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| **Reports of Officers** |
| **Source:** MLA **Doc. No.:** 758 **Date:** May 4, 2001  PROCEEDINGS  PRESIDENT DORSEY: Good morning, ladies and gentleman. I’m going to get started because we have quite an agenda here this morning, so I’ll call the meeting to order and we’ll start with the Secretary’s report.  MS. BURRELL: Good morning, Mr. President and members and guests.  The Board met on March 27th in New Orleans, just before the Tulane Institute, and yesterday in New York. The Board was quite busy over the last six months and engaged in considerable correspondence on several matters between the meetings.  Five Resolutions were passed by poll.  The first Resolution authorized a statement on behalf of the Association to the Department of Transportation concerning the environmental agenda for the Coast Guard. Last fall, at the Board’s request, Fred Kuffler, the Chair of the Environmental Crimes Subcommittee, together with Dennis Bryant and Matt Marion, who are respectively the Chairs of the Committees on Navigation, Coast Guard and Government Regulation and Marine Ecology, drafted a statement giving the Association’s views on what policies should guide government actions in connection with pollution incidents. The Board approved a statement advising that the current government policy of criminalizing acts in connection with pollution incidents actually works against the public interest in protecting the environment. The statement also proposed that only acts undertaken with criminal intent be subject to criminal sanctions, and also urged the government to adopt as its priority policies which encourage effective responses to spills. A copy of the statement is appended to the original of the Minutes of the March 27, 2001 Board meeting.  The second Resolution passed by poll authorized President Dorsey to cast the Association’s vote in favor of the new CMI constitution and procedure for suspension and expulsion at the Singapore Plenary of the CMI in February 2001.  The remaining Resolutions passed by poll between regular Board meetings also relate to the Singapore Plenary, and were necessitated by the lack the availability of an agenda in advance of that conference. The third, fourth and fifth Resolutions authorized our President and his designees to express views in accordance with existing Association policies and acts in connection with the subjects of marine insurance, international transport law and piracy that were to be treated at that meeting. Each of these Resolutions appears in full in the Minutes of the March 27, 2001 Board meeting.  At that Board meeting, the Board passed a Resolution honoring Dean Sherman of Tulane University Law School, the text of which also appears in the Minutes.  As usual, the Board heard reports from officers, which you will hear also right after I conclude.  A subject occupying much of the Board’s attention both at and between its recent meetings was the Singapore Plenary, but you will hear more on all of the subjects treated at the Plenary from Michael Marks Cohen, Chair of the CMI Committee, and from other Committee Chairs who were also involved directly in these events. President Dorsey’s Spring Newsletter also gives a very full account of the CMI Plenary, and I urge you to read it.  As for other international activities, the CMI passed a resolution creating an International Working Group to monitor the progress of the Draft UNESCO Convention on underwater cultural heritage and to seek to avoid conflicts between the Draft Convention and existing salvage law. John Kimball, who chairs the Association’s Study Group on the Draft UNESCO Convention was appointed the Rapporteur of that International Working Group. He will be telling you again more about this subject later today.  There was also an informal meeting of the International Subcommittee on Offshore Mobile Craft coinciding with the Singapore Plenary. Our Association has urged the CMI to leave off work in this area as unnecessary, but it evidently will go forward.  Graciously acting on very short notice, Past President Chet Cooper agreed to accompany the U.S. State Department delegation to the OECD workshop on transport law that was held in Paris in January of this year. It appeared to be the consensus among the attendees of this workshop that it would be wasteful to go forward with another drafting exercise for an international transport law regime while the CMI Sub-Committee on International Transport Law was going forward with its same work.  The Association also continues its involvement in IMO subjects. A Diplomatic Conference was held on the Bunker Pollution Convention on March 19th through 23rd. The Convention establishes liability for bunker spills for non-tank vessels, imposes joint and several liability on shipowners, requires a registered owner to maintain insurance in a prescribed form, and allows a direct action against the insurers.  At the conference, the question of the threshold tonnage for vessels to fall within this Convention was much debated. Eventually, even though opinions about the appropriate threshold ranged from 300 gross registered tons to 5,000 gross registered tons, there was a 1,000 gross registered ton compromise.  Another significant provision involving the Bunker Pollution Convention is the lack of responder immunity. To address this problem, a separate resolution was passed recommending that States which adopt the Convention also adopt laws for responder immunity.  