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| **Reports of Special Committees** |
| **Source:** MLA**Doc. No.:** 750**Date:** May 5, 2000**REPORTS OF SPECIAL COMMITTEES AND STUDY GROUPS**At now, I call upon Bob Parrish to give a report on the 2001 Committee. Bob is also Chair of the 2003 Committee at a TBN Site. At this stage Bob is going to talk about a location he knows.MR. PARRISH: Thank you, Mr. President.I rise only because Tony Whitman, the Chair of the 2001 meeting is involved in an environmental crime! He is actually on the good end of that stick, if there is one; he is trying to get a master out of jail right now. So he asked me to speak very briefly to tell you all what you probably already know. I hope this will be a little bit of hucksterism.The 2001 meeting is in San Diego at the Del Coronado on an island off San Diego. I have not been there myself personally, but I remember vividly my partner Jim Moseley coming back with sand in his shoes from, I believe, the 1980 meeting. That was one of the most successful meetings I believe the Association has ever enjoyed. We hope to have a lot of visitors from abroad, as well as a tremendous turnout from this Association. I would invite you to put on your calendars the week of October 13th through 20th. Please mark that down, October 13th through 20, 2001. We will expect, Mr. Muller, that you will have all the young lawyers encourage the senior lawyers to let you go.Thank you.(Applause.)MR. McCORMACK: Bob, before you go away, I have something for you.Bob is the outgoing Chair of our Navigation & Coast Guard Committee, and I am giving Bob the same testimonial that we have given to all the outgoing Chairs. It's been a delight to work with you, Bob, over these years. Thank you.(Applause.)MR. McCORMACK: I have some information about the dinner tonight. Dinner starts at 8:00 o'clock with the cocktail party at 6:45 at the Marriott Marquis. We have approximately 1,100 members and guests of our Association. We welcome all of you there. We look forward to seeing you there tonight.At this time I would like to take the opportunity to give the Navy equal time with the Coast Guard. The Coast Guard has been getting all the accolades. As an ex-Navy man, let me go over a little of my past activities.We have with us from the Office of the Judge Advocate General of the Navy, the Admiralty Group, Commander Select Greg Cervi, Greg is here, and also Captain Rick Evans. Captain Evans is going to be very intimately involved in our Association since he is going over to work with Dave Hutchinson in what used to be the Admiralty & Shipping Section of the Department of Justice in about two weeks. He has been advised that they already have three or four cases waiting for him. I suspect that perhaps the*RMS Titanic* case may be one of those waiting for you when you get there since that is very actively involved in Norfolk.It's nice to see some of my JAG people here. I am a retired Navy JAG officer, and I can assure you that the JAG show on TV bears absolutely no resemblance to real life.Now, at this stage I would like to have the floor open to Captain Malcolm Williams of the United States Coast Guard, and the head of the International Law Section. His colleague is with him, Lieutenant Dan Goettle. They have been great working with us. I would like to have Malcolm come up and say a few words.CAPTAIN WILLIAMS: Thank you.As Howard has mentioned, this will be my last meeting as a Coast Guard representative to the MLA, and I want to take this opportunity to thank the MLA for the outstanding support during the last four years while I have been working with you.During the first two years, when Jim Moseley was the President, the relationship between the Coast Guard and the MLA was invigorated and strengthened. In the subsequent two years with Howard, that relationship was strengthened even more. We are looking forward to working with Bill Dorsey when he takes over. He is already participating with us at the IMO Legal Committee, and we know we will continue to have close relations, working on issues of mutual concern.I would like to make a few remarks not only on behalf of myself, but also several officers that worked with me during the last four years. A couple of them are here today. Lieutenant Bruce Dalcher, who is in the back corner over there.(Applause.)CAPTAIN WILLIAMS: And Lieutenant Dan Goettle, sitting right there.