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THE MARITIME LAW ASSOCIATION
OF THE UNITED STATES

MLA PROCEEDINGS
Spring Meeting, May 4, 2018
New York City, New York

Present:

Harold K. Watson
Francis X. Nolan, III
David J. Farrell, Jr.
Barbara L. Holland
Grady Hurley
William Robert Connor, III
Lynn Krieger
Robert G. Clyne

And the following 208 Members

| | |
|-------------------------|----------------------|
| Aarsheim, Kirby | Crowley, John |
| Anastor, Andrew | Crutchfield, Blane |
| Andersen, Steven | Daley, Jack |
| Aprans, Olaf | Daly, K. Blythe |
| Arnold, Hank | Davies, Martin |
| Baiad, Todd | Davis, Alan |
| Baldwin, William | Davis, Christopher |
| Barker, Anthony | Degen, A. Robert |
| Barlow, B. Jason | DeLeo, Charles |
| Barry, Jr., Francis | Deng, Han |
| Bartlett, James | DeOrchis, Vincent |
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| Bell, Michael | Dillon, Christopher |
| Bell, William | Dorgan, Susan |
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| Buhler, Phillip | Giles, Alexander |
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| Cicala, Conte | Haas, Kelly |
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Kenney, Frederick
Kenny, Michael
Kimball, John
Krieger, Lynn
Lambert, LeRoy
Landau, Ross
Larsen, Sandra
Lehembre, Clement
Lindberg, Erica
Lochner, Todd
Losee, Geoffrey
Lucas, Henry
Maitland, Guy
Marion, Matthew
Marshall, Janet
Martowski, David
Marty, Jessica
Marwedel, Warren
Marzik, Robert
McCarthy, Charles
McClellan, Jessica
McCormack, Howard
McCoy, Sarah
McDermott, Daniel
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McNeil, Adam
Mead, Arthur
Michel, Charles
Minichello, Dennis
Moore, Michael
Morris, Cheryl
Moseley, James Jr.
Moseley, James Sr.
Mulrane, Kelly
Muzyka, Thomas
Newcomb, Mark
Nichols, John
Noonan, Jeanne
Northmore, Michael
Noyes, J. Travis
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O'Connell, Liam
O'Connor, Eugene
O'Donovan, Kevin
Parè, Jay
Pedigo, Jason
Politis, Zachary
Porter, Jennifer
Powers, Edward
Pusateri, Salvador
Radcliff, Donald
Radzik, Edward
Re, James
Real, Eduardo
Reeves, Lisa
Reilly, Stephen
Richards, Andrew
Rivera-Morales, J. Ramon
Riviere, William
Roberts, Kent
Rodriguez, Ivan
Rue, Thomas
Russell, Thomas
Ryan, James
Ryan, Michael J.
Sakal, Lindsay
Savasuk, Michael
Schaffer, John P.
Schreck, Gordon
Schultz, Pamela
Schwampe, Dieter
Segarra, J. Ben
Shaukat, Imran

Singer, Grey
 Sipple, David
 Skeen, David W.
 Skoufalos, Peter
 Smith, David
 Snell, Steven
 Spencer, Jonathan
 Stancliff, Steven
 Steigelman, Tim
 Stevenson, Douglas
 Stillman, Daniel
 Stockman, Norman
 Sturley, Michael
 Sullivan, Norman
 Sump, David
 Thor, Ann
 Thornton, Kevin

Toney, G. Robert
 Tribolet, Chris
 Underhill, Mike
 Van Praag, Alan
 Vayda, John
 Ventker, Dave
 Vignocchi, Clayton
 Walker, David
 Walsh, Joseph
 Waters, Deborah
 Welte, William
 Whitehead, James
 Wilson, Andrew
 Wise, Erich
 Wyatt, Marva Jo
 Wynne, Thomas
 Zawitoski, JoAnne

And the following 25 Guests

Kenneth Araujod
 Fernando Beconi
 Tony Brain
 Andre Cerramo
 Aurelio Fernandez Concheso
 Andres D'Ersrid
 Gian Carlo Salas Fragomeni
 Angus Frew
 Stuart Hetherington
 Paul Gill
 Marc Isaacs
 Pernille K. Jacobsen
 Luna Jaeger
 Soren Larsen
 Max Lemanski
 Esther Mallach
 Duncan McDonald
 Celinda Metro
 John O'Connor
 James Quinlan
 Miguel Roca
 Francis Sarre
 Jietivy Tang
 Ann Thoran
 Jonathan Upchurch

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PRESIDENT WATSON: I'd like to call the meeting to order. Good morning, ladies and gentlemen. Welcome to the annual meeting. We have a number of VIPs present here with us today. We're very honored to have Stuart Hetherington, the President of the CMI. And Chris Davis, Vice President of the CMI, and John O'Connor, Aurelio Fernandez Concheso -- is he here? Aurelio? And members of the Executive Council of the CMI. Mark Isaacs, President of the Canadian MLA; Paul Gill, President of the Irish MLA; Deiter Schwampe, President of the German MLA; retired Rear Admiral Fred Kenney, Director of Legal and External Affairs of the IMO. Is Fred here? Andre Cerramo, Permanent Secretary of the Instituto Iberoamericano de Derecho Maritimo; Rear Admiral Steve Andersen, Judge Advocate General and Chief Counsel of the Coast Guard. Steve.

REAR ADMIRAL ANDERSEN: Good morning.

PRESIDENT WATSON: Captain Shannon Gilreath, Chief of Maritime & International Law of the Coast Guard; Lieutenant Commander Travis Noyes, our Coast Guard liaison to the MLA. Travis?

And we have Admiral Chuck Michel. Chuck is a Vice Commandant of the Coast Guard for another three weeks before you retire.

ADMIRAL MICHEL: Twenty days.

PRESIDENT WATSON: Chuck is the first Vice Commandant of the Coast Guard to hold the rank of four-star Admiral while serving as Vice Commandant. And he's the first career judge advocate in any of our armed services in the history of the country to pull four-star rank and the first -- obviously the first proctor member of the MLA to serve as Vice Commandant with a four-star rank.

Chuck, can you come up here a minute?

ADMIRAL MICHEL: This is a surprise.

PRESIDENT WATSON: We have a certificate of testimonial appreciation. It reads, "To Admiral Charles D. Michel, United States Coast Guard Vice Commandant, for his valued contributions throughout his career to national and international maritime safety, security, and policy, and his participation in and commitment to the Maritime Law Association of the United States." Dated this 4th day of May 2018, Hal Watson, President; Barbara Holland, Secretary.

Congratulations and thank you for all you've done for our country.

(Applause)

PRESIDENT WATSON: This has been a very special meeting of the MLA because it has been contemporaneously with the meeting of BIMCO. And we have a number of our friends from BIMCO here as well.

Angus Frew, the Secretary General. Angus?

MR. FREW: Over here.

PRESIDENT WATSON: Soren Larsen, Deputy Secretary General of BIMCO. And Soren was the man who really was the impetus behind having these meetings.

Thank you, Soren, for all you've done and being here.

And Francis Sarre, the chair of the BIMCO Documentary Committee. Francis, can you make a few remarks about -- come up to the microphone here and make a few remarks.

MR. SARRE: Good morning, ladies and gentlemen. First of all, I'd like to thank the MLA for being so hospitable and very kind to us this week. We've had a fantastic week. Everybody's been so friendly. And I think we should do this again in the not too distant future.

It's a very daunting prospect for us at BIMCO to come here and talk about contracts and clauses, standard contracts and clauses, because one of the main aims of BIMCO is, in fact, to reduce the legal bill for our members. And so I feel a bit --you know, I feel a bit uneasy here because we're taking a lot of meat out of your sandwich. But having seen the size of the burgers here in New York, there's still a lot of meat in those sandwiches.

Before I actually talk a little bit about the work that BIMCO is doing at the moment, I'd like to just tell you a little story that Soren and I tell people when we travel around. And it's really quite heartwarming for you lawyers.

It's a story about a friend of ours who wanted to rent some property in Copenhagen. And he'd wanted this property for many years, and the landlord was being a little bit difficult and he'd instructed counsel to represent him. And our friend said to Soren, Can you help me? And we said we don't have any standard documents for private rentals, but we can, you know, recommend some counsel for you, which we did.

And so the lease agreement had to be negotiated. And there was a problem because our friend wanted to have his pet dog live with him in the house and the landlord was a bit, you know, worried about that. And so he got his lawyer to actually draft the lease agreement whereby pet dogs were allowed, but he was a bit uneasy about guide dogs for the blind because he'd had problems with guide dogs for the blind.

So the contract was drafted. Counsel for the landlord put in an exclusion. He said, yeah, okay, pets allowed, pet dogs allowed. Guide dogs for the blind are excluded.

And then our friend, the counsel that we had instructed for our friend, added to that guide dogs for the blind acting in that capacity.

So there you can see how valuable legal advice is. So it's very heartwarming for you to understand that.

But anyway, coming down to a little bit of a report on what BIMCO is doing at the moment. And we were very pleased actually. We had a fruitful meeting on Wednesday, and we managed to adopt the Bunker Terms 2018. This is a purchase contract between an owner and a supplier and provides standard terms for the industry.

And the subcommittee that actually helped draft these standard terms comprised traders, suppliers, owners, and members of the International Bunker Industry Association. So wide representation there. We hope there will be a lot of take-up of these terms.

There was a little bit of a hiccup along the way because there was a proposal by the suppliers to limit liability for consequential losses to \$500,000. A compromise was reached of \$500,000 or the invoice price, whichever is the higher. That was the compromise that was reached at the end of the day.

On our website, you will shortly see the Bunker Terms, and I think they will be widely accepted because of the widespread representation on the committee.

We also adopted the syndicated term sheet for term loan facilities, which followed the bilateral form which had already been adopted by the Documentary Committee. This is a new area which BIMCO has encroached on, namely the finance part of the industry. But we hope that the syndicated term sheet will take off and be accepted. We know it's going to be difficult, but we hope we'll be able to get some traction on this document as well.

As these two projects have now been adopted, that's done and dusted, we have some work in progress as well. And one of the projects that we're working on at the moment is the GENCON 94. We're trying to revise that. It's been a long time since that document has been revised, and it is one of our flagship documents. It's one of the most widely used documents in our portfolio.

And we do have thankfully a representative from ASPAR helping us out on the subcommittee. So there will be an American, the U.S. angle there, to take into account your concerns and not just the U.K. concerns.

There will also be a sounding board, which we sometimes establish, to get to -- to get your input as to what you think needs to be changed or updated in the new GENCON form, but we'll obviously spread out and send out invitations to put a sounding board amongst your members.

Another document, standard document we're working on, is DISMANTLECON, which is basically a standard form for removing offshore installations. And there we have representation from Shell on the subcommittee as well as Marsh McLennan Insurance to look at things from an insurance angle.

What Shell has actually asked for in DISMANTLECON on the subcommittee is an exception to our standard knock for knock provisions in that document. They wanted to have a cap on their liability when there is gross negligence or willful misconduct. And that deviates a

little bit away from standard knock for knock group provisions.

And so we're going to, in fact, tell Shell that that's no, because otherwise it would jeopardize other documents where the knock for knock provisions are used in the BIMCO suite.

We're also looking at a revision of REPAIRCON and also a revision of SUPPLYTIME, which the basic SUPPLYTIME form has recently been amended and revised and put on our website.

But there have been demands from the industry to perhaps add annexes to the SUPPLYTIME, areas in the industry where SUPPLYTIME wasn't perhaps the APSET document, and therefore we decided perhaps to work with certain niche industries and provide annexes to be applied to the SUPPLYTIME.

We did adopt at our meeting on Wednesday one for helideck operations, and there are also requests for an annex for cable laying or walk to work installations. So work in progress.

Coming now to a project that we embarked on and didn't get adopted at our meeting – and it was a project concerning arrest clauses in charter parties. Now we've seen quite a lot of arrest clauses bandied about which are very – how should I put it – badly drafted in the industry, so BIMCO thought it was about time that we actually took this by the scruff of the neck and drafted something which is much clearer than what is out there in the market.

Now, we did come across one of the most controversial cases in London in recent times called – it's a case called the Global Santosh. I don't know whether you're familiar with that case, but it basically – it was a time charter. It was an off-hire clause. There was an arrest. And it was a dispute between the owners NYK and the charterers Cargill.

And it went all the way to the Supreme Court. And all along the way, there were dissenting opinions. Even in the arbitration panel, there was a dissenting opinion. First instance the Court of Appeal decided differently and the Supreme Court overturned what the Court of Appeal had decided.

And it was basically a question about apportioning risk. What happens if the ship is arrested? Who bears the risk? Is it the owner's or charterer's risk? And ultimately what the Supreme Court decided was – they decided that there was no concept of a sphere of responsibility.

For example, if the ship is arrested by a sub-subcharterer, it doesn't necessarily mean just because that subcharterer is in the chain, that the charterers are actually responsible. And so the courts actually overturned what the Supreme -- what the appeal court had said, which was they had -- they took a more commercial approach by saying that anything that was related to the chartering out of the vessel, i.e., if the ship, by virtue of the fact that the vessel was subchartered to a subcharterer, that was enough to apportion the blame to charterers.

Obviously from a commercial point of view, that doesn't sit very well with our membership, which is predominantly owners. The owners felt that because it was something to do with the chartering out of the vessel, that it must be charterer's responsibility so the ship must remain on hire.

But anyway, we tried to grapple with this Global Santosh case in drafting the arrest clauses. We were unable to come to a consensus with the Documentary Committee, so it was sent back to the subcommittee to draft new clauses. But the Documentary Committee decided that there should be, in fact, a sphere of responsibility concept introduced whereby anything that's got to do with the subcharterers, notwithstanding that perhaps the obligation that the subcharterer had actually performed had nothing to do with Cargill's or the charterer's obligations, notwithstanding that, the Documentary Committee felt that we should work along those lines and apportion liability accordingly.

Another project we're working on is terminal conditions of use. I don't know whether you're very familiar with what happens in certain ports where the master turns up with the ship and he is obliged or forced almost to sign terminal conditions of use, which in some cases are very, very terminal friendly. And we're going to look at drafting a clause to try and apportion the risk with regard to who bears the risk for terminals imposing such conditions on the owners.

We're also going to look at a cybersecurity clause. And the Documentary Committee decided that it would be more of a general clause rather than anything specific because they felt that it would be too difficult to actually draft something very specific. So that's work in progress.

And finally just to tell you what we're actually working on and going to work on in the future, we try and address hot topics in the industry and try to tackle things that are on owners' and charterers' minds. And so we actually have prioritized five projects which we'll be working on.

The first one is the LNG Bunker Purchase Contract. The second one will be a global sulfur cap clause, which will also deal with compatibility issues for fuel and also issues that relate to scrubbers which will be installed onboard ships.

Also revision of the sanctions clause. As you know, there have been a plethora of sanctions regimes introduced very recently not only in Europe but also here in the United States, countries like Iran, Syria, Russia. There have been quite a number of sanctions regimes introduced. So we thought it was time that we reviewed our sanctions clause and brought it a bit up to date.

Fourthly, a revision of the hull-fouling clause because there are issues of biofouling. These are issues where certain ships actually import certain species of bugs that attach to the ship's bottom. These are imported into other ports and the hull-fouling clause didn't actually address that. So we're looking at revising our hull-fouling clause to cover biofouling, which is apparently a hot topic as well.

Finally we're going to embark on an LPG voyage contract. This is something we've been looking at for quite some time, but now the Documentary Committee felt it was time to actually embark on this.

BIMCO is more known for dry bulk than anything else, but we're trying to engage more people from the oil and gas industry, and we are trying to make inroads there, and this is a good starting point for us on that front.

I won't keep you for much longer because I can go on and on and on. But anyway, we have our -- you have your billboard 100 and we have our top six documents, which I'd like just to share with you.

So our best-selling documents, put it that way. Our best-selling documents are not in order of popularity, but anyway we have SHIPMAN, which you're familiar with, SALEFORM, the GENCON, SUPPLYTIME, GUARDCON and BARECON.

Thank you very much for your attention, and I thank you once again for your wonderful hospitality. Thank you very much indeed.

(Applause)

PRESIDENT WATSON: I was remiss in not noting earlier that we have another distinguished guest, Tony Brain, who is the chair of Association of Average Adjusters of the United States and Canada. Tony, welcome.

(Applause)

PRESIDENT WATSON: I'd now like to take the officers' reports.

Madam Secretary.

MS. HOLLAND: Thank you, Mr. President.

Can you hear me back there? All good? All right.

I'd like to join Hal in welcoming you all this morning, particularly our guests from BIMCO. We thank you for joining us at this meeting, also for the participation of your members in our committee meetings this week. It has been truly memorable and a very great honor to have you here with us. So thank you very much.

For our members, it has been a full year since we have had a general meeting together. And despite the disappointing cancellation of our fall meeting in Napa, the business of the Association has continued through the work of the standing committees and your Board of Directors.

Before you hear this morning from your committee chairs and the good work that they have been doing, I want to mention just a few things.

First, looking ahead to the fall, we will be meeting in Miami October 17 to 20. It's not technically a resort meeting, but it's going to feel like one. You will be hearing details on that meeting later this morning from Phil Buhler. So stay tuned for that.

