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| **Reports (Oral) of Standing Committees** |
| **Source:** MLA **Doc. No.:** 758 **Date:** May 4, 2001     PRESIDENT DORSEY: The motion is carried and the report is adopted. Thank you, Winston.  I’m going to depart from the usual routine and take things a little bit out of order because we have a number of people presenting Resolutions and reports who have other commitments and need to get on early. I’m going to start right away with a couple of Committee reports and a Resolution or two. We’ve got a number of Resolutions today. Then I’ll come back with the introduction of some of our distinguished guests, which we usually do in the beginning. I’m going to defer that just a bit. So, let’s start off right now with the report of the Chair of the Salvage Committee, Jim Shirley.  MR. SHIRLEY: Thank you very much, Mr. President.  The Salvage Committee met on Wednesday morning for an hour-and-a-half in the Haight Gardner Holland & Knight offices. We had full attendance, as usual. We had 30-odd members of the Committee attending, counting Phil Berns, one very odd member.  (Laughter).  MR. SHIRLEY: We had a lot that could be talked about in that Committee meeting, but because of some very good work that Professor David Sharpe had done on a particular assignment, we devoted the entirety of the meeting to that topic. We have a Resolution to put before the membership.  If I may, Mr. President, I’m going to depart just slightly from the procedure you and I agreed to, and before presenting the Resolution, I would like to ask Professor David Sharpe to give a brief review of the very meticulous study he did on this subject. It has to do with whether the U.S. should implement legislatively the 1989 Salvage Convention, whether the United States should denounce the 1910 Salvage Convention, and whether we should amend the legislation as needed to do those things.  Professor Sharpe–I think I said this when we saw the first part of his work on this issue, or his first report six months ago–did a meticulous job. It’s even better now. I remember the old adage, those who can do and those who can’t teach. Well, believe me, Professor Sharpe can teach, can do, and has done.  Thank you very much.  PRESIDENT DORSEY: Jim, give your card to the court reporter.  I’d ask everybody who is coming up to give their card to the court reporter. I should have mentioned that earlier, but I forgot.  Go ahead, Dave.  PROFESSOR SHARPE: Thank you Mr. President, members, guests. I will speak slowly but briefly. I have made notes on my card, which says “red, right, returning.”  (Laughter.)  PROFESSOR SHARPE: What are we asking the Association to do by our Resolution?  Although the United States has a bad reputation in the international community for not adhering to treaties that we encourage, here we have an embarrassment of riches. The United States is a state party to both the 1910 Salvage Convention and the 1989 Salvage Convention. So the Resolution proposition is to denounce the 1910 Convention.  Jim said the D word, “denounce,” and I just said the D word. To denounce a treaty terrifies public law scholars, conveying the idea that we should hunker down, prepared to shoot at any minute. But the actual operation and intention of both the 1910 and the 1989 Conventions has been for nations to assure one another that they will conform or harmonize their domestic laws with the language of the treaties.  This is a different type of convention from a public law agreement. This does not create relations between governments. What it does is try to harmonize the private law of the nations involved. And so if we substitute the 1989 language for the 1910 language, we have in effect gone from one version of holy writ to a different version of holy writ–except that, so far as I’m aware, there are no conflicts between the languages of the two. Do not fear, then, to “denounce” this treaty; all the word means is to “repeal” it. But in the language of international law, there is no verb except “denounce.”  In the language of law, you recognize terms of art that sound more violent than they are in application, such as vi et armis, with force and arms, which was the minimum for stating a claim in common law pleading. Today your complaint demands relief, which has the practical effect of saying “Boo!”  (Laughter)  PROFESSOR SHARPE: So don’t be afraid of denouncing the treaty.  There is not much wrong with the 1910 treaty. And yet I cannot help thinking with my learned brethren on the Salvage Committee, that if you decide to pull up an old wreck, you always see marks and scars on it. Somebody has hit the sucker and probably gotten hurt, but often nobody filed a claim. Likewise, there is no reason to think that the paucity of reported conflicts between the 1910 and the 1989 Conventions is the sum total of all of the difficulties that have been considered by counsel and the courts.  What are the risks of repeal or denouncing the 1910 Convention? I think none. We have no diplomatic relations that were created by the Convention. We do have bilateral Salvage Conventions with Canada and with Mexico. These treaties create government-to-government relations having to do with the use of otherwise foreign-flag vessels in domestic waters. If we were to denounce such a bilateral treaty, this would be serious business. But shifting our attention from promising to conform our domestic law from 1910 to 1989 should not cause pulses to pound.  There are some benefits. The 1989 Convention was put in force primarily in order to take care of protection of the environment, Articles 13 and 14, which express ideas that were nowhere treated in the 1910 Convention. If we had a conflict of laws problem with a nation that is a state party only to the 1910 Convention, our having only the 1989 Convention would make our national policy quite clear, that we endorse these measures to prevent and to abate pollution. I think this is important because our salvage law is still growing by means of judicial decision.  Other national cultures tend to enact the Convention language. We have not done that, and I rather hope we don’t. Why was this not done in 1989? The United States Department of State, in advising the President of the United States and the Senate of the United States to go ahead with giving advice and consent to the 1989 Convention, was concerned with economy of time and effort. The letter of transmittal said, “This does not change U.S. domestic salvage law.” Everyone believes this. It’s true. It saved putting the whole treaty through the Congress of the United States. It also saved the hassle of going through denunciation of the 1910 Convention, which was considered to be simply unnecessary.  Why us now? This is a good-housekeeping measure in some ways. The MLA is a law reform organization, as stated in the Articles of Incorporation. And consequently, I stand before you to urge you to take this tender step of endorsing our Resolution to denounce the 1910 Convention, with the idea–if you believe me, and I hope you do–that it has some benefits and no risks.  Thank you, Mr. President.  PRESIDENT DORSEY: Are you going to read the Resolution?  MR. SHIRLEY: Yes, Mr. President.  That will conclude the Committee report. However, I would like to read the Resolution and move for its adoption by this membership.  At its meeting on May 2, 2001, the Committee on Salvage unanimously passed the following Resolution and I now move it before the Spring Meeting of the Maritime Law Association of the United States.  “Be it resolved, that the Maritime Law Association of the United States recommends that the United States Government denounce the Salvage Convention of 1910 to make it clear that the Salvage Convention of 1989 is the only Salvage Convention that affects the law of the United States, and that the President of this Association shall take such steps as necessary to communicate this resolution and recommendation to the appropriate U.S. Government official.”  PRESIDENT DORSEY: Is there a second?  (Chorus of seconds.)  PRESIDENT DORSEY: Is there any discussion, any questions anyone wants to ask?  (No response.)  PRESIDENT DORSEY: If not, I’ll call the question.  All in favor of the Resolution say aye.  (A chorus of ayes.)  PRESIDENT DORSEY: Opposed?  (No response.)  PRESIDENT DORSEY: The Resolution is carried.  Thank you very much, Jim.  You know what this means, ladies and gentlemen, it means that I now get to write a letter to either the President of the United States or the Secretary of State urging denunciation of this treaty. I can see CNN the next day, “Maritime Law Association creates International incident. Denounces long-term treaty at convention.” Well, it’s going to be a lot of fun.  I just want to let you know that Jim Shirley is retiring as Chair of the Salvage Committee. I mentioned at his Committee meeting earlier in the week that his Committee is one of our gems. One of the reasons that is so is because of the leadership that Jim Shirley has shown over the last four years. So thank you, Jim, very much for all your work.  (Applause.)  PRESIDENT DORSEY: Thanks also to David Sharpe for one of the really great pieces of research, thought and effort. He has now written the definitive piece of work on the interplay of the Salvage Act, the 1989 Salvage Convention and the 1910 Salvage Convention. I recommend it to everyone.  (Applause.)  PRESIDENT DORSEY: Next we have Carriage of Goods, and the CMI International Sub-Committee on Transport Law.  We are taking Michael Sturley first because he is in the midst of drafting the outline instrument for the International Sub-Committee, or participating in the drafting, I should say. The work is going on as we speak, and he wants to make sure he gets back there so that they get it right.  MR. STURLEY: We’re trying to get all of the law professors out of the way first.  Mr. President, ladies and gentlemen, in October I stood before you to report on our progress and predict our future schedule. All of those predictions turned out to be wrong, but I nevertheless have been invited back to try again with yet more predictions.  In February, the Issues in Transport Law International Sub-Committee was reconstituted as Committee A at the Singapore Conference. We had what I think was a very successful meeting in Singapore. We did not try to go through the draft outline instrument section by section. We only had a week in Singapore, after all. We instead focused on the so-called “hot topics” that we thought would attract the most interest.  I think we got very good feedback on a number of issues at the Singapore Conference. Perhaps navigational fault was the most interesting issue. Roughly two-thirds of the member associations supported the elimination of the section 4(2)(a) defense for error in navigation or management, which was somewhat surprising for some of us. Of the remaining one third of the national associations, the overwhelming majority of them, about 70 percent, said that they were willing to discuss the elimination of the navigational fault exception as part of a larger package. Very, very few, in fact, only two, of the national associations supported the retention of the error in navigation defense.  The CMI has come a long way on this project. We still have quite a bit of work to do. At the end of the Singapore Conference, the Assembly directed the International Sub-Committee to proceed with its work to redraft the outline instrument in line with the information that we had received at the conference. We are proceeding with this work on an expedited basis.  Many of you may know Jernej Sekolec, who has been with the UN Commission on Internatioal Trade Law (UNCITRAL) for many years, and has been involved with the CMI’s work on Carriage of Goods for many years. He has recently been elevated and is now the Secretary of UNCITRAL and is very eager for UNCITRAL to begin its work formally on this project as soon as possible. In particular, he has asked the CMI to produce a draft outline instrument and deliver that to UNCITRAL by the end of this year. So what was described as an ambitious schedule six months ago has now been expedited.  