to consider new members. In March 2017, our Board approved 21 new Associate members, no Adjunct members, Academic members, or Judicial members at that time. Seven law students were admitted pending payment of dues. We sent letters to all of our new members welcoming them to our organization. As of April 2017, preceding this meeting, our total membership of active members totaled 2,774. On May 3rd of this week, our Board met to consider membership applications and requests.

First, Proctors. Three Proctors were considered, and we welcomed Ted Shinkle, Charles Simmons, and Michael Timpone as new Proctor members.

Sixteen new Associate member applications were received, reviewed and elected. Four additional law student members were accepted pending payment of their dues. Five members were reinstated, and we welcomed back those members. Conor Murray of XL Catlin Marine Claims was elected as an Adjunct member.

Since October 2016 and our March 2017 meeting, we have added 26 new members. Our membership total is now 2,800.

At this time I report and ask for a moment of silence in remembrance of the following members who have passed away since our last general meeting. They include Mark Jay Condon of Bloomington, Minnesota; Andrew W. Anderson of Miami, Florida; Benjamin Alston Moore, Jr. of Charleston, South Carolina; John Picarella of Washington and New Jersey; Professor A.N. Yiannopoulos of both Tulane and LSU Schools of Law; and Richard W. Palmer, MLA President from 1988 to 1990.

Mr. President, that is my report, and I move for its acceptance.

PRESIDENT WATSON: Is there a second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: As Grady mentioned, we lost Dick Palmer this year, and I would like to ask Frank DeGiulio to come forward and say a few remarks about Dick.

MR. DEGIULIO: Mr. President, thank you very much for the opportunity to say a little tribute to Dick Palmer. You will find in the MLA Report the “in memoriam” piece that I wrote. It’s going to be a little longer than what I say today just for time purposes, but you might want to take a look at that. Dick was President of the Association from 1988 to 1990, and he died at the age of 97 years old on March 1st. He used to always tell us about his uncle who practiced law until he was 97 in New York. Dick didn’t do that. He retired in the late 1990s after a really distinguished career.

He is remembered by his former colleagues not only as an accomplished attorney and leader of the maritime bar, but also as a gentleman, a mentor, a friend, and a story teller extraordinaire.

Dick was born and raised in Boston. After obtaining his undergraduate degree from Harvard College in 1942, he joined the U.S. Navy. He served as an officer on cargo and supply ships in the Pacific during the balance of World War II and acquired an interest in the practical aspects of shipping.

After the war, he enrolled in Harvard Law School and obtained his law degree in 1948. Dick began his legal career in New York in 1948 as an associate with Burlingham, Veeder, Clark &

Hupper, the predecessor of Burlingham, Underwood & Lord, a firm that by my count has at least six past presidents of this Association among its alumni.

While in New York, Dick met and married his beloved wife Nancy. In 1959, they moved to Philadelphia.

In 1979, Dick, with several other colleagues, including John Biezup and Wells Henderson, formed the firm of Palmer, Biezup & Henderson in Philadelphia. The new venture was well received by shipowners and P&I clubs alike, and the firm continues to serve those same clients today. Dick played a pivotal role in litigation arising from the worst maritime disaster in Philadelphia history, the collision of the tankers EDGAR QUEENY and CORINTHOS in January of 1975. The QUEENY collided with the CORINTHOS, which was moored alongside the BP terminal in Marcus Hook, Pennsylvania. The QUEENY sustained bow damage, but the CORINTHOS immediately suffered a series of massive explosions. The casualty resulted in 25 deaths and many more injuries.

The fire aboard the CORINTHOS burned for days. The explosion virtually leveled the town of Marcus Hook, Pennsylvania, and resulted in a massive oil spill impacting 50 miles of the Delaware River. Burning oil drifted 2 miles upriver and ignited a Navy destroyer.

The collision occurred while the QUEENY was attempting to make a turn in the river. Both vessels filed limitation actions. Dick represented the CORINTHOS. He was able to develop evidence that the collision was caused by defects in the stern guardian valve and a stern turbine of the QUEENY that reduced the tanker's ability to -- reduced the tanker's backing power by 40 percent causing it to be unable to complete the turn, and he proved that the defects were known to management, and so he was able to break limitation.

Dick is fondly remembered by his younger colleagues as a warm-hearted mentor and a willing teacher of both litigation practice

and client relations and development. He invested an extraordinary amount of time with associate attorneys to develop their skills and was always keenly interested in their families and their well-being.

Dick retired, as I said, in the late 1990s after a successful and very colorful career.

Thank you very much.

(Applause)

PRESIDENT WATSON: Thank you.

For those of you who are standing, there are seats up front and seats over on this side of the room. I would like to get the standing committee reports. Before I actually call for reports, I want to thank the firms that have provided conference room space both in Washington and here in New York. Winston & Strawn in Washington and then here in New York: the Shipowners Claims Bureau; Seward & Kissel; Marshall, Dennehey, Warner, Coleman & Goggin; Freehill, Hogan & Mahar; Carter, Ledyard & Milburn; McAllister Towing; Curtis, Mallet-Prevost, Colt & Mosle; Clyde & Co; the American Bureau of Shipping; Holland & Knight; Reed Smith; the New York Yacht Club; Blank Rome; Vedder, Price; and Hinshaw & Culbertson.

The hospitality that is shown to the Association by these firms is quite valuable to this Association, because unlike most bar associations that have their meetings in hotels that they have to pay for, we are able to have these meetings at no cost to the Association. Thank you very much for your hospitality.

Okay. Arbitration and ADR, Leo Kailas, who will be followed by Susan Dorgan, Carriage of Goods.

MR. KAILAS: The other day I was surprised to discover that I was completing my fourth year as Chair of the Arbitration and

ADR Committee. And my new Chair, Peter Skoufalos, is here, and I hope that he has as much fun acting as Chair of the committee as I have had.

I think the highlight of the four years that I was Chair was the joint meeting we had last year with the CMI and the discussion about the New York Convention. It was very appropriate, and we had an amazing discussion. We had over a hundred people attending, and it really was the highlight of my tenure.

But this year's meeting, which we just had the other day, also characterized the success I think I've had as a Chair. I called Keith Heard the week before and said, you know, I'm sort of tied up on a bunch of things. Can you help me out? And I said, we have a topic, which is basically the power of arbitrators to raise issues or facts not developed by the parties, arbitrators who have special knowledge.

Keith organized an event which included Don Murnane, Dave Martowski, and Lushine Bell, and the discussion was an extraordinary discussion with lots of participation.

We had other topics that we covered at the meeting including pre-award of security and the recent decision in a New York arbitration where John Kimball was the Chair, which awarded over \$63 million in pre-award security.

I want to finish up by just thanking the Bar and this Association. When I was a very young lawyer in 1977, I had a thorny issue on attachment, and I built up the courage, and I called Nick Healy at Healy & Bailey. And I said, Professor Healy, I have this issue. These are the clients. If you don't have a conflict, can you help me out? And Nick Healy at the time pointed me to three very recent cases which were directly on point, and that has characterized my experience with this bar and with this association throughout my tenure.

I just want to thank the Association and this Bar and the International Bar, and I just want to say that this Bar remains a beacon of professionalism, collegiality, and courtesy for the rest of the lawyers in this country.

Thank you very much.

PRESIDENT WATSON: Thank you, Leo.

(Applause)

PRESIDENT WATSON: One second. As Leo mentioned, he is finishing his term. We have a certificate for you. Thank you for your service.

Carriage of Goods, Susan Dorgan, to be followed by Carol Finklehoffe, Cruise Lines and Passenger Ships.

MS. DORGAN: Good morning, everyone. Yesterday the Carriage of Goods Committee met, and we had approximately 50 people attend by phone and also in person. Our meeting qualified for 1.5 CLE credits.

I want to thank Brian Eisenhower, who worked with me to have that accomplished, and also Mike Ryan, who had a little input as to how many minutes we had to speak.

We were also very lucky to have in attendance some foreign counsel, who added to our meeting, people from Canada, France, Germany, and also Panama. So it made it very interesting.

We did something a little different in our meeting. We had the officers present on three different issues. So we had Michael Crowley, who spoke about the limitation acts and the different time limits that apply, and we also found out that there are certain places where there are no time limits, which made it very interesting.

We were able to hear from our foreign counsel their perspectives on what their countries do with regard to time limits. All of these papers will be posted or are posted on our website, so please go to our website and find the papers and also the supporting documentation.

We also had Dennis Cammarano, who's the secretary, who spoke on a case that was just up to the Fifth Circuit and where they affirmed the lower court on an issue involving who qualifies for benefits under the Carmack Amendment, and we found that a tank washing operation can raise the defenses that you would expect a Carmack carrier to raise. So who knew? But we know now. So I don't know how far that's going to extend or to what other type of operations.

Lastly, I spoke on OFAC, a recent decision that was *Epsilon Electronics v. Office of Foreign Asset Control*, which is now up on appeal. And in that case, a party that ships automobile speakers was hit with \$4 million in fines.

Usually the parties come to an agreement and they settle without it going to court. This was a rare instance that it has gone up to the court. I would suggest you read the district court decision as it goes through all of the different steps that are looked at versus aggravated events, also mitigating events as to how they came up with the fine. I think we have to be aware of this because now we know foreign countries are doing much more business with Iran, that there's a potential that we may get called in, and I would suggest you look at your practices to see if you have something in place that if OFAC knocks on your door, you could say you took some sort of proactive steps if you're doing something in an area that may call into consideration dealing with Iran.

In addition to that, we had Chet Hooper and Mike Sturley give a presentation on the Rotterdam Rules and what the current status is. You can see Mike Sturley's paper that will be in the 2016 fall MLA report.

In addition to that, we brought up the issue of blockchain, which I believe we will address coming forward in the future. So I want to thank everyone who was there. It was a very nice meeting. I want to see everyone later on this evening. Thank you.

(Applause)

PRESIDENT WATSON: Thank you, Susan.

Carol Finklehoffe, Cruise Line, followed by Mark Coberly, Fisheries.

MS. FINKLEHOFFE: Good morning. Can you hear me? This is also my last -- this was my last meeting as Chair of the Cruise Line Committee. It's been an honor and a pleasure, and I thank the Board for the opportunity.

I'm pleased to report that over the past four years, we have put together a newsletter that we publish for each meeting. It has timely articles authored by different committee members on topics along with the detailed case summary of all decisions that have come out since the last meeting and jury results and trial results.

The meetings themselves, I'm pleased to report that the membership has increased significantly in the committee. This past meeting, we had over 25 people in person and another dozen on the telephone attending the meeting.

Each meeting we've had presenters on topics. And this past meeting, I and the incoming Chair, Carlos Janess, talked on arbitration claims for crew members, under what causes of action they are available under Bahamian law and Panamanian law, which is a very timely topic in the cruise line industry. And we also had a guest speaker, Bruce Hines, who spoke on crisis management in the maritime industry and how shipowners could best handle emergency situations in dealing with the public.

Thank you.

PRESIDENT WATSON: Thank you, Carol. As Carol mentioned, she's finishing her term, and we have a certificate for you. Thank you very much for your service.

(Applause)

PRESIDENT WATSON: Mark Coberly, Fisheries, followed by Kent Roberts, Inland Waters and Towing.

MR. COBERLY: Thank you. Mr. President, officers, members of the Association, special guests, the Fisheries Committee met yesterday at the offices of Reed Smith, and we thank them for their hospitality. We had 20 members in attendance both personally and over the phone, and I'm happy to report that more than a third of those were from the West Coast where there's a substantial fisheries interest.

We discussed initially a new House bill that has been proposed, Bill 234. It was a discussion led by Sandy Welte. This is the perennial and ever hopeful effort to restrict maritime liens on high-quality, high-value fishing permits.

And for those of you who follow websites who have the chutzpa to predict the likelihood of success, one percent is the likelihood they vote on this bill. So we'll probably see it again next year.

That was followed by a discussion led by David Smith of a First Circuit decision that was decided just last month, *Gerthel v. U.S. Department of Commerce*. That case involved the regulation requiring at-sea monitors to be riding fishing vessels. And it ultimately was rejected, but for a statute of limitations reason, so we may see that again in the future in another claim.