Speaking of future meetings in the sun, looking ahead to the fall of 2019, we will be in Scottsdale, Arizona. That is October 29th to November 2nd of 2019. We hope that you will get these meetings on your calendars. We would love to see you there.

Now, each time I have reported to you, we've talked about the website. That has continued to be a focus of the Association in the last year, and I hope that you will agree with us that it has been much improved. You're going to hear more about it from Lynn Krieger this morning.

Speaking of Lynn, you may have noticed that she is up on the stage with us this morning. One very big action that we took as a Board this spring was to create a new officer position. It is the Website and Technology Secretary. Pursuant to the By-Laws, Lynn was appointed to serve in this position pending this general meeting of the membership. And we have already benefitted greatly from her service.

Also related to the website and its increased functionality is our plan for webinars. You may have noticed that some of the meetings have been videotaped this week. That's the beginning of our effort to establish a CLE webinar program. I think you're going to hear more about that this morning from our CLE chair, Brian Eisenhower. We believe it will provide great value for our members to have these on demand CLEs available on issues of maritime law.

I have a By-Law change that I want to bring to your attention. This particularly affects our Life Members. As you may know, the members of the Association who have been with us for 40 years or more become Life Members automatically. They are now receiving – pursuant to a change in our By-Laws, they're receiving an invoice which allows them to elect to be exempt from the payment of dues if they choose. In the past, they were not sent invoices at all, but what we heard was that many of them were more than happy to be paying dues. So we have now made it an option. As a result of the new rule, we actually have found that about 50 percent of the Life Members who have responded to the invoice they receive have, in fact, opted to pay dues. We appreciate that.

I also want to let you know that the Board is taking a hard look at whether we need to have a policy regarding the use of the MLA logo by its members and also whether and what actions we may need to take to protect against its use by nonmembers. So stay tuned for that.

Finally, I want to mention our court reporter, Georgia Winegeart, who is here in front. Committee chairs, as you know, please bring your business cards when you come up to make your reports to the group. We're very fortunate to have Georgia here again with us this year, and our thanks go out to Tom Crites & Associates for donating her services and the transcript of our

proceedings. We're very lucky to have that service from them.

Again, to the website, you can review the MLA Proceedings on the website in the document library. Also there you will find the MLA Reports. Of course, for those, our thanks go out to Chet Hooper and David Nourse, who I think we'll also hear from this morning.

So one more thing. MLA members, just a reminder to sign up on the sheets outside the door so that we have a record of your attendance here this morning. I want to thank Ben Segarra, who is the Young Lawyer sitting there getting all of you to sign your names as you came in. That was a great help. He even got here early to do that, which after the Young Lawyers' evening, had to be a high call.

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

PRESIDENT WATSON: Second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Thank you, Barb.

Treasurer's report.

MR. CONNOR: Good morning and welcome to New York City, known as the sunny city, at least for another couple of hours.

Yes, it's the Treasurer's report. He's going to tell us that we're in good shape. We are. He's going to tell us that there's some bad boys and girls who haven't paid their dues and they're on the delinquent list, but they're probably not here because they don't want to be embarrassed. So those are the people at home.

There was a suggestion like country clubs, maybe we should post the delinquent list at the general meeting so people can see, but we haven't gone that far yet. But we re-sent invoices just recently.

Again, I remind people that if you change firms, if you change your email address, please let Robin know, because we have all kinds of emails that bounce back all the time and then we have to go looking for you, be it for dues purposes or any other purpose. And you won't get your notices of how to sign up for Miami and Scottsdale. So make sure you're current on your contact information.

Speaking of dues, you probably saw on the invoice -- and, again, it's probably not to the people in this room, but as of July 1st, if you haven't paid your dues there will be a \$50 surcharge

put on that invoice. We decided it's time to come into the 21st century, just like MasterCard, Visa, and Bloomingdale's. So if you're late with your payment, you will pay.

Life Members, as Barbara just mentioned, I'm very happy to report that 50 percent of those who responded to us voluntarily paid their dues. We want to thank you, because certainly after 40 years of paying your dues, you're entitled to take a rest if you want. But we are a generation of people who tend to work past the old days of 65 and pull out the golf clubs or the sailboat and go home. So the numbers add up that people are working past 40 years. Again, thank you very much to those who have contributed.

Now, as you saw this morning when you went to sign in, we're back in the tie business. After great debate among the members of the officers' group and many, many different designs and color schemes, we came up with the two ties in red and blue that you saw this morning. In case you didn't look, here is a red tie. Did I bring a blue one? Sorry, I only have red.

And in case you're worried or suggesting that one's a Democrat and one's a Republican, on the inside we have the reverse color. Oh, yes. And a blue one since we're in a blue state.

They're selling for a bargain price of \$40. Ben is outside. So when you take the inevitable bathroom break, if you haven't had a chance, buy one for 40, two for 80. They are genuine silk, made in America, so our President will be happy about that.

We also made a decision to sample a couple of other things, because I didn't want the female population to be gunning for me. So we also decided to test a scarf, and we've gotten mixed reviews. It's good, because we did not make these. We have one sample. So I'm welcoming your comments.

And then finally, we do have a small population who like bow ties. Now, since we don't have a formal meeting anymore with tuxedos, they are not as big sellers. If you are interested in having an MLA bow tie, red or blue, please just give me your name, because unfortunately the run minimum is 80. So, you know, if there are ten people, we just can't afford financially to have them made.

Anyway, this is a possibility. We are looking into other things. Grady was good enough to put us in contact with NOLA Couture, who is making all of this for us out of New Orleans, and they've done a great job.

Now, just a couple of -- first of all, I'd like the male members of the officers to stand up, because these are our models for the ties. Okay, come on, guys. Up, up, up, up. Notice we're wearing them that way. He didn't get the memo. He actually wore it last night and spilled on it.

Since we only have one of these and our President is one of the people who loves bow ties. The first official bow tie goes to Hal.

(Applause)

MR. CONNOR: And because of marketing tools, you always do a giveaway. Now, as a random sample, my computer picked a member of this esteemed group to get a free tie. Tom Muzyka, would you please come up here and get your free tie.

(Applause)

MR. CONNOR: You knew I'd do it.

MR. MUZYKA: I knew you would.

MR. CONNOR: I'd like to see this on you this evening.

MR. MUZYKA: I will change my tie after the meeting. Thanks.

(Applause).

MR. CONNOR: And that, Mr. President, is my report. And I move its adoption.

PRESIDENT WATSON: Second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Membership Secretary.

MR. HURLEY: Good morning, Mr. President, unlike many organizations, the membership of the Maritime Law Association is very healthy. Through the leadership of Mr. Watson and his actual act of participating in recruiting members, we have averaged an increase of members over the past two years of between 40 and 80 new members a year.

Also as Membership Secretary, I would be remiss in not recognizing the help and assistance of Robin Becker over the past two years in helping with not only the application process and answering any questions, but in also tabulating the changing membership number.

I would also like to thank our membership and our committee chairs for making nominations and recommendations, because without your support and without your recommendations and writing letters, we would not be able to add to our organization.

My report, Mr. President, is as follows: The Proctor Committee, which is chaired by Mike Ryan, has reviewed and recommended to our Board eight Proctor members, who were approved by our Board this week. Those individuals are Jason Barlow, Kevin Christianson, Todd Crawford, Michael Freije, Aaron Greenbaum, Scott Gunst, Kasee Heisterhagen and Patrick Ward.

Associates, we've had three applications and one application for reinstatement that have met the qualifications and have been elected.

In addition to Associate members, we have had one application for a law student member and, upon payment of his dues, he will be added to our rolls.

We have no Judicial members this quarter, but we have one Academic member that has been approved by our Board, Yun Kim of the Dong-A University Law School in South Korea, who is also a member of the Arizona Bar. The Adjunct Committee chaired by Mr. Marwedel received three membership proposals for Adjunct members who were approved, and we will welcome Tina Cardone, Clement Lehembre and Lindsay Habib as our new Adjunct members.

I am also reporting today and will ask for a moment of remembrance for the following members who have passed since our last meeting. They include Professor Francesco Berlingieri, Richard Gallagher of Dallas, Texas; Gus Schill of Kerrville, Texas; Leo Vander Lans of Long Beach, California; Jimmy Burke of New Orleans, Louisiana; and John Copendor of New York. We ask just for a moment of remembrance at this time.

(Moment of silence)

MR. HURLEY: Mr. President, the ever elusive total of members when we include those who have passed and those who have been added as of today stands at 2,627 plus one subscription.

This is my report, and I ask that it be adopted.

PRESIDENT WATSON: Is there a second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Thank you very much.

Website and Technology Secretary.

Do you have any words for us, Lynn?

MS. KRIEGER: Thank you, Hal. Good morning everyone. I just have a few words.

I'd like to say that the creation of this position really signifies the Association's commitment to making the website part of the permanent infrastructure of the MLA, and it both preserves the rich body of work that the MLA has done going back to the 1800s and it will enhance the members' ability to continue doing the work of the MLA well into the future.

Thank you.

PRESIDENT WATSON: Thank you and welcome to the dais. I'm going to now take the standing committee reports. As Barbara mentioned, please give your card to the court reporter as you come up.

But first I'd like to commend the firms who provided their facilities, their conference rooms for our meetings both in Washington on Tuesday for the meeting there and then for the meetings here in New York. Winston & Strawn; Marshall, Dennehey, Warner, Coleman & Goggin; Clyde & Co; Vedder Price; Seward & Kissel; Freehill, Hogan & Mahar; Carter Ledyard & Milburn; Reed Smith; Holland & Knight; Blank Rome. We really appreciate their providing these facilities.

You know, most bar associations have their meetings in hotels for which they have to pay, and so there's a tremendous saving to the Association to be able to have these meetings here in New York and in Washington, D.C., for free.

Arbitration and ADR, Peter Skoufalos followed by Susan Dorgan, Carriage of Goods. I would ask that people be ready to move to the microphone as quickly as possible.

MR. SKOUFALOS: Thank you, President Watson. We had our meeting yesterday afternoon, and we had a full house. In fact, we had an overflow crowd of attendees. We had attorneys from throughout the United States, international attorneys, representatives of the P&I clubs, multiple arbitrators, and a really healthy contingent from BIMCO as well.

Our meeting started off with a presentation by the current president of the SMA, Robert Shaw. Robert gave a description of the great breadth and depth of the SMA's roster, some of the new initiatives to expand SMA ADR into the marine insurance area, and its mediation initiatives and revisions to Section 30 of the SMA rules which enshrine the panel's right to award pre-award security to the parties. Very important development.

Blythe Daly of Holland & Knight then gave an overview of provisional remedies to the parties in arbitration, including tools for securing an award. This is very important that the parties, given the expense and time involved, be able to maintain the status quo or make sure that at the end of the day any favorable award isn't rendered a nullity.

Keith Heard then gave a presentation and really a fascinating history of the SMA Award Digest, which is now largely used in a digital format, and its role in promoting transparency.

I concluded the meeting with a review of a survey of U.S. arbitration in court cases that consider BIMCO documentation. Needless to say, BIMCO's output is really considered a gold standard in our judiciary.

We put out a great newsletter, also available online, and urge you all to take a look at it.

That concludes my report. Thank you.

PRESIDENT WATSON: Thank you, Peter.

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

MS. DORGAN: Good morning everyone. We had our meeting yesterday morning. We had a great turnout. We had a wonderful turnout of the MLA members and also of our guests and especially the BIMCO representatives.

First I'd like to say that we started the meeting with Michael Sturley giving us a report on the Rotterdam Rules, which I will leave for him to fill you in later to save time. What I do recommend is that you go and dust off, take the dust off the Rotterdam Rules and look at Chapter 3 and see how the drafters predicted the technological changes that we're now looking at. You'd be surprised to see the definition section, how they termed electronic bills. After that, we segued right into the CLE presentation by our Young Lawyers Dan Maland and also Peter Black. Both of them are Young Lawyer liaisons for different Committees: Dan for mine, the Carriage of Goods; Peter Black for the Website and Technology Committee.

And it was wonderful. Their presentation was both educational and enlightening for issues that were very technical, and they also managed to keep it very spunky. We're posting it on the website so you can go and download it. Also the reference papers.

Michael, I am also posting your paper on there with regard to the Rotterdam Rules.

I'd just like to say thank you, that I'm leaving the committee now, as is Michael Crowley. Our new chair will be Dennis Cammarano. The vice chair will be Mark Newcomb, and Brian Eisenhower will be the secretary.

Thank you. That concludes my report.

PRESIDENT WATSON: Susan, thank you for your service as committee chair. You've done a wonderful job. We have a certificate for you here. Thank you very much.

MS. DORGAN: Thank you.

(Applause)

PRESIDENT WATSON: Cruise Lines and Passenger Ships, Zach Politis, followed by Joe Walsh, Cybersecurity.

MR. POLITIS: Hi everyone, I'm Zach Politis. Our chair, Carlos LLinas couldn't be here today. He got called away at the last minute. He actually had to conduct our meeting by phone. He had me deliver the report.

MEMBER: Speak up.

MR. POLITIS: Of course. I'm too tall for this thing.

Just this past year, Carlos drafted a report on behalf of the MLA that was presented by Paul Gill at the CMI general assembly in Genoa. His report had a description of U.S. regulations that are applicable to the containment of pandemics on cruise ships.

On Wednesday we had our committee meeting at the offices of Freehill, Hogan & Mahar. Thank you for hosting. We had two excellent speakers. One of them was Esther Mallach, partner and solicitor at Arnecke, Sibeth & Dabelstein -- I hope that was kind of close -- in Hamburg, Germany, discussing some of the emerging rules in the European Union. This includes some changes to the rules that govern the compensation of cruise victims in personal injury and death cases. There were also some changes to the applicability of certain ticket contract terms under the European Consumer Protection Law and some changes to European data protection laws that will be fairly widespread and apply to people globally as long as they have European Union customers.

Next, Lieutenant Commander Travis Noyes of the U.S. Coast Guard spoke about Coast Guard casualty response for cruise ships and for large passenger vessels. Lieutenant Commander Noyes used the fire aboard the CARIBBEAN FANTASY off the coast of Puerto Rico as a case study. He discussed the evacuation of the vessel and some other things that went right and went wrong and in the subsequent investigation and analysis gave us a sense of how the Coast Guard regulates response to and investigates marine casualties.

And that summarizes our meeting.

Thank you.

PRESIDENT WATSON: Thank you.

(Applause)

PRESIDENT WATSON: Cybersecurity, Joe Walsh, followed by Dave Smith, Fisheries.

MR. WALSH: Good morning, Mr. President, ladies and gentlemen.

We had our inaugural open standing committee meeting of the Cybersecurity group on Thursday. We were joined by representatives of BIMCO. The room was filled to capacity. That was 100. We had an overflow room. We had about ten people in there as well.

We had three briefings that were pretty on point for our inaugural meeting. First, we had a briefing from Lars Robert Pedersen with BIMCO giving us the international view and what BIMCO's efforts are in that respect, followed by Captain Shannon Gilreath, who then went through the Coast Guard's perspective, Coast Guard's expectations, and some of the things that they're doing to bring industry along.

We followed up with a briefing from Cynthia Hudson, who gave a terrific presentation as well on cyber breach response components, expectations, meeting practical considerations.

Towards the end of the meeting, we had an open forum for general discussion. We're going to post all three presentations on the website for those members who were unable to attend the meeting.

And rather than talk about spunkiness, I'll just wish everybody "May the 4th be with you."

(Applause)

PRESIDENT WATSON: Thank you, Joe.

Dave Smith, Fisheries, followed by Kent Roberts, Inland Waters. Terry Kenneally was the chair of this committee and had to – went in-house and had to resign. And we really appreciate Dave taking this on.

MR. SMITH: Good morning everybody. The Fisheries Committee met yesterday. There were 14 people in the room, 6 people on the phone. There were representatives from the West Coast, the East Coast, Gulf Coast.

We had a presentation by Steve Billett on the *Gefle vs. NOAA* matter, which has to do with observers on commercial fishing boats in the northeast and that NOAA, after a long legal battle and funding from Congress, NOAA is going to pay for the observers.

Kevin Thornton from Atlantic City, New Jersey, made a presentation about a whale that was washed up on a beach after being shot, and he talked about the criminality and the litigation that resulted, and that will be on our website in more detail.

That led to another discussion about some fishermen shooting at seals, and then we had to discuss the criminality of that as well.

From there, we had a presentation by Kirby Aarsheim of Boston, Massachusetts, who had the pleasure of reporting about the cod father. That's Carlos Raphael. He owns 20 boats in New Bedford, associated permits worth \$93 million. He pled guilty to various crimes, doing 46 months in prison, and NOAA is in the process of taking away the rest of his permits.

That concludes my report.

PRESIDENT WATSON: Thank you very much.

(Applause)

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

MR. ROBERTS: Thank you, Mr. President.

Members of the Association and guests, the Inland Waters and Towing Committee met on Wednesday at India House. And, Mr. President, I need to add to the list of organizations that have sponsored and hosted folks McAllister Towing, who hosted us at India House, and has long hosted the Inland Waters and Towing Committee meeting.

We had a wonderful meeting. 43 people were in the room, people on the phone. Had one hour of CLE. First topic was cell phone use, liability and cell phone policies for marine operators presented by Gene Noonan of Ventker Henderson in Norfolk, Andrew Bumstead with XL Catlin, and Kurt Odell with Brand Towing. It was a very interesting presentation about liability exposure for people who are texting while operating vessels. It's not a good idea.