The Working Group met on Monday and Tuesday this week, and the drafting group, an even smaller subset, has continued work Wednesday and today. Indeed, they are at work right now and I will join them when I leave here. The revised draft will be circulated in a couple of weeks when the drafting committee finishes its work. It will circulate its proposals to the rest of the Working Group for their review, but we expect that, not next week, but by the end of the following week, the revised draft will be circulated to all of the national associations, interested industry groups, and so forth.  With this revised draft there will also be what we’re describing as a consultation paper. We will be seeking reaction from all the member associations, including the U.S. Maritime Law Association, all of the interested industry groups, and anyone else who has opinions to express. Of course, everyone will get the draft. It’s a fairly substantial draft. The purpose of the consultation paper is to call attention to some very specific issues on which we feel the need for specific guidance. We don’t want people to look through the draft and be overwhelmed by it and not respond to our specific concerns on the hot topics, so we’re calling some of those hot topics to people’s attention in the consultation paper.  We expect that some of the more industrious maritime law associations will, in fact, go well beyond the issues in the consultation paper and give us very full reports on the entire draft. I certainly expect our Association to be one of those more industrious associations.  Answers will be due by September 28th. Earlier answers will be encouraged. The earlier the answers come in, the more time the Working Group will have to think about them in getting the next draft ready.  While this consultation process is going on, the International Sub-Ccommittee will also meet on July 16th, 17th, and 18th, to focus on three specific chapters of the proposal: the chapters on right of control, transfer of rights, and right of suit. These are three topics that proved particularly controversial in Singapore. Perhaps more significantly, they were three topics that the International Sub-Committee had not had much time to focus on before the Singapore conference, so they had been less fully considered than the other topics in the draft.  A meeting of the Working Group has been tentatively scheduled for October 4th and 5th to revise the draft instrument in light of the answers that we receive from the consultation project.  Remember, those answers are due on September 28th, so the Working Group will have only a few days to think about them and then meet and revise the instrument.  The proposal is that the International Sub-Committee will then meet on November 12th and 13th to discuss the proposed final draft, so that it can be forwarded to the Executive Council in plenty of time for consideration at their meeting on December 7thand 8th. Assuming the Executive Council approves the draft, the prospect is that it will go forward to the UNCITRAL, so Jernej Sekolec can have it by the end of the year, as he has requested.  I will be happy to answer any questions. Otherwise, I need to go down and help our Chairman Stuart Beare draft the consultation paper.  PRESIDENT DORSEY: Michael, I have one question.  Do you think that the final draft will be ready by the time of our meeting  in San Diego? You are going to have the Working Group meeting on what, October the 4th and 5th, and our meeting in San Diego is October the 15th. I just wondered.  MR. STURLEY: We’re meeting a week-and-a-half before the San Diego meeting. It will depend a lot on what sort of reaction we get through the consultation process. I suspect that there will be at least a draft of the final report. I am not sure whether or not the Working Group will have signed off on it before the San Diego meeting.  PRESIDENT DORSEY: The reason I asked is that one of the things we are doing in San Diego, and it is a little bit out of the ordinary this year, is to have a CLE Credit Committee meeting, which is the Carriage of Goods Committee meeting. At that meeting we had planned to have papers on the draft outline instrument and comparisons between that and our COGSA meeting.  Well, thank you, Michael, very much.  Is there anyone else that has any questions for Michael?  If not, we’ll release you, Michael, with thanks, and let you go back to work.  MR. STURLEY: Thank you.  PRESIDENT DORSEY: Bob Connor, followed by Lisa Reeves.  MR. CONNOR: Good morning. The bulk of what our Committee is doing will be found in my formal report, but I just want to report this morning on the status of the COGSA proposal. With the changes in the administration of both the White House and in the Senate specifically, we’re being delayed once again.  Senator Gordon Smith of Oregon is now the chairman of the committee that is reviewing our proposal. At the present time, they are more concerned with the proposed tax cut and confirmation issues. Quite frankly, according to my conversation Tuesday with the new legislative aide who is following this subject, Wally Chu, it appears that nothing is going to happen until September.  We have been invited to come to Washington, a small group, and speak with the legislative aide, Wally Chu, and some of the other aides about the proposal to educate them so it will go forward. Senator Hutchinson has moved to another committee, and she was the one who was really shepherding this for us.  That’s my report, Mr. President.  PRESIDENT DORSEY: Thanks, Bob. Lisa Reeves, Limitation of Liability.  MS. REEVES: Thank you, Mr. President, for taking me out of order. Good morning, everyone.  For the past year, our Committee has been closely monitoring an important limitation case that has now been resolved by the Supreme Court. That case is Lewis versus Lewis and Clark Marine and it originated in the 8th Circuit.  By way of a brief background, this was a single claimant, adequate fund case. The claimant was a Jones Act seaman. He filed suit in the state court just a few days after the vessel owner had filed for limitation of liability in Federal Court. The claimant did not demand a jury in his state court action.  In a unanimous opinion, the Supreme Court reversed the 8thCircuit, which had held that absent a jury demand, the vessel owner was entitled to litigate its right to exoneration in Federal Court, even though limitation of liability was no longer an issue in the case, because the claimant had stipulated that his claim was less than the value of the vessel. The Supreme Court held that although a vessel owner need not confess liability in order to seek limitation, Supplemental Admiralty Rule F does not create a freestanding right to have the issue of exoneration litigated in Federal Court under circumstances in which limitation of liability is not the issue.  The Court then found that the plaintiff’s failure to demand a jury trial in State Court did not deprive him of his right to have his case litigated in the State Court. In other words, the Court found that plaintiff’s right to a jury trial was not the only right saved to the suitors or the only remedy saved by the savings to suitors clause. Therefore, if a single claimant makes the appropriate stipulations, the limitation action should be dismissed or stayed so that the claimant can pursue his remedy in State Court even in the absence of a jury demand.  The citation is 121 S. Ct. 993, and the decision was rendered by Justice O’Connor in February of this year.  Fortunately, the Court did not find it necessary to address the issue of whether Supplemental Admiralty Rule F was ultra vires, which was something that had been initially raised by the claimant.  Thank you.  PRESIDENT DORSEY: Thank you, Lisa.  At this time I would like to introduce a number of the distinguished visitors that we have here today.  Actually, I’m not sure I should refer to them as visitors because they are here almost all the time at our meetings and attend probably more Committee meetings than most of our members do. But Captain Joe Ahern, who is the Chief of the Maritime and International Law Division of the United States Coast Guard, and his assistant, Lieutenant Dan Goettle, are here, and welcome to you both.  (Applause.)  PRESIDENT DORSEY: It is invaluable to us to have them here to report on what the Coast Guard is doing, and we very much appreciate it.  At lunch yesterday I made note of the fact that, sadly, Lieutenant Goettle is moving on to another position in the Coast Guard after his tour of duty with the Maritime and International Law Division and he leaves that post this summer. We’ll miss you, Dan. You have been terrific. I appreciate all of the courtesies you have extended to me, and I hope that you keep in touch with us. Good luck in the future.  I also would like to introduce Lucienne Bulow, who is the President of the Society of Maritime Arbitrators. Lucienne, greetings.  (Applause.)  PRESIDENT DORSEY: This is a big year for the Society of Maritime Arbitrators because they are hosting the 14thInternational Congress of Maritime Arbitrators which will take place here in New York City during the week of October 22nd to October 26th, which is the week immediately following our meeting in San Diego. I might add, the MLA is one of the sponsors of this international conference, and we are assisting the SMA in the acquisition of CLE credits for this event. There are some very handsome brochures pertaining to this International Congress, and they are available. Lucienne, can people get a copy from you?  MS. BULOW: We have a few on the tables outside this room. They have been mailed this week. If you do not receive them within two weeks, call the SMA office and we will send you one.  I want to express our gratitude to you, Mr. President, and to the Board for agreeing to issue the CLE credits, and to Larry Bowles, the Chairman of the CLE Committee.  PRESIDENT DORSEY: You’re very welcome. We’re delighted to do it. We have very close ties to the Society of Maritime Arbitrators and we want to keep on with that close relationship.  We have a number of visitors from Canada. As a matter of fact, at lunch the other day I wasn’t sure that we didn’t have most of the members of the Canadian Maritime Law Association here. But we have a number of them here today, and I would like to recognize them.  David Marler, who is head of the Canadian Average Adjustors Association is back there.  David, greetings.  (Applause.)  PRESIDENT DORSEY: Professor William Tetley, who is not only a member of the Canadian Maritime Law Association, but he’s also a long-time honorary member of this Association. So, Bill, where are you?  (Applause.)  PRESIDENT DORSEY: Nigel Frawley was at the lunch yesterday, but I don’t think Nigel is here this morning. Peter Cullen of the Canadian Maritime Law Association, who is in charge of arrangements for the Canadian Maritime Law Association’s 50thAnniversary meeting, which will take place in June of this year, is here, and, Peter, greetings.  (Applause.)  PRESIDENT DOSEY: And finally, Jim Gould, the President of the Canadian Maritime Law Association is here. And, Jim, I would invite you to say a few words about your upcoming 50th Anniversary meeting.  MR. GOULD: Thank you, President Dorsey. We also thank you for the generous offers, the cocktail reception which you are providing to us at our 50th Anniversary celebration, and the mystery gift which is going to keep us fascinated now for well over a month.  (Laughter.)  MR. GOULD: We very much appreciate it, too, because I think it symbolizes the very cordial and deep relationships between our two Associations.  