Also, David Smith presented an interesting piece on the Northeast Canyons and Seamounts Marine National Monument. This is an environmental preservation area of 5,000 square miles off Georges Bank that was established last year under a presidential decree under the Antiquities Act, which seems to apply only to land and not to oceans. And that's now been challenged constitutionally. And we will hear more about that, I suppose, at the next meeting.

Also Terry Kenneally, our Vice Chair, presented the regular fisheries case summary that covers any new cases over the last six months, and that was prepared by our Young Lawyers representative, Scott Gunst, who was unable to be there.

Finally, this is also my last meeting as Chair, and I want to thank the officers of the MLA and the members of my Committee for all of their support, especially Robin Becker. Thanks for all of your help.

(Applause)

PRESIDENT WATSON: Thank you, Mark. Thank you for your service.

Kent Roberts, Inland Waters and Towing, followed by Vince Foley, International Organizations, Conventions and Standards.

MR. ROBERTS: Thank you, Mr. President. Inland Waters met on Wednesday at the offices of McAllister Towing once again. We had an hour of CLE presentation that was well received and well attended. We have burst the seams of the conference room at McAllister Towing and will be seeking a new space for the 45 attendees at our meeting on Wednesday.

The first presentation was by Chip Birthisel of Tampa, marine accident investigations following a major marine casualty, U.S. Coast Guard and NTSB. That's a code word for EL FARO. We had a wonderful presentation about lessons that can be learned from participating in one of the largest NTSB investigations in history.

The second presentation was by Aaron Greenbaum of New Orleans, recent developments in maintenance and cure and punitive damages for the towing industry. It included a discussion of the recent Washington Supreme Court case allowing a claim for punitive damages for a general unseaworthiness claim, which took a sideways swipe at the Fifth Circuit's contrary decision in McBride.

Mr. President that concludes my report.

PRESIDENT WATSON: Thank you very much, Kent.

(Applause)

PRESIDENT WATSON: Vince Foley, International Organizations, followed by Sean Houseal, Marine Ecology and Maritime Criminal Law.

Mr. FOLEY: Good morning, Mr. President, members, and guests.

We had our meeting on Wednesday, May 3rd, from 9 to 11 at the American Club. There were 28 members in attendance. We had six speakers, and we covered a lot of topics.

The first was John Kimball, who gave us an update from the CMI. The CMI is having a general assembly in September, on September 8th in Genoa. They're still sort of basking in the afterglow of the meeting we had last year, but they're going to continue with a one-day general assembly which will also include a seminar put on by the CMI and the Italian MLA on several current issues.

There is also some restructuring going on at the CMI. They have a new standing committee on marine insurance, and Joe Grasso from Philadelphia has been named the head of that standing committee; a standing committee on the Rotterdam Rules; and a -- they reinstated a standing -- or they've started a standing committee for the Young CMI, and our Blythe Daly from New York will be the

Chair of that Young CMI. So there's good representation by the MLA at the CMI.

They're continuing their work on the Draft Convention on the Recognition of Foreign Judicial Sale of Ships. They've approached the IMO to take up the Draft Convention. And we were lucky that we had Fred Kenney in attendance to give us the response from the IMO, which was not yet. They're interested in the Convention, it's an important Convention, but they would like the CMI to go and get support from UNCITRAL, and CMI will be lobbying UNCITRAL in an effort to get them to take up the Draft Convention.

We then had an update from Doug Burnett on UNCLOS. The UN General Assembly set up a two-year study of areas beyond the EEZ of our national jurisdiction. So that study was 2016 and 2017. The significant issues for the MLA are marine-protected areas and environmental impact statements. They're working on a recommendation for a provision to address biodiversity. The areas potentially impacted are shipping, mining, and submarine cables. And the workshops are going to report to the UN General Assembly by December 31st of this year, and if there is a consensus, they will take up an implementing provision.

We had a very interesting presentation by Denise Rucker of EMR on recycling and sort of the end of life story for vessels and the U.S. maritime -- U.S. recycling industry position. She explained that funds from recycled ships, commercial ships in the U.S., is a percentage, I think it was 20 percent, that is donated to the maritime service academics and to national maritime heritage sites.

For the U.S. industry position, the U.S. recyclers are seeking EU certification so that they can take on recycling of EU ships where they don't have the facilities or the capabilities that we have here. And the U.S. position on the Hong Kong Convention, which is the recycling convention, is that they're against it and it hasn't been ratified by the U.S.

We then had Doug Stevenson from the Center for Seafarer Rights address us on the Maritime Labor Convention. The Maritime Labor Convention came into force last January, and the U.S. has not ratified it. There is a tripartite review process that takes place with shipowners, maritime labor, and the U.S. Department of Labor. There have been no objections from shipowners or maritime labor, but the U.S. Department of Labor hasn't taken up, it hasn't completed its process. The next step would be to deliver it to the State Department and have the President recommend it to the Senate. So there's still quite a bit of work there that needs to be done.

The issues with the Maritime Labor Convention were -- some of the issues mentioned by Doug were whether yachts are commercial vessels. He noted that fishing vessels are not covered by this convention, the Maritime Labor Convention. And there are a number of amendments pending, and that may require flag state extensions on your maritime labor certificates.

We then had an update from the IMO where Fred Kenney told us about the upcoming meetings of the Maritime Environmental Protection Committee. They're taking up the IMO response to climate change and considering the ultra-low sulfur fuel requirements and the issue of availability of that fuel and also reducing greenhouse gas emissions.

As Fred mentioned, the Maritime Safety Committee is taking up the legal landscape for regulating autonomous vessels and how international conventions have to accommodate the use of autonomous vessels, which gave us a new idea for our Committee to look at the different changes to international conventions like SOLAS and other conventions that will have to be amended in order to accommodate autonomous vessels. So we thank Fred for that new topic.

We then had an update from the U.S. Coast Guard. We had Captain Shannon Gilreath who gave a very lively and enthusiastic presentation on Coast Guard issues. He informed us that the

Abandoned Seafarers Fund has been funded. The check is in the mail from APPS violations. They expect that check to arrive sometime soon, and then we'll go through the process to distribute that.

He also addressed or informed us of two executive orders that the Coast Guard is working with to require reduced regulations and reduced costs. And this is the executive order that requires two regulations to be rescinded before you can enter a new significant regulation. The significant regulation is a regulation that would have an impact of \$100 million or more. And the two that you have to get rid of, they don't have to have that \$100 million requirement, so you can find some less significant regulations to get rid of.

And at the end of the meeting, we talked about some new issues that we wanted to take up, which one issue is objection of U.S. shipping, Jones Act, and the issue with the Customs and Border Protection reinterpreting all of their rules. So that's one area that we're going to study as well as the autonomous vessels issue.

And that concludes my report.

PRESIDENT WATSON: Thank you, Vince.

(Applause)

PRESIDENT WATSON: Before I call our next Committee Chair to report, I want to recognize another distinguished member of the Association here, the Honorable Walter Brudzinski.

Judge, would you stand up and be recognized?

(Applause)

PRESIDENT WATSON: He's the chief administrative law judge of the Coast Guard. And thank you for your presentations at our meetings this week.

Sean Houseal, Marine Ecology and Maritime Criminal Law, to be followed by Marine Financing by Mike Timpone. I understand this is also the report on behalf of the Government Counsel Committee and the Committee on Regulation of Vessel Operations, Safety, Security, and Navigation, also known as the committee with the longest name.

MR. HOUSEAL: Yes, something like that.

Good morning. I am Sean Houseal, Chair of the Marine Ecology and Maritime Criminal Law Committee. Dave Sump is here, Mike Underhill in the back. We had our traditional joint meeting both yesterday afternoon and Tuesday afternoon in Washington, D.C. with the Government Counsel Committee and the Regulation of Vessel Ops Committee. And we were privileged and honored, of course, to have Captain Shannon Gilreath provide us with an update on some operational issues and regulatory developments, and we appreciate his time and sharing that information with us.

The speakers also included on both Tuesday and Thursday Chief Administrative Law Judge Walter Brudzinski, who shared with us research that he's been conducting into the chemical testing of mariners and positivity implications that arise therefrom, and he provided us with some interesting histograms and other documentation relating to his research. We appreciate that.

DOJ's Richard Udell shared with us a summary of a recent Princess Cruise Lines pollution case, which resulted in a \$40 million criminal penalty, the largest of its kind. Mike DiLauro of DOJ also provided us with a synopsis of a multi-faceted APPS detention damages case which took strange turns, that I found very interesting.

Stephanos Roulakis of Blank Rome provided us with an informative ballast water update in D.C. on Tuesday. Sean Pribyl in our New York meeting, and Allen Black and Greg Linsin in our D.C. meeting, provided us with a maritime investigation overview, which for the most part was a bit of a rant session, but was primarily

designed to share best practices and recommendations on how defense counsel and investigative agents can better collaborate and cooperate during a shipboard investigation. Allen Black also presented his legislative update, which we appreciated.

And yesterday, WQIS's Ryan Puttick shared with us his take-aways from the recent decision in which the NPFC's denial of a reimbursement claim arising from an Alaska oil spill in 2009 was reversed by the court, granting summary judgment to WQIS, and he shared his perspective. Mike Underhill was not bashful about sharing his potentially biased view from the other perspective.

So on behalf of the other Committee Chairs, Mr. Underhill and Dave Sump, I want to thank our presenters for putting in the time and sharing their thoughts and information with us. It did foster a healthy discussion on timely issues, which we appreciate.

Mr. President that concludes my report.

PRESIDENT WATSON: Thank you, Sean.

(Applause)

PRESIDENT WATSON: Marine Financing, Mike Timpone, followed by Marine Insurance, Andy Wilson. Mike is presenting on behalf of -- instead of Margie Krumholz, who could not be here, who is finishing her term, and we'll have a certificate that we'll send to her.

MR. TIMPONE: Right. So I think the biggest event we had on Wednesday was that it was Margie's last meeting. We thank her for all of her hard work.

Our meeting was typically, you know, very precise, and Margie, you know, pulled it off with military precision as always. So as the incoming Chair, I'm hopeful that I can do as good a job as Margie did.

We had our regular subcommittee meetings. The first meeting was Yacht Financing by David Bohannon and Bob Toney. Most interesting for me as a finance lawyer was that advanced rates are going up and necessary credit scores are going down. I would have thought that the banks learned their lessons, but I guess it's good for me and for the restructuring subcommittee that they don't.

Then we had our subcommittee on maritime liens by Mike Frevola, who saw all of Manhattan prior to getting to our meeting, but finally made it downtown to our offices to give us his report. And, you know, it's an interesting time with respect to maritime liens and where they're going to rank. And Mike's information is going to be posted on our website along with everything else if folks want to take a look.

Our partner, Bruce Paulsen, gave us a little bit of an update on what's become the never-ending case for OW Bunker, which, again, is talking about liens. We talked a bit about Part 67 rulemaking. Margie gave us that report and that stimulated some conversation about what we want to do in the Committee going forward, and I'll talk about that when we get to new business.

Greg Chase gave us a brief report on the Committee on the definition of a vessel. You know, he's working with CMI as to what is a vessel. We expect that his work will be posted on our website. I know this is a matter that is near and dear to Frank's heart, so we'll see what Greg posts, and we welcome comments from anybody. Obviously this goes to *Lozman*. And if folks have some commentary, please submit it because we'll probably get one bite of the apple here, and I know Greg is open to commentary.

Then we talked, just with respect to some old business about BIMCO trying to take my job away and standardizing term sheets and probable loan agreements next. And with respect to new business, we talked about a potential committee on open registries and also discussed citizenship requirements, getting more defined citizenship requirements from the liability.

Look forward to working with everybody for the next four years.

Any questions, please reach out. Thanks.

PRESIDENT WATSON: Thank you, Mike.

(Applause)

PRESIDENT WATSON: Marine Insurance, Andy Wilson, followed by Marine Torts and Casualties, Charlie DeLeo.

MR. WILSON: Thank you, Mr. President.

The Committee on Marine Insurance and General Average met on Wednesday morning at the offices of Seward & Kissel downtown. We appreciate the firm's hospitality as well as that of Bruce Paulsen.

First, Julia Moore presented the Committee newsletter, which is available online. If you have any submissions related to marine insurance issues, please feel free to submit them to Julia. Her e-mail address is indicated on the newsletter.