(Applause.)CAPTAIN WILLIAMS: Lieutenant Commander Bill Rospars couldn't be here today. He has been actively engaged in other issues involving Vieques, that small island off of Puerto Rico.On behalf of all of us in the Coast Guard, I would like to thank the MLA for the outstanding support that we have received. I would particularly like to focus on the two most recent years while Howard has been President. Since he is stepping down now on this occasion, and just review with you a few of the ways the MLA has helped us out during his tenure.On the International front, Howard, as well as Jim Moseley and Bill Dorsey, have accompanied me as head of the U.S. delegation to the IMO Legal Committee, and provided advice on a whole host of issues that come up in that forum.Also, at the Arrest Convention Diplomatic Conference, which took place during the past two years, Bob Zapf made invaluable contributions. When I was elected Chair of the Drafting Committee, our delegation consisted of only two people and we worked about 16-hour days for a couple of weeks. It's really important from the perspective of the Coast Guard to let you all know how much it means to us in the Coast Guard to get the input from the MLA members and the unique perspective they bring.Many of these issues involve private law in areas which the Coast Guard doesn't deal with regularly, and we therefore rely heavily on the contributions that we receive from the MLA representatives both at the IMO Legal Committee and in other fora.On the domestic front, of course, we very much appreciated the*amicus* brief filed in the *INTERTANKO* case. That was a very important case for us. I recently talked to the Commandant about that. He believes that the decision is one of the most important events to impact the Coast Guard's marine safety program in years, and will help shape our goals and objectives well into the future. It clarified, at least in the areas that were addressed in the case, the Coast Guard's role and allows us to go forward now with a clearer picture of where we are headed, which is very important to us.Also, many times behind the scenes we have inundated Howard with all sorts of questions and requests for information, and he has always been so gracious in calling us back quickly and facilitating the collection of information that we need in the Coast Guard to develop our positions, both internationally and domestically.Now, we don't always agree or see as closely eye to eye as we did on the *INTERTANKO* area case. One area that leaps to mind in the last four years has been environmental crimes enforcement. There have been lively debates in a whole series of different Committees. It's amazing how many Committees that issue impacts. But I think that gets to another important thing I would like to say before I depart, and that is that even in an area like environmental crimes, where obviously there's a lot of concern, working with the MLA has really been very fruitful.We took input we got from the various Committees, for instance, and used that input to issue further Coast Guard directives to our field units on how to deal appropriately, during responses to oil spills, when crew members request counsel or when counsel shows up representing ship owners or members of the crew. So it was not just a lively debate, but it was helpful, and it has had an impact. We will continue to take that input and try to do something positive with it.Another thing that comes to mind is how much fun it is working with all of you in the Association and how gracious you have all been, not just professionally, but personally to all of us in the Coast Guard. Howard, in the midst of all of his busy activities with the Centennial, personally took the time to make sure that the Coast Guard people were aware of the events and were able to participate in those events. Jim, Howard and all of you, it's been very nice working with you. I will miss it. I'm sure Captain Joe Ahearn, my replacement, will enjoy the experience as much as I have.But now, Howard, for all the accomplishments that I have just reviewed that occurred during the past two years, if you would step forward, I would like to make a presentation to you. I would like to read a citation to accompany the presentation of the Meritorious Public Service Award to Howard M. McCormack, Esquire.The Commandant of the Coast Guard takes great pleasure in presenting the United States Coast Guard Meritorious Public Service Award to Howard M. McCormack for his contributions to the U.S. Coast Guard while serving as President of the Maritime Law Association of the United States (MLA) from 1998 to 2000. Under Mr. McCormack's leadership, the MLA provided extensive resources and expertise in support of Coast Guard international and domestic initiatives. In the international realm, the MLA provided invaluable assistance to U.S. delegations to the International Maritime Organization (IMO) and to the Diplomatic Conference on the International Convention on Arrest of Ships convened jointly by the IMO and the United Nations Conference on Trade and Development. Mr. McCormack personally served as an advisor on U.S. delegations to the IMO, lending his extensive expertise to the Coast Guard's international efforts to improve marine safety, protect the marine environment, and ensure equitable compensation for victims of marine casualties. Domestically, Mr. McCormack ensured that the Coast Guard had continuing opportunities to exchange views in a broad range of MLA forums on a variety of issues of mutual concern, such as environmental crimes enforcement. The Coast Guard has benefitted tremendously from the information and perspective gained during these open and candid discussions with the senior leadership and the many expert committees of the MLA. Mr. McCormack's professionalism and balanced approach established the basis for the continuing success of Coast Guard and MLA endeavors. His personal commitment to strengthening the productive relationship between the Coast Guard and MLA resulted in an exchange of ideas that created thoroughly informed, clearly defined domestic and international policy decisions of immeasurable benefit to the public.Signed J.M. Loy, Admiral U.S. Coast Guard, Commandant.MR. McCORMACK: Thank you very much.