I’ll just give you a hint as to what we’re going to talk about. Global warming, its effect on shipping in Canadian shipping lanes with emphasis on the Arctic. We foresee very fundamental changes occurring in the next 20 years. A northwest passage from Europe to Japan, that is, say, from Rotterdam to Yokohama, would save 5,000 miles, it’s 5,000 miles shorter than through the Panama canal. Mr. Cullen has coined the phrase Canama Canal. We’ll have some interesting speakers on this. We have the chief weather scientist and advisor to the Canadian Government; we have an oceanographer from the Bedford Institute of Oceanography; we have a retired legal advisor to the Minister of Foreign Affairs on Canadian Sovereignty; and we have a Canadian Coast Guard navigator with experience in ice navigation in the Arctic, and much more.  We invite as many of you as can come to celebrate with us, as we celebrated with you for your 100th Anniversary. Peter Cullen is the Chair; his phone number is (514) 397-3135. We hope we see you in the beautiful city of Montreal on the 15th and 16th of June this year.  Thank you.  (Applause.)  PRESIDENT DORSEY: Thank you. Can we bring our own scientists on global warming?  (Laughter.)  PRESIDENT DORSEY: I have had the opportunity and the privilege of seeing first-hand the Canadian Maritime Law Association in operation. Although they are younger than we are and smaller than we are, the quality of the work that they produce is really quite remarkable and quite impressive.  Sometimes we have disagreements as to various aspects of the law and positions that we take, but no shots have yet been fired across the border between us and Canada, and long may it stay that way. We have good relations with them and I certainly enjoy going there and having the Canadians come to our meetings. It’s a very nice, close relationship.  Now, a little bit out of the ordinary. I just want to make a few comments about the MLA Report.  The MLA Report was started in 1983 and the first editor was David Owen. Actually, there have only been two editors of the MLA Report since 1983. The current editor, Gordon Paulsen, took over that job in 1991.  Gordon has indicated his intention to resign that post effective today. Matt Marion is going to take over the role. I didn’t want to let this pass without some recognition of Gordon, because during his time as editor he has done a superb job in maintaining the professionalism of that publication. It reflects so well on this Association. It is such a good publication and he’s done a fantastic job as the editor. I think all of us in this Association owe Gordon a very great debt of gratitude for all of the effort and work that he has put in on this job over the years.  I have a small token of appreciation that I want to present to Gordon. I’m coming down the stairway there, Gordon.  “The Maritime Law Association of the United States, in Recognition and Appreciation of the services of Gordon W. Paulsen, as Editor, MLA Report, presents this testimonial as a token of its gratitude.  /s/ William R. Dorsey, III, President May 4, 2001”  (Standing ovation and applause.)  PRESIDENT DORSEY: Now, I think we’ll hear from Tony Whitman on the Arrangements Committee. Usually we do this at the end of the day, but I would like to get as many people here to listen to what Tony has to say about our meeting in San Diego, because I think it is going to be a terrific meeting.  MR. WHITMAN: Thank you, President Dorsey.  I have great pleasure in once again addressing you in connection with our meeting this fall at the Hotel Del Coronado the week of October 15th. On the table in the hallway there is for each of you a copy of the registration brochure which in the spirit of thrift, which suffuses the Maritime Law Association at this time, will also be sent to you by bulk mail in a second class slow boat, but it will get to you within the next couple of weeks. Feel free also to take with you, if you like, a copy of the Hotel Del Coronado brochure, which is also out there. I have to say it does not do the hotel justice, but it’s a little something to take with you as a memory jogger for this event.  We have a wonderful program planned. The schedule is a little bit different from what it has been. The athletic events are for the most part on Tuesday. That includes a golf tournament at Steel Canyon Golf Course, which has been organized by Jim Moseley, Jr., and I understand that’s going to be a wonderful event. The fishing and the sailing are also that same day.  Also on Tuesday we have various family excursions planned. There is a family trip by chartered bus to Disneyland and Disney’s California Adventure Theme Park, which is a new theme park for all ages, from the Hotel Del Coronado. Spend the day out there and come back on Tuesday, or in the alternative, enjoy an afternoon at the San Diego Wild Animal Park, which is also a terrific opportunity. All of those offerings are described in the registration brochure.  I would ask that you pay close attention to the fact that there are a limited number of rooms at the MLA rate. The Hotel Del Coronado does sell out routinely, and so I would urge you to send in both your MLA registration and your Hotel Del Coronado registration at an early opportunity.  The cutoff date for saving $100 on the MLA meeting registration is August 15th. That sounds like it’s a long way from now, but I urge you not to wait until August 15th because the best rooms are going to be gone, and it is certainly possible that all of our MLA rate rooms will be gone by that time.  Take one of these with you, and look for it in the mail, as well (indicating).  On the issue of power failure in San Diego, I am assured of two things. Number one, the power company in San Diego is not one of the ones that is currently having problems, but more importantly, the Hotel Del Coronado was built before air conditioning existed, the windows open, the ceiling fans work, and the weather in October will be perfect. So plan to join us then, please.  PRESIDENT DORSEY: Thank you, Tony.  (Applause.)  PRESIDENT DORSEY: I think we’ll call next on the Fisheries Committee, another one out of order because we have a Resolution from the Fisheries Committee. Then I’m going to start more back in the usual order. Next will be ABA Relations.  MR. BIRKHEAD: The next topic we addressed was some new fishing history, fishing permit cases, all coming out of the First Circuit. They are cases of first impression. In fact, the First Circuit decision that came out March 30th indicated in its own language that it was clearly a case of first impression.  People familiar with the fishing industry will know that the fishing history/fishing permit issued by the National Marine Fisheries Service is often the most valuable asset the fisherman owns; more valuable, in fact, than the vessel. The question had never come up before, at least had not been litigated to a decision before, as to whether the fishing history which is assigned to a vessel is an appurtenance.  We now have two cases; one was a District Court case in Maine, and another a District Court case in Massachusetts handled by my partner, Eddie Powers, that have addressed that very question. Both were foreclosures of maritime liens, not mortgages, but maritime liens. The Maine case decided that, in fact, the fishing history, regardless of the National Marine Fisheries Service regulations on how you can transfer histories or licenses, did constitute an appurtenance to the vessel and did pass to the high bidder at the Marshal’s auction of the vessel.  Our case was very similar to that. We had one in the District of Massachusetts, and the District Judge of Massachusetts agreed with the District Judge in Maine and found the same way, which unfortunately was against our position.  The very day that Eddie was completing his appellate brief to the First Circuit, the First Circuit came down affirming the Maine case, and obviously two weeks later per curiam affirmed our case. Eddie is now reviewing the possibility of petitioning for a writ of certiorari.  Interestingly enough, in our case the National Marine Fisheries Service was also a party defendant and they took no position as to whether there were any property rights in fishing history, whether it constituted property or just a privilege.  In another recent case, the government was being sued in the Court of Claims on a taking theory by a fisherman whose fishing permit had been rendered valueless by a change in regulations. The government successfully took the position that the fishing permit/history was not a property right, but was merely a privilege granted by the United States, which obviously is what argued unsuccessfully in Massachusetts. So that question still is open to some extent and will be the subject, I’m sure, of further litigation.  The third topic was the discussion of the New American Fisheries Act. It is not that new now since it was passed in 1998, but the implementing regulations have been dribbling out.  We have some deadlines that are hard upon us now. For vessels under 100 feet in length with a Fisheries endorsement, the Coast Guard is in charge. Any owner of such a vessel is required under the new act to prove that it meets the new higher citizenship requirements of the American Fisheries Act or lose the Fisheries endorsement.  For vessels 100 feet in registered length or greater, the MARAD has jurisdiction. The MARAD requires a submission of proof by affidavits and other documentation as set forth in their regulations, by June 1st. October 1st of this year is the deadline for receiving approval by the Maritime Administration for vessels under its jurisdiction or losing the Fisheries endorsement. There is no grandfathering provision under this statute at all.  It also imposes citizenship requirements for mortgagees, again, with no grandfathering.  The mortgagees now have to be either (1) qualified as a vessel owner to the same standard, which is now 75 percent at each level and in the aggregate, 75 percent U.S. citizenship, or (2) a state or federally chartered financial institution of 51 percent American citizenship or better.  There is also a provision for what we all remember from the old days, a trustee mortgagee situation via a qualified trustee. There are no qualified trustees at this time, nor as far as we can determine, have any applied. As I mentioned, there is no grandfathering provision, and while the statute and regulations are not entirely clear, it appears that if the qualification has not been obtained by October 1st from the Maritime Administration, the existing good preferred ship mortgage will lose its preferred status, and it is possible that the failure of the mortgagee to qualify could also lose the innocent vessel owner his Fisheries endorsement.  It appears now that some of the mortgagees have started to awaken to the problems we have here. We believe that there are some political moves afoot to delay the effective date of October 1st of this year for the implementation of either the owner citizenship requirement or the mortgagee citizenship requirement.  In our Committee meeting there was unanimous approval of a Resolution that the MLA go on record rging an 18-month delay in the implementation of the mortgagee qualification provisions. That is what I have come to present to the membership here today.  I do apologize to the Marine Finance Committee. I was looking for Sandy this morning to go over the Resolution because, as you can tell, it does slop over from one Committee to another.  The lead in this project has been Steve Johnson from Seattle, who is a member of both Committees and has been a Joint Subcommittee of our two Committees to do the research and to follow the regulations as they have come dribbling out.  The Resolution which I will read to you now takes no position on the merits of this statute, but urges only a delay in the implementation of the requirements, a delay in the October 1, 2001 deadline for qualification of the mortgagees:  “BE IT RESOLVED:  “The Maritime Law Association of the United States takes a position in favor of extending the effective date of Section 202(b) of the American Fisheries Act (the “AFA”) and 46 U.S.C. 12102(c)(4), as implemented by the AFA for at least 18 months from the current effective date of October 1, 2001, to permit development and consideration of amendments to protect the interests of the current holders of preferred ship mortgages on fishing vessels of 100 feet or greater in registered length and the interests of the vessel owners.  “BE IT FURTHER RESOLVED:  That the President of the Association is hereby directed to communicate this position to the appropriate members and committees of the United States Congress.”  PRESIDENT DORSEY: Do you move the Resolution?  MR. BIRKHEAD: I move the Resolution.  PRESIDENT DORSEY: Is there a second?  (A chorus of seconds.)  PRESIDENT DORSEY: Are there any questions or any discussion?  (No response.)  PRESIDENT DORSEY: Are you ready for the vote? All in favor say aye.  (Chorus of ayes.)  PRESIDENT DORSEY: Opposed?  (No response.)  PRESIDENT DORSEY: The Resolution is carried.  Thank you.  MR. BIRKHEAD: Thank you.  PRESIDENT DORSEY: Thank you for your four years of service on the Fisheries Committee. A job well done. Bill is going to be replaced by David Farrell of Cape Cod as Chairman of the Fisheries Committee. Thank you very much, Bill.  MR. BIRKHEAD: Thank you.  (Applause.)  PRESIDENT DORSEY: Next I’ll call on Frank Wiswall to give a report with respect to the American Maritime Law Foundation, and Chet will be next.  MR. WISWALL: Thank you, Mr. President.  The former CMI American Foundation has almost, but not quite, completed its name change to the American Maritime Law Foundation.  In the process of this transition I want to acknowledge this morning a very generous and anonymous gift–or series of gifts–from a non-lawyer member of this Association; this has materially advanced our ability to participate in such programs as the recycling of used law books to foreign and even in some cases American law libraries by helping to underwrite the postage costs, to offer–of course–the Elliot Nixon Prize, and a new venture which we are embarking on.  Sometime about the middle of this summer there will be a website for the American Maritime Law Foundation. On this website will be posted the rules for the Elliot Nixon Prize. We decided not to press ahead with a new prize competition until the name change was complete. It would be too confusing. We are also going to have news of our other endeavors and some links to other useful sites.  I hope you will look in on this site, and I don’t think you will find the web address too difficult to remember. It is www.silver-oar.org. Just don’t forget the dash in the middle.  Thank you, Mr. President.  PRESIDENT DORSEY: Thank you, Frank. Chet Hooper, ABA relations, and next, I’ll call on Jim Bartlett for Practice and Procedure, who has a Resolution.  MR. HOOPER: Thank you, Mr. President, members and guests.  I attended the San Diego midyear meeting of the ABA House of Delegates right after the CMI Plenary in Singapore. It was a fun exercise to travel from Singapore, through London to Los Angeles and rent a car and get to San Diego. And I made it.  The ABA mentioned two things of interest to our Association. Jim Bartlett will describe one of them, which is the multi-jurisdictional practice. Jim is the head of an Ad Hoc Committee to work on that problem.  The other topic discussed at the ABA meeting was the International Conference on Harmonization of Laws. We were invited to attend, mainly because my partner has been President. This day-long session was attended by the head of the IBA, the head of the Law Society of England and Wales, and various ABA section heads who were interested in international affairs. Each attendee generally described the work of all of his or her association. I was in a position to describe the very recent work of our Singapore CMI meeting. I think we’ll see further meetings concerning these issues sponsored by the ABA.  Thank you.  PRESIDENT DORSEY: Thank you, Chet. Next Jim Bartlett, Practice and Procedure and Multi-Jurisdictional Practice.  MR. BARTLETT: Thank you, Mr. President.  A few things that the Committee is doing: We have an ongoing project of trying to work to harmonize Rules C and B with the Civil Asset Forfeiture Reform Act of 2000, 18 U.S.C. § 983. There are various little bits and tucks, things that have to be corrected or harmonized, and that is an ongoing project headed by Robert Zapf.  Another thing, we have completed a study or a survey of local admiralty rules dealing with the security deposits required in the various districts and the notice requirements. We are finalizing that survey. We will make it available to the membership when it is in final form.  The Committee unanimously passed a motion recommending that the Association adopt the following Resolution, and I so move its adoption:  “Be it resolved, that The Maritime Law Association of the United States supports an amendment to Rule B to clarify and define the time for determination of when the defendant is ‘not found within the district’ to be at the time of the filing of the complaint and affidavit required by Rule B(1).  “And be it further resolved, that The Maritime Law Association of the United States encourages the Advisory Committee to include a comment cautioning practitioners about the necessity of filing the complaint and affidavit together in order to obtain Rule B process.”  PRESIDENT DORSEY: Is there a second?  (Chorus of seconds.)  PRESIDENT DORSEY: Any discussion or comments or questions?  (No response.)  PRESIDENT DORSEY: Seeing none, I’ll call the question. All in favor say aye.  (Chorus of ayes.)  PRESIDENT DORSEY: Opposed?  (No response.)  PRESIDENT DORSEY: The Resolution is carried. Jim, thank you. You have got some other things to say.  MR. BARTLETT: Yes, I do. President Dorsey has appointed an Ad Hoc Committee entitled now the Ad Hoc Committee on Multijurisdictional Practice. This is a Committee that the President has directed provide the Association with recommendations as to the Association’s position regarding a study being conducted by the American Bar Association dealing with multijurisdictional practice.  The President has appointed various or has directed that the heads of various Committees participate or delegate someone to participate in this Ad Hoc Committee. Those constituent Committees are the American Bar Association Relations Committee, the Carriage of Goods Committee, the Comité Maritime International Committee, the Marine Financing Committee, the Marine Insurance Committee, the Maritime Arbitration and Mediation Committee, the Navigation and Coast Guard and Government Regulations Committee, the Practice and Procedure Committee, the Uniformity of U.S. Law Committee, the U.S. Maritime Legislation Committee and the Young Lawyers.  The President has been kind enough to appoint me Chair of this Ad Hoc Committee. We are on sort of a fast track. There is a comment period that actually ends in June, but more importantly, they would like formal input from the Association before the end of the year.  Consequently, our Committee met yesterday at 2:00 o’clock at Haight’s office and we are moving quickly to study the various proposals and to make recommendations to the Board of Directors, which will then presumably be passed on and hopefully approved by the Association. And we will have our recommendations presented to the Board of Directors by the San Diego meeting in October, Mr. President.  PRESIDENT DORSEY: Thank you.  MR. BARTLETT: Thank you.  PRESIDENT DORSEY: Thank you, Jim.  This Ad Hoc Committee on Multijurisdictional Practice obviously is an extremely important one for this Association, in my view, because the problems of multijurisdictional practice are certainly ones that every maritime lawyer faces from time to time in his practice. It cuts across a broad line of the work that we do, it cuts across a broad line of the various Committees that we have, and hopefully we’ll get the input that we need.  If there are others who are not on this Committee who think that they can contribute to the work of the Committee and advance the work of this Ad Hoc Committee, please contact either me or Jim Bartlett. Our goal is to come up with some specific proposals, comments, recommendations to the ABA Commission that is studying this problem. And as Jim says, the time is short because the ABA Commission has to report by next year at this time, and so we’ve got to get our comments in to them in time for them to consider them and look at them. I regard this work as extremely important for the Association.  Next we’ll have Michael Marks Cohen for the CMI Committee, and following him will be Ann Miller for the Cruise Lines and Passenger Ships Committee.  MR. COHEN: Thank you, Mr. President.  There will be a formal written report of the CMI Committee. I just want to mention a few things this morning.  First, President Dorsey lead a very big and well prepared delegation to the CMI conference in Singapore. We were one of the largest delegations there. I want to single out particularly several people in our Association who put in a great deal of effort in order to make sure that the delegation was well prepared. This includes, of course, Vince DeOrchis, Chet Hooper, George Chandler and Michael Sturley on issues of transport law; George Gabel, Sam Menefee and Frank Wiswall on piracy; Howard Meyerson and Howard McCormack on General Average; and Jean Knudsen and Gray Staring on Marine Insurance. We were, I think, the best prepared delegation from our Association to the CMI conference in all the CMI conferences that I’ve been attending in the last 20 years.  The CMI will hold a colloquium in September 2002 in Vancouver, and the next Plenary will be in September 2004 in Greece. I’m told, Crete.  I just want to mention two other things.  First, if you’re throwing out your advance sheets and your obsolete maritime law treatises, please don’t do that. Get in touch with me, because there are maritime law schools abroad that would like to have your advance sheets and treatises as a way of building up a library on American maritime law. American Maritime Cases is donating ten sets of 26 years of AMC’s with digests, which will be sent to law schools abroad. The American Maritime Law Foundation has very graciously agreed to provide matching funds for postage and handling.  Finally, I want to mention that Francesco Belingieri at the Singapore conference announced that he was setting up a case base to collect summaries of cases from around the world implementing maritime conventions that the CMI was instrumental in getting adopted. If you have a case involving one of those conventions, you ought to be able to come up on the CMI website, and there will be a special place there where you can look to see whether the Admiralty courts in other countries have given the convention an interpretation of the particular issue that you’re involved in.  Thank you, Mr. President.  PRESIDENT DORSEY: Thank you, Michael. I join Michael in his commendation of the people that he mentioned. I would also say that there were others who were there from the American MLA, Michael Sturley was rapporteur for the International Sub-Committee on Transport Law; Sam Menefee was the rapporteur to the group working on piracy–Frank Wiswall chaired that session–and John Kimball was the rapporteur on the Working Group on UNESCO and spoke at the plenary session.  I think we were well prepared and I think that the one person that Michael omitted in that connection was himself, because I’m a bit of a rookie when it comes to CMI and without Michael’s assistance and energy, typical of him, I might add, I don’t think we would have been anywhere near as prepared as we were. There were many people involved in getting us ready for that conference and a lot of people deserve kudos for that, but at the top of my list is Michael Marks Cohen. Michael, thank you very much.  (Applause.)  PRESIDENT DORSEY: I might comment in connection with that conference, and particularly with respect to me, again, being a rookie with respect to CMI, on the help and assistance I got from Frank Wiswall concerning the inner workings of the CMI, or, if you will, the politics of the CMI, the procedures of the CMI. Frank was very gracious and helpful to me in squaring me away on where the bodies were buried and what I should be doing.  So, Frank, thank you very much again.  Ann Miller for Cruise Lines and Passenger Ships. We have some interesting developments here.  