David Boyajian then presented on online contracting for the towing industry, something we see a lot in the towing world but in other areas as well.

The common denominator for these two presentations was that we tried to put on programs that our members can then take back and actually have brown bag lunches with clients and educate the clients as well on some of the things we're learning. Very successful.

The presentations are online. You're welcome to use them and endear yourselves to your clients to help them avoid things like this with a barge hitting a vessel while someone was texting on the inland waterways.

Thank you very much, Mr. President. That concludes my presentation.

PRESIDENT WATSON: Thank you, Kent.

(Applause)

PRESIDENT WATSON: International Organizations, Vince Foley, followed by Marine Ecology, Maritime Criminal Law, Regulation of Vessel Operations and Government Counsel, Dave Sump.

MR. FOLEY: Good morning, Mr. President, officers, members, distinguished guests.

We had our meeting yesterday at the offices of Blank Rome from 1500 to 1630. We had nine speakers compressed into that time period, so we had a lot of ground to cover.

The first was Stuart Hetherington from the CMI, and he's going to give a separate report with an update on the CMI. They're having a general assembly later this year in London on November 8th and 9th at the IMO.

The next speaker was Paul Gill, the president of the Irish MLA. He gave us an update on the pandemic response questionnaire completed by the CMI member MLAs. And this was the response of each nation to deadly and not so deadly pandemics, such as swine flu, SARS, and

Ebola. There's a 55-page summary of the responses to all of the questionnaires which we're going to post on our website and a three-page shorter summary if you just want to get an idea, a general idea, of the different responses.

The next speaker was Alice De Juvigny, who gave us an update on UNCLOS. There were developments in 2017 to convene a new conference with substantive text to adopt an implementing agreement, because UNCLOS does not currently adequately protect resources beyond the jurisdictions of national states. So this is out in international waters beyond any territorial waters.

We then had a very interesting presentation by a trio of speakers from BIMCO. We had Anna Wollin, Pernille Jacobsen, and John Freedock. And John is a member of the Documentary Committee and from the company Bernhard Schulte. They gave us a very thorough description of how BIMCO goes about the process of approving language for its form contracts and the process the Documentary Committee undertakes before it will approve a contract for use by its members and the industry.

The objectives are to make it easier to trade and to provide -- to give the parties a neutral form to start their negotiations. The principles of drafting are clarity, consistency, and certainty. And they also told us that they reuse the clauses. So the arbitration clause, the war risk clause that they have in their approved contracts are reused when they adopt a new topic.

At the end of the presentation, they showed us a very interesting contract drafting software so you can make sure that when you're using a BIMCO contract, you get the approved language and not some modified version where someone has revised the document in a Word form, and this contract drafting software will show you all the changes you've made in a -- like a track changes format.

Following, we switched from this commercial BIMCO contract presentation to a speaker from the NATO Maritime Alliance, we had Lieutenant Ed Barham, who is a Royal Navy officer, a former helicopter pilot, and a barrister. He is the legal advisor to the NATO Alliance Maritime Command. He gave us a very engaging presentation on their Sea Guardian Program, which is a maritime situational awareness program for the EU region. He described the process they undertake when they have to board a ship to enforce -- well, basically for things like counterterrorism, piracy, or flagless states.

So essentially what he told us is that their first objective is to get the consent of the flag state. If they can get the consent of the flag state under UNCLOS, they can board and do an investigation.

In exceptional circumstances, such as piracy, terrorism, or slavery situations that are observed, they can then take their own initiative to board the vessel. Once they get on board, their focus is on the human rights convention, making sure that the people on board know which law they are subject to and are not detained for too long of a period.

We then had a presentation by Fred Kenney, the IMO legal director, who gave us an update on activities at the IMO. It's the 70th anniversary of the IMO, so they're celebrating that anniversary.

The MEPC, the Marine Environmental Protection Committee, has adopted an initial strategy to reduce greenhouse gas emissions by 50 percent by 2050 and to eliminate them completely by the end of the century.

He discussed IMO data collection on fuel usage, the 2020 sulfur cap and adequate supplies, and a proposed ban on noncompliant fuels, a revised code for type approval of ballast water systems, and mentioned the work that the IMO is doing on autonomous ships, the maritime autonomous surface ships program. They're taking that up at the Maritime Safety Committee.

We then finally had a presentation by Captain Shannon Gilreath from the U.S. Coast Guard. He gave us the U.S. position on some of the issues that Fred Kenney mentioned. The U.S. has reserved its position on the greenhouse gas emissions proposal at the MEPC meeting. And he mentioned that the MEPC -- that the U.S. was pushing for guidelines for e-logs, electronic logbooks in MARPOL cases.

So with that, I will conclude my report. Thank you.

PRESIDENT WATSON: Thank you, Vince.

(Applause)

PRESIDENT WATSON: Dave, before you go, Fred Kenney is here. I'd like to take a report from him first.

Fred? Fred Kenney is the Director of Legal and External Affairs of the IMO and a loyal member of this Association.

MR. KENNEY: Well, thank you, President Watson. And good morning everybody.

I just wanted to foot stomp a little bit some of the things that Vince just said. First, I want to thank the MLA for its support of the IMO. President Watson has been an outstanding delegate for the last couple of years, and we're looking forward to the incoming president and his new diplomatic role.

One of the things that I wanted to emphasize this year was how important it will be for the MLA to support CMI. CMI's role is really expanding at the IMO, particularly now with maritime autonomous surface ships. And also I think they can play a big role with respect to fraudulent registration, which is another issue that we're going to be dealing with.

Captain Gilreath mentioned this yesterday in his remarks and I wanted to emphasize this, that MLA support to the CMI is going to be really crucial for IMO's success on these issues, I think. So anything that you can do providing input to the CMI would be very helpful.

That really concludes my remarks. Thank you very much for the opportunity to speak. Thank you, President Watson.

PRESIDENT WATSON: Thank you, Fred.

(Applause)

PRESIDENT WATSON: We also have, as I noted, Stuart Hetherington, President of CMI. I think this is a good segue. Stuart, can you make a few remarks about CMI?

MR. HETHERINGTON: Thank you very much, Mr. President, and the Board of the MLA, ladies and gentlemen, members of the MLA. This will be the last time I will address you as President of the CMI. My time is running out as well. So I thank you all, you and your colleagues, for the warm reception I've been given at all of the meetings I've come to at the MLA. Your hospitality is incredible each time, and I'm so grateful that the liver has such wonderful powers of regeneration.

I congratulate you, Mr. President, on your term of office. It's been a pleasure working with you and both of your two predecessors, Bob Clyne and Bob Parrish.

The participation of MLA members in the CMI seems to grow each year. And I'll be mentioning a few of the people in the next few minutes who have particularly participated in the work we've done.

As you heard a few moments ago, the maritime legal profession lost one of its giants, Francesco Berlingieri. I don't think it's an exaggeration to say that he has been the most outstanding maritime lawyer of the 20th century and possibly going even further back. He was president of the CMI from 1975 to 1990 and the Italian MLA for many years like his father and his grandfather before him, and his son Georgio was on the Executive Council. He was also an honorary member of this Association and many other Associations, and I think that speaks volumes for the esteem with which -- and the affection with which he was held all around the world.

His books, his articles, his contributions to our meetings which are to be found in the Travaux Préparatoires of so many conventions that he participated in and produced the books that have those Travaux Préparatoires available, which can be bought from the CMI, the CMI yearbooks, the CMI newsletters are replete with material that he has produced over many years. He will be a great loss to all maritime lawyers around the world and will be missed for years to come.

We were fortunate to have been able to honor his service to the CMI in September last year at the meeting in Genoa. He was 95 years old at that time, came to our meetings spritely as ever, and it was a memorable seminar, which, unbeknownst to us, we were shortly to farewell him a few months later and only a few weeks ago.

We presented him with a silver salver to commemorate his long service to the CMI, and he made a short speech of thanks, which at 95 I thought was remarkable. It was recorded for posterity, and you can see it on the event website if you'd like to see it.

We'll honor him again in London. You've heard mention already of the assembly from Vince which will take place in London on the 8th and 9th of November. I hope you'll remember those two dates. And I'll be repeating them again shortly. Please put them into your calendar.

The assembly meeting will take place, thanks to Fred Kenney's assistance, in the IMO building. If you don't know where it is, it's on the south side of the embankment opposite Westminster Palace. So you can do your tourist activities on your way there. Big Ben is not far away. That will take place on the Friday morning.

Before that, on the preceding night, the Institute of Maritime Law of Southampton will be hosting delegates who want to attend to their Donald O'May Lecture. That's going to be given by a High Court judge, Justice Hamblen. That will be in Chancery Lane in the Law Society building, which many of you may be visiting for the first time if you come. That will be followed by the British Maritime Law Association dinner in the Inner Temple, again, a place that's hallowed turf for those of us in this industry, and I'm sure you'll welcome the opportunity to visit the Temple and enjoy dinner there.

On your way on the cobbled footpaths between Chancery Lane and the Temple across the Strand there opposite the High Court building in London, you'll pass the Knights Templar Church, the room where John Mortimer used to practice, who wrote the Rumpole series that you may have seen a few years ago and read some of his books.

There will be some scholastic things happening as well as those that I've just mentioned. On the Friday morning before the assembly meeting, we're going to inaugurate a memorial service for -- a memorial lecture for Francesco Berlingieri and Subern Adida has agreed to make that presentation. I don't know how many of you have ever seen Subern Adida, but he is one of the most entertaining speakers I have had the pleasure to hear. And he's going to talk about unmanned craft, but he's going to talk about unmanned craft in the context of due diligence, a very interesting concept, and I'm sure he will make much of that.

In relation to our unmanned craft, I think Vince failed to mention that the MSC of the IMO is looking into it, the regulatory side obviously, but it's also the IMO Legal Committee. As of last week's meeting, they've been persuaded to look at it within the IMO Legal Committee as well. So both committees are going to be looking at all of the issues that arise from these unmanned craft.

There will also be joint meetings of all of the -- well, many of the working groups of the CMI and the standing committees. One in particular will be one of -- a joint meeting of the unmanned craft group chaired by Tom Burgtrinson and your own Joe Grasso's group which he chairs on marine insurance. And we'll be looking at the issues that arise from unmanned craft in the context of marine insurance in which due diligence and all of those issues that arise will no doubt come to the floor.

And Frank Nolan's group on ship nomenclature will be meeting. That will be a closed session because it's an International Working Group meeting. The Polar Group, Phillip Buhler just joined that group. The Young CMI that Blythe Daly chairs will be meeting on the Friday afternoon, and I suspect there will be some social engagements organized by them. The Wrongful Risk Group, Ship Financing Group that are looking at the Capetown Convention as to whether it's got anything relevant to say about the shipping industry.

So there will be plenty of other activities that you can go to, but there will be nothing for you to pay except the dinner for the MLA. There's no registration. It's not a seminar that's being organized as such.

Before I conclude, I just want to say that I first attended an MLA event in the early 1980s in Bermuda. A resort meeting obviously. I've been to various resort meetings in Bermuda. I've attended joint MLA meetings with the Australian and New Zealand Association in both Maui and Honolulu over the years. I've attended a number of meetings in New York. And I've made many wonderful friendships amongst the U.S. MLA and the guests and visitors you have here, including obviously this time the BIMCO people. They're wonderful events. They're well attended, well organized, and great fun.

I wish the MLA continued success in all of its endeavors. I hope the warm weather I've brought to you from Down Under this week will continue to be bestowed on all of your future meetings, and there will be an absence of bush fires, storms, tempests, and the like that have interrupted some of your conferences in recent times.

I look forward to working with your next president for the next few months of my presidency, and I hope to see a number of you in London. I repeat those dates, the 8th and 9th of November. Or in Mexico next year in October or Japan just after the Olympics in September 2020.

Thank you very much, Mr. President.

PRESIDENT WATSON: Stuart, thank you very much.

(Applause)

PRESIDENT WATSON: And, Stuart, I want to thank you for your contributions to the international maritime world through your presidency of the CMI.

I would encourage many of you to get involved with CMI and to attend the meeting in London. Not only are the programs very educational, the work that's being done is important work. At the IMO Legal Committee last week, as Fred Kenney indicated, the IMO Legal Committee is taking on a review of what will need to be done with regard to autonomous vessels. And Patrick Griggs, who many of you here know well, was there as a representative of CMI and pointed out that the CMI is already a step ahead of the IMO, if I may say that, Fred, on looking at those issues. So thank you again.

We omitted to do something earlier. Because we did not have a fall meeting because our fall meeting was canceled, the membership secretary's report did not include the names of our members that we had lost prior to that meeting. I would ask him to give us those names now.

MR. HURLEY: Thank you, Mr. President. I would amend my report and ask for a moment of silence to also remember these additional 17 members that have passed away since our last official meeting. They include Ari Blitcher of California; Constantine Georgiopoulos of New York; Norman Richards of California; Donald King of New Orleans; John Ryan of Norfolk; David Canning of Florida; Spivey Gault of Kentucky; William Glenn of Texas; John Bremer of New York; Louis Guiliano of New York; Thomas McKey of Washington; Wayne Palmer of Oregon, James "Jimmy" Roach Roussel of New Orleans, Louisiana; Arthur Reuter of Virginia; Stanford Saunders, Jr., D.C.; Melvin Tublin, New York; Allen Von Spiegelfeld, Florida.

I would ask that my report be amended accordingly, Mr. President. And I thank you.

PRESIDENT WATSON: Thank you. Now Dave Sump. Dave will be followed by Celinda Metro on Marine Financing and Maritime Bankruptcy.

MR. SUMP: Good morning, everybody. Dave Sump. I'm reporting on three committees, which I think means I get nine minutes.

MR. SUMP: So relax. It's going to be a fun nine minutes.

If I could just take a personal moment to congratulate Admiral Michel on a wonderful career. It's astounding that a Coast Guard JAG officer has managed to get to one step away, and you are well deserved to have that post and outstanding career. Congratulations.

We had two meetings of the Marine Ecology, Government Counsel, and Vessel Regulation Committees. Sean Houseal is the chairman for Marine Ecology; Mike Underhill for the Government Counsel. I am chair of Vessel Regulation.

We met in D.C. on Tuesday, and we met in New York on Wednesday before an accumulated group of about 100 people. They were really good meetings.

The Coast Guard, as always, plays a prominent role in our meetings. The Judge Advocate General of the Coast Guard, Admiral Andersen, started us off with a discussion of the regulatory reduction process that has been underway. With the new administration, he discussed the process and the progress of that, as well as a more interesting result of this, which is the possibility that the states may fill in the vacuum of regulatory process if the feds back out. We talked about federal preemption and regulatory process.

We also had Coast Guard JAG officer, Captain Shannon Gilreath. Captain Gilreath made a presentation on the EL FARO investigation report and the take-aways from EL FARO. He also discussed, which was probably timely, the UN sanctions against the North Koreans and vessels that were engaging in trade with the North Koreans. It's timely because probably by the

next meeting, the North Koreans will be our new best friends. So there will probably be only one meeting where we'll be able to discuss those sanctions, and Captain Gilreath was there to do that.

He was followed by another Coast Guard JAG officer, Lieutenant Commander Travis Noyes, who gave us a very interesting discussion of autonomous vessels. And as we know, autonomous vessels are a very prominent subject not only here domestically, but in international regimes as well, and he gave us a great update on what's going on with that.

Also speaking at our meeting was a former Coast Guard JAG officer, Allen Black with Winston & Strawn, who gave us an update on the legislative update of maritime legislation, of which there is no progress for the most part in maritime legislation at this point in time.

Also presenting was former JAG officer Jeff Moller, who gave us an update on the Coast Guard Navigation Safety Advisory Committee, what the status of the committee is, what they've been working on.

And you see a common theme here, a lot of current and former Coast Guard JAG officers. And if there's going to be a coup and there's going to be a vacuum in the White House, I think we can all agree that former and current Coast Guard JAG officers should fill that void and provide that guidance. So we're here. We're available if you need us.

Justice Department, who I don't think are former Coast Guard JAG officers -- Justice Department made two presentations for us. Steve Flynn gave a presentation on the ATHOS I. And those of you who follow the ATHOS I decisions, there was a new one by the Third Circuit Court of Appeals, and it was discussing the obligation of the safe berth warranty, the contractual obligation to provide a safe berth that is incumbent upon terminals that contract with vessels approaching the terminal, and the Third Circuit has affirmed that, in fact, there is an obligation to do so that extends beyond the immediate area of the berth and extends at least far enough out that if you catch an anchor in the anchorage, you should have located that anchor in advance or made reasonable efforts to do so. So we got a great update on the ATHOS I.

And then we also, for those of you who remember the Papadakis vessel that was detained in Norfolk a couple or three years ago, the owners of the Papadakis are pursuing the Coast Guard and the U.S. Government for the expenses of the detention since the owners and operators of the vessel were not found to have contributed to a magic pipe incident, and that case is now being litigated in the D.C. circuit. We learned about that case.

And then finally Stuart Hall of Forecast Technology informed us of some new interesting developments where DNA markers are being put into lube oil and fuel oil such that if there is a spill and you had properly marked your lube oil or fuel oil, you will be able to prove conclusively that it is not your oil that is being recovered from a mystery spill and possibly avoid being a responsible party.