There were summaries of cases on a broad spectrum of insurance issues including examinations under oath, a primary insurer's obligation to continue to fund defense costs after the policy limits are exhausted, choice of law, policy interpretation rules, enforceability of arbitration clauses, contractual time limitations for presenting claims, and the always popular *Uberrimae Fidei* Doctrine.

Among the cases Julia covered was -- included *Overby v. Fremont Insurance Company* which involves the interpretation of a policy containing an exclusion for trailered boats during transportation, which the court declined to apply. But more

importantly, the court emphasized the time honored transportation rule: when you're on a ramp, put the truck in park before you start messing around with the trailer.

The newsletter also included an article by Jonathan Spencer of the Spencer Company on the York-Antwerp Rules for 2016 and related guidelines. In this regard Jonathan next spoke. To summarize his article, a number of changes have been made to the York-Antwerp Rules simply for clarity, and a consistent numbering protocol was adopted.

Changes included are addressed: Streamlining, modernizing, financial issues, salvage clarification, and port of refuge expenses. He also addressed the draft Universal General Average Guarantee which may affect U.S. insurers' use of their own preferred forms.

Next up was John Miklus, who spoke on recent developments associated with American Institute of Marine Underwriters or AIMU. John covered the various seminars and conferences AIMU put on during the course of the year. He also encouraged members of the MLA to join AIMU.

Next up. Michael Northmore of the Society of Maritime Arbitrators next spoke on the topic of arbitration and mediation versus litigation and insurance, new developments from the Society of Maritime Arbitrators. He noted that the Society is recently forming a committee of insurance experts to help expand its activities beyond traditional blue water owners and charterers' disputes, further into brown water and coastal cargo, offshore energy, ship building repairs, ports and terminals, inland marine, yachts, commodities, et cetera. The SMA believes that voluntary arbitration or mediation, especially when combined with mediators and arbitrators possessing extensive relevant experience, can save considerable sums on commercial insurance market disputes plus reduce the unwelcome friction such disputes often generate. Indeed, it may represent a form of cost-free loss prevention.

Michael encouraged the use of SMA as an alternative to litigation. He also encouraged membership.

Last up was our CLE presentation entitled Crisis Management For Attorneys and Their Clients. Basically the presentation was a primer on damage control following a major incident or public incident based upon the fact that a company's reputation established over decades can be destroyed in a matter of minutes when the incident is covered by the likes of Facebook, Twitter, Instagram, Snapshot and YouTube, not to mention the normal news outlets.

It was presented by two speakers. First Bruce Phoenix of Phoenix Communications for the first part of the presentation discussed managing the court of public opinion, including a damage control playbook. The company's potential roles as villain, victim, or vindicator were also a focus, and the importance of getting the truth out in the open as soon as possible with a clear message so that the event is quickly taken off media.

This was followed by a presentation by MLA member Tom Wynne, who is also Vice President and General Counsel of the Interlake Steamship Company and SeaSpeak, LLC, who actually applied Bruce's training in a real life incident involving the BLUE STREAK ferry collision with a dock in Manhattan a few years ago in which multiple commuters were injured.

They also used an example, the recent United Airlines debacle of what not to do. In an effort to make the overall presentation more realistic since the room was filled to overcapacity with 55 attendees, we randomly selected two MLA members from the audience to be dragged out. Videos of the incidents will be posted on the website. And the victims were given valuable vouchers for free admission to the next Marine Insurance Committee meeting.

With that image, I conclude my report.

(Applause)

PRESIDENT WATSON: I would add, those who are standing, once again, there's plenty of Chairs over on this side of the room if you want to grab a seat.

Marine Torts and Casualties, Charlie DeLeo, followed by Offshore Industries, Dave Walker.

MR. DELEO: Good morning everyone. Marine Torts and Casualties met Wednesday afternoon at the offices of Clyde & Co. I thank John Woods for his hospitality. We had an overflow crowd of over 70.

Our first presentation was made jointly by Molly McCafferty and John Keough on marine casualties from the charterer's perspective. Molly who is with Clipper gave us the practical perspective as in-house legal counsel while John gave us outside counsel's perspective; which was all very well received.

Secondly, we had a presentation by Heather Motes from Sphere MD. The main focus of her presentation was on a number of problems with crew members with tuberculosis and how it has been handled in certain parts of the country and the world, specifically in terms of problems with resistant strains and resulting repatriation issues and air ambulance options. This was very interesting from a P&I correspondents' and local port perspective.

Third, we had a presentation on recent developments in Cuba from a casualty perspective. This was following on a meeting sponsored by the IIDM and the University of Havana last week that I attended that was organized by Aurelio Fernandez from Caracas. Everyone is still quite cautious because of the embargo and the fact that the statutory underpinnings of the embargo remain in place, but there has been a joint agreement between Cuba and the United States on oil spill response following Deepwater Horizon with concerns for the Cuban coast and Florida Keys. The opening with Cuba remains a work in progress but they were quite open about it, and, in fact, I think might be willing even to participate in future meetings of

the Association, particularly if they were in Miami, because as we all know from Jimmy Buffett, everyone has a cousin in Miami. We then heard from Jean-Marie Fontaine from Montreal who gave the Canadian perspective because obviously they have not had the same type of relations with Cuba as the United States. Aurelio has been involved in salvage operations in Cuba and is familiar with OFAC issues. He also gave an overview of a new container port in Mariel that could be a transshipment point in the future.

Finally, we had a very good joint presentation by Paul Hofmann, who's our Vice Chair, and Christine Schovajsa, who's our secretary, on the recent Federal and State decisions in punitive damages for unseaworthiness including McBride and the Washington State Supreme Court case. There is also currently a decision pending in the Ninth Circuit which might, depending on how it goes, provide a split between circuits that might then go to the Supreme Court.

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

PRESIDENT WATSON: Thank you, Charlie.

(Applause)

PRESIDENT WATSON: Offshore Industries, David Walker, to be followed by Practice and Procedure, Kirby Aarsheim.

MR. WALKER: Good morning, everyone.

The Offshore Industries Committee met Wednesday afternoon, one of the last meetings of the day at Clyde & Co.'s offices. We had 38 persons in attendance. We offered a one-hour CLE program which consisted of two presentations. Our theme was Jones Act two ways.

The first presenter was Aaron Greenbaum, who gave a very comprehensive presentation on updated cases, various issues related to Jones Act personal injury claims. I commend to you in particular one case, which is actually a FELA case involving a potential

liability for injuries caused by indigenous species. This case came out of Texas and involved mosquitoes. Enough said.

I presented after that more or less a two-part paper. The first part was the nuts and bolts of how you request letter rulings from CBP, focusing on the subcategory of carrier rulings. That was basically a lead in to a current initiative by CBP to change about 40 years of practice as to what's merchandise and what's equipment under cabotage laws. And it's a very significant proposed change that would expand on what items would be considered merchandise and therefore subject to the cabotage laws and Coast Guard trade restrictions and what is equipment.

It was a subject of a front page article in the Houston Chronicle on Monday of this week. It generated quite a bit of controversy. The funny thing about it is that there were very significant American business interests on both sides of the issue. So it may be that heads are going to explode in the current administration trying to figure out which side to back. The papers, hardcopies, were available at the meeting. Additional hard copies were set out here today, and that will also be available on the website in due course.

This is my last official act as Chair of the Committee. I can't leave without thanking my Vice Chair, Sal Pusateri, and Secretary, Bill Riviere, for all of their valuable help. The Committee is in great shape and in good hands going forward, and I was grateful for the opportunity and enjoyed the experience.

That concludes my report.

(Applause)

PRESIDENT WATSON: Thank you, David. We have a certificate. Thank you for your service.

Kirby Aarsheim will be reporting, subbing in for Gina Venezia, Practice and Procedure, to be followed by Mark Buhler.

MS. AARSHEIM: Good morning. Practice and Procedure convened on Wednesday at the offices of Carter, Ledyard & Milburn. We thank them for their hospitality.

The meeting was well attended. Approximately 30 people were in attendance, and I believe one or two by phone. I believe people were in and out on the phone.

Our meeting began with an update on the OW Bunker cases, the most recent cases in 2017 including the case out of the Northern District of Florida, the Martin Energy Services case in which the court actually decided that the physical supplier was able to recover payment for the fuel delivered to the vessel.

Then a few months later in March of 2017, the Southern District of New York decided the Clear Lake cases and other test cases in which they found a contrary result, that the physical supplier was not entitled to a maritime lien. Those cases are up on appeal. Appeals have been filed in the Florida case and also the Clear Lake cases.

The main presentation of the meeting was a presentation on personal jurisdiction by Gina Venezia and Pamela Schultz. They gave a presentation on the *Daimler* case, *Daimler v. Bauman*, which was decided in the Supreme Court in January 2014 on the issue of personal jurisdiction. Their presentation also came with a one-hour CLE credit. We tend to offer CLE credits in the Practice and Procedure Committee. So anyone that needs CLE credits, we encourage you to attend.

Their presentation began with an overview on specific and general jurisdiction and then also provided an overview on the *Daimler* case and then the cases that were decided after *Daimler*. The presentation also included a brief overview of two recent Supreme Court cases in which arguments were heard in the past few weeks, so stay tuned for their decisions on personal jurisdiction.

Additionally, before the CLE presentation, Mike Frevola gave an update on the recent maritime lien and bankruptcy cases.

And that concludes my report.

PRESIDENT WATSON: Thank you, Kirby.

(Applause)

PRESIDENT WATSON: Mark Buhler of Recreational Boating followed by Salvage, Jason Harris.

MR. BUHLER: Good morning. We had a packed agenda and an even more packed room. We had people out in the hallways. We had about 75 people in attendance.

We were led off by a presentation by Jim Riconte on admiralty jurisdictional battles involving recreational vessels and some seemingly inconsistent outcomes. The cases involved fisticuffs, shark bites and back flips off boats. And Jim ended up advocating a simplified test, which seems to have some judicial support, although obviously it's a minority support, to have a test of simply whether the tort occurred on a vessel in navigable waters.

Probably the best case that he brought up is *In Re: Germain*, a Second Circuit case, 824 F. 3d 258 decided 2016, which involved a back flip.

Next we had a presentation from Bob McIntosh on exclusions in all risk yacht policies that can be unpleasant surprises to yacht owners and would justify the very careful review of policies and negotiation of endorsements to try and get coverage for some of the things that are frequently excluded.

Then we had a presentation by David Moss on foreign flag yachts, cruising licenses, and dutiability. It's basically a primer on

cruising licenses and import duty issues. And then he also discussed a recent problem in south Florida where Customs has decided that cruising licenses should not be issued to foreign yachts that are being offered for sale or charter, as that is somehow supposedly being engaged in trade. Industry groups are working with Customs to try and get that reversed.

Then we had a presentation by Gavin O'Hare of CED Technologies, an engineering firm, which was kind of an introduction to some relatively new and useful technologies, including drones, 3D laser scanning and modeling and 3D printing.

Then we moved on to a presentation on maritime product liability relating to recreational vessels. Two important cases that are, one, *Global Quest, LLC v. Horizon Yachts, Inc.*, 849 F. 3d 1022, a 2017 case in the Eleventh Circuit, dealt with a host of warranty, contract, and fraud issues where you had a situation of a domestic yacht fire, a domestic sales organization that was at least partially owned by the owner of a foreign yacht construction company, and then also a subsidiary of the foreign yacht construction company that did some of the work. And when there were major quality issues and warranty issues there, everybody was pointing fingers at each other and claiming that they were not liable on these warranties. That's a very good case for anybody who is involved in yacht construction contracts to become familiar with.

Then there was the case of *Warren v. Shelter Mutual Insurance Company*, a Louisiana case, 196 So. 3d 776 (2016), which involved punitive damages of \$23 million when the compensatory damages were \$125,000, so approximately 104 -- excuse me -- 84 to 1 ratio. And that case was upheld on appeal in the Louisiana Appellate Court.

Then we had a report by Captain Shannon Gilreath, who's apparently been to just about every committee here. I wouldn't want to be him trying to prepare for this week. Anyhow, he discussed Coast Guard initiatives to increase boating safety, reported on relatively

good experience to date with Port State Control examinations of foreign yachts over 300-gross tons which were started back around November of 2015. There's about an 11 percent deficiency rate, but no detentions at this point based on an exam of 319 yachts.