MS. MILLER: Thank you, Mr. President.  The Cruise Line Committee met yesterday at the DeOrchis offices, as usual, and mainly discussed the Athens Convention and the proposed new protocols that are being discussed in the Legal Committee of the IMO.  There was a comment earlier today that there was hope that the Protocol would be ready to be sent to the Diplomatic Conference after the October meeting. But I think that those who are very close to this project now believe that that may be a bit premature. Although there has been much discussion about the proposed changes to the Athens Convention, only recently have the clubs and now the cruise industry become individually very aware of what is going on. In fact, yesterday at the Cruise Committee we were presented with a position paper from the International Council of Cruise Lines–its President, Michael Crye, attended–and they cited the various portions of the Athens Convention, which I won’t go into today, but they relate, of course, to strict liability, reverse burden of proof and direct suits against insurers. The position paper reflected what the cruise lines are beginning to consider, at least by a representative body, and began with:  “Dear Mr. Dorsey:  “We at the International Council of Cruise Lines have reviewed the proposed new protocol to the Athens Convention and believe the proposed changes are inimical to the maritime industry in general, the United States based cruise lines and in the long run the consuming public.  “We are strongly opposed to these proposed changes and will urge the United States delegation to the IMO not to endorse or sign the new protocols currently drafted.  “We urge the Maritime Law Association to adopt a similar position.”  The position paper concluded in that same vein.  The clubs working through the secretary and executive officer of the International Group of P&I Clubs are also I think taking notice of the significance of some of these changes. And so I suspect we are going to be very active in the next few months, which brings me to great disappointment to having heard this morning, Dan Goettle, that you are going to be moving on, because it has been a real pleasure working with you. Thank you very much.  It has been said that the MLA is receiving input from these various representative bodies, if you will, or individuals or entities which have an interest in the Athens Convention. It is really Joe Ahern and Dan Goettle who as our representatives to the IMO Legal Committee are seeking this input. We are seeking it to assist them and so that the Association through President Dorsey can take a position. That is what we’ll be working on in the next few months. If any of you have input or wish to give input, you can feel free to contact me, or if you know of anyone that you believe we should contact, I will be happy to do that.  Thank you very much.  PRESIDENT DORSEY: Thank you, Ann.  Just some background: Joe Ahern and Dan Goettle have been trying to elicit comments from concerned industry sources for quite some time, really since last October. Ann Miller has been trying to do that, as well. But it’s only just within the last couple of weeks that we really have begun to get a reaction. So the pot is now boiling and things are coming to a head. We are going to get some interesting comments, I think, and we’re moving ahead on that issue.  Next we’ll have Sam Menefee, International Law of the Sea, followed by Matt Marion on Marine Ecology.  DR. MENEFEE: Thank you, Mr. President.  The Committee on the International Law of the Sea met at the South Street Seaport Museum. One of our major concerns was a reorganization of the Committee’s Subcommittees. Depending upon interest, we hope to have two levels of Subcommittees; the first dealing with an overview, and the second dealing with substantive matters within the purview of our Committee.  The four Subcommittees dealing with overview will be the Subcommittee on the Law of Sea Convention and Other International Agreements, which is an expansion of the current Subcommittee on the subject, the Subcommittee on the ICJ and the International Tribunal of the Law of the Sea, the Subcommittee on Foreign Decisions and Legislation, and the Subcommittee on Customary Law on International Incidents.  Insofar as specialized Subcommittees, we’re going to continue to have a Subcommittee on Offshore Exploration, we are upgrading our Piracy Working Group to a Subcommittee on Piracy and Maritime Crimes of Violence, and we’re going to have a Subcommittee on Marine Mammals.  There were also three suggestions that came up at the meeting which I did not mention to the Committee Chairs so I’m going to mention them now. If anybody feels that we are treading on other people’s toes, please let us know and we will see what arrangements we can make.  It was suggested that we have a Subcommittee on Defense and Naval Warfare, one on Illegal Immigration, and a temporary Subcommittee dealing with the Ocean Policy Commission.  If there are any young lawyers who are interested in working in this, in any of these areas, we would like to put you to work.  There were 469 reported piratical attacks last year, according to the statistics, which is a rise of 57 percent over 1999 and four-and-a-half times the number of attacks in 1991. In the year 2000, 72 seafarers were killed and 99 were injured.  We now have 135 ratifications of the 157 signatories to the Convention on the Law of the Sea, and next week there is going to be a meeting of the open-ended informal consultative process held in New York, which will deal with technology transfer and with piracy.  The Committee reviewed several decisions of the International Tribunal for Law of the Sea, which basically dealt with fishery disputes, seizures of fishery vessels. We also noted that the rules of procedure for the Commission on the Shelf have now been issued.  Doug Burnett brought to our attention the fact that there is an Ocean Policy Commission which has been appointed similar to the earlier Stratton Commission. This is going to have six public meetings and issue a report within two years. It was suggested that the MLA be proactive in the area and this matter be taken to the Board of the Association for consideration.  We would like the Association through the Committee on the International Law of the Sea and other interested Committees to participate in public hearings of the Ocean Policy Commission of 2000 by attending all public hearings. Hopefully that can be done by people in the area, and making summary reports of the proceedings available to MLA members. It was also hoped that the MLA might be able to find partial costs for reimbursement.  That concludes my report.  PRESIDENT DORSEY: Thank you, Sam. Matt Marion next, and then following Matt will be Sandy Knapp from Marine Financing.  MR. MARION: Thank you, President Dorsey.  The Marine Ecology Committee met Wednesday afternoon. We received reports from ten Committee members. My allotted time probably wouldn’t do justice to any one of those reports, but I’ll mention a couple of the cases and recent developments that we discussed.  As you may recall, Maritrans filed suit against the U.S. Government alleging that the single hull tank vessel requirements imposed by OPA ’90 effected regulatory takings of Maritrans’ fleet of single-skin barges. At our Committee meeting, we received a detailed report from Maritrans’ trial counsel about the recent trial of that dispute.  Maritrans claims $73.5 million in damages resulting from the scrapping and sale of eight tank barges whose commercial life in the United States, they claim, was shortened by the double hull regulations. The government has argued that no takings occurred because the barges still have a useful life and could be retrofitted or otherwise sold for service outside of the U.S. That case has survived a motion to dismiss by the government. A decision is expected shortly and we’ll report on the result in due course.  In a recent Circuit Court decision, Southport Marine v. Gulf Oil, the First Circuit denied a claim for punitive damages under OPA ’90 and held that OPA preempts remedies otherwise available to claimants under the general maritime law. However, the Court specifically recognized the continued availability of properly pleaded claims under state law. The decision isn’t remarkable, but sometimes there is comfort in reading what we expect to read in a circuit court decision.  One insurance-related matter that we discussed, something I think of considerable interest to all of us involved in marine casualties, was a report from counsel for WQIS regarding a claim they’ve lodged with the National Pollution Fund Center. As you may know, WQIS was the guarantor and insurer for the responsible party in the Morris J. Berman casualty. The responsibility party was charged with, and pleaded guilty to, certain intentional criminal acts related to the incident.  Subsequently WQIS lodged a claim with the National Pollution Fund Center seeking recovery of the $10 million that it paid out under the applicable Certificate of Financial Responsibility and insurance policy on the ground that its assured’s conduct constituted a defense under the Certificate and under the policy.  The National Pollution Fund Center has not yet acted on WQIS’s claim. However, the issue is obviously of importance as it suggests, among other things, that overzealous criminal prosecutions may threaten the guaranteed insurance coverage otherwise available to pay pollution costs and damages resulting from casualties. We expect to receive a follow-up on that issue.  There have been several major settlements in the last six months. I’ll mention two such examples. The Morris J. Berman is certainly at the top of the list. The amount involved in the settlement was $83.5 million. Notably, a cargo owner, Caribbean Petroleum Corporation, agreed to contribute $16.5 million based on its potential liability arising from the oil spill. In a second settlement, the Igloo Moon case, the National Park Service announced that it will receive a million dollars from the owner and operators of the Igloo Moon for reef damage caused by the vessel. This is the largest settlement ever under the Parks System Resource Protection Act, which is a strict liability statute like OPA.  We received excellent summaries of pending state laws and regulations which we will publish in the next MLA Report. We also received a report on recent developments under criminal law. I know that Fred Kuffler is here and will be giving a report, so I won’t steal Fred’s thunder, but I would like to note his he always makes a significant contribution to our Committee’s work.  Last, but not least, we received a report on developments under Canadian law from John O’Connor, who is my counterpart from the Canadian MLA. We’re grateful for John’s support and look forward to working with him in the future.  Thank you.  PRESIDENT DORSEY: Thank you, Matt, and thank you very much for agreeing to take over as editor of the MLA Report. I should have mentioned earlier that the latest copy of the MLA Report is on the desk over there.  Following Sandy Knapp will be Jean Knudsen on Marine Insurance.  MS. KNAPP: Mr. President, thank you, fellow members. Before your eyes start glazing over, I’ll try and talk quickly. I just want to let you know some things that I think are important to the general membership, and that’s why I decided to address you today.  We continue to be very active. We have various Subcommittees and Ad Hoc Committees. We’re monitoring legislative efforts and protocols and regulations, including the changes in the Liberia Corporate and Maritime Code and the Marshall Islands’ Corporate and Maritime Code.  We are monitoring House Bill 1098, which passed the House and is now in front of the Senate. I spoke about this at the fall meeting. Essentially it permits the filing of a notice of claim of lien with the Coast Guard, even though there is no preferred mortgage of record.  