That's our update from our joint committee. Thank you very much.

PRESIDENT WATSON: Thank you very much, Dave.

(Applause)

PRESIDENT WATSON: Dave's report just highlights the contributions that our friends at the Coast Guard make to our meetings. We really appreciate all that they do.

Celinda Metro will now present the report of the joint committee meetings of Marine Financing and Maritime Bankruptcy.

MS. METRO: Thank you very much.

Yesterday there was a joint committee of the Maritime Finance and Maritime Bankruptcy Committees held at Blank Rome. In that meeting, there were six presentations.

The first was by Kevin O'Hara of AMA Capital Partners. Kevin shared his observations on the role of alternative capital providers in the restructuring context. He noted that prepackage restructurings are still frequent, and while other schemes or arrangements are contemplated, they're rare, the notable reason exception being the ocean rate restructuring.

Next Brian Maloney from Seward & Kissel presented an update on the OW Bunker litigations. He made some observations that clearer drafting may have saved shipowners some uncertainty with respect to the threat of double payments, but noted that in an industry that must operate on credit, while risk can be minimized, it can never be eliminated.

We were then joined by Christian Hoppe, general counsel of BIMCO, as well as Nicholas Fell, the general counsel of BW Group. They both spoke about the new ship term and ship term S forms. And Christian spoke about the process of creating those forms and updated everyone that the ship term S had been adopted just two days ago.

Nicholas of BW Group discussed the flexibility of the forms noting they can be adopted to allow for multiple affiliated borrowers, multiple vessels, et cetera.

Thereafter Charlie Papavizas, a partner at Winston & Strawn, gave us an update on his recent conversations with the U.S. Coast Guard. Their primary concern currently is the multi-year permits for recreational vessels. Congress has mandated that they do this while they are simultaneously engaged in a rule-making process to do the same, and there is a lot of concern about implementation and regulation of these multi-year permits.

The Coast Guard also indicated it had no plans to act on comments the committee had previously submitted on streamlining the citizenship process. It just was not on its radar currently.

Lastly, Bob Toney, chair of the National Maritime Services National Liquidators, gave us an update on yacht sales and noted that there's significant new building of yachts 30 meters and larger.

This generated some conversation. He noted that as a result of the recent tax reform, yacht owners can no longer take advantage of Section 1031, like kind exchanges, that previously allowed them to defer capital gains taxes.

That is my report.

PRESIDENT WATSON: Thank you very much.

(Applause)

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

MR. WILSON: Marine Insurance and General Average met at Seward & Kissel on Wednesday. We had 45 in attendance. This is the first time probably that we'd really had an equal sharing of general average issues and marine insurance issues.

First off was the presentation by Julia Moore of the newsletter. She covered -- the cases that are set forth in the newsletter cover a number of topics, and the newsletter is now uploaded onto the website. She covered indemnification issues, warranty issues, the importance of the term "named insured," admiralty jurisdiction, and, my favorite, *uberrimae fidei strictissimi*, which always conjures up images of Harry Potter.

John Woods next did a presentation on a recent pollution case involving Starr Indemnity against WQIS that dealt with the division of responsibility between marine insurers for salvage costs when there is no actual spill. So the case came out, I think, a week or two ago, so it's really important.

Jonathan Spencer gave us a York Antwerp Rules update, indicated there were very few updated concepts that have come up that recently, but he promises more updates in the near future with the next meeting.

Andy Kehagiaras did a presentation on the U.K. Supreme Court's LONGCHAMP decision related to Rule F of the York Antwerp Rules on payments for ransom related to piracy. And Michael Northmore of the Society of Maritime Arbitrators did a presentation on formation of a new committee on marine insurance that will deal with those issues.

And then finally we had professor Deiter Schwampe of Hamburg speaking on the disposal costs associated with polluted cargos and contamination and how that is played out in the Norwegian, British, and German markets.

And I did buy a tie. So...

PRESIDENT WATSON: Thank you, Andy.

(Applause)

PRESIDENT WATSON: Andy, one second. Andy is finishing his term of office. You've done a great job. Here is a certificate in commemoration of your efforts. Thank you very much.

(Applause)

PRESIDENT WATSON: Marine Torts and Casualty, Charlie DeLeo.

MR. DELEO: Good morning, Mr. President, members, and guests.

We met Wednesday afternoon at Clyde & Co, and we had a number -- we had over 70 people in overflow rooms. We had a number of very interesting presentations.

We first heard from Frank Gonyer on various technological issues, hardware glitches that have resulted in a number of onboard problems, also some crew-related issues from the technological perspective.

We then heard from Alan Weidel on the autonomous vessel issues, the hull regulatory issues. He's on the CMI Working Group. So he gave quite a good perspective there.

And then we had three Young Lawyers give quick ten-minute presentations on a number of the circuit cases that were of interest to the committee. Ben Segarra presented on the Fifth Circuit case *In Re Larry Doren*, which reexamined the scope of subject matter jurisdiction in marine contracts, which is of interest, I think, in the indemnity context in the Fifth Circuit in the offshore.

Then we had Will Yost who spoke on the *Joyce v. Maersk Line* case in the Third Circuit, collective bargaining in the context of maintenance and cure.

And finally we had Greg Singer talk about the *Batterton* case from the Ninth Circuit in the context of punitive damages for unseaworthiness.

So that concludes that. This is my last meeting as chair. Christina Schovajsa from Houston will be the new chair, Becky Hamra will be the vice chair, and Mike Lahey will be the secretary.

(Applause)

PRESIDENT WATSON: Charles, thank you.

Offshore Industries, Bill Riviere to be followed by Practice and Procedure, Gina Venezia.

MR. RIVIERE: Thank you, Mr. President.

Mr. President, officers, distinguished BIMCO and military guests, and fellow members, the Offshore Industries Committee met in the New York offices of Clyde & Co on Wednesday,

May 2. Approximately 48 members of the Association, representatives of BIMCO, and other industry representatives were in attendance.

The meeting took great advantage of the quite fortunate circumstances of this year's MLA meeting coinciding with the convening of BIMCO's Documentary Council, Executive Committee, and Board of Directors meeting here in New York.

We started off the meeting with some personal remarks from Mr. Soren Larsen, Deputy Secretary General of BIMCO, who also equally importantly introduced the BIMCO presenters for the meeting.

We first heard from Ms. Anna Wollin, manager of contracts and clauses with BIMCO, concerning the BIMCO SUPPLYTIME 2017 charter form wherein she discussed one of BIMCO's most popular contracts. We know it's now in the top -- better be careful -- top six contracts of BIMCO. It's a standard charter party form for offshore support vessels.

Her presentation focused on the revisions to the SUPPLYTIME form meant to address and improve clarity, certainty, and balance in the use of the form, and then expressly addressed in detail the knock for knock liability regime, excluded losses, fuel provision, and maintenance stays provisions of that contract.

Thereafter Ms. Pernille Jacobsen of BIMCO, also manager of contracts and clauses, spoke concerning BIMCO's new RESPONSECON and U.S. RESPONSECON spill response contracts. Pernille provided a practical overview of many pertinent provisions of the U.S. RESPONSECON form, which is a spill response contract for emergency or immediate hire of cleanup services and equipment following a spill or other hazardous or noxious -- of oil or other hazardous or noxious substances. And it's for use only in the U.S.

And she also addressed the BIMCO RESPONSECON contract, which is a companion international spill response contract form.

Thereafter, the committee heard from Mr. Barrett Hails of Phelps Dunbar, Mobile, concerning a case presentation from the U.S. Ninth Circuit's recent decision in *Newton v. Parker Drilling*, an opinion in February 20 of '18, wherein a district court opinion which had held that the application of the outer continental shelf in connection with California's overtime and minimum wage laws, they found that those provisions were inconsistent. However, the Ninth Circuit reversed, finding that California's minimum wage and overtime laws were not inconsistent with federal law in holding that state wage and hour laws are adopted as surrogate federal law on the OCS as long as they are applicable and not inconsistent with existing law. And as you may know, California has very generous overtime minimum wage provisions. Many of the Gulf States, which have OCS access, do not have those, so it's not an issue as much in the Gulf South. But in addition, California has standby time as overtime, meal break time, and for persons on vessels who are standing by when they're off watch, that can lead up to massive amounts of overtime that can be due as well as double time after seven days of employment. And it also has substantial penalty provisions for violations of those. So it's quite an important decision.

A petition for rehearing en banc was filed on March 22nd and numerous amicus briefs have been filed on the issue.

We last heard from Bill Bennett of Blank Rome, New York, in a presentation entitled Reporting a Casualty to the U.S. Coast Guard, what is new, and addressing the recently issued casualty damage reporting monetary threshold changes and other changes by the U.S. Coast Guard.

These presentations are all available online on the website. For our committee, we offered one hour CLE. And it was also filmed and may be considered for a webinar presentation by the MLA as we move into that field.

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

PRESIDENT WATSON: Thank you very much.

(Applause)

PRESIDENT WATSON: Gina Venezia, Practice and Procedure, to be followed by Recreational Boating, Mark Buhler.

Gina?

Recreational Boating, Mark Buhler.

MR. BUHLER: Thank you, Mr. President. We had a very full meeting at the New York Yacht Club Model Room yesterday hosted by Lars Forsberg. It's a magnificent venue for a Recreational Boating Committee.

We had about 75 attendees and eight presentations. We were led off by Lars Forsberg, who was standing in for David Spotts, who was not able to be with us, talking about the topic of how to determine liability for personal injuries that occur during United States Sailing Association sanctioned races and whether the race rules govern or the COLREGS. And it depends on the time of day and whether the starting gun is shot and all kinds of stuff. There is an outline on that that's available on our website.

The next presentation was by Eric Thiel of Tampa on yacht charter liability and insurance issues, noting particular provisions in certain industry yacht charter forms that create problems under insurance policies, particularly with regard to whether the charterer would become a named insured under the policy, which could end up resulting in no coverage for bodily injuries to the chartered guests and no coverage for the yacht owner. So that's a problem that needs to be resolved.

We then had a presentation by A.J. Evans on limitation of liability issues involving recreational vessels, followed by Lieutenant Commander Travis Noyes, who has been a very busy guy in the last few days. He gave us a presentation on basically updates with the Coast

Guard on matters relating to recreational vessels, including boating safety issues and also spoke about pier-to-pier chartering or what may be called boat sharing, including references to various laws and regulations that may be triggered if we don't -- if the platform doesn't have the right model and if they don't end up with a bare boat charter but rather a time charter triggers all kinds of passenger carrying and other regulations.

That was followed up by a presentation by retired Rear Admiral John Crowley on -- further on this pier-to-pier chartering and how both the platforms and the owners, what they need to do to stay compliant.

We then had a presentation by Todd Lochner on cybercrime and fraud relating to recreational vessels. And that typically happens in the purchase and sale context or in an ostensible purchase and sale context, probably most of the people in this room have gotten emails about somebody who needs assistance on selling a barge or a tug or something. And those are proliferating like -- some of us seem to get them weekly.

Anyhow, we then went on to an update by Bob Toney on the yacht financing industry. You've heard a little bit about his report to the Marine Financing Committee. I will just add that he pointed out that lending terms are getting loose again. There seems to be a cycle of tightening and loosening, and right now we're on the loose end of the cycle.

Write-offs, fortunately for the banks, on nonperforming loans are near record lows, and repossessions have been declining. So it sounds like everything is warm and wonderful in the yacht lending space for a while.

We then finished up with the presentation by Dan Wooster, giving us the highlights of the cases that are noted in our newsletter called Boating Briefs. I would just point out there are hard copies that are available outside.

I would like to acknowledge we had five volunteers from The Young Lawyers Committee who assisted with case summaries. Andrew Anastor, Guillermo Cancio, Asher -- I think it's Crancey, Samuel Higginbottom, and Joseph Kulesa. We very much appreciate their help.

And I would just like to mention that all of our outlines and PowerPoint presentations from this meeting are now posted on the website so you can take a look at them there.

Thank you very much.

PRESIDENT WATSON: Thank you, Mark.

(Applause)

PRESIDENT WATSON: Salvage, Jason Harris to be followed by Stevedores, Alex Giles.

MR. HARRIS: Thank you, Mr. President.

The Salvage Committee enjoyed four presentations earlier this week. The first was by Tina Cardone, the Executive Director of C-PORT in Fort Lauderdale, as well as Captain Joe Frohnhoefer, III, the CEO of Sea Tow International here in New York. Together they discussed some controversial legislation that had been pending in Florida regarding the purported legislation and regulation of certain recreational marine salvage operations.

Joe Frohnhoefer also then went on to discuss emergency response contracting in the digital age. Think the MARSALV on iPads.

Our second presentation was by Lindsay Malen Habib of Resolve Marine Group, also of Fort Lauderdale. She discussed a salvor's response to hurricane disaster relief, particularly in the Virgin Islands. The photos were breathtaking, but the working and living conditions were anything but.

Third, we received a lively presentation by Steve Stancliff of Norfolk on the adventures in treasure salvage litigation. It regarded the SS CENTRAL AMERICA's story essentially, a visionary's arrest, litigation of claims of monks, and you can't make this stuff up, right -- and a law enforcement escort of gold bars in the back of Steve's vehicle.

Fourth and finally, we received a presentation by Will Leschaeve of London Offshore Consultants concerning the engineer's role in salvage cases and wreck removal. Specifically he gave us a case story of the application of the AMADEO I, which grounded off the coast of Chile.

Dick Fredricks, the Executive Director of the American Salvage Association, gave us some comments on the upcoming events of the ASA, which will have its annual meeting the week following Thanksgiving, which will coincide with the WorkBoat Show in New Orleans.

Finally, the case law update is or will be available on the website. Thank you to Ben Segarra of Mobile for his work on that.

As this was my final committee meeting as chair, I would like to thank my Vice Chairman, Dr. Dagmar Etkin Schmidt for her valued assistance and our Secretary, Ben Segarra of Mobile. And I'm pleased to relinquish the helm to Ben, who will take over along with Twain Braden of Maine and Lindsay Malen Habib of Florida.

Mr. President, I can assure you the committee is in good hands. And I'd just like to thank the Association for the opportunity to serve the Salvage Committee. Thanks to Lars Forsberg for his eternal hospitality, which we very much appreciate, and to Tom Rue who got me into this mess. Thank you a whole bunch.

PRESIDENT WATSON: Thank you, Jason. Thank you very much for your service.

(Applause)

PRESIDENT WATSON: Kirby Aarsheim, are you going to deliver the report for Practice and Procedure? Thank you.

Gina just emailed me that she had gotten tied up on something and was not able to be here, but Kirby is thankfully stepping in. Can you wait just a second. Keep things in order.

MS. AARSHEIM: Good morning everyone. My name is Kirby Aarsheim, and I am the secretary of the Practice and Procedure Committee.

Our committee met on Wednesday at 10 a.m. at the offices of Carter Ledyard & Milburn. We thank them for their continued hospitality.

The meeting was well attended, approximately 30 members in attendance. And we had a lively CLE presentation by Lisa Reeves of Reeves McEwing out of Philadelphia. She gave a presentation on navigating the limits of federal court in rem jurisdiction, including an issue that her firm recently encountered involving a vessel that was arrested in one district and had to move anchorages. She gave a lively presentation on that.

Then Mike Frevola gave case updates on Rule B attachments, and we also engaged in a lively roundtable discussion on those recent cases. Sam Blatchley provided case updates on the OW Bunker cases, including a summary of multiple cases that will be uploaded on the Practice and Procedure's website if it has not already.

Gina also led a roundtable discussion in which Professor Martin Davies contributed a great deal to the lively debate on recent cases and issues that are interesting to our Practice and Procedure Committee.

We encourage everyone to attend. It's a great, great group of members, and everyone is able to contribute updates on their cases and discuss recent issues that are applicable to everyone's practice.

Thank you. That concludes my report.

PRESIDENT WATSON: Kirby, thank you very much for filling in on short notice.

(Applause)

PRESIDENT WATSON: Stevedores, Alex Giles, to be followed by Uniformity, Professor Michael Sturley.

MR. GILES: Mr. President, officers and members, the Stevedores, Marine Terminals and Vessel Services Committee met yesterday morning at the offices of Holland & Knight. We had 30 people attending, one attending by phone.

We received from Tom Langan of Weeks Marine his usually comprehensive report of recent longshore and Jones Act case law spanning from the Supreme Court petitions that are

pending as well as circuit and district court level and Benefit Review Board cases.

We next heard from Imran Shaukat regarding the latest iteration of the Frescati Shipping ATHOS I case from the Third Circuit. Seemed like it was a popular discussion point in various different committees.

Imran's report focused primarily on the marine terminals' contractual liability under the safe berth warranty, and then the Third Circuit's opinion as to whether it also had tort liability for a breach of reasonable duty to scan for obstructions within the vicinity of the berth. And the Third Circuit differed with the underlying opinion from the Eastern District of Pennsylvania, but because there was contractual liability did not make it a pending portion of its opinion.

We next heard from Carrol Hand of the Federal Maritime Commission, who gave us a general overview of the FMC's scope of authority, the legislation under which it acts, as well as providing some updates on recent Federal Maritime Commission activity, most notably Fact-Finding Investigation No. 28, which deals with the demurrage and retention practices.

