

Hon. Robert W. Sweet, United States District Judge, Southern District of New York.

After discussion, the Executive Committee approved the extending of invitations to all of the suggested new Associate Members.

President Donovan informed the Executive Committee concerning a meeting to be held at the Bar Association of the City of New York on May 5, 1980 to discuss the question of whether or not Sections 4 and 9 of the Canons of Ethics should be revised.

An effect of the proposed revision would be the elimination of admiralty as a specialty without certification. It was agreed by those present that a suitable spokesman should be designated by President Donovan to attend this meeting on behalf of the Association.

President Donovan requested Past President Arthur M. Boal, who was present at the President's invitation, to act as the Association's spokesman at the meeting and Mr. Boal stated that he would do so, and would advance our position of opposition to any such revision. President Donovan subsequently appointed Mr. John W. Castles III to collaborate with Mr. Boal.

President Donovan advised that he, First Vice President Sims, Secretary Deming and Mr. Edward C. Kalaidjian, the Association's designated member of the Comite Subcommittee on Salvage, would be attending the meeting of the Assembly of the Comite Maritime International in Brussels on March 27th, 28th and 29th, 1980. Immediate Past President Owen will also be attending the meeting in his capacity as a Member of the Executive Council of the Comite. The principal subject matter of the meeting will be consideration of the proposed revision of the 1910 Convention on Salvage and of the subjects to be considered at the projected meeting of the Comite in Montreal in May of 1981.

Another consideration at the Brussels meeting of the Comite Assembly will be the choice of a replacement on the Executive Council for Mr. Alex Rein of Norway who has recently died. President Donovan reported that he had on behalf of the Association sent flowers to Mr. Rein's funeral and had requested Mr. John C. Moore, who was, by fortunate coincidence, in Scandinavia on other matters, to attend the funeral services as the Association's representative.

Mr. Moore, who was present at the President's request, reported to the Executive Committee concerning his attendance at Mr. Rein's services.

A number of those present made remarks concerning the extraor-

dinary service rendered through the years by Mr. Rein to the Comite. By President Donovan's request a moment of silence was observed in memory of Mr. Rein.

Mr. George L. Waddell, who was present at the invitation of President Donovan, reported as to the status of the preparations of the San Diego Fall Meeting. You will be hearing from Mr. Waddell.

Mr. Staring reported concerning the question of whether the United States should have a National Marine Insurance Act. He reported as to certain proposed legislation sponsored by the Justice Department to that end. He referred to his speech delivered at Tulane University criticizing this proposed legislation as a "dreadful concoction of proposals" for the Federal Government to police the activities of the States in this area.

After discussion, it was agreed that this matter should be studied, but that the time is not now propitious for the Association to become involved in an effort to obtain a National law or uniform State law on this subject. Mr. Kalaidjian stated that he would arrange for consideration by the Committee on Marine Insurance, General Average and Salvage of the question of whether or not an effort should be made to obtain a model Act.

President Donovan reported that our member, Frank L. Wiswall, Jr., President of Liberian Services, Inc., has been appointed as the Chairman of the Legal Committee of IMCO succeeding Mr. George A. Maslov, who has resigned because of the pressure of other duties in his own country. It should be noted that at the meeting in Brussels of the Assembly of the Comite Maritime International on March 27th, 28th and 29th, 1980, Mr. Wiswall, on the nomination of President Donovan, was elected a Titulary Member of the Comite.

President Donovan asked for a discussion of a proposal of a President's Committee to review the Articles of the Association and By-Laws and consider the present requirements for membership.

The President pointed out this subject is of particular importance because of the growing concern of whether there should be a requirement of certification as a condition of being an admiralty specialist.

First Vice President Sims proposed that the President appoint a Special Committee of not less than three nor more than five members of the Association who possess the necessary qualifications to consider a) whether there is a present need for a study to be made with respect to any or all of the following:

1. Clarification or modernization of the Articles of the Association and By-Laws as they pertain to definition of classes of membership and the qualifications required therefor.

2. The present and future impact on the organization and practices of the MLA of what is apparently a nationwide trend toward specialized training as a prerequisite to legal practice designation and resultant certification and specialization.

3. With respect to the foregoing, what steps, if any, the MLA should take to maintain its present pre-eminent position in the field of maritime law so that its voice will be clearly heard and respected.

(b) If the Committee should conclude that there is need for such a study it should be authorized to make recommendations to the President:

1. Whether such study is to be conducted by Special Committee or should there be a Standing Committee charged with full responsibility for all aspects, subject to the ultimate aim of reducing the scope of such Committee's activities as developments and circumstances warrant.

2. The composition of the Committee, both with respect to size and qualification; and

3. To what extent it might reasonably be expected to take over some of the functions presently being exercised by other Special or Standing Committees.

This concluded the business at that meeting.

The Executive Committee met again at 9:30 A.M. yesterday, May 1, 1980, at the offices of the President.

The minutes of the March 26, 1980 meeting were approved. The reports of Treasurer Keating and Membership Secretary Sullivan were read and approved. You will be hearing from them.

Mr. Staring gave an update on the status of the Association's efforts in connection with the appeal in the ACADIAN VALOR case. You will be hearing from him.

President Donovan reported that Alex T. Howard, Jr., of Mobile, Alabama, telephoned him Tuesday of this week and advised that he had just received a decision from Judge Edwin F. Hunter of the United States District Court of the Western District of Louisiana taking a position *contra* to the ACADIAN VALOR decision.