The MLA has not taken a position on this legislation, so you are on your own. If you are interested, if you have any questions or comments, please contact Dave Williams, who is one of our Committee members and former Chair of the Committee. He has been monitoring it for us.  We are also following the regulations under the American Fisheries Act, which you have heard about. We passed a Resolution that Bill proposed. Steve Johnson has been reporting to us on that. And although we did not address the same Resolution, I would like to state for the record that based on the discussion at our meeting, I’m sure there will be no objection to us supporting a delay in the deadline of October 1st.  There have been regulations on foreign repairs, numbering of undocumented barges and the vessel identification system. The UN Convention on Movables is also of interest to us, for it will essentially be an international registry of security interests. Charley Donovan, Charlie Brown and Christie Helmer are now our little study group on that and will be drafting and following the progress of other equipment protocols which now include satellites, rail cars, and some other items, aircraft included.  We’re also following the Uniform State Boat Title Act. Bob Fisher is following that for us. And on Wednesday, the date of our meeting, the Coast Guard published a notice of proposed rule making regarding the foreign leasing provisions found in 12106(e) of Title 46. With respect to these last two items, I went to the Board of Directors meeting yesterday. We asked for permission to engage in discussions and monitor the session on behalf of the MLA with respect to that Uniform State Boat Title Act. We will go back to the Board if there are any substantive changes to maritime law upon which we would like to comment. But I want you to understand that this law will essentially eliminate the various titling statutes of the states and establish a uniform system. That is the plan. I do not know how long that will take, but you can imagine each state having its own system is quite a nightmare, not only for vessel owners, but also lenders.  I also brought up with the Board our need to comment on the regulations regarding the foreign leasing companies. As you may or may not know, a foreign leasing company can own a coastwise trade vessel as long as a bona fide U.S. citizen has a demise charter on that vessel for a three-year period, among other requirements. There’s a 60-day window on those regulations, which is, naturally, before the Association’s Fall meeting. We have comments. We will work with the Board on those comments.  As you heard, we have also been appointed part of the Multi-Jurisdictional Practice Ad Hoc Committee. Our designee is Christie Helmer of Portland. We all do interstate transactions and it’s very relevant to our Committee. We are also involved in the Title 46 Recodification Project.  Thank you.  PRESIDENT DORSEY: Thank you, Sandy. Now, Marine Insurance, Jean Knudsen, and then following Jean, Don Kennedy on Maritime Arbitration.  MS. KNUDSEN: Good morning, ladies and gentlemen.  The Subcommittees and main Committee of Marine Insurance met this Wednesday, and we are delighted to announce that the annotations to the P&I policy have been completed. They will be published by the MLA and sent to the general membership in June. They are an excellent work, and are in excess of 300 pages. I want to extend thanks, on behalf of the Marine Insurance Committee, to Simon Harder, who chaired this project, and to all of those individuals who worked so hard and made excellent contributions.  Thank you.  During the course of our meetings we reviewed the ongoing projects, and I wish to highlight and mention that our Committee has put out a newsletter which is available in the foyer, along with a summary of the CMI International Working Group on Marine Insurance discussion paper, which was issued at Singapore, as well as Gray Staring’s paper on marine insurance, which was also presented at Singapore. It’s an excellent work and I urge everyone to take a copy and review it.  The CMI has set up a Working Group on general average. At the request of President Dorsey, next Tuesday I’ll be attending, along with Howard Myerson, a meeting in London to discuss the proposal to set up a working group to consider a revision to the Antwerp Rules.  We’ll look forward to representing the MLA and the Average Adjustors’ Association and will report in due course.  Thank you.  PRESIDENT DORSEY: Thanks, Jean. Don Kennedy, and following Don, Harold Watson on Maritime Legislation and Title 46.  MR. KENNEDY: Thank you, Mr. President. I will be submitting a formal report to the Association, but just a couple of highlights.  We have been working on proposed amendments to the Federal Arbitration Act. Those amendments were unanimously approved by our Committee at the Spring meeting. But we wanted to get some input from the American Arbitration Association on their reaction to our proposed amendments.  I’ve had discussions with the General Counsel of the AAA, and the Associate General Counsel of the AAA attended our Arbitration Committee meeting this week. Basically the AAA’s position is they don’t favor any amendment to the Federal Arbitration Act. Their nightmare scenario is that somebody tries to propose an amendment to the FAA and someone else will put an amendment in that provides for an appeal of an arbitration award. It’s not that they take issue with our proposals; it’s the philosophical approach. They have no objection to our tacking on our amendments or putting them in another statute, if that’s possible.  What the Committee has decided to do is to reevaluate the procedural aspects of moving forward with the proposed amendments. The proposed amendments as such have been published in the MLA Report and the Proceedings of this meeting. I don’t believe they’re controversial.  What we’re going to do is look at this again, and if there is a realistic shot of getting something done, we’ll come back in November and ask for a Resolution.  In addition, the AAA feels that arbitration is under attack in the United States. As many of you know, there have been a lot of cases dealing with manifest disregard of the law as a basis for overturning an arbitration award. Our Committee had a program this week which was moderated by Don Murnane, and it was sort of a debate between Glenn Bauer and Jay Paré, pro and con against this issue, and we’ll try to get that published one way or another soon.  Thirdly, I have been a member of the State Department delegation, participating in the UNCITRAL meeting, the Working Group on arbitration. I attended a meeting in November. I’ve been invited again to participate in the delegation which will be meeting in New York later this month in early June.  Finally, I would like to thank Jay Paré and Keith Heard for the newsletter that they put together. It has a lot of very interesting cases and an excellent analysis.  Thank you.  PRESIDENT DORSEY: Thank you, Don. Harold Watson, followed by John Schaffer.  We’re getting toward the end the meeting. I would like to finish this by noontime. By my brief calculation of how many more people we have to speak, and what we still have to do, I would say three minutes apiece.  MR. WATSON: Thank you, Mr. President.  The Maritime Legislation Committee met on Thursday and discussed, among other things, the House Bill 1098 that Sandy Knapp commented on.  The principal point of our discussion, however, was the Title 46 recodification effort. As most of you know, there’s a proposal to recodify Title 46. We have been coordinating with the Assistant General Counsel of the Department of Transportation, who has put this proposal together, and he has indicated that he would welcome our comments on it.  The proposal is intended as a recodification. It is not intended to affect substantive changes in the law. I think we have to be careful to make sure that that, in fact, is the case. I think some people have taken a look at it and think there are substantive changes.  We have been in contact with various Committees of the Association and asked for their input on particular portions of this proposed legislation that fall into the bailiwick of the substantive Committees of the Association, and we’re going to be gathering comments from those individuals within those Committees who have been appointed to take on this job.  As far as a timetable for this, we understand that it probably will be a year before there is any action on it in Congress, but the Coast Guard has set this July as their timetable for making their comments, and we would like very much to coordinate with the Coast Guard and be able to get our comments in at that time, as well. So if any of you have been asked to take this on from the various Committees, I would hope that you would keep that in mind and that we do that with some dispatch, and make some progress in the next month or so, so we can get our comments together.  Thanks very much.  PRESIDENT DORSEY: Thank you. John Schaffer, and next Warren Marwedel on Proctor Admissions.  MR. SCHAFFER: Good morning, everyone.  The Personnel Committee met yesterday afternoon and we had 34 members and guests participate in a very lively conference.  We are involved as a Committee in the Title 46 recodification, and we’re also involved–and I have to read this because I haven’t been able yet to get it memorized–the IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. It goes along with the Athens Convention in making liability strict and the clubs being on the hook directly as defendants. We’re just going to have to see where it goes. In fact, that Ad Hoc Committee is meeting this week in London as we speak.  We also talked about any possible changes to the Death on the High Seas Act, as well as punitive damages, which is always an area of interest. There are about three cases that are before the Supreme Court right now in the personnel area and we expect to have decisions shortly.  We discussed and reviewed about ten different decisions from all over the country on various areas involving claimants, shipowners, as well as the P&I clubs.  As always, we welcome suggestions from the Association for new or interesting projects and we’re always looking for people to join our group.  Thank you very much, Mr. President.  PRESIDENT DORSEY: Thank, John. Warren, and next after Warren, Don Greenman for Recreational Boating.  MR. MARWEDEL: Mr. President, ladies and gentlemen.  Just a short note: I assume everybody here is a proctor, but we would like to make sure that you look at the other members in your firm, associates, and make sure that they join the organization. Some of them are active in Committees and somehow haven’t necessarily joined. But more importantly, as they get their experience in the Committees and after they’re a member for four years, get their application in to be a proctor member. You can download it from our website. It’s not an onerous application. But I think it’s the minimum standard for people who want to be active in the organization and move ahead and be Committee Chairs, et cetera. So I encourage you to get everybody in your office that is doing maritime law, get those applications in.  Thank you.  PRESIDENT DORSEY: Thank you, Warren. I second that. You cannot be a Committee Chair of this Association unless you’re a proctor member, and you can’t be a member of the Board of Directors unless you’re a proctor member. I hope that people will keep that in mind.  Don Greenman and after Don, Frank Billings for Stevedoring and Terminal Operations.  MR. GREENMAN: Thank you, Mr. President. I’ll be fairly brief and shall be submitting a formal report.  First, I would like to thank Frank DeGiulio, who once again has put together Boating Briefs. You will find that on the table in front to keep you advised of what is going on in the boating law.  The principal thing I wanted to talk about at this meeting is something that is a little bit of old news.  