We next heard from Alberto Castaner from San Juan, Puerto Rico, who provided us an update as to the status of ports, terminals, and marine infrastructure in Puerto Rico in the wake of the recent hurricanes last fall. He also provided us with some commentary regarding his beliefs and his practices and opinions on the Jones Act and its implication for Puerto Rico.

We next heard from vice chair Deborah Waters, who provided us an update on the ILA USMX labor negotiations that are ongoing, and she discussed the sort of bifurcation between the master contract which is being negotiated, as well as the local port union contracts.

And finally we received some information from Lieutenant Commander Travis Noyes, who we were fortunate to have among our group, who provided us with a link to the U.S. Computer Emergency Readiness Team Joint Technical Advisory regarding Russian government cyber activity, which is targeting energy and other infrastructures to suggest that there may be some implication for our constituency which we will look into. We appreciate Lieutenant Commander Noyes providing us with that information.

And that concludes my report.

PRESIDENT WATSON: Thank you very much.

(Applause)

PRESIDENT WATSON: I'd like to take Tom Wynne out of order if I may. Tom Wynne, in-house counsel.

MR. WYNNE: Thank you, Mr. President.

I'd like to recognize my Vice Chair Kurt Odell and our Secretary Alessandra Tebaldi from McAllister, who set up our meeting this year at India House.

After dispensing with our brief reminder of antitrust policy for the committee, at 12:30 on Wednesday we moved into our substantive presentations. We were lucky to have Eddy Morland from the Standard Club, the head of US Americas, who came over from London to address us, and Leanne O'Loughlin, the President and Regional Claims Director here in New York from the Standard Club.

They presented jointly first about the overspill tower in P&I coverage and a discussion about the current limits at about \$8 billion and whether that was the right number or whether it should be higher or lower and the historic reasons why it got to be \$8 billion dollars.

Then they moved into a discussion about the General Data Protection Regulations, GDPR, that come into effect in the EU later this month and how that might affect companies in the United States that have connections to Europe or do business in Europe.

Then they moved into a discussion about Brexit and how the P&I clubs are preparing for Brexit. Then they spoke about regulatory concerns, IMO, sulfur caps, and emissions. And the teaser was that they were supposed to speak about autonomous shipping, but we ran out of time. So they'll be back, I hope, next year to bring us up to speed on that.

I think we had the most robust attendance that we've had so far. We had 28 people in attendance and another couple on the phone. And our ranks continue to grow.

So just a reminder, while we are advertised as a closed committee, we really can take just about anybody except attorneys that are billing by the hour. It's closed to attorneys billing by the hour. But anybody else, whether it be insurance folks, government folks. We let Jonathan Spencer in this year after some great debate.

And then, of course, after our meeting, we all went to Fraunces Tavern for a debrief for our second annual In-House Committee social, again set up by Alessandra.

So, Mr. President, that concludes my report.

PRESIDENT WATSON: Thank you, Tom. Appreciate it.

(Applause)

PRESIDENT WATSON: Uniformity, Michael Sturley, to be followed by Young Lawyers, Jennifer Porter.

MR. STURLEY: Like Dave, I have three reports to deliver this morning. And mine are completely distinct. I'm also modeling the new tie, but I will, nevertheless, try to finish in less than nine minutes.

Uniformity Committee met Wednesday afternoon. We were at the capacity of the room at Marshall Dennehey.

We had an hour of CLE. Joanne Zawitoski gave an update on the ATHOS I litigation, about which you have already heard from several of my colleagues.

We then had a panel discussion regarding punitive damages in unseaworthiness actions. This was particularly timely because less than two hours before our meeting, the Ninth Circuit denied rehearing in the *Batterton* decision, another case about which you have already heard this morning. If you're not familiar with it, it's the first case in the current volume of the AMC reports. I gave the background and discussed the Supreme Court considerations. Bob Bocko of Seattle and Appleton, Maine, then gave the defense side perspective on the substantive arguments, and John Hillsman of San Francisco gave the plaintiff side perspective.

That concludes my Uniformity Committee report. Now I'm here to report on the Rotterdam Rules.

It's been rather difficult to accomplish much in Washington in the last 15 months when there are no senior officials at the State Department below the level of Secretary. But, fortunately, policy level appointments are finally being made, and several of us on the U.S. delegation of UNCITRAL, including Chet Hooper and Vince DeOrchis and myself, will go down to D.C. in early June in order to brief the new officials at both the Maritime Administration and the State Department.

Internationally, the CMI and UNCITRAL are continuing to do their work to promote the Convention. Susan mentioned that a paper that I wrote is being posted on the COCOG website.

CMI, UNCITRAL, and a couple of other organizations sponsored a meeting in Singapore in November working to build interest in Asia for the Rotterdam Rules. There are developments going on in Africa and Europe as well. We know it's a glacial process, but it is proceeding, and we look forward sometime this century to be able to tell you that Rotterdam Rules are now in force.

That concludes my report on the Rotterdam Rules.

I'm now here to report on the 25th annual Judge John R. Brown Admiralty Moot Court Competition, which was held in Seattle in late March. Our president would appreciate my reporting that Louisiana State University won the competition and won the Maritime Law Association Award for the best brief in the competition. I prefer to think that all 23 teams in the competition were winners. At the end of the competition, over 60 students were better advocates and better lawyers.

I find it particularly gratifying on Wednesday to attend the committee chair's meeting and to look around the room and see alumni of the John R. Brown competition now serving as chairs of committees in this Association along with many other alumni who have become active in this Association.

The Maritime Law Association has sponsored the Best Brief Award for over 20 of those 25 years, a tradition that began when Jim Moseley was president, and since Jim's presidency

every year but one, I think, the president of the Association has attended the competition, judged one of the semi-final rounds -- we didn't let Hal judge the semi-final round with LSU, I might point out -- and presented the MLA award to the team that won the best brief in the competition.

We very much appreciate that sponsorship, but this Association's involvement goes much deeper than that. Over 60 of you pitched in this year to help judge briefs to determine who won the best brief award. Bob Bocko of Seattle and Appleton, Maine, did an amazing job coordinating the Seattle Bar to cohost the competition in Seattle, lining up many members of the Association in Seattle to be judges for the oral argument rounds. A number of members of this Association have judged teams, assisted in -- sorry, have coached teams and assisted in the coaching of teams. So it is no understatement to say this competition would not happen without the participation of the MLA.

And we look forward March 28th to 30th, 2019. We'll be in Charleston, South Carolina. Any of you who would like to come to Charleston, a wonderful place to be -- late March in particular -- we would welcome your participation as oral argument judges in the 26th Annual Judge John R. Brown Admiralty Moot Court Competition.

And that concludes all of my reports. Thank you.

PRESIDENT WATSON: Thank you, Michael.

(Applause)

PRESIDENT WATSON: Young Lawyers, Jennifer Porter, then we'll take reports from some of the special board liaison committees, special committees, and special appointments.

MS. PORTER: Thank you, Mr. President.

Members of the Young Lawyers Committee convened Thursday afternoon at Holland & Knight. We had about 50 Young Lawyers in attendance. The committee discussed the growth of the group, which has expanded to 40 members since last meeting.

We had committee reports from our various liaisons. We also had Becky Hamra of Charles Taylor provide information on the International Group's P&I qualification exam. We also had a rousing discussion on how to effectively work with experts and surveyors throughout litigation and during the course of investigations. This topic was especially important for our Young Lawyers.

We were fortunate to have Second Vice President Dave Farrell in attendance. We appreciate the support and interest from all of our MLA leadership, and the Young Lawyers are committed to carrying out and carrying on the fine traditions of this Association by contributing new blood and new ideas in the future.

In that regard, we wanted to remind all of the committees that we are here willing and able to work, so if there's any projects that we can assist with, please let us know.

We then reconvened at Natural Spring Restaurant for the evening session. We thank Lindsey Sackel for her organization and management of this very successful event.

As always, it was a very productive debriefing session. We had over 80 folks in attendance. We continued the party then at the aptly named The Ship Bar, which we successfully closed down early this morning.

Mr. President, this concludes my report.

PRESIDENT WATSON: Thank you, Jennifer.

(Applause)

PRESIDENT WATSON: It's hard to overstate how confident I feel in the future of this Association when I see the work of the Young Lawyers Committee.

Brian Eisenhower, CLE, to be followed by Chet Hooper to give a few remarks about the MLA report.

MR. EISENHOWER: Thank you, President Watson.

I am pleased to report that in 2017, the CLE Committee of the MLA sponsored or co-sponsored nine programs for CLE credit. And at this spring meeting, there were seven committees who offered programs for CLE credit. So thank you to all of the speakers and the committee leaders for making it possible for our members to obtain CLE credit for attending these interesting programs.

I would also like to thank our committee secretary, Mike Dehart, for his hard work to issue CLE certificates and to prepare our annual report to the New York State CLE Board. We are currently in the process of seeking another three-year renewal of our accredited provider status. And this time around, as you've heard, we are working to position ourselves to offer webinars. So that's an additional accreditation.

I'd like to thank everyone who has assisted us already in our efforts to become accredited. So in particular, Pamela Schultz for her help this week and her firm's help, Hinshaw & Culbertson, in arranging for some recordings and also the firms here in New York who have assisted. So we received help from Blank Rome, Clyde & Co, Marshall Dennehey and -- let me make sure I'm not missing anyone -- also NYU law for recording the Healey lecture. That's an important first step for us in the accreditation process because we need to demonstrate to the New York State CLE board that we have a website and protocols in place to verify attendance and quality programs.

We do have one more CLE program this afternoon, and it will be held in this room. I'd like to acknowledge Mike Ryan for having the great idea to offer this particular program. It consists of two specialty credits in New York.

The first one I think everyone is familiar with. Its ethics and professionalism. But there's also a new category of CLE credit that will be required in New York going forward beginning with anyone whose renewal occurs after July 1st of this year, and that category is diversity, inclusion, and elimination of bias. You will be required to have one credit in that subject area in New York every two years.

I have to make one note that the newly-admitted attorneys in the group are encouraged to attend the diversity, inclusion, and elimination of bias program, but the New York State CLE Board has advised that no credit can be earned by newly-admitted attorneys. You can only earn it as an experienced attorney. However, the newly-admitted attorneys will benefit from the ethics and professionalism presentation that will be the second hour.

So first we are fortunate to have Jennifer Miller of Hamilton, Miller & Birthisel. We also have Terri Reilly of Hill, Betts & Nash, and they will be presenting on diversity and inclusion in the legal profession and will be followed by my presentation in the ethics and professionalism category on multi-jurisdictional practice of law.

Please arrive by 1:45 p.m. if you can, to allow time for sign-in and also for some announcements.

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

PRESIDENT WATSON: Thank you, Brian.

(Applause)

PRESIDENT WATSON: Chet Hooper, MLA Report.

MR. HOOPER: Thank you, Mr. President.

Some leftover 2017 spring reports are available in the back of the room. There is no MLA Report for the fall of 2017 because there was no meeting in the fall of 2017. We ask all of the committee chairs to please send David Nourse and me newsletters in Word form, and we'll prepare the MLA Report for this meeting, the newsletters for this meeting.

You say that David did a great job editing the last report. I was under the weather at that time and Dave did it. And David also, while he is farming the land his family has farmed since 1722, he edits the Report during bad weather.

I should also thank the Young Lawyers Committee who provide us with the people who do the work of checking cites and do a lot of cite checking and bringing things up to date and correcting formats and so forth so that we have a uniform format with the Report.

The Report is available on the website. And if you can figure out how to find the Report on the website and you like it in paper, you could probably figure out how to find the place in the website where you can change the default to receiving it by paper.

Thank you.

PRESIDENT WATSON: Thank you, Chet.

(Applause)

PRESIDENT WATSON: Website, Bill Bell, to be followed by Phil Buhler, who will tell us about Miami.

MR. BELL: Good morning. The Website Committee met yesterday, Wednesday morning. The last year has been a fraught year. We changed consultants. And the main focus of the committee, and largely Lynn Krieger, has been upgrading and making the committee page more functional and user friendly. And from the reports earlier today, it sounds like a lot of committee chairmen are finding that much more accessible. So that's a big step forward, and I think it's a success and a tribute to Lynn's efforts in that regard.

We are a small group but intensely interested. And I think the importance of the website, as has been mentioned by both Brian and Barbara, is signified by Lynn being the only committee person on the officers' group. And going forward, I think the committee will -- and the website itself will be a much more significant part of the Association's efforts.

In the coming year, two major projects are on the books. One is to make the document library much more accessible, better organized, and available to members. A lot of the historical documents are there, but they are not well organized and readily accessible. So we hope to move that project forward in the next couple of months.

The other big project that has been mentioned by Brian and Barbara is getting more of the CLE functions online so that people who can't attend the meetings are able to access all of the CLE programs that the Association puts on. It will also, we hope, free up the committees to do some of the more important committee work that now is kind of getting shunned to the side with the focus on CLE. So we're hoping to achieve a somewhat better balance in that regard.

The last thing I was asked to mention was the status of the archives, which has been largely completed, but the main bulk of the historical documents, the bound volumes, are now residing at the law library of Tulane University. I understand that they're very happy down there.

Some of the other documents that we culled out of there are still in kind of a purgatory, in boxes in a closet at Marshall Dennehey. We're trying to kind of keep that under wraps so Dan determines I don't get kicked to the curb for having that material here for too long.

The balance of the documents -- a lot of the committee work over the years that I think will become more important as we get the document library up and running better and with the 125th anniversary approaching - are in quasi retirement in Vermont with Liz Burrell and Geoff Ginos on their property. But we hope to make a lot of that stuff more accessible for everybody going down in the years ahead.

Mr. President, that concludes my report.

PRESIDENT WATSON: Thank you very much.

(Applause)

PRESIDENT WATSON: Phil Buhler will now tell us about Miami followed by Chris Dicicco, who will tell us about tonight's dinner.

MR. BUHLER: Okay. Miami, October 2018, October 17 to 20, Wednesday to Saturday. We're going to be at the Biltmore Hotel in Coral Gables, Florida. For those of you who may never have been there or seen that, it's probably one of the most beautiful hotels in the United States. It's a 1920s Italian Renaissance style architecture that was typical of Miami in that era. It will be centered there. We've negotiated a good rate of \$249 plus Florida taxes for the rates Wednesday to Saturday.

The room block will be open in about two weeks. We're going to send a broadcast email about that.

I encourage you to book your rooms early, because the hotel looks large, but it's not all that big, and these rooms will probably fill up. So that's something to not postpone.

That's the swimming pool. Largest public swimming pool in the United States. That's the Johnny Weissmuller famous swimming pool at the Biltmore, which, by the way, is where our last evening reception on Saturday will be taking place.

That's the courtyard in the middle of the Biltmore. Our Wednesday evening reception is going to be held above that on the terrace around that courtyard, which faces out on the golf course.

We're doing this in conjunction with the University of Miami Law School. University of Miami Law School has for many years had an Ocean and Coastal Law LLM program, and they are now retooling and have developed a full Maritime Law LLM. And in addition, they are very involved with international arbitration, international commercial arbitration.

So part of our CLE program will involve a number of our colleagues from the SMA coming down there and joining some of the faculty of the University of Miami to talk about maritime arbitration, international arbitration.

The basic schedule, meeting agenda. Wednesday we start in the middle of the day. Wednesday afternoon will be committee meetings. All of the meetings will be held at the University of Miami. The University of Miami Law School is supplying us with rooms for the committee meetings and the CLE. We'll have Wednesday afternoon.

Wednesday evening will be the opening reception at the Biltmore Hotel out on that patio I showed you with the palm trees and the fountain. It ought to be a beautiful setting.

Thursday morning will again be committee meetings at the University of Miami. Thursday afternoon will be the first half of the CLE program. And I would emphasize, even though this looks like a resort meeting, it is a city meeting. This is going to be a very substantive CLE program.

In addition to maritime arbitration, there will be a lengthy presentation on the EL FARO. And presentations on ship finance, cruise lines, yachts, et cetera, the topics that you would think that would occur in the city of Miami. That will be Thursday afternoon.

Thursday evening will be a reception at the University of Miami Law School on the terrace overlooking the lake there; faculty, students, and local practitioners joining us.

Friday morning will be the general meeting of the Association at the Biltmore Hotel in what's called the Country Club Room, which is an Italian Renaissance style facility right next to the hotel.

Friday afternoon will be the other half of the CLE at the University of Miami. And then Friday evening will be the dinner back at the Biltmore Hotel.

There will be a shuttle service from the University of Miami shuttling between the Biltmore and the university, which is only about 15 minutes, and that will provide you with transportation each day or you can Uber it. The Biltmore Hotel is about 15 to 20 minutes from downtown Coral Gables, which has a phenomenal selection of restaurants. You're another 20 minutes to the Coconut Grove, which is another great selection not far from Calle Ocho and Little Havana.

On Saturday is the so-called resort part of our meeting. We'll have a number of activities arranged. And when we send out the broadcast in a couple of weeks, we're going to ask for an indication of interest on these various activities, because we will provide those if there is sufficient interest.

Golf at the hotel itself, the golf course is City of Coral Gables but managed by the Biltmore. It's a spectacular course. There's also tennis at the Biltmore Hotel. We have deep-sea fishing and flats fishing out of Coconut Grove, which is about 20 minutes away. Sailing also out of Coconut Grove.