(Applause.)MR. McCORMACK: Thank you very much, Malcolm. It's been a great, great time working with you and the Coast Guard. The Coast Guard and Navy have not always gotten together all these years, but I must say that I will cherish this medal.I didn't get too many medals when I was on active duty. My wife always wondered how I wound up with the European Occupation Medal in my six-month tour of duty in the Mediterranean after I spent a week in Monaco and two weeks in Cannes and a few other places. She was really somewhat dubious as to why I actually got the medal. I think anyone who just happened to be there got it.After serving three years at sea on a destroyer, I can tell you I appreciate the professionalism and abilities of our Coast Guard colleagues.After I left active duty in the Navy, I stayed there as a JAG officer. As I said, I now fully understand the active role of both the Navy and particularly the Coast Guard. Malcolm, I wish you well in retirement. It will be a pleasure to welcome your new replacement as head of the International Law Section. I hope and I will, in fact, do whatever I can to continue our work with the Coast Guard.Many thanks, thank you.(Applause.)MR. McCORMACK: That, ladies and gentlemen, concludes the official reports for this session.I now will call upon Mr. Moseley, the Chair of our Nominating Committee, for the report of the Nominating Committee.MR. MOSELEY: Thank you, Mr. President.Howard, if I may say, the Chair of the Nominating Committee is the Immediate Past President. That is a passage that one goes through from being the President of MLA into that Valhalla or pasture where all Past Presidents graze. There are two requirements to you, sir, as the youngest member of this group. One factor is that you must always preface any comment you make to any of us by the comment, "When I was President, comma." Secondly, at our meetings of the Past Presidents, for the first two years, you cannot say a word. The reason for that is the rest of us are talking all at the same time, and you are our designated listener.Howard, you have been a wonderful President. You have that ability that all of us wish we had, to be in a voluntary organization and lead by example and by caring about people and caring about the mission. You have that ability to make us all better people, and we thank you.Our Nominating Committee met Wednesday and we believe that the nominees that we put forward will continue the success of our beloved Association, and I believe that you will be proud of each and every one. The nominees that are presently officers we have selected to move up one peg, and in many instances we have asked them to retain their current job as the incumbent.We nominate for President William R. Dorsey of Baltimore.For First Vice President we are honored to nominate Raymond P. Hayden of New York.For the Secretary's position, we are pleased to nominate the incumbent, Lizabeth L. Burrell of New York.As incumbent Treasurer, Patrick J. Bonner of New York.And as Membership Secretary, Winston Rice of New Orleans.It is with a great deal of pleasure that I announce to you that the nominee and a new member of the officers when elected by you is Thomas S. Rue of Mobile, whom we nominate for Second Vice President.In addition to the officers, the Nominating Committee unanimously presents for your kind consideration as Board members James K. Carroll of New Orleans; Lisa Reeves of Philadelphia; Alan Van Praag of New York; and James Whitehead of Seattle.Mr. President, with a great deal of respect for you and for this Association, I am pleased to indicate that the Nominating Committee unanimously has placed these names in nomination, sir.MR. McCORMACK: Thank you very much, Mr. Moseley.I now call upon Mr. Healy to make the motion in support of the nominations.MR. HEALY: I move that the report be approved and that the Secretary be directed to cast one ballot in favor of all of the nominees.MR. McCORMACK: Do I hear a second to Mr. Healy's motion?(Second.)MR. McCORMACK: All in favor?(A chorus of ayes.)MR. McCORMACK: Any opposed?