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PRESIDENT RUE:

Good morning.

Welcome, again, to the Scottsdale

2005 Fall Meeting of the Maritime Law Association.

It is a pleasure to have you here. Please let me remind you to turn your cell phones either off or to the silent mode.

Mr. Bartlett, may we have the Secretary’s report, please.

MR. BARTLETT: Thank you, Mr. President.

I would like to remind everyone that the sign-in sheets are at the rear

of the room, so make sure to sign your name on those sheets. Speakers,

when you come forward to give your report, please give your card to the

court reporter. The microphone and the court reporter are to my left.

The Board has met twice since our last General Meeting. The first

Board meeting was at Chateau Montebello in Montebello, Québec in

August, and we met again just two days ago here in Scottsdale. I will briefly

report on some of the topics discussed, but, in many cases, there will be

reports from others who will go into more detail.

We received a report from Dennis Bryant concerning the status of the

Title 46 codification, and Mr. Bryant will be reporting this morning. We

received a report from Jim Moseley concerning the proposed ABAresolutions

on ocean policy, and Mr. Moseley will also be addressing us this

morning. We received a demonstration relating to the new improved MLA

website, and Mr. O’Donovan will be providing you with a report on that

this morning.

The 2006 MLA Spring Meeting will be held May 2 to 5, 2006 with a dinner

on Friday, May 5th at Pier 60 at 20th Street and the Hudson River. That

will be a change of venue from the Marriott Marquis, where we have been

holding our dinner the last few years, and we think it will be a wonderful

event.

The 2006 Fall Meeting will be held in San Francisco October 3 to 7,

2006, and John Edginton will be reporting on that later this morning. As to

the 2007 Fall Meeting, we received a report from the Site Selection Committee

of Ben Reynolds and Dennis Minichello. They will be looking into

that further and reporting to the Board.

We received a report on the status of the Hague Convention on the

Exclusive Choice of Court Convention. On behalf of the MLA, Alan Van

Praag attended a United States State Department Advisory Committee meeting

last May. The Advisory Committee adopted the MLA position and that,

in turn, was adopted by the State Department and has been incorporated

into the Convention. That position was that contracts for carriage of goods

and passengers at sea will be exempted from the draft Convention. Salvage

contracts will will also be exempted, but all other types of marine contracts

are included, including, and this is important, I’m told by Mr. VanPraag,

insurance and reinsurance contracts.

On behalf of the MLA, President Rue attended the Average Adjusters

meeting and dinner in London on May 12, 2005. He attended the SEALI

seminar on June 24, 2005. He attended the MICA dinner and meeting on

September 30 and October 1, 2005, and he attended the United States

Average Adjusters meeting and dinner October 5 to 7, 2005.

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

MR. RUE: Is there a second? Any discussion? All in favor please say

aye.

Those opposed, no.

Motion carried.

Mr. Bonner’s report, please.

MR. BONNER:

Thank you, Mr. President, members, and guests. As the

Treasurer, I am always concerned on these away meetings that we’re not

going to make our guarantee and, again, the Planning and Arrangements

Committee has come through. They deserve all our thanks for planning this

great meeting and for coming in within budget.

Personally, I think We  picked the wrong Locke, Liddell lawyer for the

Supreme Court, but, you know, we benefited from that mistake, because

we get to keep Marion and Mary.

Our finances remain strong. We have about $240,00 in assets. It is a

little bit less than last year, but we had paid some advances this year for

this meeting, and we also had to pay an advance for Pier 60 for the May

dinner, which should be well worth it. It is going to be a fabulous dinner,

but it really breaks my heart to pay anything in advance. I just want you to

know, we’re all creatures of habit, and we’re going to dispatch a team from

the Young Lawyers Committee to go up to the Marriott Marquis to try to

lasso up any maritime lawyers who think that the dinner is there this May.

We told them to especially look out for middle-aged guys wearing tuxedos.

We had our annual audit again this year, and I think by either law or

regulation, as a nonprofit, I think I have to tell you that our annual report

is available. If you want to read it, just come and see me. On a bright note,

I think our members have more things to do in their lives, because nobody

has ever asked me to read it. I promise you that if you do ask me to read

it, I am not going to tell anybody.

The last thing, when you checked in you should have received a password

and a member code for our new website. That will enable you to get online

and to correspond with your fellow members. I have notified eBay, ESPN, and

certain adult websites that their traffic is going to be going down over the

next month, as all the MLA members are going to be on the MLA website.

This concludes my report, and I move for its adoption.

MR. RUE: Let’s hear a second.

All those in favor, please say aye.

Those opposed, no.

Motion carried.

Mr. Berns, the Membership Secretary’s report.

MR. BERNS:

Well, I felt very comfortable the last report, reading it,

until finding out it is by the same people who did Enron.

Mr. President, a few years back we met in Bermuda. It cost me 250

bucks a day, and every night somebody was breaking into my room,

pulling down the covers, and leaving chocolates. This time it is costing 300

for someone to break into my room every night, pull down the covers, and

not leaving chocolates. Our next meeting I expect it to cost 400 bucks a

day, and they’re going to steal the sheets.