We are arranging tours of Fairchild Tropical Gardens, Viscaya, and Coconut Grove, and, of course, the famous South Beach in Miami.

And Saturday night is the survivors' dinner for those who made it through all that way, and that's going to be held around that pool at the Biltmore Hotel.

Now, for accompanying persons, there will be tours arranged both Thursday and Friday to South Beach, the Fairchild Tropical Gardens, Coral Gables, depending upon interest. And that will be a full day. Especially to South Beach for on your own, go to Lincoln Road, shop, have lunch, walk through the art deco district. There's an awful lot to see there.

That's the Biltmore hotel. You'll see the tennis courts over on the right-hand side. If you look over on the left-hand side, that freestanding structure with the columns is the so-called country club. That's where our general meeting and where the dinner will be held. Right next to the hotel in that big blue spot is that pool in between those two facilities.

That's the University of Miami Shalala Center where the meetings will take place, most of the meetings, the brand-new facility at the university state-of-the-art, high tech. So committee chairs, they have everything you possibly need for activities and presentations.

City of Miami, of course. A lot to see. Cruise ships. Thinking about booking a cruise afterwards.

And so we'll welcome you to Miami. Again there will be a broadcast email and registration coming out in two to three weeks. The hotel block will be open. We'll send a notice about that. And, again, I have to emphasize, please try to book the hotel early because the rooms will fill up. And it is a beautiful place, and that rate for the hotel took a lot of negotiation.

By the way, we're not the whole team here. There's another six or seven members of the committee who have been doing yeoman's work negotiating with the hotel to get the best rates, negotiating for the meals, et cetera. And we're going to recognize them as well.

But I encourage all of you to come. It will be a fabulous time. It's late October. Yes, it rains every day at 3:00 and the rain ends at 3:20. So it's otherwise open. Should be a fabulous time.

Thank you very much.

PRESIDENT WATSON: Thank you very much.

(Applause)

PRESIDENT WATSON: It's going to be a hard act to follow these two guys. But Alex Giles, are you here? Alex could say a word or two about Scottsdale in 2019.

MR. GILES: I didn't come dressed in a white suit and a white hat, unfortunately, but it's my honor and privilege to be the chair of the 2019 Scottsdale arrangements committee. It is going to be held at the High Regency Scottsdale at Gainey Ranch and, as Barbara Holland mentioned in her remarks earlier in the meeting, is from October 29th through November 2nd of 2019.

As you can tell, that spans -- runs over a Halloween night, so you can expect that our Thursday night event will have some sort of Halloween or Day of the Dead type of theme.

For those of you who aren't familiar with the Hyatt Regency Scottsdale Gainey Range, it's an excellent resort, has all of the amenities that you would expect for one of our MLA resort meetings. Great golf course out back, great pool complex, the spa. And obviously we will plan

on providing the usually excellent evening activities and CLE entertainment and educational component.

I'd like to just briefly identify for everyone's understanding who's serving on our committee. So along with me, we have Joe Walsh as our vice chair, Lynn, Chris Carey, Ivan Rodriguez, William Fennell, Mike Bell, Norman Stockman, Blythe Daly, and Ben Segarra.

And so once we get past the Miami meeting, which does appear to be like a resort meeting, we will obviously come back and provide you with more substantive information as to activities, nighttime activities, and CLE components as well as the registration.

But we look forward to bringing you back to a resort meeting since we unfortunately did not have our 2017. And we are not expecting any fires in Scottsdale, though there has been some jokes about the haboob. So hopefully we can avoid the dust storms. But we look forward to seeing everyone in 2019.

PRESIDENT WATSON: Thank you very much, Alex.

(Applause)

PRESIDENT WATSON: And while we're on the subject of the 2017 meeting that went up in smoke, I would like to ask the committee from that meeting to come forward. Marker Lovell was the chair of that committee and was unable to be here this morning because of a development in a case, but I'd like Alex and Jennifer Porter, Pamela Schultz, Lynn Krieger -- is Charlie Schmidt here? I haven't seen Charlie. Ivan Rodriguez, Boriana Farrar, Forrest Booth, Chris Carey, and Janet Marshall.

While everyone is getting up here, there are certain days in one's life where you remember exactly where you were at a particular point in time. I think everyone here knows and remembers the moment they found out about the -- where they were on September 11, 2001. I know exactly where I was at 8:33 in the morning October 9, 2017.

I was sitting at my desk in Houston getting -- ready working on some details for the meeting when I got the email from Lynn telling me that the hotel had been evacuated because of wildfires in the area. And within two days, the Board concluded that we had no choice but to cancel that meeting.

As I told the planning committee at the time, it was as if I had given them a young thoroughbred colt and they raised it and trained it to where it was a favorite to win the Kentucky Derby, and then on Derby day as it's entering the starting gate, it falls and breaks its leg and you have to shoot it. You know what you have to do, but it breaks your heart to do it.

And one of the saddest things about having to cancel that meeting was the amount of work that these people put in getting ready for that meeting that all just went for naught. And I told them that I wanted to have them come up here and -- normally they would have had the opportunity at the conclusion of that meeting to stand before their fellow members and bask in

the glory of a job well done. And I knew this was going to be a poor substitute, but I wanted to give them this opportunity.

Well, I have good news for all of us. As we say in golf, they're getting a mulligan, because the Board of Directors at our March meeting voted to have the resort meeting in 2021 at the Silverado Resort in Napa, California.

(Applause)

PRESIDENT WATSON: Thank you very much for all of the work you did and all the work you're going to do.

(Applause)

PRESIDENT WATSON: The committee for the 2017 meeting will be the committee for the 2021 meeting. They've already done the work.

I'd now like to ask Joe Grasso, Leroy Lambert, Jonathan Spencer and Mike Underhill to come up.

These gentlemen are the four members of the Board of Directors that have completed their term. Being a member of the Board of the MLA is an honor, but it's an honor that's earned with hard work. And the Board is the ultimate policy-making body of the Association. And these four gentlemen have done a great job over the three years they've been members of the Board, and I would like to present each of them with a certificate.

Jonathan.

MR. SPENCER: It's been a privilege, Hal. Thank you.

PRESIDENT WATSON: Joe.

MR. GRASSO: Thank you, Hal.

PRESIDENT WATSON: Leroy.

MR. LAMBERT: Thank you.

PRESIDENT WATSON: And Mike.

MR. UNDERHILL: Thank you, Hal.

PRESIDENT WATSON: I think we should express our appreciation for the work they have done.

(Applause)

PRESIDENT WATSON: Chris Dicicco is going to tell us about the dinner tonight.

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

Before getting into the details about tonight's dinner, I want to personally thank Robin Becker for all of her hard work in the planning and preparation for tonight's event. I'd also like to thank the dinner committee vice chair, Casey O'Brien, for all of her hard work and help throughout the process. And, of course, I would like to thank the dinner committee members for all of their help and hard work.

As you know, tonight's event will be held at Cipriani, which is at 55 Wall Street. It's a quick subway ride down the 2-3 train from the West Side or, if you're staying on the East Side, it's a quick ride down the 4-5 train down to Wall Street.

Cocktails and hors d'oeuvres will be served at 6 p.m., from 6 to 7. The dinner will be from 7 to 11 p.m. There is a top shelf open bar all night until 11 p.m.

We're expecting another great turnout this year. We are very much excited for tonight's event, and we're looking forward to seeing everyone there.

Thank you very much.

(Applause)

PRESIDENT WATSON: Thank you very much, Chris.

Arranging the dinner is one of the most onerous jobs in this Association, and Chris and his committee have done a wonderful job of that. But they also got burdened this week with having to arrange the admissions at the reception for BIMCO held on Tuesday night, and I really thank them for jumping in and doing that.

It's now time for the report of the Nominating Committee.

MR. CLYNE: Mr. President, the Nominating Committee met on Wednesday afternoon at the offices of Vedder Price, and after due deliberation, the committee unanimously approved the nomination of the following members to serve a three-year term on the Board of Directors: Kirby L. Aarsheim of Boston; Jeffrey S. Moller of Philadelphia; Kevin G. O'Donovan of Philadelphia; and Conte Cicala of San Francisco.

The committee also unanimously approved the nomination of the following slate of officers to serve a one-year term: For Membership Secretary, James F. Moseley, Jr., of Jacksonville; for Website and Technology Secretary, Lynn L. Krieger of San Francisco; for Secretary, Grady S. Hurley of New Orleans; for Treasurer, William R. Connor, III, of New York; for Second Vice President, Barbara L. Holland of Seattle; for First Vice President, David J. Farrell of Chatham; and for President Francis X. Nolan, III, of New York.

That completes my report.

PRESIDENT WATSON: Mr. Hooper, do you have a motion to make?

MR. HOOPER: Mr. President, I move that we accept the Nominating Committee report and, if there's no discussion, direct the secretary to cast one vote for the ballot.

PRESIDENT WATSON: Is there a second?

MEMBER: Second.

PRESIDENT WATSON: All in favor?

MEMBERS: Aye.

PRESIDENT WATSON: Congratulations, Mr. President.

Mr. President, would you indulge me if I say a few words?

PRESIDENT NOLAN: I'll indulge you. Before I do, I want to ask for a recount.

PRESIDENT WATSON: As many of you know, from my youth I have been an enthusiastic and at one time was a somewhat efficient golfer. And one of my great heroes growing up was the late Bobby Jones as the only golfer to ever win the Grand Slam, winning four major championships in a single year.

Jones had a particular love affair with the old course at St. Andrews in Scotland. He won the open champion there in 1927 and won the first leg of the Grand Slam there at the British Amateur in 1930.

In 1958, he was presented with the honor of being named as the -- given the freedom of the city of St. Andrews. And in his acceptance speech, he stated, "I could take out of my life everything except my experiences at St. Andrews and I would still have a rich, full life."

In like manner, you could take everything out of my professional life except being President of this Association, and I would have a rich, full career.

Two years ago I pointed out the obvious fact that I did not become President without the assistance of a lot of other people. And similarly, I could not have done this job without the help of a number of people. First of all, my wife Shari, who has supported me in everything I've ever done.

(Applause)

PRESIDENT WATSON: My assistant, Lillian Sanchez. Lillian.

(Applause)

PRESIDENT WATSON: Lillian took over as my assistant midway through my presidency and just picked it up and ran with it like she'd been doing it the whole time.

My partners, especially my partner in the Houston office, Ivan Rodriguez, who have made it possible to fulfill these duties and still retain something of a semblance of a law practice.

My fellow officers. Especially I want to thank Bob Clyne, who has been the perfect past president with offering advice when I asked for it but not getting in my way, and Frank Nolan, who was the perfect wing man.

I also want to thank the directors and all of the members of the Board, committee chairs, everyone who does the work of this Association.

You know, quite frankly, the main thing one does as President of the MLA is ask talented and dedicated people to do things and then stand by and watch them do a good job and congratulate them when they're done.

In the fall of 2016, we had a site visit. The planning arrangements committee that you just saw in front of you had a site visit. I went with them out to Napa to get ready for that, the meeting that we were supposed to have last fall. And we started out in a conference room sitting around a big conference room table with the planning committee and all of the staff from the resort that were going to help us with the meeting.

And everyone went around the table and everyone introduced themselves and said what their role was in the meeting. And when they finally came to me, I said, "Well, my name is Hal Watson, and I'm the President of the MLA, and my job is to take credit for all of the good work that you're going to do.

So thanks to all of you for giving me the opportunity to serve you as President. It's truly been one of the greatest experiences of my life.

Now I'm going to break with tradition a bit. I suspect that in a minute or two, Frank may have a lump of coal for my stocking, but I have a little something for him and all of his successors.

When I took this job, I had a little trepidation about whether I was going to be able to run a meeting like this, and I suppose at least some of my successors have had that same concern. And so I was thinking of what I could give to Frank and his successors that might help them get past that.

And my mind went back to the Wizard of Oz. As you'll recall, the Cowardly Lion and the Scarecrow and the Tin Man all go to see the wizard seeking courage, a brain, and a heart, only to be told that they had this quality all along.

So I'm sure Frank has the authority and the gravitas to run these meetings, but I thought it would be helpful if he had a gavel. And we have here a gavel and a gavel stand. And you'll see - - I'm sure you obviously can't read it, but on the left-hand side -- there are two silver plates, and on the silver plate on the left-hand side are the names of the first -- names and terms of office of the first 50 presidents of this Association starting with Robert Dewey Benedict and ending with yours truly. And on the right will go the names of the next 50 presidents of the Association.

So with that, Mr. President, congratulations and good luck.

(Applause)

PRESIDENT NOLAN: Give us a second to shift the politburo around here.

Okay. I have some remarks to make. I'm never short of remarks. But, however, we do have to first see our friend Hal into the next life, which is not quite as bad as it seems. We're not talking about grave goods or concubines and things like that, but we have some tokens of our appreciation.

First of all, we have a plaque. If I may read it to you. "Maritime Law Association of the United States presents this testimonial of appreciation to Harold K. Watson, President, 2016 to 2018. The Association takes this means of recognizing his able and successful leadership, his constructive efforts, and his outstanding contributions to the Maritime Law Association of the United States and to the field of maritime law. Dated this 4th day of May 2018," by Grady Hurley and my presumptuous self.

(Applause)

PRESIDENT NOLAN: The rest of our efforts on this are going to go in declining steps of dignity. So in order to preserve my good relations with the United States Coast Guard, I would like to invite my good friend Admiral Steve Andersen to come up here. He has a few words to say.

ADMIRAL ANDERSEN: Well, on behalf of the Coast Guard, I want to say we remain very grateful for the collaborative relationship we have with this group, with this Association. I want to thank you all personally for continuing to invite us. I want to thank specifically the many committee chairs who allowed us not only to attend the meetings, but in some cases to present and to discuss items of mutual concern.

And, Mr. President, I look forward to continuing a great relationship with you over your tenure. Thank you for your service to this group and to the maritime community in general. I look forward to working with you.

PRESIDENT WATSON: Thank you, sir.

ADMIRAL ANDERSEN: I have the personal honor, though, today of presenting to Mr. Watson the Coast Guard Meritorious Public Service Award. And before I read to you the formal

citation that really details the fantastic contributions and the incredible influence he had on the marine transportation system, on the maritime community, and on the Coast Guard, I wanted to say two things very quickly. One, Hal, I consider it, in addition to a personal honor, a personal privilege -- some of the best -- well, really one of the best things about my job is being able to work with the MLA and specifically the times I got to work with you, and particularly those times where I got to spend time sharing a meal with you and many times your lovely wife Shari as well. You are a gracious host. And thank you for that.

I also want to say I think your tenure -- during your tenure, you really exemplified our services model *Semper Paratus*, "always prepared." You are the true all hazards MLA President. Whether it's dealing with wildfires, devastating hurricanes including the one that came right through your hometown, Hurricane Harvey, or the much less devastating and sometimes welcome government shutdowns. All of those had an impact on your role as President.

And as I watched you handle those, I observed you always ahead of the game. You handled them with wisdom, discernment. You were balanced and unflappable.

And the thing that I think is most noteworthy is as attorneys, most of us in our practice, we always are trying to control our circumstances to the extent we can. And many times we can. We can think ahead and have some control. But there are many times we can't control our circumstances. Wildfires, hurricanes, and federal government shutdowns are in that category.

And when those happen, the only thing that we can control all the time is how we respond. You are a man of character by the way you responded to those circumstances during your tenure, and I honor that and it was a great example to me personally. So thank you for that.

And now if you would allow me to read the citation. This is for the Department of Homeland Security, United States Coast Guard, "The Commandant, in recognition of notable services that have assisted greatly in furthering the aims and function of the Coast Guard takes pleasure in awarding the Meritorious Public Service Award to Harold Watson in recognition of his outstanding contributions to the United States Coast Guard as President of the Maritime Law Association of the United States from 2016 to 2018.

Mr. Watson's consummate leadership and forward leaning initiatives helped forge meaningful dialogue in key industry stake holders, federal government representatives, and the international community to address increasingly complicated and challenging maritime issues. He vigorously strove to understand, relay, and counter cyber threats by establishing a standing committee on cybersecurity, significantly advancing the maritime public's awareness of cyber risks while also supporting the Coast Guard cyber strategy. Mr. Watson recognized the imperative for the law to keep pace with technological developments and called on the MLA to lean in and consider opportunities to influence the presence of increasing automation in maritime operations. As a result, the MLA provided instrumental commentary to the CMI on the state of American law with regard to autonomous vessels, which directly contributed to CMI's participation in the regulatory scoping exercises for autonomous ships initiated at the IMO. Mr. Watson was an insightful counselor and advisor to the U.S. delegation to the IMO Legal Committee and helped to achieve the desired national outcome of greater consistency in

addressing emerging issues of concern to the global maritime community.

Mr. Watson was also an inspiring mentor to Coast Guard attorneys, and his personal initiative increased Coast Guard participation in MLA committee meetings and events and successfully brought together a multitude of interests across the maritime spectrum to create a unity of effort that influenced critical issues.