(No response.)MR. McCORMACK: The motion of Mr. Healy is carried and all the new officers and the Board of Directors are deemed elected.Before I close my presidency and turn over the office to Bill Dorsey, I want to congratulate the new officers and Board members. The officers have been my colleagues for many, many years and I wish them all well. It's very a interesting and at times stressful activity.Before I do turn it over to Bill, let me just say I would like to say a few words, if I may. I'm not gone yet. You are not rid of me yet because I continue to stay on the Board for two years, so I will still be around, but I will be down at the end of the platform, at the end of the seats the next time around.I would like to thank some people who were instrumental in helping me get here. First of all is my wife Patricia. She has worked long and hard under some trying conditions, and I thank her very much for her help. I also want a thank my firm, Healy & Baillie, and my partners, who were extremely generous in their understanding and assistance with reference to the amount of time and effort it has taken. I particularly want to thank the managing partner of our firm, John Kimball, a former member of the Board of Directors and the present Chair of our UNESCO Study Group.I also want to thank the partners I see here today, Nick Healy, John Ingram, Leroy Lambert and Gordon Paulsen. There may well be others who have come in whom I have not seen, but you all know what we went through over the past two years in this activity. I am everlastingly grateful to you and our fellow partners for your time, effort and understanding.I am also very thankful for having had the outstanding assistance of my partners who are also former Presidents of this Association. Nicholas Healy is not only my partner, but my neighbor in Garden City. I am afraid is not going to get the presidentship back in Garden City for a while there, Nick. I also thank Gordon Paulsen. These gentlemen were fantastic role models. I am delighted that I had some small part in following their example as President.I also want to thank my long suffering secretaries, Margie Rosen, Caroline McLoughlin and Kim Marchesano, all of whom at various times have put up with numerous deadlines, correspondence, and phone calls from different venues. They have always worked with enthusiasm. At times, they have also had the opportunity to meet some of the colorful characters in the Association whom I have mentioned and were commented on in our Centennial Proceedings.As I said, I want to thank my fellow officers and Board members. They have been a great help. Their enthusiasm has been absolutely overwhelmingly.I also prefer to be remembered for setting a record of on-time length of meetings, although this one went a little longer.Bill Dorsey and I had a side bet and I missed my side bet by three minutes. I had assumed that I would finish the reports by 11:25, so I owe Bill a few drinks, I guess. This may be due, I suspect, to the fact that I'm a New Yorker. New Yorkers are kind of known for fast talking, but for those of you outside New York who may not fully appreciate it, not only do we talk fast, we walk fast. We have to do this in order to beat cabs crosstown. The perception is that if one walks reasonably fast, you can get crosstown much quicker than taking a cab. I don't want give New York taxi drivers any problems with that, so please continue to take a cab and take some reading material with you.Those of you outside of New York may not fully appreciate what is known as the New York fast walk. You have to do that, as I said, to beat traffic crosstown. Bunky Healy was exposed to that in Auckland when we were out there prior to the CMI meeting in Sydney. Bunky decided to join me one day for what he thought was a leisurely stroll from the B&B at which we were staying to walk downtown, which was about two miles. Well, I started out on my usual fast pace and Bunky, to his credit, kept up. But when I suggested another stroll downtown the next day, he suggested that perhaps we could take a cab, or some other means of locomotion.Bunky never ceases to be amazed at the pace of the activities in New York. I suspect now as I step down I may be getting a little more attuned to the southern style, I won't walk as fast. My speed on the tennis court has dropped slightly, but I will try to do what I can.As I said when I took office as President two years ago, I recall a Yogi Berraism. I said then and repeat today, I want to thank you all for making this day necessary. It's been a great run for two years. I now have achieved the rank of the most coveted title in the Association, Immediate Past President. And Mr. Dorsey, that is what you will be striving for in the next two years.Mr. President, the podium is now yours. Good luck.