He also discussed the increasing incidents of private recreational vessels engaging in basically illegal passenger carriage, particularly in the context of pier-to-pier boat rentals that are becoming increasingly common.

Then we had from Bob Toney an update on the yacht lending industry. And as was noted previously, there seems to be a trend towards loosening of credit quality standards and lowered down payment requirements. Have we seen this before with bad results in a few years? But at least right now the loans are performing well, delinquency rates are low, and, unfortunately for Bob, repo rates are pretty low, too.

Then we had from Todd Lochner, our Vice Chairman, an update on the *Cheeki Rafiki* case. This was a racing sailboat that raced across the Atlantic westbound without incident, but on the return trip to England, the keel fell off this boat, and it capsized with the loss of four crew members. It appears that there were structural issues with the manufacturer's keel fastening system.

One of the things that's particularly troubling in this case is that there are criminal manslaughter charges pending against the managers of the yacht over in England.

Todd also updated us on a relatively recent phishing, p-h-i-s-h, scam that is going on involving yacht brokers, phony buyers, and trying to get account information from law firms, their trust account information, so that -- and there's any number of variations on this scheme, but they're all trying to get closing money diverted from being paid to the seller to ending up in some phony account. So you might want to keep an eye out for anything that smells even slightly suspicious.

Then we had a review of the latest issue of our newsletter Boating Briefs by Dan Wooster. I believe there are some hard copies out on the tables. And both the Boating Briefs and the reports for the presentations of all of our speakers will be available on our website, web page.

And that concludes my report.

PRESIDENT WATSON: Thank you very much, Mark.

(Applause)

PRESIDENT WATSON: Salvage, Jason Harris, followed by Stevedores, Marine Terminals and Vessel Services, Nash Bilisoly.

MR. HARRIS: Thank you, Mr. President. Good morning, everybody.

The Salvage Committee met yesterday afternoon at the offices of Reed Smith. Thank you very much Lars Forsberg for your hospitality as always. We had close to 40 folks in attendance, several in person, of course, and a couple by telephone.

The primary focus of our meeting was a panel discussion on salvage contracts and close to home. We explored the interrelationship between international salvor and local content, as well as the ripple effect resulting therefrom particularly relating to brokerage adjusting and dispute resolution.

Our panelists were Bryan Alonzo, OPA 90 manager from Resolve Marine Group in Fort Lauderdale. We also had Captain Lee Sykes, President of Atlantic Coast Marine Group, Tow Boat US Beaufort and North Carolina Lakes. Third was Jim Jones, the retired executive marine claims examiner from Markel, now the consultant extraordinaire. Fourth, we had Peter Wiswell, head of North American Marine Claims in Zurich, also an arbitrator for Society of Maritime Arbitrators here in New York.

We discussed an array of operations, large and small, the current contracting options, various forms available, domestic and foreign choice of law, and dispute resolution provisions, the need for cooperation especially nowadays in this climate of salvor immunity and criminal prosecution of owners and operators.

We enjoyed participation during the panel from Joe Frohnhoefer, III, of Sea Tow International, who enjoy around-the-clock contacts with insurance companies to reciprocate essentially the 24/7 assistance capabilities of the Emergency Response Committee. And we thank Joe for his attendance.

We received an update on the Caribbean risk and Canadian risk projects from our Vice Chair, non-attorney, Dr. Dagmar Schmidt Etkin, who is an incredible asset to this organization and this Committee in particular. She basically shared that the C risk and Can risk projects involve the assessment of risk pollution from these wrecks, some of which could impact the U.S. and United States land and U.S. waters as well. Funding remains an issue for the projects.

We received an update from the American Salvage Association. First, we heard from Lindsay Malen-Habib of the Membership Committee, and she encouraged cross memberships between the American Salvage Association and this organization.

Next, we commented about the American Salvage Association's participation in testimony on Wednesday along, with several others at the Committee on Transportation and Infrastructures subcommittee on Coast Guard and Marine Transportation.

We next received a telephone call from Tom Walters and Andrew Chamberlain of London, the firm of Holman Fenwick, concerning the Lloyds offshore -- excuse me -- the Lloyds open forum application in the oil and gas industry in light of several decommissioning projects here in the United States and near to the United States.

We next received a case law update from our secretary, Ben Segarra, of Maynard, Cooper & Gale in Mobile. He has a colorful, as always, case law update that should be available out front and also on our web page. Thank you, Ben, for that.

It includes a case worth noting where the court in the Eastern District of Louisiana applied the Salvage Convention of 1989. So it looks like the recent commentary that we reported on in the past is paying off.

Thanks also to our Young Lawyer liaison, Seth Buskirk, of Wilmington for his attendance.

Mr. President, I believe our Committee Meeting this year conflicted with the Young Lawyer meeting, so I particularly thank Ben and Seth for their attendance. And essentially because of this conflict, if you attended the Salvage Committee, to be very New York blunt about it, it probably means you are old. However, in a more politically correct fashion, since I know we're next headed to California, more sensitively I'll just say perhaps you were experiencing oldness, but thank you for that.

(Applause)

PRESIDENT WATSON: Thank you. Stevedores, Marine Terminals and Vessel Services followed by Uniformity, Kevin O'Donovan.

MR. BILISOLY: Mr. President, the Stevedores, Marine Terminals and Vessel Services Committee met yesterday at 10 o'clock at the office of Holland & Knight. I want to thank Vincent Foley again for his personal hospitality.

It was a well-attended meeting as always. We began, as we also always do, with Tom Langan, the risk manager at Weeks Marine, who has come every time during my tenure and has laid out the basic case law under the Longshore Act and kept our side of the

house well informed. He was doing CLE long before we actually did CLE here.

The bulk of the meeting was John Crowley with the National Association of Waterfront Employers, who set the stage really for the legislative impact of this last national election. It was almost to a quiet house, because anybody who says they know doesn't know, and it is -- as we know -- virtually every statute, every regulation, every agency is in play in the next four years.

He described it appropriately, I think, as not unlike 1980 in the breadth and scope of potential change. When he said that, I thought about 1980. And speaking to the Young Lawyers in the house, I was trying to buy my first house in 1980 and interest rates were 18 percent. So quit your complaining.

Imran Shaukat from Semmes, Bowen & Semmes brought us up to date on the *Frescati* litigation, which has been going on and is of great interest to anyone who is involved with ports in the United States.

This was the last of my tenure. I appreciate the opportunity from the Association to have been of service. And turn it over to Alex Giles.

Thank you very much.

(Applause)

PRESIDENT WATSON: Thank you, Nash. Nash has been -- his tenure as Chairman of the Committee with the second longest name. Thank you very much for your service.

Uniformity, Kevin O'Donovan, followed by Young Lawyers, Blythe Daly.

MR. O'DONOVAN: Good morning, members of the MLA. The Uniformity Committee met on Wednesday afternoon. Mindful

of instructions I received from the Board of Directors, the location of the meeting will remain secret.

We started off with an update from JoAnne Zawitoski, the Vice Chair of the Committee on the *Frescati* Athos litigation. She was sent the last two briefs on Monday, and by Wednesday afternoon she had read them and provided us with a great summary of where that case stands. So thank you, Joanne, for your yeoman work.

The Committee has been following the Athos litigation obviously for some time because of the safe berth warranty and third-party beneficiary issues that are raised in that litigation and presumably will continue to do that for the foreseeable future.

That was followed by a presentation by Michael Sturley on the punitive damages and seaworthiness flurry of cases. Michael updated us on both the *Tabingo* case from the Washington Supreme Court, the case that was argued in the Ninth Circuit, *Batterton*, and also reminded us that *McBride* itself remains alive in the Fifth Circuit. Michael's prediction was now that there is a circuit split on this issue, and, more importantly, this issue was raised in the John R. Brown brief competition which apparently the Supreme Court judges read because it is a good predictor of admiralty cases that will be accepted, that, therefore, this issue will come up to the Supreme Court fairly shortly.

The final topic that we addressed arose out of the CMI meeting where I attended a very interesting presentation on the use of remote-operated vehicles. And those issues are now starting to percolate through the cases, and there is a Fifth Circuit decision that addressed whether someone who sits on a supply boat and who's operating remote-operated vehicles, ROVs, from a little dark room, whether that gentleman is considered to be a seaman under the Fair Labor Standards Act. In this case he was not, but I would predict that in meetings, many meetings from now on, that these issues of remote-operated vehicles and how they fit into the scheme of things that we are familiar with as maritime practitioners is going to be addressed time and time again.

This is my last meeting as Chair of the Committee. I have enjoyed being the Chair. I feel I have -- having nominated or suggested that Michael Sturley take over my role, have fulfilled probably the best thing that I could do for the continuance of the Committee.

And I should also note the new Secretary of the Committee is Eric Daniel, who formerly was the Young Lawyers liaison to the Committee, and through his sterling work is now being appointed as secretary.

That concludes my report.

(Applause)

PRESIDENT WATSON: Thank you, Kevin. Thank you for your service.

Young Lawyers, Blythe Daly.

MS. DALY: Good morning. Over 45 members of the Young Lawyers Committee convened yesterday at the offices of Holland & Knight. We had two very timely and interesting presentations that led to some great discussion.

The first presentation addressed the changing landscape in the container line industry with the emergence of new alliances and mega ships. The panel was moderated by Jennifer Porter, and the panelists included Christy Hunter of CMA CGM in Norfolk, Virginia; Eric Lee of Holland & Knight in Washington, D.C., and Susan Lee from Thomas Miller here in New Jersey.

The panel addressed the constant efforts in the industry to maximize efficiencies, to reduce costs, and the strain that that puts on all of the players, including the shippers, the carriers, and the ports.

The panel also touched a little bit on the Hanjin bankruptcy and the possibility of more bankruptcies in the future together with more alliances and mergers and ever growing ships and the strain that it puts on the port infrastructures as well.

The second presentation was by Ed Carlson of Skuld. He provided a very candid update on sanctions under the Trump administration with a primary focus on both Iran and Cuba. His presentation was punctuated with various recent cases which highlighted both an unpredictable landscape and the need to obtain counsel if you think you have an issue on these sanctions.

In addition to our knowledgeable presenters, we also had reports by each of the Committee liaisons who were in attendance at our meeting. They provided reports about the work and projects of each of the standing committees and also a report on their meetings this week.

For those who are unaware of the Committee, the YLC Committee liaison program assigns one Young Lawyer member to each of the MLA standing committees. And this is actually my shameless plug to encourage all of the Association members to utilize the young members in their Committee. They are always ready, willing, and able to assist on projects.

We were very fortunate to have President Hal Watson, Vice President Frank Nolan, Past President Liz Burrell, and Secretary Barbara Holland attend our meeting. As always, we appreciate the continued support from our leadership.

As is our tradition, our meeting reconvened and gained some momentum and attendees on Thursday evening at Papillon Bistro here in Midtown. We were fortunate to be joined by our honorary and young-at-heart members as well and their spouses. We thank Lindsay Sakal for her support and superb organization of the social event this year.

As this is my final report as Chair, I would like to just say it's been my pleasure to work with the members of the YLC. We have a lot of really dedicated young lawyers who are members of the Association, but I have no doubt that the Committee is in very capable hands under the future leadership of Jennifer Porter, Imran Shaukat, and Kasee Heisterhagen, who will be stepping up now.

Mr. President that concludes my report.

PRESIDENT WATSON: Thank you, Blythe.

(Applause)

PRESIDENT WATSON: One of the great privileges and pleasures of this position is getting to attend the meeting and the social event of the Young Lawyers Committee. And the quality of the presentations at the Young Lawyers Committee is always remarkable to me. I always come away knowing that the future of our profession, in general, and this Association, in particular, are in very good hands.

In a moment we are going to turn to the Special Board Liaison Committees, Special Committees, and Special Appointments reports. But before I do that, I want to say a word about all the standing committees as a whole.

I engaged in the equivalent of speed dating and went to as many committee meetings as I could -- obviously I could not get to them all. I apologize if I did not get to your committee.

But as you have heard here today, the volume and the quality of the presentations at these committee meetings is just outstanding, and I want to commend all of these Chairs for the job they have done and are doing, and also for these concise presentations of their reports here to the Association which tells us all what they were doing but in a concise fashion that moves the meeting right along. Thank you very much.