Judge Hunter said he was conversant with the ACADIAN VALOR and stated his belief that there is a serious question as to the constitutionality of the *in rem* attachment procedures.

He held, however, that each seizure must be separately considered and he refused to vacate this one. Consideration is being given to the possibility of a joint appeal and the matter is being actively pursued.

President Donovan reported concerning an International Conference, co-sponsored by the Canadian Maritime Law Association, to be held at Halifax, Nova Scotia, May 30th and 31st, 1980, on the subject of "New Directions in Maritime Law 1980."

President Donovan will be a speaker as will our member Edward H. Mahla.

Mr. George L. Waddell was present at the invitation of President Donovan and reported as to the progress and plans for the November 1980 San Diego Meeting. You will be hearing from him.

Secretary Deming, as Chairman of the Sub-Committee on Seminars, reported that the Sub-Committee has selected the seminar subjects as follows:

Aspects of the London Market, conducted by three distinguished invitees.

Bankruptcy versus Maritime Liens.

Aspects of Extra-contractual Compensatory and Punitive Liability of Insurers; and

Attachment and the Foreign Sovereign Immunities Act.

After discussion it was determined to invite to Associate Membership:

Hon. Jack E. Tanner of the United States District Court, Western District of Washington;

Dean Paul Verkeuil of Tulane University School of Law; and

Mr. Peter Teige of the Federal Maritime Commission.

After discussion nine new non-lawyer Members of the Association were elected.

It was reported that a distinguished Member of this Association had died since the last meeting, Mr. Eberhard P. Deutsch of New Orleans.

President Donovan: I would like us all to rise for a moment of silence.

(A moment of silence was then observed.)

Secretary Deming: President Donovan reported that he received a letter from Judge Charles S. Haight of the Southern District of New York, an Associate Member, requesting the Association's

cooperation in connection with consideration of possible changes in the Rules of the Southern and Eastern Districts of New York.

President Donovan advised he had appointed to that end a Committee consisting of James M. Estabrook, Donald M. Kennedy and Alexander E. Rugani, and had so advised his Honor.

Mr. Elliott B. Nixon, who was present by invitation of President Donovan, advised that a Sub-Committee for the same purpose has been constituted in the Admiralty Committee of the Bar Association of the City of New York, the Sub-Committee to be chaired by our Member, Richard H. Brown, Jr.

There remained one item on the agenda, a meeting scheduled to be held at the Roosevelt Hotel in New York, May 5, 1980, by an ABA Commission on Evaluation of Professional Standards at which consideration is to be given to the establishment of standards for admiralty as a specialty.

This item was deferred until the luncheon meeting at which Past Presidents Arthur M. Boal and Herbert M. Lord and Mr. John W. Castles, III, present on President Donovan's invitation, spoke.

In the absence of Mr. Lord abroad, Messrs. Boal and Castles will attend the meeting and present the Association's views.

That concludes the Secretary's report, Mr. President.

President Donovan: Thank you, Mr. Deming.

I note that my good friend Bill Tetley is in the room. Bill was a very able and eminent admiralty practitioner in Montreal until he went into government service and is now a professor of law at McGill University. Bill will you rise.

(Applause.)

Mr. Deming mentioned the meeting in Brussels of the Comite Maritime. The principal subject at the meeting was, as Mr. Deming said, the subject of salvage, and Ed Kalaidjian, who is our representative on the Comite Sub-Committee on Salvage, handled himself in an extremely capable way and did us proud. I feel I would be remiss if I didn't mention that.

I would also like to thank Mr. Alex Howard for so quickly and ably getting the copy of this new decision *contra* to the ACADIAN VALOR up to me. It was a great help. I was able to then pass it on to Gray Staring, and his Committee therefore was in a position to handle the problem without just basing it on rumor. Thank you, Mr. Howard.

I now call for the report of our Treasurer, Mr. Marshall P. Keating.

REPORT OF THE TREASURER

Treasurer Keating: Mr. President, ladies and gentlemen, as Secretary Deming has indicated, the time has now come when we must reconsider the dues structure of the Association.

The Budget Committee has met and carefully considered this subject on a number of occasions. This year behaved quite predictably. For the fiscal year 1979-80 we started with some \$31,000. We took in income of \$131,000, had expenditures of over \$125,000 and ended up the fiscal year with cash currently on hand of about \$37,000.

Of that amount of income over \$10,000 was in the form of interest earned on funds that were held during the course of the year.

Whatever the economy may be for the future we cannot predict that we will be able to earn interest at that rate for any continuing period of time. It has helped us enormously during the course of the past year.

In addition, all expenses which are allocable to the fiscal year 79-80 have not yet been received by the Treasurer's office so that they will be carried forward into next year as we are on a cash basis.

As a result of all these considerations, various suggestions and alternatives were reviewed with respect to dues. The conclusion was reached by the Budget Committee that an across the board dues increase of \$10 per person annually was indicated.

A \$10 a year increase would generate roughly another \$25,000 annually in income for the Association. It would be an increase in the dues structure from \$40 to \$50 for regular members and from \$25 to \$35 for those admitted to the Bar for less than five years.

It is the recommendation of the Budget Committee that the dues be raised to that figure. I join in the Budget Committee's recommendation personally, and submit that recommendation to you, Mr. President.

President Donovan: Thank you, Mr. Keating.

I would like to say a few words on that subject. I have served within the Executive Committee at times when the funds of the Committee were so low as to shock anyone and at the same time we