Several meetings ago we brought up the subject of whether the Sail Racing Rules and the Inland Rules of the Road can be made to match. There is a proposal to amend the Inland Rules to take into account the Endeavor decision, 1995 AMC 2678, in the First Circuit which said that when parties are racing, they are bound by the racing rules rather than the Rules of the Road. In my last formal Committee report, I said that we had tabled the motion to do so, and I discovered that people actually read your reports, because it now has become untabled.  What we are doing now is putting together a working group to study the issue of whether the Association should take a position on the subject and, if so, what position we should take.  I know that there are a lot of members of the Association who, apart from whether they are interested in the law, are also sail racers, and so there has been an expression of interest from outside our Committee in this project. I would invite anyone who might be interested in making their views known or working with us to see me or send me a note or letter after the meeting.  Thank you, Mr. President.  PRESIDENT DORSEY: Thank your, Don. Frank Billings, and after Frank Billings will be Pat Cooney for Uniformity.  A VOICE: He’s here, but probably outside.  PRESIDENT DORSEY: We’ll get him later or maybe he loses his place. After Pat, we’ll go to Josh Force.  MR. COONEY: Thank you, Mr. President.  The Uniformity Committee met on Wednesday at Donovan, Perry and we were privileged to have their usual fine hospitality. We had an interesting and a fairly unique meeting.  We focused on the recent case out of the New York Court of Appeals, Cammon v. City of New York, which involves injury to an individual who is a harbor worker who was involved in repairing a garbage dock and apparently hit his head as a tug passed by and surged the platform on which he was standing. He has sued the City of New York and through contractual arrangements liability was passed down to his employer in a third-party situation. The New York courts have chosen to apply the New York Labor Law, more precisely the Scaffolding Act, which is a strict liability statute. It does not provide for comparative negligence, which runs directly in the face of the law, and maybe even after Miller, a characteristic feature of the maritime law: comparative fault.  The meeting was unusual because both sides in the case have applied for assistance from the Association to appear as amicus in support or in opposition to a petition for certiorari. Counsel were all local: Michael Mitchell and James Power with Haight Gardner,and Paul Hoffman for the plaintiff. We invited them all to attend and have it out at our meeting, and we invited the Board of Directors and the officers to attend. We had a very lively discussion and it was extremely useful.  I have to report that after due consideration, the Board of Directors have decided to not appear as amicus in support of the petition, but reserve their right to get involved should the Supreme Court decide to grant a writ in this case.  What we are dealing with is a real concern after the Miller case as to the viability of Jensen, and the articulation of Jensen uniformity standard. Those who listened to Professor Force last year understand the considerations and are searching for an articulation of uniformity that will be meaningful to the current Supreme Court. As a result, we are trying to pick our cases very carefully.  It was the decision of the Board that this was not the case to go up on, but if the Court decides to take it, we’ll be there, most likely, because I assume that one of the other parties will again ask us to appear.  One other case that I would ask you to keep on your radar screens, one that we were not involved with, the Garris case. It has been argued before the Supreme Court on April 3rd. This, of course, is the case that deals with the question as to whether there is a maritime cause of action for wrongful death resulting from negligence, and it is with the Court now and we shall be seeing what they do and we’ll all watch it with interest.  Mr. President, that concludes my report.  PRESIDENT DORSEY: Thank you, Pat. Let me just comment a minute on the Cammon case.  Not while I have been on the Board has there been an opportunity for the Board to consider an amicus request at one meeting where everybody is sitting around the same table. Usually these requests come in between our scheduled meetings and require fast action. So what happens is you send the papers out to all the members of the Board, and in essence they review the issues alone in their office, talk to whoever they want to talk to, and then make their own decisions. We poll the Board and that’s the way we get the vote on whether we participate or don’t participate.  But this case, which is very interesting and involves the very problems of federalism that Professor Force spoke to us about during the Healy lecture and that Professor Robertson has written about, both taking different sides on the issue as to what rule the Supreme Court should follow.  This particular case arose just prior to our meeting here in New York, and so provided an excellent opportunity to get views of attorneys on both sides. Then, at our Board meeting, we had a chance to debate the matter among ourselves and hear everybody else’s comments, which was unique in my experience and certainly a beneficial.  As Pat said, we declined to take any action one way or the other. We’re not going to oppose the petition for certiorari and we’re not going to support the petition for certiorari.  I think if certiorari is granted by the Supreme Court, we want to know about it because, while I won’t predict what we will do, but the question will then be, well, should we participate on the merits, and if we do participate on the merits, which side will we take and what position we should put forward. Professor Force would say we should be on one side and Professor Robertson would say you ought to be on the other side. So, it’s a fascinating case.  Joshua Force for the Young Lawyers. Then next will be Fred Kuffler, Environmental Crimes.  MR. FORCE: Thank you, Mr. President. I’ll try to keep my remarks on the Young Lawyers and not weigh in on the professors’ duel.  The Young Lawyers Committee met yesterday.  PRESIDENT DORSEY: You were on one side of the issue in the brief that you submitted, were you not?  MR. FORCE: I still seem to be able to get dinner every now and then.  The Young Lawyers Committee met yesterday. We had 25 members and guests that attended. We also hosted a social function last night with another 20 members and guests in attendance.  We began our meeting yesterday by introducing the new slate of officers for the Committee. I am the new Chairman of the Committee. We also have a new Vice Chair, who is Larry Kahn of New York, and a new Secretary, Katharine Newman of New York.  In connection with the change in the leadership and the officers of the Committee, we gratefully recognize Doug Muller, who has been the Chair for the past two years, and has provided us with great leadership and guidance over that period of time.  At present, the Young Lawyers Committee is engaged in assisting the various Standing Committees in approximately 15 projects. We’re working with ten of the Standing Committees in the Association.  One of the projects that I would like to mention that has been alluded to earlier is a project that we’re working with President Dorsey on, and that is indexing the various MLA publications. The index looks similar to the AMC index, it follows a similar type of format, and Alex Giles, who is one of our members, has completed already the indexing for one year. He presented that to us yesterday, and we were able to review it.  In addition to that, we’re working with a number of other Committees. One other that is worth mentioning is we are working with the Arrangements Committee in organizing part of the CLE presentation for the San Diego meeting, which will involve recent developments and presentations by various members of our Committee.  In addition to discussing the old and new projects that we’re working on, we also had a very lengthy discussion on how to get more young lawyers involved not only in our Committee, but also in the Association and with the Standing Committees.  One proposal that we adopted was to draft a letter that would be sent by the Chair of the Young Lawyers Committee to all new members of the Association encouraging them to participate in not only our meetings, but also in the works of the various Standing Committees and hoping to introduce them, at a very early stage, to what our Committee does and help facilitate the introduction of new members to the Standing Committees.  In addition to that, I also ask all of you to encourage the younger members of your firms, or as we were reminded yesterday, the younger at heart, to attend our meetings, our social functions, or to contact me or any of the officers if they wish to participate in any of the activities of our Committee.  Thank you, Mr. President.  PRESIDENT DORSEY: Josh, thank you very much. We continue to rely more and more on assistance from the Young Lawyers Committee, and we’ve been very fortunate over the years in having such capable leadership. I’m delighted that Josh is going to be the new Chair. I want to extend my thanks and appreciation to Doug Muller, who is the past Chair of that Committee. And, Doug, if you’re here, if you’d come up after the meeting, I have a little certificate of appreciation I would like to present to you.  Now Fred Kuffler on Environmental Crimes and next it will be John Kimball on UNESCO.  MR. KUFFLER: Mr. President, Board members, ladies and gentlemen, I have attempted to stay in line with the first report I gave here about two-and-a-half years ago. This was a long-term project the Committee had been assigned.  Before talking about what is going on with the Committee I’m privileged to chair, I would like to in bullet fashion talk very briefly about some recent cases and the fallout from things that are happening in this area.  The first one is the Neptune Dorado. There is a plea agreement in that case out in San Francisco. That was a prosecution for failure to report before arrival a hazardous condition as required under the Ports and Waterways Safety Act. The interesting part of that case is there was no environmental incident as a result of this hazardous condition, but there was a prosecution and plea agreement nevertheless.  The Fritja Jutlandic matter in Baltimore has resulted in the indictment of the vessel’s ISM designated person. I don’t expect that that is a particular surprise, but it appears to be the first case in which that has actually happened.  The Supreme Court recently refused certiorari in the Stepanski matter. That involved prosecution of a state law crime that took place on the vessel about 100 miles offshore. The significance of this case I think is that it demonstrates the jurisdictional reach that prosecutors are engaging in and the support that the courts will give to these efforts.  We also have the example of the Command matter on the West Coast several years ago, and before that Royal Caribbean prosecutions in Florida.  I want to mention for a moment the fallout from these plea agreements. People are not going to jail at the moment and there are the obvious, very heavy penalties, but more than that, we’re finding individuals who are convicted or enter guilty pleas are finding themselves prohibited for certain amounts of time from serving on vessels which call in U.S. ports.  The owners and operators are being subjected to very stringent environmental compliance programs with the added fill-up that the governmental authorities are supervising performance under these programs; and of course for a civil practitioner a guilty plea or conviction can severely hamper our ability to defend the civil litigation which will follow many of these incidents.  Let me turn to what my Committee has been doing since the last time I stood before you.  First of all, Liz Burrell mentioned the statement that was drafted for President Dorsey to submit to the Coast Guard. That was done, and unfortunately we find that the program which lead to the Coast Guard’s call for comment on its environmental agenda is now on hold. Nevertheless, I continue to believe that that program afforded us another opportunity to put forward the Association’s views on some of the things that are going on in this area.  