I'd now like to call on Brian Eisenhower, who is reporting for the CLE Committee in lieu of Betsy Bundy.

MR. EISENHOWER: Thank you, Mr. President.

I'd like to start by thanking Betsy Bundy publicly. She is not able to be here this morning. She's provided a great deal of guidance to me over the past few years and many years of service to the CLE Committee.

I would also like to thank Robin Becker. She is apparently available at all of the hours of the day and night to assist us with the postings to the website to CLE. So thank you very much, Robin.

This afternoon, David Smith has prepared a great CLE program that will be held here at 2 o'clock. We have a presentation on maritime environmental crimes that will start the first hour. That's good for one credit in areas of professional practice. And our speakers will be Andy Morris, Dana Merkle, and Liam O'Connell. That will be followed by a presentation on ethics and mediation, and we are honored to have Judge Marianne Bowler from the District of Massachusetts here to give that talk. And we'll also have perspectives from Fred Goldsmith and also Julia Moore with the plaintiff and P&I club view.

Please arrive a little bit early, maybe at 1:50, 1-5-0, and make sure you have enough time to sign in. And please be sure to sign out as well.

Thank you very much, Mr. President.

PRESIDENT WATSON: Thank you, Brian.

(Applause)

PRESIDENT WATSON: Betsy is finishing her term. We will mail the certificate to her.

Okay. Website and Technology, Lynn Krieger, but I'd like to ask Frank Nolan, our First Vice President, to make a comment first.

MR. NOLAN: Can you hear me? I've never had that problem here.

As you may have noticed, there are some difficulties in the website, and Lynn Krieger has been working very diligently with Robin Becker and with our new consultants and reporting with me on a weekly or more often basis. Things are a lot sunnier than they seem right now for those of you who may have tried to play with it thinking that maybe it's not plugged in someplace.

But I think that all of you should know that Lynn Krieger has done a yeoman's service to this organization over the last number of years and, in particular, with respect to the website renovation and, in fact, the replacement of the managers of the website.

So, Lynn, I'd like to invite you to continue.

MS. KRIEGER: Do I have to, or is it too late to report on someone else's Committee?

Lynn Krieger, and I'm here to report on the status of our website. As you know, we retained new consultants around the end of last year because the former consultants of our now not-so-new website showed that they were not capable of delivering the product that we thought we were getting.

In March, we wrestled our website out of the hands of the former consultants and off of their server into the hands of our new consultants. We've been working very, very closely with them, Frank and I both have, along with Robin, and it's apparent that the new consultants are much more experienced and highly skilled at figuring out what needed to be reprogrammed on the back end, all of the issues that have been left over from the former consultants.

We are focusing initially on the Committee pages because that's the most complex part of the website and that involves the most interaction with all of the members. We expect to have that completed and fully tested so we aren't using all of you as guinea pigs by June or July. And after that we're focused on the other areas of the website. We expect that to be completed in October.

We'll ask that you continue to forward your feedback and raise issues with us. We have maintained a list, an ongoing list, ever growing list of problems that everybody has been reporting, and we work with our consultants all the time to sort out those issues.

We ask you to continue to be patient, if you don't mind, because some of the things that we need to do require us to address entire systemic problems as a whole all at one time. But, trust me, we are getting to them, and I sincerely hope at the next meeting I will not be afraid to stand up and talk to all of you.

Thank you.

(Applause)

MR. NOLAN: I should mention that when we first began the migration, we made a call to a number of Committees for input on what they saw as problems, and it sort of -- we brought the roof down on our heads. The complaints and the recommendations were endless and from every direction.

Since that time, the new consultants have persuaded us to use an application called Basecamp so that we can collect all of these comments and rationalize and prioritize them and execute on them. And it's been highly successful. I think you're going to be pleased with the results of all of this effort by the early fall.

Thank you.

PRESIDENT WATSON: And I want to add my thanks to Lynn for the job she's done. I also want to thank Frank for basically

also shepherding this through. He has the most incentive of anyone in the Association to get it done before next May.

In-House Counsel, Art Mead and Tom Wynne.

MR. WYNNE: Thank you, Mr. President.

Our Committee met yesterday at Holland & Knight. Special thanks to Vince Foley for hosting us. After dispensing with our antitrust warnings, we moved on to a very good presentation from Kierstan Carlson from Blank Rome's Washington, D.C. office. She's in the trenches in the marine criminal enforcement practice, and she updated us on developments in that world of hers.

And then we went to Bill Bennett for a very good presentation on the development of punitive damages. And he took us from -- all the way from *Miles* up through the new *Tabingo* case out of the Washington State Supreme Court, which ultimately led to a pretty spirited conversation as we had several P&I folks in the room who -- one of which had that case, the *Tabingo* case. So that went on for quite a while.

Then we moved on to Mark Ruge from K&L Gates, who enlightened us to the policies of the new Trump administration in the maritime realm and then went on to speak about the Customs and Border Protection activities surrounding the letter revocations. So it was a good spirited meeting.

And like Young Lawyers, we, too, moved on to a better venue, Flute, in Midtown, an old speakeasy, and we spent a couple hours there last evening. Thanks to Alessandra from McAllister for setting that up for us.

So I would also renew the request I made last year. We are a closed committee, but really all we are is we are closed to people who solicit business and bill by the hour. We're open to anybody, any -- you don't have to be in-house to be in the group. Notably absent from our meeting were government folks.

So we encourage anybody who might fit into a category that doesn't bill by the hour to come to our meeting. And that said, if you bill by the hour and you want a ticket to our meeting, come up with a great topic, let us know. We're starting to run short on topics, and we'd love to have you speak to us.

And, finally, a special thanks to my outgoing co-committee Chair, Art Mead. He's done a wonderful job.

That concludes my report.

(Applause)

PRESIDENT WATSON: Art was the founding Co-Chair of this Committee in 2008 and brought it to what it is today, and I want to present him with a certificate and really thank him for many years of good service. Thank you very much.

(Applause)

PRESIDENT WATSON: Chet Hooper reporting on the MLA report.

MR. HOOPER: I have two quick subjects: One is the AMC report. The AMC just wants to announce that the 2016 volume is dedicated to Professor Martin Davies of Tulane, who could not be here today because his wife is about to give birth. So he is home, but we will give him -- we'll send him the volumes.

Now, the MLA Report is -- some I guess are in the mail. Others are ready to go up on the website for 2016. But as you know, the default setting is that you get it only electronically. If you want a paper version, you have to go on the website and ask for one. Now, we have put directions in the MLA Report explaining how to go into the website and ask for it, but, of course, if you do not have it on paper, you are not going to be able to do that.

So what I suggest you do, which I have recently done, is get in touch with Robin Becker. She will fix you up.

This edition, thanks to Bill Bell, has some historic documents, some memorials from years ago, a history of the Southern District of New York by Judge Hough, who was one of the drafters of the Hague Rules, and it should be interesting. We also have a very thorough article by Michael Sturley on the Rotterdam Rules and the problems we are having with the ports in regards to the Rotterdam Rules. That should be out soon.

And if it is out soon, we ask the Committee Chairs to please send David Nourse and me any newsletters you may have in Word format, and we will start to work on the next report.

Thank you.

PRESIDENT WATSON: Thank you, Chet.

(Applause)

PRESIDENT WATSON: Cybersecurity, Joe Walsh, to be followed by BIMCO, Liz Burrell.

MR. WALSH: The Special Committee on Maritime Cybersecurity met as scheduled Thursday. Just by way of background, the recommendation was made in May 2015 that maritime cybersecurity be looked at as a possible committee. And then President Bob Clyne convened a special committee of 21 people to study that issue as well as to coordinate with the CMI-MLA joint meeting.

Since then a recommendation has been made, and the members yesterday in a semi-closed meeting concurred with the recommendation that the Association consider making the special committee a standing committee so that we can put information out on it broadly.

In our meeting yesterday, we were briefed by Travis Noyes with the U.S. Coast Guard. He gave us a great briefing on the Coast Guard's efforts both on the ISM side, or the ship side, as well as land based under the Maritime Transportation Safety Act. That led to a very spirited discussion and identification of about five or six action items that would be the working group of the subcommittee to take on, including some sort of a telephone conference, an open telephone conference in the latter half of June after the IMO meetings in May.

We had about 13 participants including by phone. Most of those were actually members of the Committee. We had two guests that we had invited.

Mr. President that concludes the report along with the recommendation that consideration be given to move this special committee to a standing committee status.

PRESIDENT WATSON: Thank you very much.

(Applause)

PRESIDENT WATSON: BIMCO, Liz Burrell, to be followed by MLA Archives, Bill Bell.

MS. BURRELL: Good morning, everyone.

Normally I focus on the segment of official interaction between this organization and BIMCO, and that is on the Documentary Committee where this organization holds a unique position, not right of vote, but right of voice. But I'd like to focus on the fact that BIMCO is a shipowner's organization.

According to its website, BIMCO is the world's largest international shipping association with 2100 members in around 130 countries. Our global membership includes shipowners, operators, managers, brokers, and agents, but not lawyers.

In terms of the position that I occupy on the Documentary Committee, I provide advice on American law as well as on the documents themselves. But I am a voice crying in the wilderness. I am usually the only person at that table speaking English with an American accent.

And I say this because instead of asking you, as I always do, if you see a need for a document, a repetitive situation that is not covered by one of the existing forms, I say tell me about it, and I'll bring it up to BIMCO and see if they're interested in doing some drafting.

But my request here today is quite different. You have clients who are eligible to be members of BIMCO, clients who are eligible to influence BIMCO's policies, BIMCO's documents, and BIMCO's orientation. I urge you to put some more American voices into the mix by recommending to your clients, those that are eligible for membership in BIMCO in some capacity -- please ask them, tell them. This is important.

This is an organization that does more than draft documents. It will provide you with information. It will provide you with assistance even in tough financial situations, not in terms of a loan, but knowing who you're dealing with. And really this is a benefit for the client, but to have more Americans active in BIMCO is also, of course, a real benefit for every lawyer in this room, because as long as Americans are invisible in BIMCO, so will our law be invisible, and, therefore, so will our practices.

So I really urge you to take things from the other end this time and urge your clients who are eligible to join BIMCO and put more American presence there.

Thank you very much.

PRESIDENT WATSON: Thank you, Liz.

(Applause)

PRESIDENT WATSON: Bill Bell followed by Rotterdam Rules, Michael Sturley.

MR. BELL: Good morning, Mr. President, officers, members of the Association.

Approximately two years ago my office and I were the recipients of approximately 72 bankers boxes of historical MLA documents. They arrived in our offices from the storage facility of Freehill, Hogan & Mahar and Dave Farrell's garage. We had a goal of getting these reviewed. We completed that recently, so the two-year project is virtually at an end.

The results of that have been we established a relationship with the Tulane Law School library and have shipped five or six boxes of bound volumes of the numbered documents of the MLA records to them for safekeeping. I'm not sure where they are in the library, but I think they're better off there than they were in the Jersey City storage facility of Freehill, Hogan & Mahar.

We also extracted from the 72 boxes hard copies of a number of documents, mainly Board minutes and Executive Committee meeting minutes that we will use to improve the quality of and supplement the documents that are presently on the website. We are concerned that there may be better copies than those that were originally scanned.

As Chet mentioned, one of the side benefits of this project has been that the MLA Reports are republishing some of these older documents, the memorials that were issued for deceased members, the history of the Southern District, for example. I'm grateful to David and Chet for taking an interest in the history of the MLA. I think that some of it was their excitement at finding things that had been part of the MLA for longer than they had been.

But we are moving forward. The balance of the documents are going to a happy retirement in north central Vermont where

Liz Burrell, who has been an inspiration in this whole project, is going to review them and extract documents that show the history of the MLA's involvement with many issues through numerous committees and years of effort that will become part of the history of the Association.

There were a couple of interesting tidbits in the documents. One I've had to shield from Bob Connor. There was an invitation to the annual dinner. It invited people to send their checks -no online payments-to the treasurer. The charge for the dinner was \$3.50 for members, \$5 for guests.

There was also an announcement sent out in advance of one of the meetings saying that the meeting had to be postponed because the guest of honor, Judge Learned Hand, was detained in Italy. It was a travel problem, not something else, I presume.