Also, Charlie Schmidt has asked that I announce all the candies that

are in these jars that are on your table—if you don’t eat them, please leave

them. They cost extra.

On August 20th, 2005 with the approval of the Board, with the admission

of nine Associates, the reinstatement of a former member, and the

addition of one Judicial member, the Association membership totaled 3,117.

Due to deaths, resignations, *et cetera,*as of October 10, 2005, the total was

3,113.

At our meeting here six Associate member applications for Proctor

status were received, approved by the Committee, and approved by the

Board on November 3, 2005: John A.C. Cartner, Anthony R. Filiato,

F. Max Hardberg, Robert B. Hopkins, Christopher W. Nicoll, and Jason P.

Waguespack.

Also, by special motion due to her exemplary work with the MLA, we

approved the membership of Mary Helen Carlson with the immediate status

of Proctor.

The Associate members—we had 18 lawyers who were nominated and

approved, and I will not read all the names. I will send them individual

notices. This is just to impress on you how many members we’ve gotten.

Non-lawyer members—on November 3, 2005 the Board approved the

membership of three Non-lawyer applicants: James V. McGuire, John

Stanley Poulson, Mark A. Cheglikov.

We had one application for reinstatement, Stephen J. Maher, and that

application was approved. We also have a Judicial member who says he

was not a member, but we have him listed as a member, but he definitely

is now a member, and that is Honorable Richard Owen of the Southern

District of New York. There were no applications from members.

I am also asking that in the future—we are still trying to get into the

modern age—and that all applications and supporting documents for both

membership and for Proctor status be presented by electronic means to me

and to Robin. Her e-mail is mlaus.org. Mine is in there as well.

Everyone has scanning capabilities now. There should be no problem,

and by receiving them in that manner, it makes it easier for me to forward

them on and for Committees to review them. It would be appreciated. It

will also be much appreciated—even though I am semi-retired, that we will

not receive applications after the meeting for the meeting. They’re coming

in like a couple days before—and after. It just doesn’t work that way.

I regret to report that the August 2005 Board meeting the following

deaths were reported: Edward L. Tubens, M. Shea, the Honorable Morris

Lasker, and the Honorable Nina Gershon. Since that report, I regret to now

report the death of the following member, the Honorable Constance Baker

Motley.

Mr. President, I ask for a moment of silence.

MR. RUE:

Will the membership please stand. Thank you.

MR. BERNS:

Also, at the August 2005 Board meeting I recommended

that the printed directory be issued every two years. One reason was cost

of the publication and mailing, but the major reason was something that I

have talked on continuously. The day we print or mail the publication it is

already obsolete. I get several changes, firms, *et cetera, et cetera,*which we

put on the website within a week or two weeks after receipt of the notice

of those changes or additions, which I request that you keep up to date

with us.

At the same time we do like to have a printed directory. It was thought

that once every two years should suffice. If we run across a problem, let

that be considered, but at this time it will be every two years. We should

get it out in August of next year, hopefully, because there’s always something

that comes up, usually at the last minute.

Again, I will remind you to keep your information current, and that

should be done by e-mail. I am continuing do the report, review rather, to

meet the recommended By-laws about the three membership rule on Committees

of 90-day membership to vote.

I am asking all standing Committee Chairs to, again, submit their list,

up-to-date list, of the members whom they feel are the members of that

Committee.

The special committees are appointed by the President, and the members

must be designated by the President. Those you do not become a

member merely by walking in. Those you have to be appointed.

With the approval of the Board of the elevation of seven Associates to

Proctor status, the admission of 18 Associates and three Non-lawyer members,

addition of one Judicial member, addition or subtraction, am not

sure, and the reinstatement of a former member, as presented above, the

Association is constituted as follows. You can review the individual members

in your own information. Ex-officio, 13; Honorary, 3; Judicial, 142;

Academic, 59; Proctors, 1,488; Associates, 1,240, Non-lawyers, 198, for a

total of 3,143.

I am, again, asking everyone here to attempt to bring in new members,

not just for “numbers,” but who will be assets to the Association and

work for the Association. I ask that you put out a little effort trying to bring

these members in—trying to at least bring them in “until it hurts” or if you

want to stop when it reaches “excruciating,” then do that and in the meantime

see what you can do.

We do need new members to keep active and to keep an age diversity

bracket. Some of the members here appear to be quite “elderly.” As I

mentioned to Ray Hayden, we’re happy he’s been designated our Past

President on his nametag. But I also said, “Although at our age, I preferred

they didn’t use the word past.”

So, again, I am emphasizing—please attempt to bring in members. We

could use more judges, the younger judges. Some of them who are not

being nominated for the Supreme Court may want to join the MLA. And

also, our standing with the ABA, we also have to have members a certain

percentage that are also members of the ABA.

And with that, Mr. President, that constitutes my report. I submit it for

approval.

MR. RUE:

Second?

All those in favor, please say aye.

Opposed, no.

Motion carried.

MR. BERNS: That’s the first time I’ve ever seen a membership report

almost rejected.