

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

Held at  
Preti Flaherty Beliveau & Pachios LLP  
One City Center  
Portland, Maine 04112-9546  
on  
August 4, 2007  
9:00 a.m.

The August 4, 2007 meeting was called to order by President Lizabeth L. Burrell at 9:00 a.m. In addition to President Burrell, the following officers also were present:

Warren J. Marwedel, First Vice President  
James W. Bartlett, III, Secretary  
Robert G. Clyne, Treasurer  
Thomas S. Rue, Immediate Past President

The following directors also were present:

Joe E. Basenberg	Donald J. Kennedy
Forrest Booth	John D. Kimball
Dennis L. Bryant	Janet Wessler Marshall
David J. Farrell, Jr.	Stephen V. Rible
Grady S. Hurley	C. Kent Roberts
Allan R. Kelley	John M. Ryan

Also in attendance were Past Presidents Richard W. Palmer and James F. Moseley and Proctor members Seth S. Holbrook, Michael Kaplan, and William H. Welte.

Membership Secretary Philip A. Berns and Chester D. Hooper participated by telephone.

**SECRETARY'S REPORT**

Secretary James W. Bartlett, III reported that he had distributed the minutes of the May 3, 2007 meeting of the Board of Directors and had made all suggested corrections. Upon motion duly made and seconded, the minutes of the March 13, 2007 meeting of the Board of Directors were unanimously approved and accepted. The minutes of the May 3, 2007 meeting of the Board of Directors will be published in the Spring 2007 issue of the PROCEEDINGS.

Mr. Bartlett reported that the Spring 2007 issue of the PROCEEDINGS was in final galley form and was being reviewed by him for final corrections. The PROCEEDINGS corrected galley will be going to the printer next week and should be in the mail to the members by early September.

Secretary Bartlett also reported that the numbered MLA documents have been sent to the University of Hawaii for digitalization, which process is expected to begin in September and be completed in October 2007. Once this project is completed, all of the numbered MLA documents will be accessible on the MLA website.

Secretary Bartlett and Treasurer Clyne reported on their visit to PC Solutions, the MLA administrator, in Tonawanda, New York on July 11, 2007.

President Burrell led a discussion relating to the custody and safekeeping of the non-numbered MLA papers, such as correspondence of the MLA Presidents over the years. The preservation of these historical papers possibly can be facilitated through the American Maritime Law Foundation. This possibility will be studied.

### **TREASURER'S REPORT**

Treasurer Robert G. Clyne presented the Treasurer's report for the three months ended April 30, 2007. He reported that cash and investments total approximately \$490,000.00. The annual dues bills have been sent, and 72.67% of the annual dues have been collected to date.

Upon motion duly made and seconded, the Treasurer's report was unanimously approved and accepted. A copy of the Treasurer's formal written report for the three months ended April 30, 2007 will be appended to the original of these minutes.

## **MEMBERSHIP SECRETARY'S REPORT**

Membership Secretary Philip A. Berns reported that 20 applications were received for Associate membership. Upon motion duly made and seconded, the applications of the following 20 Associate members were approved unanimously:

Devon Howard Decker of Houston, Texas  
Aleksandrs E. Drumalds of Long Beach, California  
Eric P. Ebeling of Bethesda, Maryland  
Paul B. Erickson of Palm Beach, Florida  
Jean-Paul A. Escudier of New Orleans, Louisiana  
John K. Fulweiler of New York, New York  
Marina Ann Gaglias of New York, New York  
Kenneth J. Gelpi, Jr. of New Orleans, Louisiana  
Russell D. Giancola of Pittsburgh, Pennsylvania  
Danielle Sullivan Kaminski of New York, New York  
Ronald J. Kitto of New Orleans, Louisiana  
Michael James Nakano of Honolulu, Hawaii  
C. Barrett Rice of New Orleans, Louisiana  
Elizabeth Haecker Ryan of New Orleans, Louisiana  
Elizabeth Rotenberg-Schwartz of New York, New York  
Lance M. Sannino of New Orleans, Louisiana  
Jeanne L. Sexton of San Francisco, California  
Nicolas J. Vikstrom of Seattle, Washington  
Katherine L. Winters of New Orleans, Louisiana  
Nicholas H. Walsh of Portland, Maine

An application for reinstatement has been received from a former Non-Lawyer member, Thomas J. Lynch of New York, New York. Upon motion duly made and seconded, the application for reinstatement of Thomas J. Lynch was approved unanimously.

No applications were received for Judicial or Academic membership.