But I think this has been an eye-opening experience for me to see the history and the number of issues, number of people involved in all of the maritime law concerns over the years. If you look at the original minutes of the founding of the organization, two Supreme Court justices were original members, William Howard Taft and Oliver Wendell Holmes, and the names that are on many of the law firms in New York and in other cities were original members. The Carter Ledyard firm, Lewis Cass Ledyard was an original member. J. Parker Kirilin was an original member.

So there is a real history here that I think has been worth preserving, and we're glad to have been involved in it.

I should thank before finishing Dan McDermott, Joe Grasso and Jonathan Spencer, who are members of the Board who did a lot of the heavy lifting to get this done; Liz Burrell who was kind of the guiding light for the whole project, and Lynn Krieger and the Website & Technology Committee under whose auspices the project was done.

Finally, I want to thank the law firm of Marshall Dennehey for housing all of this material for the last two years and for not putting me and all of the boxes out on the curb when I went slightly over my original estimate of two to three months to get this done.

That will probably be my first and, perhaps last and only, report. Thank you.

PRESIDENT WATSON: Thank you, Bill.

(Applause)

PRESIDENT WATSON: I want to add my thanks to all of the people that participated in this project. It was a mammoth task. Thank you very much.

Michael Sturley, Rotterdam Rules.

MR. STURLEY: Thank you, Mr. President.

I'm not sure which is less nimble, the United Nations or our own federal government. Despite having to deal with both of them, we remain optimistic about the Rotterdam Rules.

At the end of February, Chet Hooper, Vince DeOrchis and I participated in a meeting with four State Department officials, including some fairly senior ones, three MARAD officials, and some industry representatives. I'm happy to report that the government remains committed to solving the problems that are slowing down our ratification of the Rotterdam Rules.

The biggest current problem is that there is no political leadership in the State Department or the Department of Transportation, below the level of secretary. Until the deputy positions and such are filled and some more political leadership is available, it will be difficult for the government to do anything.

In the meantime, we continue working on the problem that has long plagued us, the opposition of a few of the U.S. ports. If you want to know more about that, you can read the article in the MLA reports that both Chet Hooper and Susan Dorgan have already referred to.

Thank you very much.

PRESIDENT WATSON: Thank you, Michael.

(Applause)

PRESIDENT WATSON: Frank Nolan -- our First Vice President, Frank Nolan, Long Range Planning.

MR. NOLAN: Well, formal name of that committee is the Special Committee -- I say the Very Special Committee -- on the Future of the MLA which was formed by our former president, Bob Clyne, to look at the idea of what should the MLA or what might the MLA look like going forward into the future to retain its vitality and relevance and attractiveness.

I was foolishly named the Chair of this Committee. A great bomb thrower, not a great doer. But in the meantime, I have a Committee that's being very supportive. And we have engaged Lynn Krieger on the Website Committee to provide us with information, and Robin Becker has helped us.

We have massaged a number of the statistics that we were able to derive from MLA records in terms of membership and distribution by age and geography. We're still in the process of doing that, and as we come up with new conclusions, we find new things we should be taking a look at. The website, of course, is something that is a concurrent activity and is really necessary to make all of this work.

The concept is to work on what the value proposition is, why would people join and stay in the MLA, not be a revolving door where seniors and firms drive associates in the door and then they escape at their first opportunity or their next job, but really to seek to retain people.

In doing that, we want to figure out how to extend the interest of the MLA and the benefit of the MLA to the more remote regions of the country and to make it valuable for people to be members who are not able to come here all the time; at the same time, not undermine those things which we provide at general meetings either in New York or outside of New York so that we still have that camaraderie that we all see here. Somebody might look and say what the hell is he talking about.

Well, actually there's a lot to it. There's a lot of intangible glue that keeps us all together and makes us attractive. And we want to bring more people in and engage them with things like maybe webinars and other things where they can say, here is a value. Even if I can't get to New York, here is a value. So that's how we're starting to look at it. We're looking at things that -- we might have been looking at things that we discussed at our telephone meeting the other day, such as considering a recommendation for the establishment of an expat committee. Now that we're sending people around the world from my firm and some of the other firms that are represented out here, is there some way that we should connect them all to each other and to the mother ship here, and undo some of the damage that the Brits have inflicted on us over the years.

So that really is what it is. I mean, we're looking also at what we can recommend in terms of what the maritime practice looks like. The essential element of the admiralty practice in the maritime world is the vessel, what is the vessel going to look like, what is it going to engage in, what kind of legal systems and concerns is it going to have, and are we addressing all of these things in the standing committees we have or the special committees we have? What should the MLA Committee structures look like?

So we're trying to the best we can and with a wide age distribution on our special committee to figure out what we can recommend as to how to reenergize the MLA and keep old and valuable things that we have and see what we can import into it to make it a very vital organization going forward and something people will look at and say, I couldn't imagine not writing this check. And that's really the way we are looking at it.

We've already provided some information to President Watson's new Committee on Membership Recruitment, which is looking at things in a more here-and-now view. So I think you'll see more concrete and specific action items coming out of that over the next several years.

We look for your support. And beyond that, we look for your own ideas about what you think is missing. The establishment of cybersecurity as a special committee and then a standing committee is a function of that. The move to incorporate a maritime bankruptcy standing committee is a reflection of this way of thinking.

We don't know what other good ideas might be out there, and, you know, you're not going to get that from 67-year-olds, I assure you. So I represent the Luddite side of this function, but in a lot of younger people who are more exposed to the world of development and new and more flexible thinkers on this, and they're all engaged and they're all going to be contributing. So if you have anything to add, I highly recommend that you bring it to the party and let us know. We appreciate it.

Thank you.

PRESIDENT WATSON: Thank you, Frank.

(Applause)

PRESIDENT WATSON: Grady Hurley, Membership Secretary, has some comments to make about next Tulane Admiralty Law Institute.

MR. HURLEY: The National Board of the Tulane Admiralty Law Institute voted recently to move its institute so that it is held in even years as opposed to odd years. Frank Barry, its president, has announced that the next Tulane Admiralty Law Institute will be held in New Orleans on February 28th, March 1st, and March 2nd. The general topic will be admiralty and maritime jurisdiction. Because of some scheduling issues, the Institute will be held in downtown New Orleans at the Board of Trade where the last meeting was held along with a social event on Wednesday night on campus.

That's my report.

PRESIDENT WATSON: Thank you, Grady.

I'd now like to call on the -- on Alex Giles and Lynn Krieger to come forward and talk a little bit about this year's fall meeting.

Many of you may remember, John Farmer was originally the Chair of the Planning Committee. John received an offer last year in the fall to become in-house counsel in a non-maritime industry and had to leave the -- was not able to continue as Chair. And Marker Lovell is the Chair of this Committee and has done a wonderful job of picking up where -- the wonderful job that John had done prior to that. Marker could not be here because of a family medical situation.

So tell us about Napa.

MR. GILES: For those of you who have been at this meeting on the eve of the resort meeting, you will recall various committees stopping in here in themed regalia. Obviously a couple of years ago we remember JoAnne Zawitoski's Hawaii group dressed in Hawaiian shirts, and last year how could anyone forget Jim Moseley, Jr. in his Bermuda shorts and Bermuda socks. We contemplated doing the same thing for this meeting, but we couldn't find enough Halloween costumes, bunches of grapes or large wine glasses. So instead, courtesy of Lynn Krieger, we have provided a photo collage

of some of the sights that you will see if you join us in October at Napa. So enjoy that while I speak.

The Napa resort meeting is going to be held October 18th through the 21st of 2017 at the Silverado Resort and Spa. It is a gorgeous location, as this picture is evidence.

As everyone will recall, we started an early hotel registration for this event. So in December we opened up hotel registration, and it was an overwhelming response, so much so that we are now in the process of looking for an overflow location off site from the Silverado.

For those of you who can join us, we are going to have an incredible event with great and memorable events. We are putting together jointly with the Pacific Admiralty Seminar a very attractive CLE program that is going to be held on that Friday.

In addition to our normal nightly events, we have two marquee events which we think are rather special. Thursday night we are going to be going off site to the -- I think the picture you are seeing right now, some of the pictures you are seeing right now of Artesa Winery, and it -- for those of us who have already been there, those of you who have been there separately, you will know that it is quite a vista. It will be quite an event.

And then our Friday night traditional dinner will be held at Silverado, but rather than inside, we are going to go outside. There is an outdoor area known as The Grove. It's situated between the two golf courses at Silverado. It is under a grove of trees and is quite beautiful. It has strung lights. And I think everyone is going to have a really good time, weather permitting, of course.

And for those of you who are golfers, we are able to provide you with a PGA experience. And I don't say that just sort of cavalier. I actually mean it. The Silverado is host to the PGA Tour stop for the Safeway Classic, which is held October 12th through the 15th.

So we will be right there on the heels of a PGA Tour event playing under PGA Tour conditions on the same course that they are going to be playing on.

I would like to thank once again, publicly, those law firms and entities who have already become a sponsor for our resort meetings, including Wiggin and Dana; American Maritime Cases; Keesal, Young, Logan; Pugh, Accardo, Haas, Radecker & Carey; and our newest sponsor as of yesterday, Meyer Orlando.

I know that various other entities and law firms have been in touch with me. We hope to bring you into the fold. And anyone else who is interested in becoming a sponsor for the event, please contact me.

Finally, we anticipate that our registration packet will be out towards the end of this month or beginning of June. We look forward to welcoming everyone to Napa.

Thank you.

PRESIDENT WATSON: Thank you.

(Applause)

PRESIDENT WATSON: As Alex mentioned, we have a problem, but it's a good problem in that we have basically sold out the Silverado Hotel. I think there are still five rooms left at the Silverado and we are taking steps to get an overflow location.

Let me just ask how many in this room are planning to attend and have not booked a room?

(Members raising hands)

PRESIDENT WATSON: Very good. That's helpful to us. I hope to see all of you there.

I would now like to call on William Fennell to tell us about tonight.

MR. FENNELL: Thank you, Mr. President.

Directors, distinguished guests, fellow members, the MLA will be holding its annual spring dinner this year at Cipriani, and I have to tell you that I am unbelievably excited to be back at Cipriani. It is a fantastic venue with even better food. And better still, there's actually still a few seats. So if your flight has been canceled or you're up for a meal, see me after the meeting, and I'll be sure to get you a reservation.

Now, for those of you who don't know, Cipriani is located downtown at 55 Wall Street, and it's just a short subway ride to the Wall Street Station on the 2 or the 3 train, the 4 or the 5 train.

We have planned for you a cocktail party that will start at 6 o'clock, followed by a formal dinner at 7 o'clock. It's going to be an open bar all night long, so there's plenty of opportunity to socialize and have a few drinks.

I know that the officers and the Dinner Committee have worked very hard on what is going to be a spectacular evening, and I look forward to seeing you all there tonight.

PRESIDENT WATSON: Thank you.

(Applause)

PRESIDENT WATSON: Talk about people working very hard, here's the guy who has worked the hardest. And he's worked very hard for four years completing his term as the dinner Chair. This is an incredibly important position and an incredibly difficult position in this Association. And I want to thank Will for his service with a certificate.

Thank you.

(Applause)

PRESIDENT WATSON: We also have four Board members that have completed their term: Dan McDermott, Donnie Radcliff, Dave Ventker, and Kevin Thornton, who unfortunately could not be here. Could you gentlemen step forward. Is David here?

You know, being a member of the Board of the MLA is an honor, but it is an honor you pay for with a lot of hard work. And these gentlemen have done a spectacular job taking on a number of projects, and I really want to thank them for all that they have done in serving this Association. Thank you gentlemen.

(Applause)

PRESIDENT WATSON: Nominating Committee, Past President Clyne.

MR. CLYNE: Thank you, Mr. President.

Before I give the report of the Nominating Committee and with President Watson's indulgence, I just wanted to take a second to remember Andy Tsukamoto. He was a former member of the Association and was well known to many people in this room for his career at Holland & Knight and Maersk Sealand. He passed away in March rather unexpectedly, and he will be missed by many.

The Nominating Committee met on Wednesday afternoon at the offices of Curtis Mallet. The Committee unanimously approved the nominations of the following officers to serve a one-year term until the annual general meeting in May of 2018.

