

PROCEEDINGS

President Sims: The meeting is called to order.

I would like to take this opportunity at the outset to recognize the presence of a number of distinguished visitors from abroad. We cannot do so individually by name, but we will recognize them collectively, thank them for attending, and thank them for adding a great deal of prestige to this meeting.

We have a number of matters to cover this morning, and I ask the Committee Chairmen when called upon for their regular reports, if they have no report, to so state and we will be glad to pass them. If they want to summarize their report very briefly and file a written report at a later date, that will be welcome.

For those that we can't persuade to either course of action, we will exercise patience to a point. But, no further.

We will start off, if I may, by asking for the report of the Secretary.

We spent some time yesterday with the Secretary in an effort to pare down the material in the voluminous minutes of the various Executive Committee meetings, and I think that he has done the best possible job of summarizing it.

So, Mac Deming, will you give us your report.

REPORT OF THE SECRETARY

Mr. Deming: Thank you, Mr. President.

The Executive Committee met in New York at the offices of Haight, Gardner, Poor & Havens on July 9th, 1980.

The meeting was called to order by the President, Mr. John W. Sims, at 9:30 a.m. The minutes of the May 1, 1980 meeting were approved. As Treasurer Keating was absent overseas, Mr. Richard H. Brown, Jr., presented the treasurer's report prepared by Mr. Keating before his departure. Treasurer Keating's report was approved.

Membership Secretary Sullivan presented his report which showed the total membership then standing at 2,752.

President Sims next recognized Mr. Ronald A. Capone, Chairman of the Committee on Ocean Liner Conferences, who had requested consideration and approval by the Executive Committee of a Resolution on HR 6899, the "Omnibus Bill." On the basis of Mr. Capone's

presentation and of the Resolution previously distributed to the Executive Committee, it was moved by Mr. Deming and seconded by Mr. Brown that:

1. The following Resolution be adopted by the Executive Committee:

"Be it resolved that the Maritime Law Association of the United States favors and urges enactment of legislation that, in respect to ocean liner and other activities regulated under the Shipping Act, 1916, as amended, (a) restores the Shipping Act, 1916, as amended as the exclusive governing statute, (b) reaffirms that the Anti-Trust laws and standards shall not apply to those activities, (c) overturns the doctrine of *Svenska, supra*, and reinstates the presumptive approvability of agreements described in and filed under existing Sections 14(b) and 15 of the Shipping Act, 1916, as amended, and (d) minimizes and expedites the regulatory process under the Act".

2. That Mr. Capone and the members of the Committee on Ocean Liner Conferences be authorized to circulate the Resolution as adopted by the Executive Committee to appropriate governmental and industry groups, and,

3. That Mr. Capone is authorized, if this is deemed necessary after consultation with President Sims, to arrange for appropriate testimony in support of the Resolution.

After discussion, the motion was unanimously passed by the Executive Committee.

Secretary Deming presented his report. He reported as to the following topics: David R. Owen has been appointed Chairman of the Committee on Practice and Procedure, since Graydon S. Staring, the previous Chairman, has now been elected Second Vice-President of the Association. Mr. Staring has been appointed Executive Committee Member of the Committee. You will be hearing from Mr. Owen as to the activities of his Committee.

After due consideration, Leonard B. Sachs, Judge of the General District Court, Fourth Judicial District, Commonwealth of Virginia, and Honorable Lloyd King, Judge of the Bankruptcy Court, Northern District of California, were made Associate Members.

President Sims appointed a Special Committee to frame a workable form of forwarding letters and appropriate procedures in con-

nection with the granting of the privilege of the use of the Association's mailing list, the Committee to consist of Messrs. Sullivan, Waddell and Deming.

Mr. Kalaidjian presented a report of his activities as a member of the Salvage Sub-Committee of the Comité Maritime International. The first meeting of the Sub-Committee was held in Brussels on June 9th and 10th, 1980. On the first day of the meeting, there was extensive discussion of the concept of "liability salvage". You will be hearing from Mr. Kalaidjian as to the activities of the Sub-Committee.

Report was made as to a proposed meeting of the Comité Maritime Sub-Committee on Hazardous Substances to be held in London on September 4, 1980. It was stated that Mr. Thomas Howarth, Chairman of the Committee on Liquefied National Gas Transportation, will be attending this meeting. The name of the Committee has been changed to Committee on Transportation of Hazardous Substances.

Immediate Past President Donovan reported as Chairman of the President's Advisory Committee. President Sims first reported as to the origin of this Committee, which, in addition to Mr. Donovan, includes Past Presidents Herbert M. Lord, Nicholas J. Healy, First Vice-President Gordon W. Paulsen, and Messrs. Francis J. O'Brien and John W. Castles, III. President Sims explained that the Advisory Committee was appointed to make studies and recommendations to the President and Executive Committee on important matters which may affect the position of the Association as a leading force in maritime law. In part, and most immediately, the need for the Advisory Committee arose from the necessity of the MLA to state its position with respect to the desirability of certification of admiralty as a specialty.

Mr. Donovan reported as to the meetings held by the new Committee and summarized the Committee's written report. He then requested authority from the President and the Executive Committee to transmit to Professor Geoffrey Hazard of Yale Law School, who is acting as Reporter for the applicable ABA Sub-Committee, the views of the Executive Committee and, in particular, the view that Section 9.4 of the ABA Model Rules of Professional Conduct should be amended so as to restore the traditional exemption of admiralty from the requirements of certification as a specialty. After discussion, it was moved, seconded and passed that the report of the President's Advisory Committee be approved and that President Sims and Chair-

man Donovan be authorized to submit to the ABA Commission on Evaluation of Professional Standards, Model Rules of Professional Conduct, for consideration as representing the views of the Maritime Law Association the report submitted to the Executive Committee by immediate Past President Donovan, with any necessary amendments and improvements as to detail.

Mr. Donovan then reported as to the consideration given by the President's Advisory Committee to the current attack on the Standing Committee on Admiralty and Maritime Law of the ABA. At the suggestion of Mr. Donovan, Mr. Herbert M. Lord, the Association's Delegate to the House of Delegates of the ABA, reviewed the history and background of this matter. You will be hearing from Mr. Lord.

Report was made to the Executive Committee concerning questions which have arisen as to the adequacy of the Association's Articles of Association with respect to authority for the expression of the Association's views to outside organizations. One aspect of the questions which arise concerns appearances before outside governmental bodies.

President Sims commented that various problems which have arisen might lead to the improvement of the Articles and By-Laws of the Association, particularly Article 6. He announced that to that end he has appointed a Special Committee to be chaired by First Vice-President Gordon W. Paulsen. The other members of the Committee will be Messrs. Richard H. Brown, Jr., Randall C. Coleman and Rear Admiral Sidney A. Wallace, Counsel to the Committee on Merchant Marine and Fisheries of the U.S. House of Representatives. This Committee will be asked to report on its progress at the next meeting of the Executive Committee at Coronado.

Secretary Deming, in the absence of Richard W. Palmer, who had been asked by President Sims to attend but had been prevented by an unavoidable business emergency, reported for the Joint Committees on the Comité Maritime International and Limitation of Liability. He reported that due to changes of personnel in Washington offices with which interesting and fruitful conferences had been held, it would be necessary to renew contact with the successors. The Joint Committees will be continuing their efforts to make available to appropriate interested persons and organizations the draft Bill approved by the Association on Limitation of Liability. In connection with this continuing effort, the Joint Committees recommend that the Association's Document No. 619 of May 4, 1979 be reprinted