In sum, Mr. Watson's efforts better positioned the Coast Guard in the international regulatory community to understand the increasingly complex and convergent challenges of today to adapt these challenges through continuous learning, partnership, and collaboration and to achieve and maintain a resilient, productive maritime industry with rigorous yet consistent and predictable standards. Mr. Watson's exceptional professionalism and public service are most heartily commended and are in keeping with the highest traditions of the U.S. Coast Guard."

Hal, congratulations.

(Applause)

PRESIDENT WATSON: Thank you so much.

(Applause)

PRESIDENT NOLAN: Well, when Admiral Andersen told me that he had a citation for Hal, I really was afraid they were going to read him his rights and cart him off. This was such a relief, Hal.

Anyway, there's been some speculation about what you're going to do now that you've moved on from this position and abandoned all of these things in my lap. Geoff Losee, I think you were going to ask that question in rhyme or such. Am I right in that?

MR. LOSEE: You are correct, sir.

PRESIDENT NOLAN: Okay. And a one and a two.

MR. LOSEE: Ex-president Watson, on behalf of the entire membership at the behest of the Board, I ask the following: (Singing) Bonny Hal has gone away, safely o'er the friendly main, many a heart will break in two should ye not come back again. Will ye not come back again? Will ye not come back again? Better loved ye cannot be. Will ye not come back again?

(Applause)

PRESIDENT NOLAN: Well, Hal, that wasn't bad for somebody who grew up on the wrong side of Hadrian's Wall now, was it?

Hal was, you know, a very proud Scotsman and a high Episcopalian, sometimes higher than others.

We have actually a couple of other presents. Mr. First Vice President. Here we go. I think it's dishwasher safe. This is the silver oar, the fabled silver oar like that of the admiralty courts in the United States. When the federal courts were hearing cases in admiralty, they'd put the silver oar out. This is something which we present to Hal in memory of his tenure.

So congratulations again, Hal.

PRESIDENT WATSON: Thank you.

(Applause)

PRESIDENT NOLAN: We also, just to keep you company when Shari's put you out back for your misdeeds, we have a pet hamster.

Actually, what do you get for the man who has arranged everything, you know? So, well, I said, What does he care about most? What is it that he would save before his family was drowning in the ocean? So, of course, it's his golf clubs. So we have -- as Hal deteriorates over time, as we all will -- we're both about the same age -- he will have now on his golf clubs, covers, leather covers that say Maritime Law Association of the United States, Harold K. "Hal" Watson, President 2016-2018.

Now, that's not all of 2018, Hal, but the part that's already gone, that's yours.

PRESIDENT WATSON: Thank you.

(Applause)

PRESIDENT NOLAN: Have a seat. He really can have all of the fun he wants. He's been recognized. He's got more things to hang on the wall, club covers, everything.

I've had plenty of time this morning sitting in that chair to write an inauguration speech, which I've sort of thrown out because a lot of my material has come out in the course of this meeting.

I would like to say that I am very honored that this Association has decided to accept this nomination and accept me as the President. I think it makes me 51, so I just missed the cut-off on the plaque.

I, like all of my predecessors, don't do this alone. I didn't arrive yesterday. I've been a member of this Association for 43 years. I'm the son and grandson of stevedores. I know this business and it has been around me all of my life.

But as much as I love the sea and this industry and many of you, if not all, I'm also a farmer, and I think farming is where my heart is. That's where I go for my inspiration.

I also go for my inspiration to my lovely wife Debbie, who is hiding out over there in the

corner. And if you could stand.

Applause)

PRESIDENT NOLAN: She regularly catches me up on all of my mistakes, and I'm sure you will all see plenty of them as this goes on.

But I have some plans and some thoughts. I think we need to think of the past and the present and the future and how we use them. The past is a glorious and illustrious one in this organization. We've had very famous names. We've done many important things. And many of them have been forgotten, not part of the memory, I think, because in part we have -- we are gypsies. We have no home. Now we have a home in the cloud. Not the same cloud that's going to be hosting us in a few years, but, you know, that whole thing they talk about on the Internet.

So we're going to take advantage of modern technology. We're going to expand our opportunities for education, for CLE, for special projects, for being on the cutting edge of what we do, for reminding the judiciary who we are and what they owe this body of law and all of us, the legislature for all of their follies. We will give them a chance and a helping hand. They will no doubt most often refuse it.

We will help industry. We will help those involved in the industry. Many of us represent corporations and institutions, but not all. This is an Association of people involved in the maritime law. We will reach out to all of the participants in this industry for what it is that we are allowed to do. We will try to improve this industry.

We will be involved in statutory renewal projects. We will do all of these things. We will take the website, which has been the bane of the existence of every president from Pat Bonner and Bob Parrish on down, and we will tame it. We will embrace it and we will make it work for us. We are well along in that process.

We are going to free up our committees for more creative and inventive work. We will do that by using the website and webinars to convey information.

We will reach our membership in more remote locations. There will be nobody who will have to say or be able to say that they do not have access to the thinking, the CLE, and the other achievements and ongoings of the Maritime Law Association of the United States after this year.

We will begin a webinar program of 18 installments next year on an annual basis. They will be quality programs. We have great people putting this together. If anything sounds Trumpian, let me know. I'd like to correct it, but...

We will do this. There's a lot of enthusiasm for it. We have a great young membership.

So much has changed since I started out at Kirlin, Campbell & Keating as a smug associate in 1974. And the world is different. You don't need just a telephone to do business and get business. Work doesn't fall into your lap as it did for many of us then. It has to be gone out

and hunted.

And there are also many new areas of the law that impinge on the maritime business now. The Cyber Committee is a perfect example. Another is the growth of maritime bankruptcy, the creation and expansion of the United States as a forum for reorganizations and bankruptcies worldwide. There's a reason why that's there. The reason is because we have the best to offer in the globe on that. We have the expertise, we have the infrastructure, and people will come from all over the world.

We have to also remember that even though the U.S. flag has disappeared in large part from the world seas, that there is exactly -- almost exactly the same position in world shipping in the United States as there was in 1966 before its decline started. And that is measured by the ownership of these fleets around the world. The United States is fifth in the world in open registry fleet ownership.

And if you were to look at the involvement and pull of the United States in lending and other non-equity products in the capital markets, you would see that our hand on the world's fleets is much greater than people would have you believe in other capitals of the world.

I would suggest because I have been close to this in the ship finance side -- and anyone who practiced that part of the profession at the same time would know -- this is ours to reclaim. I never want to hear again what I heard a few years ago when we approached the Marshall Islands to amend their statute on financing charters. Why are we involving ourselves in the flag of another country? This is the U.S. Maritime Law Association.

We are the Maritime Law Association of the United States. We represent the interest of the sectors of this industry touching on the United States. And I'm telling you that that is a lot larger group than you -- many of you may realize. There are many new areas, there are many reasons why we should be able to expand the fortunes of those already in and those coming up in the maritime industry.

And so as a dotard of the Maritime Law Association -- and I see a few young ladies and a bunch of dotards up here with me, and I also see many dotards out there and then a few rocket men. But I think there's great hope here. And the present is where we want to do that work so that the future happens. The future belongs to all of these faces.

That's what I want to do. That's what I intend to do. If the Nominating Committee is foolish enough to give me a second year, so I'll do it for two years. I know they're not more foolish than that.

But I would like to thank all of you. I would like to recognize the involvement that BIMCO has had on our proceedings today. The CMI is a very important part of my view of the world and how the maritime industry will work. We need that reach to cross our borders. And, Stuart, I believe that the CMI needs us. We intend to be there.

I've looked across the seas to other things. I expect a bigger connection with Latin

America, with our brothers in Europe and Asia, and that's what we're going to do.

And I just got handed a note from former President Watson. And it says the spirit is willing but the bladder is weak.

I would like to thank Tom Rue for getting me into this, I think. We'll see how I feel in two years. I would like to thank my wife for being generous enough to allow me to undertake this foolishness at my age. I would like to thank the people that I've worked with, Hal, my predecessor, Bob Clyne, and the other past presidents that I've worked with. And I say in Bob Clyne's case, a great example of a thinking lawyer.

You know, there's an inscription downstairs in one of the conference rooms. And I don't remember it all. There was a meeting going on and even I didn't have the nerve to go in and take the inscription off the wall. But it's an early president of this bar association, of which I am also a member, who talks about lawyers and why he likes lawyers.

And he says, "I would rather fight with, argue with, drink with, and socialize with lawyers over any other beings on earth." And I'm not sure I'm ready to go quite that far. Maybe not in every case. But I will say that in this profession, you can see into someone's eyes and there's a light behind there.

We have thrived in this place because it is governed by rule of law and because it allows people to say outrageous things, barriers which I am always testing. And I am so proud to be a leader of this Association, and I thank you all for it.

Thank you.

(Applause)

PRESIDENT NOLAN: Is a senior officer on deck prepared to make a motion?

MR. HOOPER: Yes, Mr. President. Before I make the motion, realizing I'm the only thing between you -- between you and lunch, your mention of autonomous vessels brings back a story. And maybe you will have an opportunity to see history repeat itself.

About 50 years ago, a chief mate I sailed with told me that he had acted as a staff captain of a passenger ship. And he was giving a tour of the bridge to the passengers, and he described the radar. When he described the radar, a woman in the group came up and patted the radar and said, "Thank god for this."

He asked her, "Are you nervous being out here?"

She said, "No, no. If it weren't for the radar, my husband wouldn't have a job."

And he said, "Does your husband work for Raytheon."

She said, "No, he's an admiralty lawyer."

PRESIDENT NOLAN: Actually, Chet, if I could interrupt you with one more thing. I've been asked to make this announcement, that the American Maritime Cases current issue will be dedicated to Hal Watson. And so we can cut out his picture. Just go to your library.

And now Chet.

MR. HOOPER: And now I move to adjourn.

PRESIDENT NOLAN: Do I hear a second?

MEMBER: Second.

PRESIDENT NOLAN: All in favor?

MEMBERS: Aye.

(The Spring 2018 MLA meeting was adjourned at 12:24 p.m.)

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

Chaffe McCall LLP, New Orleans, LA

February 27, 2018
2:00 p.m.

The February 27, 2018 meeting was called to order by President Harold K. Watson at 2:05 p.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

| | |
|---------------------|------------------------------|
| Mark Coberly | Deborah C. Waters |
| Norman Stockman | R. Michael Underhill |
| Andrew C. Wilson | Jason R. Harris |
| Joseph G. Grasso | Pamela L. Schultz |
| Jonathan S. Spencer | Phillip A. Buhler |
| LeRoy Lambert | Vincent Foley (by telephone) |

At President Watson's invitation, Past Presidents Howard McCormack, Ray Hayden, Tom Rue, Liz Burrell, and James Moseley also attended the meeting.

At the commencement of the meeting, the Managing Partner of Chaffe McCall, Howell Crosby, welcomed the Officers and Directors of the Board to Chaffe McCall's offices.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes of the November 17, 2017 meeting of the Board of Directors held at Clyde & Co., New York, New York.

TREASURER'S REPORT

Mr. Connor presented his Quarterly Report for the three months ending December 31, 2017, and he reported that the Association remains in good financial shape. Mr. Connor reported

that as of mid-February, the Association had collected 2018 dues totaling \$185,000.

Mr. Connor reported that 155 members of the Association had been removed from membership because of non-payment of dues for two years or more. He noted that the revised By-Law providing for removal from membership after two years (rather than three years) of non-payment had resulted in more than double the number of year-end terminations due to non-payment. He encouraged the Board members to review the list of delinquencies and to contact the delinquent members that they know to remind them to pay their dues.

Mr. Connor reported that all of the Life Members of the Association have received dues invoices which give them the option to opt out of paying dues if they wish to do so. He reported that most of the Life Members who have responded thus far have chosen to pay dues. At the next Board meeting, Mr. Connor intends to present a plan for how to deal with Life Members who do not respond to the invoices.

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

MEMBERSHIP SECRETARY'S REPORT

Mr. Hurley then presented the Membership Secretary's report. He first reported that the Committee on Proctor Admissions had recommended the admission of two U.S. Coast Guard officers as Proctor members due to their participation in and contributions to the Association as Ex Officio members:

RADM Steven Poulin
Boston, MA

CAPT P.J. McGuire
Washington, DC

The Board of Directors voted to waive the four year requirement for Proctor status as to Admiral Poulin and Captain McGuire and approved them for Proctor membership.

Mr. Hurley reported that the Adjunct Nominations Committee had recommended the admission of one new Adjunct Member, Jeffrey Hilsgen of Fort Lauderdale, Florida.

Mr. Hurley reported that the following 11 applicants had applied for Associate Lawyer Membership and were recommended for approval:

Martha Charlesworth
Alexandria, VA

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Alexandra Clark
New York, NY

Nicola Groh,
Vineyard Haven, MA

Peter Knight
Hartford, CT

Elizabeth Lowe
Washington, DC

Andrew Miller
Houston, TX

C. Thomas Miller
Paducah, KY

Kara Pinetti
Alameda, CA

Michael Schleigh
Philadelphia, PA

Kimberly Tracey
London, UK

Ifigeneia Xanthopoulou
New Orleans, LA

Mr. Hurley reported that three applicants had applied for Law Student Membership and would be added to the membership rolls upon receipt of their dues:

Matthew McIsaac
Sunrise, FL

Eleni Melekou
New York, NY 10012

Jason Sanders
Flushing, NY

Mr. Hurley reported that the Honorable Robert Dees of Jacksonville, Florida had requested a change in status from Proctor to Judicial membership. He further reported that Richard Kilpatrick of Chicago, Illinois had submitted an application for Academic Membership

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and was recommended for approval. Finally, one former Associate member was recommended for reinstatement: Asher Chancey of Buffalo, New York.

Upon motion duly made and seconded, the Board of Directors unanimously approved the new members recommended by Mr. Hurley.

With regret, Mr. Hurley reported the deaths of twelve members:

David Russell Canning
Dania Beach, FL
Associate Member, Elected 1982

E. Spivey Gault,
Paducah, KY
Proctor/Life Member, Elected 1978

William P. Glenn
Galveston, TX
Proctor, Elected 1998

John E. Grimmer
New York, NY
Proctor, Elected 1981

Louis G. Juliano
Somerville, NJ
Proctor/Life Member, Elected 1966

Thomas J. McKey
Vashon, WA
Proctor/Life Member, Elected 1963

Wayne D. Palmer
Portland, OR
Associate Member, Elected 1987

James H. Roussel
New Orleans, LA
Proctor/Life Member, Elected 1965

Arthur C. Rutter
Norfolk, VA
Proctor/Life Member, Elected 1964

Stanford M. Saunders, Jr.
Washington, DC
Associate Member, Elected 1989

Melvin J. Tublin
New York, NY
Proctor/Life Member, Elected 1954

Allen K. vonSpiegelfeld
Tampa, FL
Proctor, Elected 1990

Mr. Hurley reported that as of February 27, 2018, following approval of the above new members, the MLA’s total membership was 2,632, which is broken down as follows:

VOTING MEMBERS

| | |
|------------|-----------|
| PROCTORS | 1,216 |
| ASSOCIATES | 1,091 |
| ADJUNCT | 152 |
| ACADEMIC | <u>21</u> |

SUBTOTAL. 2,480

....

NON-VOTING MEMBERS

| | |
|--------------|-----------|
| EX-OFFICIO | 13 |
| HONORARY | 4 |
| JUDICIAL | 117 |
| LAW STUDENTS | <u>18</u> |

SUBTOTAL. 152

GRAND TOTAL. 2,632

Mr. Hurley also reported that of this number, 514 active members are considered Life Members.

On motion duly made and seconded, the Board unanimously approved Mr. Hurley’s Membership Report.

SECOND VICE-PRESIDENT’S REPORT

Second Vice President Dave Farrell reported that the Committee meeting schedule for the spring meeting in New York City is already posted on the website. The major change this year is that the meetings in which the BIMCO representatives have voiced an interest in attending have all been scheduled to take place in one law firm on the same day in order to make it as easy as possible for our BIMCO guests.

Mr. Farrell also reported regarding the status of the effort to gather the Frank Wiswall interviews relating to CMI and MLA history.

DISCUSSION ITEMS:

Website and Technology Secretary

First Vice President Frank Nolan next presented the proposed revisions to Section 3 of the By-Laws creating a new officer position entitled Website and Technology Secretary. The Board discussed the need for such a person and the benefit of vertical leadership in this area given the need for day to day management of the Association's website and other digital needs. After full discussion, and on motion duly made and seconded, the Board unanimously approved the creation of the position of Website and Technology Secretary as a full officer and member of the Board of Directors. The duties of the Website and Technology Secretary are addressed in By-Law 305.6.

With the addition of the Website and Technology Secretary, the number of Directors serving on the Board is now 20. As a result, Mr. Nolan recommended, and the Board approved, a revision of By-Law 308 increasing the quorum needed for a vote by the Board to eleven.

Finally, the Board considered the appointment of a Website and Technology Secretary to serve until the next General Meeting of the Association in May 2018. Mr. Nolan proposed that Lynn Krieger, Chair of the Website and Technology Committee, serve in this role. On motion duly made and seconded, the Board unanimously appointed Ms. Krieger to serve as Website and Technology Secretary until the next General Meeting in May 2018.