For Membership Secretary, Grady S. Hurley of New Orleans; for Secretary, Barbara L. Holland of Seattle; for Treasurer, William Robert Connor, III, of New York; for Second Vice President, David

J. Farrell of Cape Cod; for First Vice President, Francis X. Nolan, III, of New York, and for President, Harold K. Watson of Houston.

The Committee also considered seven very well-qualified candidates for the Board of Directors. The Committee unanimously approved the nominations of the following members to serve a three-year term expiring in May 2020: Vincent J. Foley of New York; Mark T. Coberly of Norfolk; Norman M. Stockman of Mobile, and Andrew C. Wilson of New Orleans.

That completes my report.

PRESIDENT WATSON: Thank you.

Mr. Hooper, do you have a motion?

MR. HOOPER: I move that the nominations be closed and that the Secretary be directed to cast one vote for the nominees just reported.

PRESIDENT WATSON: Is there a second?

MEMBERS: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Thank you and congratulations to our new directors.

There is one item of -- that we overlooked I would ask Mr. Nolan to report on.

MR. NOLAN: Yes. As a result of my great success at observing the three-minute rule when I was a Marine Finance Committee Chair, President Watson decided I should serve an internship in event

planning. And so I've applied my certain lack of event planning skills to the idea of a meeting in October of 2018. And since it's not that far off, this may be the last realistic opportunity to tell you in advance so you can start planning.

We're going to go to the heart of Latin America in October of 2018-- Miami, Florida. We are working on a model now for the third week in October, which will be done jointly with the University of Miami Law School, which is one year into its new LLM program in admiralty law. We will have our committee meetings at the University of Miami, and we will be bivouacked at the Biltmore Hotel, another hardship post.

We're still working out the details of that. Phil Buhler of Jacksonville is managing the arrangements on that meeting. Charlie DeLeo is working with him. Allan Kelley is devoting his attention to the CLE part of the program. And we're very hopeful that we can attract a good attendance, if not a hurricane.

We look forward to reporting on this further at the next opportunity.

PRESIDENT WATSON: Thank you, Frank.

Is there any old business to come before the Association? Any new business?

Mr. Hooper, do you have a motion?

UNIDENTIFIED SPEAKER: May I just correct one omission in my report. I failed to mention that the presenter on our maritime products liability involving recreational vessels was Sarah Gayer. And I had made an intentional effort to involve Young Lawyers in our presentations. We had David Moss and Sarah Gayer. I forgot to mention her name, and I wanted to correct the record on that.

PRESIDENT WATSON: Thank you very much on that.

MR. HOOPER: Thank you, Mr. President.

Listening to the reports here and the Rotterdam Rules and remembering our discussions that we hired live animals, I just want to share one case with you. Sea-Land told me about it. Unfortunately, it never went out to counsel.

But they were carrying a lot of bulls to Puerto Rico for breeding purposes. Now, the problem with carrying bulls is you can't really tell the bulls where they are going. And when they were discharging a bull in San Juan, it bolted, jumped off the ramp, fell in the harbor, swam across the harbor, climbed out of the harbor near a park next to the airport.

A young couple was sitting on a park bench watching the planes land and take off. The bull charged them. The young couple tried to escape the bull, fell, and were injured. Now, go figure out the causation for that one.

But, anyway, I just wanted to share that thought with you. It has no relevance at all, but it is interesting, and was nice to think about. If the bulls knew where they were going, they would not have had the problem.

With that, I move to adjourn.

PRESIDENT WATSON: Is there a second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: We stand adjourned.

(The Spring 2017 MLA meeting was adjourned at 11:40 a.m.)

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

Held at the offices of Maynard Cooper & Gale
Mobile, Alabama
Saturday March 11, 2017
9:00 a.m.

The March 11, 2017 meeting was called to order by President Harold K. Watson at 9:00 a.m. In addition to President Watson, the following Officers were present:

Francis X. Nolan, III, First Vice President
David J. Farrell, Jr., Second Vice President
Barbara L. Holland, Secretary
William Robert Connor, III, Treasurer
Grady S. Hurley, Membership Secretary

The following Directors were present:

Robert G. Clyne, Immediate Past President

Daniel G. McDermott	Jonathan S. Spencer
Donald C. Radcliff	R. Michael Underhill
David N. Ventker	Jason R. Harris
Joseph G. Grasso	Pamela L. Schultz
LeRoy Lambert	Deborah C. Waters
Kevin J. Thornton (by phone)	

At President Watson's invitation, Past Presidents Thomas S. Rue and Warren Marwedel also attended the meeting.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes as amended from the October 25, 2016 meeting of the Board of Directors held in New Orleans, Louisiana.

TREASURER'S REPORT

Mr. Connor presented his Quarterly Report for the three months ending December 31, 2016. Mr. Connor reported that the state of the MLA treasury is sound. At year end, the Association had cash and investments totaling \$535,244. He has made a \$40,000 advance to Cipriani for the annual spring dinner. There continues to be a problem with members that are delinquent in paying their dues. Mr. Connor reported that the Board Committee on Membership Retention is divided on whether Board members should personally contact these members to find out why they have not paid. When the website has been upgraded, billing will be automatic and the Association will be able to send monthly reminders. The Board decided to defer discussion of the appropriate action to be taken to collect the delinquent dues until there is a report on when this billing function will be available on the website.

On motion duly made and seconded, the Board unanimously approved Resolutions for HSBC and Citibank approving Hal Watson, Frank Nolan and Bob Connor as signatories on all MLA accounts.

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

MEMBERSHIP SECRETARY'S REPORT

Mr. Hurley reported that twenty-one applications had been received and were recommended for Associate Lawyer membership. The following applicants were unanimously approved by the Board:

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Alex Aughtry
New Orleans, LA

Rick Beaumont
New York, NY

Aksana Coone
Los Angeles, CA

Alex D'Amico
New York, NY

Michael DeIulis
Boston, MA

Cali Eckler
New York, NY

Richard Furey
New York, NY

Jeremy Grabill
New Orleans, LA

Crystal Kennedy
Hillsborough, NJ

Michael Kenny
New York, NY

Sandra Larsen
Honolulu, HI

Christopher McNally
Newport, RI

Youngmee "Mimi" Moon
Brooklyn NY

19859

Jeanne Noonan
Norfolk, VA

Philip Powell
Seattle, WA

Carole Rouffet
New York, NY

Alexander Selarnick
New York, NY

Louis Selig
Houston, TX

George Shirvell
New York, NY

Clayton Vignocchi
New York, NY

Christopher Williams
New Orleans, LA

Mr. Hurley noted that one Proctor application and one Adjunct Member application had been received for consideration at the May meeting. In addition, he reported that seven law students had applied for Law Student membership since the fall meeting, but only one had submitted the necessary application fee to date. The new Law Student member is James Black of Boston, Massachusetts.

Mr. Hurley regretfully reported the death of the following six Members:

Andrew W. Anderson
Miami, FL; Proctor Member; elected 1982

19860

Mark J. Condon
Bloomington, MN; Associate Member; elected 2005

Benjamin Allston Moore, Jr.
Charleston, SC; Life Member; elected 1957

Richard W. Palmer
Philadelphia, PA; MLA President 1988-1990; Life Member;
elected 1951

John J. Picarella
Washington, NJ; Life Member; elected 1963

A.N. Yiannopoulos
Academic Member 1979-2012

Mr. Hurley reported that as of March 11, 2017, the MLA's total membership was 2788, which is broken down as follows:

VOTING MEMBERS

Proctors	1269
Associates	1160
Adjunct	171
Academic	23
Subtotal	<u>2,623</u>

NON-VOTING MEMBERS

Ex-Officio	14
Honorary	4
Judicial	117
Law Students	30
Subtotal	<u>165</u>
TOTAL	<u>2,788</u>

On motion duly made and seconded, the Board unanimously approved Mr. Hurley's Membership Report. President Watson recommended that we begin tracking Life Member numbers separately in the membership reports.

Mr. Hurley then introduced Deborah Waters to report on the meeting of the Board Committee on Membership Recruitment. A copy of the committee's minutes is attached and incorporated as part of these Minutes. The Board considered the committee's recommendations and after discussion, the President announced his decision to form a Special Committee to consider recruiting and membership issues on an ongoing basis.

FIRST VICE PRESIDENT'S REPORT

Mr. Nolan reported to the Board regarding the status of planning for the general membership meeting in the fall of 2018. He advised that Miami was still his first choice and that a decision would be made before the May meeting.

SECOND VICE-PRESIDENT'S REPORT

Second Vice-President Farrell reported on the status of committee meeting arrangements for the upcoming General Meeting in New York. He hopes to have the revised Committee Chairs Handbook completed by May, depending upon the status of the website.

Mr. Farrell then called upon Mike Underhill to report regarding the work of the Board Committee on Membership Demographics. Mr. Underhill reported that the committee considered strategies for recruiting and retaining dues-paying members, including young lawyers and lawyers with part time maritime practices. The committee also presented options for reducing the projected loss of dues in coming years as a result of large numbers of members becoming Life Members. Following discussion by the Board, President Watson asked the committee to come up with a proposal for a By-Law amendment.

DISCUSSION ITEMS

Website Status

First Vice President Nolan reported regarding the decision to change website host managers and the completion of the MLA's migration to the new host, POP Interactive, as of March 1, 2017. Mr. Nolan reported on various problems with the previous website managers. He recommended that no payment be made to this vendor, and that the Association be prepared to take legal action if need be. Mr. Nolan reported that the focus now is on the state of the website and on transforming it into the kind of website we need. He advised that the problems caused by the prior vendor are bigger than initially thought, but the final cost of the migration was less than the estimate POP had provided.

Lynn Krieger then reported by telephone on the plan going forward and the priorities for fixing the website problems that have been identified. She said that POP has been very responsive and that they are already well underway in addressing some key issues. In response to questions from the Board, she advised that the process for committee use of the website should be fixed in two to three months. Ms. Krieger fielded questions regarding the problems with the prior vendor and security measures that have been put in place. She advised that a separate accounting has been requested from POP setting forth the costs incurred to address the problems with the prior vendor.

Mr. Nolan acknowledged the enormous time and effort that Ms. Krieger has contributed to working out the issues with the MLA website, and expressed the gratitude of the entire Board for her hard work.

BIMCO Suggestion for Coordinating New York Meetings

President Watson reported that Liz Burrell had communicated a request from BIMCO to hold its meeting in New York at the same

time as the MLA's spring 2018 or 2019 General Meeting. The Board agreed that it would be beneficial for both organizations to open MLA committee meetings and some events to BIMCO members during the 2018 spring meeting. President Watson will follow up with the BIMCO leadership.

Fall 2017 Napa Valley Resort Meeting with the Pacific Admiralty Seminar ("PAS")

Marker Lovell reported by telephone on the status of the planning for the Fall 2017 Napa Valley Resort Meeting at the Silverado Resort and Spa. Mr. Lovell reported that the room block at the Silverado is already filled, and that the planning committee is looking into options for the overflow. He described the planned events, including dinners at the Artessa winery and the Globe. Discussions with the PAS continue, particularly on funding and sponsorship issues.

Summer 2017 Board Meeting in Palos Verde

President Watson updated the Board on the plans for the summer Board meeting in Palos Verde, California August 3-5, 2017. The meeting may include a reception aboard the USS IOWA. Joe Walsh will be the local Chair for the meeting.

Fall 2019 Resort Meeting

First Vice President Nolan reported regarding preliminary plans for the General Meeting of the Association in the fall of 2019. He advised that Scottsdale, Arizona has been selected as the location, and that he will have further information in May regarding potential resorts.

Tulane Admiralty Law Institute 2018

Mr. Hurley reported regarding preliminary plans relating to the next Tulane Admiralty Law Institute (ALI). He noted

that the Executive Committee of the ALI is considering moving the ALI to even years, and that a decision would be made in mid-March. If this change is made, the next ALI would take place February 28 - March 2, 2018.

MLA Archives

Board member Dan McDermott next reported regarding the work of the MLA Archives Committee that has been busy sorting the 72 boxes of MLA documents in his office. Five boxes of the Association's historical bound volumes were donated to Tulane Law School during the MLA fall meeting in New Orleans. The Archives Committee reviewed the remaining documents and files, and extracted eight boxes full of documents that they recommend be saved. The Archives Committee recommended that the remaining documents be destroyed.