(Applause.)MR. DORSEY: I don't think I have seen this room quite as full except perhaps for the COGSA debate, and the reason of course is a great tribute to Howard McCormack.Mark Twain said that it takes about three weeks to prepare a good impromptu speech. I have been working on some remarks and some things to say about Howard, some very flattering things, some very nice things, all of them true, but I have been listening to remarks about Howard all morning, and I don't think I can improve upon what has been said about him.I will say one thing about him, it's not my word, it's Michael Marks Cohen's word, and it is that Howard is indefatigable. I promise you there has been no one more devoted to this Association and no one could have pulled off the Centennial any better than Howard McCormack. Howard, we know that the pay for the President is so great that it is a reward in and of itself. But we do have a few tokens of appreciation, puny as they may be.The first is the usual Certificate of Appreciation. There is an monk up in New Jersey who does all the handwriting. It says:The Maritime Law Association of the United States presents this testimonial of appreciation to Howard M. McCormack in recognition of his distinguished service as President during the years 1998 to 2000.The Association takes this means of recognizing his able and successful leadership, his constructive efforts and his outstanding contributions to the Maritime Law Association of the United States and to the field of maritime law." It's dated May 5, 2000.Howard, congratulations.MR. McCORMACK: Thank you very much.(Applause.)MR. DORSEY: This is another token of our esteem which I present to you and will let you open now. You think I tied that up and wrapped that up myself? I had support.MR. McCORMACK: I suspect Anne did it for you. We both have very long suffering and great wives in connection with this activity. I can tell you they are the real power behind the throne to the extent there is any power behind these thrones today. Isn't this beautiful?MR. DORSEY: That's not the real meat in the coconut, that's just a piece of wood. The real present is a small replica of a silver admiralty oar upon which Howard's name is inscribed, as well as the dates of his years in office.(Applause.)MR. McCORMACK: This particular piece of wood says "Howard M. McCormack, President 1998 to 2000." A silver oar. I know how much time and effort it takes to get this thing made. That is indeed a fantastic honor that you have given me the symbol of our admiralty practice. Thank you very much.MR. DORSEY: Howard, you deserve it.Now, if you will permit me a few short remarks:It's a singular honor to be named the President of this grand old organization. I think anyone who becomes President who looks back over the names of the Past Presidents does so with a tremendous sense of awe and trepidation to some extent, and I know that's true in my case. But you all have given me a wonderful set of officers and a Board, and Howard has given me some excellent Committee Chairs. I think they will do a good job of keeping me in line and preventing me from blotting the copy book too much.Time isn't going to permit me to name all the names of the many, many people who over the years that I have had in this Association who have helped and encouraged me, but I do want to mention a few.First, I can't tell you how much it has meant to me to have had the encouragement and support of the two men who I think epitomize this Association more than any other.First is my former partner, my mentor, boss, and still friend, David Owen. And second is the oldest member of this Association, who is still as young in energy and spirit as any of us, Nick Healy. Thank you. Thank you. Thank you.(Applause.)MR. DORSEY: Second, as probably most of you know, I am actually retired from the everyday practice of law, and that makes the support that I get from JoAnne Zawitoski, Alex Giles, and the staff at my firm, Semmes, Bowen & Semmes, so much more gratifying. They have been tremendous over the last couple of years, and I couldn't do this without their help and support. And in this day when the billable hour is everything, I think that is truly gratifying.And finally-well, not finally-but I want to add that I want to give special thanks, of course, to Anne, who will have to put up with even more than usual from me over the next two years, and has already picked up a few duties of her own. I know this is a big day for me because she's here with my daughter Rebecca, and I have to tell you that this is only the second time in my professional life that Anne has ever shown up when I was, quote, at work.The first time was about 25 years ago when David Owen and I were trying the *Yorkmar* case, and Anne and my eldest son came down to watch me in action. They came in the room when I was middle of what I considered to be a scintillating cross-examination of a witness. But I noticed that Anne and my son left after about 30 minutes. She later told me that the reason she left was because she was bored. Today I suppose I have only succeeded in embarrassing her.Finally, paraphrasing Herb Lord's remarks at last year's Centennial meeting, what fun it has been and is to be a member of the MLA and I look forward to the next two years, and I thank you all for that. |