

"The President with the advice and approval of the Executive Committee may authorize any committee or individual to represent the Association before any Congressional or State Legislative Committee or before any Federal or State Department, Bureau, Commission, Board or other governmental agency, or before any national or international convention relating to matters of maritime interest. Such representatives, in the course of their representation, shall not express any views on behalf of the Association unless instructed by the President with the authority of the Executive Committee as herein provided, but if uninstructed, may express their personal views subject to subsequent ratification by the Executive Committee. The Executive Committee shall not authorize the President to instruct such representatives to express any views on behalf of the Association and shall not ratify any personal views expressed by said representatives in the course of their representation except upon two-thirds vote of the members of the Executive Committee present at a meeting called to consider the views of the Association, after due notice of the object of such meeting, or in the absence of such two-thirds vote, until the subject-matter shall have been considered at a meeting of the Association, after due notice, and the Association by majority vote of those present shall have authorized the Executive Committee to do so. (Amended May 4, 1951)"

and substituting therefore a new Article 17 reading as follows:

**APPEARANCES AND BRIEFS ON
BEHALF OF THE ASSOCIATION**

17. The President may authorize members of the Association to appear on behalf of the Association before any Court, Congressional or State Legislative Committee or before any Federal or State Department, Bureau, Commission, Board or other Governmental Agency or before any National or International Conference relating to matters of maritime interest to advise such bodies of the Association's interest.

No member may express views on behalf of the Association or file a brief with any such body or any Court on behalf of the Association unless instructed to do so by the President and shall express as views of the Association only such as shall be authorized either (a) by a resolution passed at a regular meeting

of the Association by a majority of those present or (b) by a two-thirds vote of the total membership of the Executive Committee, voting in person or by proxy, mail, telephone or telex, at a meeting called to consider a matter after due notice of such meeting.

In regard to appearances on matters as to which the Association has not expressed a view as aforesaid, members may express only their personal views or the views of a Committee of the Association for which they are authorized to appear; in so doing members shall clearly identify such views as being their own or the Committee's and shall specifically state that such views have not been approved by the Association.

Members who appear without instructions may identify themselves as members of the Association, and if they are expressing views of a Committee or Subcommittee of the Association shall so state and, if requested to do so, identify the members of the Committee or Subcommittee. Such members should also state that the matter to which their testimony is addressed is of interest to the Association, and the Association's position upon the matter will be sought and stated as soon as possible.

The Executive Committee shall not ratify any views expressed by members except upon a two-thirds vote of the total membership of the Executive Committee, voting in person or by proxy, mail, telephone or telex in connection with a meeting called to consider such views. In the absence of a two-thirds vote by the Executive Committee, such views may be ratified by a majority of the Association."

Now, gentleman, we now go into many of our Committee reports. Some will be given orally, some will be filed later. The first one we will hear from is the Committee on ABA Relations chaired by Herbert Lord, who during the past year has been faced with many problems of a highly complex, intricate, and delicate nature.

**REPORT OF THE COMMITTEE ON
AMERICAN BAR ASSOCIATION RELATIONS**

Mr. Lord: Thank you, Mr. President. Members and guests, as reported to our Membership at our fall meeting in Coronado, there

has been added to the Committee a Vice Chairman, Paul S. Edelman of New York, and additional members, Paul N. Daigle of Portland, Oregon, Mark O. Kasanin of San Francisco, and Richard W. Palmer of Philadelphia.

The Committee met in New York yesterday morning and reviewed developments in relation to Rule 9.4 of the Proposed Model Rules of Professional Conduct prepared by the ABA Commission on Evaluation of Professional Standards.

All antecedents of Rule 9.4 or its equivalents, prior to February, 1980, included maritime attorneys with patent and trademark lawyers as lawyers who could represent themselves as "admiralty" or "maritime" lawyers without certification by state bodies or others. In the February, 1980 draft of the Model Rules, admiralty lawyers were taken out of this class and included generally with lawyers engaged in specialized practice.

As a result, the President's Advisory Committee took up for active study the position that our Association should take and very promptly produced a position paper which on the 17th of July was filed with Professor Hazard of Yale Law School, the reporter for the Commission. On instructions of the President, as Chairman I presented our Association's position to the Commission at public hearings at the 1980 annual meeting in Honolulu. I am pleased to report that we have been advised by the reporter of the Commission that the traditional link of admiralty attorneys with patent and trademark lawyers will be restored in a new draft of the Model Rules to be issued later this month.

The Model Rules, if adopted by the House of Delegates, will be no more than recommendations to various states and state bar associations. But it is in our interest to try to avoid the imposition of a new bureaucracy upon the practice of Maritime Law. It would be most difficult for a state created agency to promulgate rules governing the practice of maritime law, which in a real sense is more a field of the law than a specialty.

The ABA Standing Committee on Admiralty and Maritime Law has been invited to attend a meeting in Chicago of the ABA Standing Committee on Specialization, which is holding hearings at the Palmer House in Chicago on May 3rd. Your President has requested that the Committee on ABA Relations be represented at the Chicago meeting to present our position that certification of maritime lawyers is not required.

Our Committee considered all of these points at our meeting yesterday and undertook to take on a study of the extent of desirable collaboration of the Maritime Law Association with the American Bar Association and its several Committees and Sections dealing with maritime law subjects.

It is again my privilege to report to you, as our Association's delegate to the House of Delegates, this time on the occasion of the meeting of the House in Houston on February 9th and 10th.

The meeting did not take up matters of any particular interest to the Maritime Bar, except a resolution of the Iowa Bar State Association which would, if adopted, require the appointment of a Committee to prepare a competitive set of Model Rules of Professional Conduct. Since we had already obtained the much desired agreement to restore 9.4 in its earlier form, we worked in collaboration with other delegates, which resulted in the Iowa State Bar Resolution being withdrawn on the understanding that any specific proposals it may wish to make will be considered by the Commission and included if possible in the new draft of Model Rules.

The Board of Governors presented a recommendation of interest to all of us involving the move of the ABA Center from the University of Chicago in South Chicago to the campus of Northwestern University on Lake Shore Drive, Chicago. This is a complicated question because the American Bar Foundation is the owner of the property at the University of Chicago out of which ABA will be moving, so that the Foundation, which is a creature of ABA itself, is losing its principal tenant. The recommendation was adopted by the House. This could result in considerable debate.

Unfortunately the Board of Governors also proposed, and the House approved, a substantial increase in dues of members of the ABA. For lawyers admitted less than two years, current \$20 dues have been increased to \$30; five years but less than ten years, \$40 increased to \$65; ten years but less than fifteen years, \$80 increased to \$110; 15 years or more, \$100 increased to \$140. The need for the increased dues was in principal part attributed to inflationary increases in the cost of running the Association and to a lesser extent to increased costs to be anticipated in occupying and running the new ABA Center. Our terms of affiliation with the American Bar Association require that 50% of our lawyer members also be members of the ABA. I hope this increase in dues will not prompt any of us to withdraw from ABA membership.

President Sims: Thank you very much.