On motion duly made and seconded, the Board unanimously approved the recommendation of the Archives Committee regarding the destruction of all but the remaining eight boxes of documents. As to those eight boxes, the Board recommended that they be preserved electronically.

President Watson expressed special thanks to Mr. McDermott and his committee members, and displayed the "Mission Accomplished" mug to be given to William Bell in recognition of his efforts.

MLA History Project

President Watson reported that he has appointed Liz Burrell as the editor of the 125 year history of the MLA to be published in 2024. He will ask Ms. Burrell if she wants to review the eight boxes of documents retained by the MLA Archives Committee for this project.

NVDC Rulemaking

First Vice President Frank Nolan reported regarding the status of the NVDC rulemaking and the work of the Committee on Marine Finance to assist the US Coast Guard with the revision needed to 46 CFR Part 167. He reported that the Coast Guard initially said it would institute some of the MLA's recommendations, but that given the change in Administration, the Coast Guard has now advised that it is not a good time to recommend any changes. Mr. Nolan recommended that the project be put on hold.

Directory

A motion was duly made and seconded to ratify the decision to discontinue publication of a hard copy Directory for distribution to the membership. President Watson noted that the cost of publishing and mailing the Directory was approximately \$40,000 every two years. The Board discussed whether certain items from the Directory needed to be added to the website, and Mr. Nolan said that he would discuss this issue with the current website managers. The motion was passed unanimously by the Board.

Gray Staring's Suggestion Regarding Outreach to Federal Judges

Ms. Holland reported regarding the meeting of the Board Committee that was established to consider the suggestions made by Past President Gray Staring regarding increasing the knowledge of the federal bench and bar of the history and importance of the Admiralty as an institution. The Board discussed previous attempts by the MLA to reach out to the Federal Judicial Center, including proposals for full day seminars on admiralty law and practice. President Watson advised that he will follow up regarding current interest among the federal judges, and will send a letter to Mr. Staring.

Foreign Invitees to Resort Meetings

President Watson asked the Board members to review a list provided of foreign invitees that have been invited to past resort meetings, and to let him know of any changes or additions.

UPCOMING ACTIVITIES OF THE PRESIDENT

President Watson reported that in the coming months, he will be participating as a judge in the John R. Brown Moot Court competition in New Orleans, and will be attending the Canadian MLA seminar in Ottawa. He will also be attending the Tulane Admiralty Law Journal dinner in New Orleans and the IMO Legal Committee meeting in London.

ADJOURNMENT

There being no other business, President Watson adjourned the meeting at 12:00 p.m.

Respectfully submitted,
Barbara L. Holland
Secretary

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

Held at the Offices of the New York Bar Association
New York, New York
Thursday May 4, 2017
9:00 a.m.

The May 4, 2017 meeting was called to order by President Harold K. Watson at 9:00 a.m. In addition to President Watson, the following Officers were present:

Francis X. Nolan, III, First Vice President
David J. Farrell, Jr., Second Vice President
Barbara L. Holland, Secretary
William Robert Connor, III, Treasurer
Grady S. Hurley, Membership Secretary

The following Directors were present:

Robert G. Clyne, Immediate Past President

Daniel G. McDermott	Jonathan S. Spencer
Donald C. Radcliff	R. Michael Underhill
David N. Ventker	Phillip A. Buhler
Joseph G. Grasso	Jason R. Harris
LeRoy Lambert	Pamela L. Schultz

At President Watson's invitation, Past Presidents Howard McCormack, Raymond Hayden, Lizabeth Burrell, and Robert Parrish also attended the meeting.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes from the March 11, 2017 meeting of the Board of Directors held in Mobile, Alabama.

TREASURER'S REPORT

Mr. Connor presented his Quarterly Report for the three months ending March 31, 2017. He reported that the Association is in good financial shape and that expenses are on budget. Mr. Connor discussed the continuing problem with delinquent dues, and additional measures taken to collect them. With respect to the upcoming dinner at Cipriani, Mr. Connor reported that 724 attendees had signed up and that all had paid.

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

MEMBERSHIP SECRETARY'S REPORT

Mr. Hurley reported that the Committee on Proctor admissions had recommended approval of three new Proctor members. The following applicants for Proctor membership were unanimously approved by the Board:

Theodore Shinkle
Melbourne, FL

Charles Simmons
Reisterstown, MD

Michael Timpone
New York, NY

Mr. Hurley noted that Mike Ryan had prepared a memorandum regarding requirements for Proctor admissions. President Watson

tabled consideration of this memorandum until the August Board meeting.

Mr. Hurley reported that sixteen applications had been received and were recommended for Associate Lawyer membership. The following applicants for Associate Lawyer membership were unanimously approved by the Board:

Kevin Albertson
Mineola, NY

Walter Becker
New Orleans, LA

Tammy-Mary Denbo
Tampa, FL

Aaron Fickes
Seattle, WA

Angie Fredrickson
Philadelphia, PA

Robert Gayda
New York, NY

Peter Granata
Novi, MI

G. Karl Greissing
San Antonio, TX

Brian Kiolbasa
Portland, OR

Richard Martin
New Orleans, LA

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Patrick McNamara
New City, NY

Stacey Papp
Tampa, FL

andres, Pico-Ramirez
San Juan, PR

Kurt Plankl
New York, NY

Lea Venti
Princeton, NJ

Stephanie Wylie
Miami, FL

Mr. Hurley reported that the Committee on Adjunct Membership had recommended approval of one new Adjunct member, Conor Murray. The Board unanimously approved Adjunct membership for Conor Murray.

Mr. Hurley reported that four law students had applied for Law Student membership and become members of the Association since the March meeting in Mobile, Alabama. The new Law Student members are:

Charles Lambdin
Berkeley, CA

Colin Rowe
New Orleans, LA

Hongzhe Zhang
New Orleans, LA

19871

Stephen Shapiro
Bethesda, MD

In addition, five Associate members were approved for reinstatement upon payment of a reinstatement fee and 2017 dues. The reinstated members are:

Emily Huggins Jones
Cleveland, OH

Kerri D'Ambrosio
New York, NY

Robert Plansker
Manhasset, NY

Alexandra Huffman
New York, NY

Lane Nemirow
Washington, DC

Mr. Hurley reported that with the above changes, the MLA's total membership is now 2800, which is broken down as follows:

VOTING MEMBERS

Proctors	1270
Associates	1173
Adjunct	164
Academic	22
Subtotal	<u>2,629</u>

NON-VOTING MEMBERS

Ex-Officio	13
Honorary	4
Judicial	117
Law Students	37
Subtotal	<u>171</u>
TOTAL	<u>2,800</u>

On motion duly made and seconded, the Board unanimously approved Mr. Hurley's membership report.

SECOND VICE-PRESIDENT'S REPORT

Second Vice-President Farrell reported that the committee meetings held so far this week have seen overflowing attendance and have gone very well. There was a question raised by the Board regarding the status of the Cybersecurity Committee, and President Watson stated that he was considering whether to make it a standing committee.

DISCUSSION ITEMS***Proposed Resolution on Life Membership***

Mr. Farrell reported upon a proposed resolution from the Board Committee on Membership Demographics relating to Life

Membership. Mr. Farrell and President Watson then led a Board discussion regarding the proposed resolution and other ideas relating to Life Membership. President Watson requested that Mr. Farrell and the Board Committee prepare options for proposed amendments to the membership By-Laws for discussion at the August Board meeting.

Communicating Board Activity to the Membership

President Watson discussed feedback received from a member regarding increased transparency and more frequent reporting to the membership regarding the activities and decisions of the Board. The Board discussed ideas for addressing this request.

Fall 2018 City Meeting in Miami

First Vice President Nolan reported to the Board regarding the status of plans for the General Meeting of the Association in Miami, Florida in the fall of 2018. Phil Buhler will chair the planning committee, and it will be a joint meeting with the University of Miami Law School. The dates that have been reserved are October 17-20, 2018. Pursuant to By-Law 211, the Board concurred that the 2018 fall meeting should take place during the time period noted above rather than on the first Friday in November.

Fall 2019 Resort Meeting in Scottsdale

First Vice President Nolan also reported regarding the status of the plans for the General Meeting of the Association in Scottsdale, Arizona in the fall of 2019. He advised that Alex Giles will chair the planning committee, and that they are looking at six potential locations. He will have further information at the next Board meeting.

Tulane Admiralty Law Institute 2018

Mr. Hurley reported regarding the status of plans relating to the next Tulane Admiralty Law Institute (ALI) which has been

scheduled to begin on February 27, 2018. President Watson noted that the winter Board meeting will take place in New Orleans on the Tuesday preceding the commencement of the ALI.

MLA Archives

Board member Dan McDermott reported regarding the completion of the MLA archive project and the extraordinary job done by his committee.

MLA History Project

President Watson reported regarding the status of the MLA history project, including the involvement of Liz Burrell as the editor of the 125 year history of the MLA to be published in 2024.

NVDC Rulemaking

First Vice President Frank Nolan reported regarding the work of the Committee on Marine Finance to assist the U.S. Coast Guard with the revision needed to Part 167. He reported that the Coast Guard has been unable to move forward with a rulemaking on this issue, and discussed an approach that would instead involve asking for written guidance from the Coast Guard.

Improving Admiralty Judges' Relations with Admiralty

President Watson reported regarding the results of his follow up with a federal court judge who was interested in the MLA's offer to present seminars for the federal judges on admiralty law and practice. This judge agreed to approach the Federal Judicial Center to determine if there is broader interest in the idea.

Special Committee on Membership

President Watson announced that he has formed a special board liaison committee on membership. Pamela Schultz will serve

as Chair and the first meeting of the Committee will take place on May 15, 2017. President Watson explained the mission of the Committee and some initial ideas for the Committee to consider.

BIMCO Suggestion for Coordinating New York Meetings

President Watson called upon Past President Liz Burrell to report on the inquiry received from BIMCO to hold a joint meeting in New York in the spring of 2018. Ms. Burrell will be meeting with BIMCO leadership on May 15, 2017 to discuss the proposal.

Website Status

First Vice President Nolan reported that great progress has been made following the decision to change website host managers and the completion of the MLA's migration to the new host, POP Interactive, as of March 1, 2017. He then called upon Lynn Krieger, who reported in more detail on the status and priorities for fixing the various website problems that had been identified. She noted in particular the focus on getting the Committee pages fixed. With the exception of the financial module, Ms. Krieger reported that the website project was on track for completion in October.

On behalf of the entire Board, Mr. Nolan thanked Ms. Krieger for the enormous time and effort she has contributed to working out the problems with the MLA website.

Fall 2017 Napa Valley Resort Meeting

Marker Lovell and Charlie Schmidt reported on the tremendous response from the membership regarding the fall 2017 Napa Valley Resort Meeting at the Silverado Resort. In order to accommodate additional members for the meeting, the Board approved a request from the planning committee to negotiate with the nearby Marriott for an additional block of rooms.

Spring Dinner in New York

Dinner Chair William Fennell reported to the Board regarding the arrangements and final numbers for the spring dinner at Cipriani on May 5, 2017. Mr. Fennell reported that reservations for the dinner were down by fifty from the attendance in previous comparable years. The Board discussed the possible reasons for the reduction and whether consideration should be given to moving the dinner to Thursday evening rather than Friday.

Summer 2017 Board Meeting in L.A./Long Beach

Joe Walsh updated the Board on the plans for the summer Board meeting in L.A./Long Beach, California August 3-5, 2017.

RECENT ACTIVITIES OF THE PRESIDENT

President Watson reported that he participated as Chief Judge in the John R. Brown Moot Court competition in New Orleans, and spoke at the Canadian MLA seminar in Ottawa. He also attended the Loyola Maritime Law Journal dinner and the Tulane Admiralty Law Journal dinner. Just prior to the May Board meeting, he attended the IMO Legal Committee meeting in London. He will be returning to London for the meeting of the Association of Average Adjusters on May 11, 2017.

ADJOURNMENT

President Watson thanked the outgoing members of the Board for their service to the Association. There being no other business, President Watson adjourned the meeting at 12:00 p.m.

Respectfully submitted,
Barbara L. Holland
Secretary