Mr. Berns reported with regret the deaths of the following MLA members:

The Hon. William M. Steger of Tyler, Texas  
Professor Frederick W. Swaim of New Orleans, Louisiana  
David M. Salentine of San Francisco, California  
Mark O. Kasanin of San Francisco, California  
George J. Koelzer of Los Angeles, California

After the admission of 20 Associate members and the reinstatement of one Non-Lawyer Member, the total membership of the MLA is 3,038.

Upon motion duly made and seconded, the Membership Secretary's report was unanimously approved and accepted. A copy of the Membership Secretary's written report will be appended to the original of these minutes.

## **BOARD SUBCOMMITTEE REPORTS**

### **Committees**

President Burrell reported that the MLA and the Canadian Maritime Law Association are cooperating to encourage communication at the committee level. A list has been prepared aligning the MLA Committees with their CMLA counterparts. President Burrell has written the Chairs of the MLA Committees and asked them to reach out and cooperate with the corresponding CMLA committees.

### **Finance**

Treasurer Clyne reported that a simplified mission statement for the Finance Subcommittee had been prepared. Two recently elected Board members, Janet Marshall and Donald J. Kennedy, will be joining the Finance Subcommittee. The Subcommittee intends to prepare a projection of finances for review at the next Board meeting.

Other concerns being addressed by the Finance Subcommittee are the 60-80 members who are not paying dues and who are being dropped from the membership each year. Another concern is the effect on MLA finances of lifetime memberships. Steve Rible has done some work on this, and one solution might be to amend the By-Laws concerning lifetime membership.

The Subcommittee hopes to have recommendations in this regard to the Board at its October meeting.

### **Membership**

Membership Secretary Berns reported that an e-mail will go out to the Subcommittee as to how to disseminate information concerning Law Student membership. The Subcommittee is to submit a report pertaining to the Law Student members and their functioning as members of the MLA.

### **Website**

First Vice President Marwedel reported that the Website Subcommittee and the Website and Technology Committee are looking into 16 possible enhancements listed in the Subcommittee's written report. The Subcommittee was authorized to get further information concerning a security enhancement and to implement a feature by which a member can program the website to recognize the member every time he or she logs on to the website.

## **DISCUSSION ITEMS AND REPORTS**

### **By-Law Amendments**

A motion to approve the By-Law Amendments that were sent to the Board of Directors on July 4, 2007 was made, seconded, and passed by a unanimous vote of the Board of Directors.

### **Board Liaison Reports**

President Burrell urged the Board liaisons for each Committee to get in touch with the Chairs of each Committee to get feedback from them, *e.g.*, what went right, what went wrong, at the May meeting. Each Committee should have a CLE liaison to assist the CLE Committee when a Committee wants to put on a CLE program.

### **City/Regional Luncheons**

Grady Hurley reported that he and Janet Marshall organized a luncheon program in conjunction with the Maritime Law Committee of the New Orleans Bar Association. One hour of CLE credit was given for attendance at the luncheon program. This may become an annual event. David Farrell reported on a “think tank” lunch held in Boston with industry people on the subject of short sea shipping.

### **Position Papers**

President Burrell reported that, as approved by the Board of Directors at its last meeting, she had sent a letter to the National Conference of Commissioners on Uniform State Laws urging development of a Uniform Certificate of Title Act for Vessels and a letter to Admiral Thad W. Allen, Commandant of the United States Coast Guard, requesting that the Coast Guard commence or recommence rulemaking to develop and publish for public comment regulations concerning vessel documentation. She also reported that while she was attending the IMO Diplomatic Conference on the Draft Wreck Convention in Nairobi on May 14,-18, 2007, President Bush issued a message to the United States Senate urging that the Senate give early and favorable consideration to the Convention on Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which he said builds upon the 1982 United Nations Convention on the Law of the Sea. This presented an opportune moment to urge that the Senate give its advice and consent to the United States’s accession to the Law of the Sea Convention, so on July 5, 2007, President Burrell sent a letter to Senator Joseph R. Biden,

Jr., Chairman of the Senate Foreign Relations Committee, urging the Senate to give its advice and consent in favor of accession to the Law of the Sea Convention.

**ABA Representative**

James F. Moseley, MLA representative to the American Bar Association, gave his report concerning the current status of the ABA and what it is doing at the current time in connection with issues of interest to the MLA.