The Board also heard reports on and discussed the Draft Protocol to the Athens Convention on Liability relating to the Carriage of Passengers and their Luggage by Sea. That work will be completed at the IMO Legal Committee meeting during the week of October 8, 2001. You will hear today about this subject from Ann Miller, the Chair of the Association’s Committee on Cruise Line and Passenger Ships, who has been attempting to gather industry response to the provisions of the Draft Protocol.  Board member Vince DeOrchis reported on the status of the Association’s COGSA proposal and the work of the CMI International Sub-Committee on Transport Law, but you will hear very full reports on those issues later this morning.  We heard from Board member and Chair of the Committee on Practice and Procedure, Jim Bartlett, on several issues before that Committee, including the substantial variation in the amount of security deposits required in the District Courts. He will also report on the role that he and others will play in assisting the Association’s participation in the ABA’s new and significant Study on Multijurisidictional Practice.  Mr. Bartlett also reported to the Board that the parties in Anastasoff v. United States, 223 F.3d 898 (8th Cir. 2000), have settled this case, which rendered moot the Eighth Circuit’s ruling involving the constitutionality of the court rules regarding use of unpublished opinions.  We’ve heard from Tony Whitman on the delights that are awaiting us at the Del Coronado. I’ll let him speak further about that himself.  The Board also approved a Resolution concerning the Marine Finance Committee, presented by its Chair, Sandy Knapp, at the Board meeting yesterday, and I believe she’ll be reporting to you about that directly today.  We also learned about the progress of the Young Lawyers Committee on their project in the MLA documents so that these can be available for research and eventually put on our website.  Other Committees have also been involved in a very important project concerning the government’s consideration of a major recodification of Title 46 of the U.S. Code. While the purpose of the recodification is simply to modernize the language of the statute and more efficiently organize its various sections, and the government’s expressed intention is to avoid any change in existing law, unintended modifications can always creep in, so this development needs to be carefully monitored. President Dorsey has asked Dennis Bryant, Chair of the Committee on Navigation, and Hal Watson, who chairs the Maritime Legislation Committee, together with other relevant substantive Committee Chairs, to work together to examine the various provisions of the proposed revisions to Title 46 for consistency with existing law. The Association expects to have an opportunity to comment on this recodification in its various stages of progress.  President Dorsey reported on an effort by the American Law Insitute to redraft Article 7 of the Uniform Commercial Code to take account of the developments in electronic documents.  President Dorsey also reported that the final Titanic Guidelines have appeared in the Federal Register. There still has been no response to the Association’s comments and questions concerning the earlier draft of the Guidelines, but there appear to have been some revisions from earlier drafts which would clarify that the Guidelines are not mandatory.  The Association has been presented over the last six months with an unusual number of amicus requests in cases that involve issues very close to the heart of the Association’s work, but because we’re going to have a report by Pat Cooney, Chair of the Uniformity Committee, these requests will be more fully covered then.  The Board authorized expenditures to allow us to honor the Canadian Maritime Law Association’s 50th Anniversary. They did us great honor in our Centennial celebration. The Association will host a cocktail party at the CMLA meeting in June and will also present a gift. I will not state the nature of the gift as I see the CMLA is represented in this audience, and I do not want to spoil the surprise.  Finally, the Association, honoring what has been become a tradition, supported the Judge John R/ Brown Moot Court Competition by offering the services of its members in grading the briefs and acting as oral argument judges, and also by awarding a prize for the best brief. The final stages of the competition took place in Newport in early April.  Mr. President, that concludes my report, and I respectfully move its adoption.  PRESIDENT DORSEY: Great job, Liz, as always.  Do I heard a second?  (Chorus of seconds.)  PRESIDENT DORSEY: All in favor?  (Chorus of ayes.)  PRESIDENT DORSEY: Opposed?  (No response.)  PRESIDENT DORSEY: The report is adopted. Thank you very much.  The Treasurer’s report.  MR. BONNER: Thank you, Mr. President.  I know you’ve all been sitting on the edges of your seats waiting for the Treasurer’s report and I’m not going to keep you in suspense any longer.  We’re in good shape financially. We have about $260,000 in assets, including money in the bank and Treasury bills, and this is about $30,000 more than we had last year at this time. We’re looking ahead to normal operating expenses. We should be able to cover them. We have a directory coming out, and we should be able to finance the activities to support the goals of the MLA.  However, just because you have money, doesn’t mean you have to spend it. My mentor, Marshall Keating, drilled that into me. I’m trying to build up a reserve. Our reserve was depleted for the Centennial, and last year we had a lot of traveling, so we really didn’t build up a reserve. This year I’m going to try to do that.  