Now, the Committee met Wednesday noon at the offices of Healy & Baillie, and again Healy & Baillie hosted a very nice luncheon, although we all had to sing for our supper. The main subject of the meeting was what do we do next.  The consensus was now that the election is over and there’s a new administration in place, the opportunity to reach out and try to establish a dialogue, particularly with the Department of Justice, had probably arrived. So it was agreed that we would put together a proposal to be submitted to the Board with a view that, if approved, it would be taken to the Justice Department, to the Coast Guard, and now unfortunately we have another big player in this game, the Environmental Protection Agency.  There was some discussion about how that approach should be made. We have some ideas, but the first thing is to put together a program. In broad form, we’ll be putting the flesh on the bones of the positions advanced by Former President McCormack in a statement he submitted to Congress about two years ago, and President Dorsey’s statement to the Coast Guard at the end of last year. We will suggest we continue to support elimination of the use of crimes of strict liability in the aftermath of an environmental incident; that there be certain qualified privileges and immunities for cooperation with investigators, particularly casualty investigators on the theory that OPA ’90 has set a priority for government policy, and that is clean-up and prevention take priority over all other considerations in ordinary circumstances.  As an adjunct to that, we will be looking at possible privilege for ISM audits, and perhaps environment audits of a broader nature. I should–  PRESIDENT DORSEY: Red light is on.  MR. KUFFLER: The red light is on.  Then let me conclude, Mr. President, by saying that the suggestion has been that this summer would be a very good time to try and begin approaching these various agencies. With that in view, we’re going to try very hard to get something to the Board for an action in time for your summer meeting.  PRESIDENT DORSEY: Thank you very much.  MR. KUFFLER: Thank you, and I apologize you had to flash the red light.  PRESIDENT DORSEY: No, no, problem. You had the disadvantage of being placed at the end of the meeting when we start truncating things.  I want to advise everyone that Fred was on the panel with me at Tulane. Actually his was the major paper which was delivered on this subject, and it will be published in the Tulane Law Review. It’s a terrific paper and all of us who are concerned with this subject should read Fred’s article. He spent a lot of time on it and did a great job.  John Kimball is next, and then Tony Whitman will do the Navigation Committee.  MR. KIMBALL: Thank you very much, Mr. President.  The UNESCO Study Group has been monitoring the development of a Convention that has been under discussion by UNESCO for about five years now. This is a Convention that would deal with the protection of underwater cultural heritage. For our purposes, underwater cultural heritage includes old shipwrecks and other property on the ocean floor.  The Draft Convention is of particular concern to our Association because of its potential impact on the Law of Salvage. In its draft form, the Convention would abolish the application of the Law of Salvage with respect to property covered by the Convention.  The Study Group has worked closely with the United States delegation, and, in fact, I have been honored to be a member of the United States delegation.  I’m happy to report that during the meeting that took place this past March there was some progress made in adopting language which should have the effect of preserving the application of the Law of Salvage with respect to property covered by the Convention. The proposed clause would place limitations on salvage operations, and would require that salvage operations be conducted in conformity with the Convention.  The Convention includes very broad annex rules that basically have been devised by the marine archeological community that would certainly regulate the activities of salvors. But the good news from our standpoint is the Law of Salvage would seem to have a continuing role, as would the United States Admiralty Court, our District Courts.  The fate of the Convention hangs in the balance. There will be a further meeting in July.  I was very happy to hear the Treasurer’s report early on today. I am one of the guilty people who has been depleting our treasury and I’ll continue to do so by making a trip to Paris in July as a member of the United States delegation and we’ll see what happens.  It’s very unclear whether the Convention will get through. I personally doubt that it will, but that’s a personal prediction.  Thank you very much.  PRESIDENT DORSEY: Thank you, John. Tony Whitman.  MR. WHITMAN: Thank you Mr. President.  Very briefly, the Navigation Coast Guard Government Regulation Committee met on Tuesday of this week. Dennis Bryant being out of town, I had the honor of chairing that meeting, which Joe Ahern and Dan Goettle attended. I think the swelling numbers of attendees at this particular Committee meeting is an indication of the practical appreciation that people have for the opportunity to speak one-on-one with members of the Coast Guard officials and I thank you again for that.  For the two or three of you who might not be on the e-mail address list for Dennis Bryant’s Bryant-Grams, which are coming out on an almost hourly basis, Dennis does a fabulous job with this Committee and with updating members on what is happening with the Coast Guard. If you’re interested in being on his e-mail list, I’m sure he will be happy to add you.  A couple of issues of interest that we touched on that have not been mentioned by other Committee Chairs who have, in fact, talked about many of the issues that we talked about. One is that it appears that the Coast Guard is no longer pushing for a strict enforcement of the Ocean Dumping Act; that if it had been strictly enforced, it would have found us in conflict with MARPOL on a couple of issues. So that’s a good situation.  Secondly, we discussed the legislation for gray water and black water discharge in Alaska, which is something that people should be aware of as a potential model for gray water and black water discharge legislation nationwide.  Also, on the very day of its issuance, we heard of the notice of proposed rule making for ballast water discharge, which was published as of May 1st. This is really looking for a solution to this significant problem rather than trying to mandate anything.  Finally, Joe mentioned the interagency memo of understanding with regard to oil spill response, which as Fred just said, does acknowledge that the chief priorities are spill response, personnel safety and environmental protection. Criminal enforcement not being among those highest priorities.  If I may have 30 more seconds, I would like to cure an oversight earlier. You heard from Josh Force on the CLE, and Bill Dorsey has mentioned the CLE for the San Diego meeting. I might also add that among the CLE presentations will be something that I think you will find very interesting: a panel presentation led by David Taylor, and including as panelists Steven Martin of Steamship Mutual and Fred Pietropola of Marsh on where we are in the marine insurance industry and where this industry is going as a whole. I think that everybody will find that very interesting on Thursday morning of the week in San Diego.  Thank you very much, Mr. President. This concludes both of my reports.  PRESIDENT DORSEY: Thank you, Tony.  Frank Billings, is he here?He’s done good service for us for four years and I gave him his certificate at the Committee Chairs’ meeting. He is going to be replaced by John Ryan of Norfolk.  I think that concludes the regular Committee reports. Before we go to the Nominating Committee report, just a few announcements.  The dinner tonight includes a 6:30 reception on the fifth floor in the Westside Ballroom of the Marriott Marquis Hotel, followed by the dinner at 8:00 p.m. upstairs on the sixth floor.  This afternoon there will be a CLE presentation in this room. The speakers will be Captain Malcolm Williams, who is well-known to all of us, and Lieutenant Commander Bruce Dalcher, who is also well-known to us. Their subject has the intriguing title of “Coast Guard as Maritime Enforcer.” I don’t think we should miss that. There is probably a lot of concern about that. So I think that should be a very interesting topic.  Now, before I do call on Howard McCormack, I just want to say a word about the four retiring members of the Board, who are Jim Bartlett, George Koelzer, Bruce King and Jean Knudsen. I told them yesterday at the Board meeting that if it were up to me, I would appoint them directors for life. I can’t say how much I have appreciated the effort and work and support that they have put forth during their term of office, and believe me, they served you and the Association well and truly.  Fortunately, they are not going anywhere. They are not going to be forgotten, nor are they going to be gone, and my hope is we will have their help and advice and assistance for many years to come.  So, I wish you would give a round of applause to those Board members.  (Applause.)  PRESIDENT DORSEY: And now the envelope, please, Mr. McCormack.  MR. McCORMACK: Thank you, Mr. President.  The Nominating Committee met on Wednesday afternoon to consider nominations for officers and four new directors. It is my privilege and pleasure to announce the results of the Nominating Committee as a recommendation to this body.  For President, William R. Dorsey, III; First Vice President, Raymond P. Hayden; Second VicePresident, Thomas S. Rue; Secretary, Lizabeth L. Burrell; Treasurer, Patrick J Bonner; and Membership Secretary, Winston E. Rice.  For four directors to replace the four excellent directors who are leaving as their term of office expires, the Committee has recommended the following:  James Patrick Cooney of Houston; Armand J. Paré of New York; Robert J. Zapf of Los Angeles; and Joanne Zawitoski of Baltimore.  Mr. President, that concludes the recommendations of the Nominating Committee.  I would ask if there are any further nominations to be heard from the floor.  (No response.)  PRESIDENT DORSEY: Seeing none, I will call upon Mr. Healy to make a motion in support of the nomination.  MR. NICHOLAS J. HEALY: Mr. President, ladies and gentlemen.  You all have heard the report of Howard McCormack as Chairman of the Nominating Committee, and there being no other nominations, I move that the secretary be directed to cast one ballot in favor of all of the candidates named in the report, for the respective offices to which they have been nominated.  PRESIDENT DORSEY: Is there a second?  (Chorus of seconds.)  PRESIDENT DORSEY: All in favor?  (Chorus of ayes.)  PRESIDENT DORSEY: Opposed?  (No response.)  PRESIDENT DORSEY: Motion is carried. The Secretary is so directed. I see she has cast the ballot, and I declare the nominees elected.  Thank you very much, ladies and gentlemen.  (Applause.)  PRESIDENT DORSEY: I’d also say my thanks to the Nominating Committee for presenting me and the other officers with a superb group of four lawyers to help us over the next number of years. I look forward to working with them. For those that are here, I would ask you to come see me immediately following this meeting, because we want to put you to work right away.  I don’t think there is any other business to come before this group. I see it is just two minutes before 12:00 and I would entertain a motion to adjourn.  Do I hear a motion?  MR. NICHOLAS J. HEALY: So moved.  PRESIDENT DORSEY: Second?  (Chorus of seconds.)  PRESIDENT DORSEY: All in favor.  (Chorus of ayes.)  PRESIDENT DORSEY: Carried.  The meeting is adjourned.  (Time noted: 12:00 o’clock p.m.) |