**Fall 2008 Site Selection Committee**

The Fall 2008 Site Selection Committee has recommended that the meeting be held at the Hyatt at Long Beach, California November 4-8, 2008. After discussion, a motion was made that the Board authorize negotiations for a contract with the Hyatt at Long Beach. The motion was seconded, and it passed with one vote in opposition.

***Ad Hoc* Committee on Environmental Crimes**

Past President Rue reported that on June 11, 2007, he, President Burrell, Joseph J. Cox of the Chamber of Shipping of America, and Joseph Ludwiczak of the Liberian Shipowners Council, Ltd. met with Gregory F. Linsin of the Department of Justice and Captain Charles D. Michel and Rear Admiral William Baumgartner at Coast Guard Headquarters in Washington, D.C. The subject was the draft of proposed guidelines. They are shooting for a public workshop concerning the guidelines in the September 15-October 15, 2007 time frame in New York.

**Title 46 Codification**

Dennis L. Bryant reported that legislation has been introduced to correct three additional errata in the Title 46 codification. It is not certain when these corrections will be addressed by Congress.

## **Certification**

An effort to certify admiralty and maritime practitioners is in the early study stages in California, Forrest Booth reported. It is generally felt that admiralty and maritime law is too broad an area of law to justify certification. A comment period is to end on August 9, 2007. Several lawyers and groups have written in opposition, including the Pacific Admiralty Institute, writing on San Francisco Bar Association letterhead. President Burrell will send a letter in opposition next week.

Certification is also being addressed by the New York State Bar Association, and President Burrell is in contact with the NYSBA committee that is dealing with this, which will meet in September.

## ***Amicus* Requests**

Gregory S. Coleman, former Solicitor General of Texas, has agreed to draft the *amicus* brief of the MLA in support of the petition of Exxon Shipping Company for a writ of certiorari to the Supreme Court of the United States in *Exxon Shipping Co. v. Grant Baker*. James A. Saville, Jr. of New York will draft the *amicus* brief of the MLA in *Consub Delaware, LLC v. Schahin Engenharia Limitada*, which is on appeal to the United States Court of Appeals for the Second Circuit.

## **Coast Guard Justice System**

The Coast Guard justice system dealing with suspension and revocation hearings has been the subject of recent publicity and Congressional hearings. A discussion of the experiences of Board members followed. A motion was made, duly seconded, and passed to direct the Committee on Regulation of Vessel Operations to report back to the Board of Directors before



its October meeting with the current status of and recommendations concerning the Coast Guard justice system.

### **Coast Guard Functions**

Congressman James L. Oberstar of Minnesota, who is the senior Democrat on the Transportation and Infrastructure Committee, has raised the issue of possibly transferring some of the functions of the Coast Guard to a new maritime safety agency in the Department of Transportation. The Coast Guard is opposed to this idea. The Board will monitor this subject but not take any position at this time.

### **Qualifications for Marine Claims Personnel**

Charlotte Warr of London is attempting to improve the training and competence of marine claims practitioners in the insurance market and is seeking the cooperation and assistance of the MLA. Secretary Bartlett will monitor this effort and report back to the Board.

### **Maritime Arbitration Association of the United States**

The Board discussed the recent emergence of a private maritime arbitration association, the Maritime Arbitration Association of the United States, which lists in its Executive Committee and National Advisory Board several members of the MLA. A motion was made, seconded, and passed that the MLA will request the Maritime Arbitration Association of the United States to put a disclaimer on its website and in its printed materials that it is not affiliated with the MLA.

### **Presidential Activities**

President Burrell or other MLA officers attended the following meetings or events:

- A. Past President Rue and First Vice President Marwedel attended the CMI Assembly and Symposium, Dubrovnik – May 10-12, 2007
- B. President Burrell attended the IMO Diplomatic Conference on the

Draft Wreck Convention, Nairobi – May 14-18, 2007

- C. President Burrell attended the CMI Working Group on Places of Refuge, London – May 22, 2007
- D. President Burrell attended the Canadian Maritime Law Association meeting, Toronto – June 17-18, 2007
- E. President Burrell attended the Association of Average Adjusters of Canada meeting, Toronto – June 18, 2007
- F. President Burrell attended the Southeastern Admiralty Law Institute meeting, Amelia Island, Florida – June 22-23, 2007

**Future Officer and Board Meetings**

- A. MLA Fall Meeting, Fort Myers, Florida - October 24-28, 2007
- B. Officers Meeting, Washington, D.C. - January 2008

There being no further business to come before the Board of Directors, the meeting was adjourned at 12:15 P.M.

Respectfully submitted,  
James W. Bartlett, III, Secretary