Use of MLA Logo by Members and Protection of Trademark

President Watson then called on Jason Harris to report regarding his evaluation of various vendors that are available to assist with the protection of the MLA trademark. Mr. Harris reported that he contacted three vendors and obtained quotes for their services. One of those vendors offered to provide a short term review without charge to see what they could find regarding the unauthorized use of the MLA logo. President Watson asked Mr. Harris to proceed with the free trial offered by this vendor, and also to contact one of the other vendors to see what they would charge for a similar short term review. The Board discussed the pros and cons of charging a fee for use of the logo and the difficulties of policing its use. The Board will discuss the findings of the trademark enforcement vendor at the next meeting.

Website Status

First Vice President Nolan reported that the website has dramatically improved as a result of the management by Lynn Krieger and MLA consultant POP. The Committee page is now orderly and much easier to use. Questions and problems are fed into the Basecamp program and resolved in a highly organized way. The focus of attention is now moving to the Document Library. In addition, Mr. Nolan noted that we are hoping to run a number of webinars before the end of 2018 that will provide CLE credit for our Members.

BIMCO Meeting in New York, May 2018

President Watson then called upon Past President Burrell to report on plans regarding BIMCO's meeting in New York in May during the MLA spring meeting. Ms. Burrell explained that the BIMCO attendees will be members of the Executive Board, Board of Directors, and Documentary Committee. She reported that there is tremendous enthusiasm among the BIMCO attendees, and that many have expressed an interest in staying to attend some of the MLA meetings. Ms. Burrell noted that this is a great opportunity for our members.

Ms. Burrell described the events that are planned for the BIMCO representatives. BIMCO's meetings will not be open to MLA members. However, the MLA committee meetings on Thursday will be open to BIMCO, and we are hoping that their members will stay over for the MLA spring dinner on Friday night. In addition, there will be a welcome reception on Tuesday evening for which limited tickets will be available. The Board discussed the sponsorships that have been provided by numerous law firms and the cost of tickets for MLA members on a first come, first serve basis. President Watson will prepare an email blast to be sent to all MLA members on this topic.

Special Committee on Membership

Pamela Schultz reported regarding the activities of the Special Committee on Membership. She reported that 150 potential members in New Orleans received emails from President Watson inviting them to look for Board members and members of the Membership Committee during the Tulane Admiralty Law Institute reception this week. Mr. Nolan suggested that the Committee perform a similar outreach to potential members during the summer Board meeting in Portland, Maine.

Ms. Schultz led a discussion regarding measures to increase membership, and advised the Board that she would be sending a "survey monkey" request to gather ideas and data from the Board on this topic. The Board also discussed the Association's relationship with the members of other maritime law organizations.

Fall 2018 Meeting in Miami

First Vice President Nolan and Planning Committee Chair Phil Buhler reported on the status of arrangements for the 2018 Fall Meeting of the Association in Miami, and distributed a rough agenda for discussion. The meeting is scheduled to take place from October 17 until October 20, 2018. The Board of Directors meeting will take place on Tuesday afternoon, October 16, 2018. Committee meetings will be held all day Wednesday and on Thursday morning at the University of Miami Law School. The CLE will be held Thursday and Friday afternoons. The opening reception will be Wednesday evening at the Biltmore Hotel, and there will be another evening event on Thursday. The General Meeting will take place on Friday morning. The MLA formal dinner will be Friday evening at the Biltmore Hotel. Recreational activities will be scheduled on Saturday, with a "survivors' dinner" on Saturday night. A save-the-date email blast will be sent out to the membership.

Fall 2019 Resort Meeting

First Vice President Nolan briefly noted that planning continues for the fall 2019 resort meeting in Scottsdale, Arizona. The meeting is scheduled for October 29 through November 2, 2019 at the Hyatt Regency at Gainey Ranch.

2018 Summer Board Meeting

First Vice President Nolan reported regarding the status of plans for the 2018 summer Board meeting that will take place in Portland, Maine during the first weekend in August. The Board will meet at the offices of a Portland law firm.

Fall 2021 Resort Meeting

Second Vice President Farrell reported that the 2021 fall resort meeting will be held in Napa, California where the 2017 resort meeting was cancelled due to wildfires.

President's Activities

President Watson reported that he will be attending the IMO Legal Committee in London April 23-25, 2018.

ADJOURNMENT

There being no other business, President Watson adjourned the meeting at 4:45 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**

New York Bar Association, New York, NY

May 3, 2018
9:00 a.m.

The May 3, 2018 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
Lynn Krieger, Website & Technology Secretary

The following Directors were present:

Robert G. Clyne, Immediate Past President

| | |
|---------------------|----------------------|
| Mark Coberly | Deborah C. Waters |
| Norman Stockman | R. Michael Underhill |
| Andrew C. Wilson | Jason R. Harris |
| Joseph G. Grasso | Pamela L. Schultz |
| Jonathan S. Spencer | Phillip A. Buhler |
| LeRoy Lambert | Vincent Foley |

At President Watson's invitation, Past Presidents Howard McCormack, Ray Hayden, Liz Burrell, Warren Marwedel and Bob Parrish also attended the meeting.

SECRETARY'S REPORT

On motion duly made and seconded, the Board unanimously approved the minutes of the February 27, 2018 meeting of the Board of Directors held at Chaffe McCall LLP, New Orleans, Louisiana.

The Board discussed whether to discontinue preparing printed copies of the MLA Proceedings. President Watson suggested the issue be tabled until the August Board Meeting, at which time the Board will review the number of members who have requested the printed copies and decide on next steps.

TREASURER'S REPORT

Mr. Connor presented his Quarterly Report for the three months ending March 31, 2018, and he reported that the Association remains in sound financial shape. Mr. Connor reported that as of mid-April, the Association had collected 2018 dues totaling \$253,333.00. He noted that financially the Association is close to where it was last year at this time. The biggest expense in the past year has been the cost associated with the website repair.

Mr. Connor reported that 104 of the Life Members of the Association had chosen to pay annual dues. Of the members invoiced, 273 have not responded. Mr. Connor recommended that we assume these 273 Life Members do not wish to pay dues and remove them from the invoice list.

Mr. Connor presented a Resolution changing the approved signatures on the Association's bank account effective May 4, 2018 to Mr. Nolan, Mr. Farrell, and Mr. Connor. On motion duly made and seconded, the Board unanimously approved the Resolution. Mr. Connor reported that the bank had requested the birthdates of all of the Directors, but that he had refused to provide them.

Mr. Connor reported that Cipriani had presented a proposed three-year contract for the MLA Spring Dinner, which the Board approved.

Finally, Mr. Connor addressed the topic of MLA haberdashery. He was assisted by Mr. Farrell and Mr. Hurley who modelled the new MLA ties for the Board members. The ties will be on sale during the General Meeting on May 4.

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

MEMBERSHIP SECRETARY'S REPORT

Mr. Hurley reported that the following 8 Associate members applied for Proctor Membership and were recommended for admission as Proctors by the Committee on Proctor Membership:

Jason B. Barlow
Norfolk, VA

Kevin Christensen
New Orleans, LA

Todd Crawford
Gulfport, MS

Michael Freije
Alexandria, VA

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Aaron Greenbaum
New Orleans, LA

Scott Gunst
Ann Arbor, MI

Kasee Heisterhagen
Mobile, AL

Patrick Ward
Mobile, AL

Mr. Hurley reported that the following 13 applicants applied for Associate Lawyer Membership and were recommended for approval:

Dean Aronin
New York, NY

John Casey
New London, CT

Blake Christopher
Norfolk, VA

Adam Cook
Ft. Lauderdale, FL

James Dunlap
Jersey City, NJ

Danielle Gauer
Coral Gables, FL

Michael Held
New Orleans, LA

Douglas Hottle
Washington, DC

Julie Kantor
Salem, MA

Sarah McCoy
Norfolk, VA

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Patrick Nolan
New York, NY

Jieting Tang
Rochester, NY

Charles Weddle
Panama City, FL

Mr. Hurley reported that one Academic Membership application was received for consideration:

Yong Kim
Busan, South Korea

Upon motion duly made and seconded, Mr. Kim's application was approved.

Mr. Hurley reported that one Law Student Membership application was received for consideration and dues paid:

Brandon Volk
New Orleans, LA

Mr. Hurley reported that the Adjunct Membership Committee received 3 membership proposals for consideration and recommended the following for membership:

Tina Cardone
Lighthouse Point, FL

Clement Lehembre
New York, NY

Lindsay Malen-Habib
Ft. Lauderdale, FL

Mr. Hurley reported that one former Associate Member had applied for reinstatement to Associate status and was recommended for approval:

Jeffrey R. Bridger
New Orleans, LA

With regret Mr. Hurley reported the deaths of 5 members:

Prof. Francesco Berlingieri
Genova, Italy
Honorary Member Elected 1977

James G. Burke, Jr.
New Orleans, LA
Proctor Member Elected 1960

J. Richard Gallagher
Dallas, TX
Proctor Member Elected 1980

Gus Schill
Kerrville, TX
Proctor Member Elected 1961

Leo J. Vander Lans
Long Beach, CA
Proctor Member Elected 1961

Mr. Hurley reported that as of May 4, 2018, following approval of the above new members, the MLA’s total membership will be 2,644, which is broken down as follows:

VOTING MEMBERS

| | |
|---------------------------|--------------|
| PROCTORS | 1,217 |
| ASSOCIATES | 1,097 |
| ADJUNCT | 155 |
| ACADEMIC | <u>22</u> |
| SUBTOTAL | 2,491 |

NON-VOTING MEMBERS

| | |
|---------------------------|-------------------|
| EX-OFFICIO | 13 |
| HONORARY | 3 |
| JUDICIAL | 117 |
| LAW STUDENTS | 20 |
| SUBTOTAL | <u>153</u> |

GRAND TOTAL **2,644**

President Watson recommended that the Coast Guard Liaison Officer be added to the persons designated as Ex Officio Members of the MLA. Pursuant to By-Law 201, the Board approved this recommendation.

The Board also discussed the need to clarify the meaning of “accredited” institution for purposes of Academic Membership.

In response to questions regarding the online application process, Mr. Hurley reported that Ms. Krieger had made some changes to streamline the application process.

On motion duly made and seconded, the Board unanimously approved Mr. Hurley’s Membership Report.

SECOND VICE-PRESIDENT’S REPORT

Second Vice President Dave Farrell reported on the status of the New York Committee meetings to date and stated that the schedule and arrangements in New York for the concurrent meetings with BIMCO has so far worked well.

Mr. Farrell also reported regarding the status of the effort to gather the Frank Wiswall interviews relating to CMI and MLA history.

DISCUSSION ITEMS

Website

President Watson welcomed Lynn Krieger as the new Website and Technology Secretary. Ms. Krieger reported regarding the status of the website work and the plans for further improvement. She noted that the website is now part of the Association’s infrastructure, and should be considered the authoritative version of all of the MLA’s data.

Ms. Krieger reported that the new website consultants have focused a lot of attention on fixing the Committee pages and that user interface with these pages has been greatly improved. They are now addressing the document library. MLA members have commented that the search function needs to be improved. The Website and Technology Committee is developing a proposal for the categorization of documents that is aimed at improving search results. Mr. Parrish asked if it will be possible to search MLA documents by subject matter (e.g. Limitation of Liability Act). The Committee will be addressing this issue.

The Website and Technology Committee is also planning to assist with the development of a webinar program that will be available to members on the website. The CLE Committee and the Committee on Membership are working on certification for MLA on-line programs. Mr. Nolan noted that he is hoping the MLA can offer 12 to 15 webinars per year.

President Watson raised a question regarding the availability on the website of all of the information that used to appear at the front of the hard copy of the Directory. As illustration, he noted the sections that contained the history of the MLA, and the lists of past officers and directors. Ms. Krieger will work on this issue.

Use of MLA Logo by Members and Protection of Trademark

President Watson then called on Jason Harris to report regarding his investigation regarding the use of the MLA Logo by its members and options for protection of the MLA trademark.

As requested at the last Board meeting, Mr. Harris obtained a usage search from two different vendors. These searches revealed that the majority of the use of the MLA logo is by its members. They identified one user purporting to be a member who was not in fact a member of the MLA. Mr. Nolan will send a letter to this individual requesting that he discontinue use of the logo. The vendors also identified some other organizations using the MLA logo on their websites.

Mr. Harris then led a discussion regarding whether the Association should regulate the use of the MLA logo by its members, and whether and what kind of action it should take to monitor and protect the use of the MLA logo against use by non-members.

President Watson asked Mr. Harris, Mr. Grasso and Ms. Krieger to report back at the August meeting with recommendations regarding what the MLA should do to protect its logo against unauthorized use.

BIMCO Meeting

President Watson then called upon Past President Burrell to report on the BIMCO meeting and the response she is receiving from the BIMCO representatives. Ms. Burrell reported that the BIMCO attendees have shown great interest in the MLA meetings and were enjoying the joint events that are taking place.

Special Committee on Membership

President Watson called upon Pamela Schultz, Chair of the Special Committee on Membership, to report regarding the activities of the Committee. Ms. Schultz distributed a report regarding a survey of new members relating to the MLA application process. These new members provided good feedback and indicated that they did not feel the process was too burdensome. Ms. Schultz recommended doing four more cycles of the survey, at which point we will have responses from about 100 people.

In terms of recruitment, the Committee is planning on a big push before the Miami meeting in the fall. Ms. Schultz also anticipates trying to recruit additional members in connection with the summer Board meeting in Portland, Maine.

President Watson asked Ms. Schultz and her Committee to make recommendations regarding what sorts of recruiting activities should take place in connection with the Miami meeting.

Fall 2018 Meeting in Miami

Planning Committee Chair Phil Buhler reported on their committee meeting yesterday and the status of arrangements for the 2018 Fall Meeting of the Association in Miami. The Officers will meet Tuesday evening, October 16, and the Board of Directors will meet on Wednesday morning, October 17. Committee meetings will take place Wednesday afternoon and Thursday morning at the University of Miami Law School. The CLE will be held Thursday and Friday afternoons. The opening reception will be Wednesday evening at the Biltmore Hotel, and Thursday evening there will be a reception at the University of Miami Law School. The General Meeting will take place on Friday morning. The MLA formal dinner will be Friday evening at the Country Club. Tennis, fishing (Coconut Grove), sailing, and golf are among the activities contemplated for Saturday. There will be a “survivor’s dinner” on Saturday night.

Fall 2019 Resort Meeting

First Vice President Nolan briefly noted that planning continues for the fall 2019 resort meeting in Scottsdale, Arizona. The meeting is scheduled for October 28 through November 2, 2019 at the Hyatt Regency at Gainey Ranch. Alex Giles is chairing the Planning Committee.

2018 Summer Board Meeting

First Vice President Nolan reported regarding the status of plans for the 2018 summer Board meeting that will take place in Portland, Maine during the first weekend in August. There will be a reception for the local maritime bar and they are currently planning a CLE to take place on the former Staten Island ferry. The Board will meet at the offices of Preti Faherty in downtown Portland on Saturday morning.

2019 Summer Board Meeting

First Vice President Nolan reported on the status of plans for the 2019 summer Board meeting in Hudson, New York. He reported that he has discussed the meeting with the CMLA leadership, and that they may be interested in having a joint meeting. He has begun looking for sponsors.

2019 Winter Board Meeting

First Vice President Nolan briefly mentioned that plans have begun for the 2019 winter Board meeting, and that he is currently considering holding it in Savannah, Georgia.

Fall 2021 Resort Meeting

Second Vice President Farrell reported that the 2021 Fall Resort Meeting will be held in Napa, California at the Silverado Resort, the site of the planned 2017 Fall Meeting that had to be cancelled due to wildfires in the area.

MLA Relationship with Other Maritime Organizations

The Board discussed the relationship between the MLA and the ABA. The MLA currently holds a seat in the ABA House of Delegates, but there is otherwise very little interaction. It was suggested that we have a further discussion at the next Board Meeting regarding actions we should take with regard to this relationship.

Tulane Admiralty Law Institute

Mr. Hurley reported that the next Tulane Admiralty Law Institute would take place in 2020 at a new facility that is being built on the Tulane campus.

President's Activities

President Watson reported that he attended the IMO Legal Committee last week in London. Two key issues under discussion there were fraudulent use of registries, and autonomous surface vessels.

MLA Spring Dinner at Cipriani

The Dinner Committee Chair, Chris DiCicco, reported regarding the status of preparations for the annual spring dinner at Cipriani on Wall Street. He advised that we are expecting 740 attendees. Last year the final count was 749.

Nominating Committee

Finally, President Watson called on Immediate Past President Clyne, Chair of the Nominating Committee, to report regarding nominations for the Board and Officer positions. Nominations for Board of Director positions are: Kirby Aarsheim, Kevin O'Donovan, Jeff Moller, and Conte Cicala. Nominations for Officers are Frank Nolan (President), Dave Farrell (First Vice President), Barbara Holland (Second Vice President), Grady Hurley (Secretary), Bob Connor (Treasurer), James Moseley, Jr. (Membership Secretary), and Lynn Krieger (Website and Technology Secretary).

Mr. Clyne reported that the Nominating Committee recommended that it be formed earlier in the year, and that the tenure of its members be reviewed.

President Watson thanked the outgoing members of the Board of Directors. It was duly noted that Mr. Clyne has served on the MLA Board since 2002.

ADJOURNMENT

There being no other business, President Watson adjourned the meeting at 11:45 a.m.

Respectfully submitted,
Barbara L. Holland
Secretary