One other point. Over the past year we have deleted about 100 or so members for failure to pay dues. Now, some of these people lost interest in the MLA, but many of them moved firms, had their firms moved, or whatever, and their mail wasn’t forwarded to them. If you have a question about your dues, please call up Robin at the MLA office–that’s 1-800-MLA-LIST–and ask her, because we do charge a reinstatement fee, and if you don’t pay your dues, we will get your reinstatement fee.  Mr. President, that concludes my report, and I move its adoption.  PRESIDENT DORSEY: Is there a second?  (Chorus of seconds.)  PRESIDENT DORSEY: All in favor?  (Chorus of ayes.)  PRESIDENT DORSEY: Opposed.  (No response.)  PRESIDENT DORSEY: The report is adopted.  We are making strides toward increasing the size of our kitty, and it is something that the Board is paying a great deal attention to. For instance, this summer the Board decided that it would not go to another city to have a meeting. We’re going to be in New York–actually by teleconference–which will save the Association quite a bit of money that we can use for other activities.  I do not like to do that, frankly, because one of the things I think is very important for the Board is to have meetings away together. It promotes collegiality, and it helps us get to know one another better and do a better job. But this will be the second time since I’ve been on the Board that we have had a teleconference Board meeting, and we are doing it because of financial considerations.  As you can see from the Secretary’s report, we have a lot of activities going on, a lot of people that we’re sending to various parts of the world, and we need to keep doing that.  Thank you, Pat.  Membership Secretary, Mr. Rice.  MR. RICE: Thank you, Mr. President.  On the membership front, we have good news and sad news. And with a departure from prior procedure, I would like to take the sad news first, and that is to say that I regret to report that I have learned since our last general meeting of the deaths of the following of our members: George Marshall Bates of New York; James B. Kemp, Jr. of New Orleans; Carl Kimling of Stamford; Judge Lombard of New York; Judge Mitchell of New Orleans; Marty Miller of New York; Dante Petrizzo of New York; Donald Rogers of New York; Donald Volpe of New Orleans; Ross Warren of Clear Lake Shores, Texas; and Professor Stefan Riesenfeld of Berkeley.  Might I ask that there be a moment of silence in honor of their passing.  (Moment of silence observed.)  MR. RICE: Thank you.  Now on to the happier side of my report, and that is to say, Mr. President, that there has been a lot of activity on the membership front since last we met here in the Fall. You just heard the Treasurer state that he has since that meeting been forced to strike from our roles some 100 members for various reasons. My job, of course, is to see that there are replacements at the other end of the list and hopefully maintain our numbers and make sure that there are a large number among those who are current in the paying of dues.  More particularly, at our meeting in New Orleans in March, the Board of Directors approved the proposal of Chancellor John Costonis of Louisiana State University as a new Academic Member.  The Board has approved the advancement to Proctor member status of Robert Clyne of New York, and has under submission and consideration three further applications for promotion from the status of Associate to that of Proctor member.  Happily, I’m able to report the application for and approval of 38 new Associate members, so we’re adding in at the bottom at a very healthy rate, we hope.  Furthermore, I’ve learned that the Board of Directors yesterday approved the President’s recommendation for admission of the following six non-lawyers as new members of the Association; being John Daidola of New York, Harry Diamond of New York, Charles Droll of New York, Eileen Fellin of New York, Catherine O’Connell of New Jersey, and David Roberts of New York.  With these changes, Mr. President, the total membership of the Association as of today stands at 3,345, being made up of 14 Ex-Officio members, 4 Honorary members, 151 Judicial members, 59 Academic members, 1,602 Proctor members, 1,268 Associate members, and 247 Non-Lawyer members.  I would like to encourage our members to identify, if you will, and propose for membership members of the Judiciary, Federal, State and Administrative, who might be interested in the work of our Association. We feel that the attention of and participation by the members of the judiciary in our activities is a very important aspect of not only our membership, but the activities of our membership.  I would also like to report on behalf of our web master, Glen Oxton of New York. During the first quarter of the year, that is to say, January through March of the year 2001, we received in excess of 700 hits per day on our website, which is fairly significant. That is in excess of 20,000 per month! Of these, a significant number stay and visit for significant lengths of time and peruse in depth the various sections of the website, so we are attracting significant attention on that front. I would invite your attention to the website and your suggestions on possible links and additions to the website and improvements of that which is already on there.  Mr. President, this is my report and I move its adoption.  PRESIDENT DORSEY: Is there a second?  (Chorus of seconds.)  PRESIDENT DORSEY: All in favor?  (A chorus of ayes.) |