

The Canadian Maritime Law Association



L'Association Canadienne de Droit Maritime

Website: www.cmla.org

P. Jeremy Bolger, President

Borden Ladner Gervais LLP
1000 de la Gauchetière Street West, Suite 900
Montreal, QC H3B 5H4
Tel: 514-954-3119 Fax: 514-954-1905
E-mail: jbolger@blgcanada.com

Robert C. Wilkins, Secretary-Treasurer

Borden Ladner Gervais LLP
1000 de la Gauchetière Street West, Suite 900
Montreal, QC H3B 5H4
Tel: 514-954-3184 Fax: 514 954-1905
E-mail: rwilkins@blgcanada.com

June 4, 2010

PRESIDENT'S REPORT

Serving as President of our Association over the past twelve (12) months has been a busy, but very satisfying experience. There have been several meetings, conferences and social events to attend, all of which have been most insightful and thoroughly enjoyable.

I was honoured to be invited as president of our Association to a special sitting of the Federal Court of Appeal concerning the swearing-out ceremony of former Chief Justice John Richard of the Federal Court of Appeal which was held at the Supreme Court Building in Ottawa on June 26, 2009. The event was followed by a reception in the foyer of the Supreme Court Building. Some of those in attendance included Chief Justice Beverley McLaughlin of the Supreme Court of Canada, Chief Justice Allan Lutfy of the Federal Court, the Honourable Rob Nicholson P.C., Q.C., M.P., Minister of Justice & Attorney General of Canada, as well as numerous judges from the Federal Court and the Federal Court of Appeal.

In late August 2009, the executives and directors of both the CMLA and the Maritime Law Association of the United States met in Quebec City. Most attendees arrived during the later part of the day on Thursday such that the participants were free to arrange their own evenings. Participants scheduled dinner with either members of their own Association or with mixed representation from the United States and Canada. The meetings and social events held on Friday and Saturday were very ably organized by

John O'Connor and his lovely wife, Gaétanne, to whom I again express my sincere gratitude. Those in attendance participated either in golf matches on the Friday or a city and historic sites bus tour. The CMLA hosted a reception for our American colleagues and their spouses in the Rose Room of the Chateau Frontenac which was of considerable significance as that is the location where Prime Ministers Mackenzie King and Winston Churchill and President Roosevelt met in 1943. Following the reception, those in attendance withdrew to dinner at Restaurant Le St-Amour, one of the premium restaurants in Quebec City.

The following morning, the executive of each Association held independent meetings followed by a joint meeting. Very regrettably, I was unable to attend these meetings as I was obliged to return to Montreal early on Saturday morning to deliver a eulogy at a friend's funeral. Our national Vice-President, Christopher Giaschi, chaired both the meeting of the Canadian executive and the joint meeting, both of which by all accounts were most successful.

Over the past twelve (12) months chairpersons of the Association's committees were reviewed and some changes have been made, particularly with a view of encouraging greater participation by younger members of CMLA.

Further submissions were made by CMLA to the Office of the Superintendent of the Financial Institutions on the subject of amendments to the federal *Insurance Companies Act*.

The *Rotterdam Rules* signing ceremony was held in Holland in October 2009. It is with much regret that I was unable to attend the ceremony on behalf of CMLA due to the fact that I was required to undergo surgery in Montreal. Although efforts were expended to identify a representative of CMLA to attend the signing ceremony, no member was available. Arguably, however, our Association was represented vicariously by the presence of Madam Justice Johanne Gauthier and Nigel Frawley, both of whom serve on the Executive of the Comité Maritime International.

A meeting of the CMLA Board of Directors was held at the offices of Borden Ladner Gervais LLP in Vancouver on October 19, 2009.

I had the pleasure and honour of accepting an invitation as the representative of the CMLA at the reception and as a head table guest at the 75th Grunt Club Annual Dinner held in Montreal on December 4, 2009.

A meeting of the directors of our Association was held at the offices of Ogilvy Renault in Toronto on January 15, 2010. That same evening I was privileged to represent the CMLA as a Head Table guest at the annual Marine Club Dinner at the Royal York Hotel in Toronto.

The CMLA hosted its traditional dinner at the Rideau Club for representative judges of the Federal Court and the Federal Court of Appeal on April 7, 2010. In attendance were

Justices Gauthier and Harrington from the Federal Court, as well as the Chief Justice and Justices Pelletier and Nadon of the Federal Court of Appeal. Representing the CMLA were the President, Robert Wilkins, Robert Jette, Christopher Giaschi, Brad Caldwell and William Sharpe. Although invited, Chief Justice Lutfy of the Federal Court had just returned from Australia on April 6th and spent the entire day attending a conference of the Canadian Judicial Council on April 7th. In the circumstances, he was unable to attend the dinner.

On April 8, 2010 the 24th annual meeting of directors and committee chairpersons of our Association and representatives of Transport Canada, the Department of Fisheries and Oceans, Environment Canada and the Transportation Safety Board was held in Ottawa.

The meetings were followed by a luncheon hosted by the CMLA at the Rideau Club at which Mr. Tim Keane of Fednav Limited was the guest speaker. He addressed those in attendance on practical issues relating to commercial shipping in Arctic waters. The luncheon was followed by a meeting of the directors of our Association.

During the course of the year significant time and effort was devoted by Shelley Chapelski as Chair of the Marine Insurance Committee, as well as members of that committee and other CMLA members in preparing submissions to the Ministry of Finance of the government of British Columbia with respect to recent amendments to the Financial Institutions Act. In particular, I wish to extend sincere thanks for their hard work in this respect to Shelley Chapelski, Daniele Dion, Christopher Giaschi and Doug McRae. Other stakeholders and interest groups that submitted representations included the Canadian Board of Marine Underwriters, the British Columbia Chamber of Shipping and the International Group of P&I Clubs.

Our Association was invited by Mark Gauthier and his colleagues at Transport Canada and the Justice Department to propose representatives as part of the Canadian delegation at the Diplomatic Conference on the adoption of the HNS Protocol which was held in London during the week of April 26, 2010. Several preparatory exchanges were had with Marc Gauthier and his colleagues prior to the Conference. Graham Walker and Richard Desgagnés were accredited as part of the Canadian delegation however due to travel interruption caused by Icelandic volcanic ash, Graham Walker was prevented from attending the conference. Richard Desgagnés was in attendance, however, and very ably represented CMLA. He will report further in this regard.

On Friday, May 7, 2010, I attended the annual general meeting of the Maritime Law Association in New York, held at the New York City Bar Association at which time Warren Marwedel stepped down as president of the MLAUS and Patrick Bonner was acclaimed that Association's new president. On the evening of May 7th I had the privilege and honour of representing our Association at one of the head tables at the MLAUS Spring Dinner. It was announced during the meetings in New York that the semi-annual meeting of the MLAUS next year will be held in Hawaii commencing on December 2, 2011. All CMLA members are invited to register and attend. Based on

attendance levels the last time the MLAUS held its semi-annual meeting in Hawaii, this promises to be a very popular event.

On May 27, 2010 I was invited to and indeed did address those in attendance at the Canadian Board of Marine Underwriters semi-annual meeting in Montreal and was asked to introduce Commander Steven Waddell, commander of HMCS FREDERICTON, one of the keynote speakers, who addressed the meeting on his experiences protecting merchant shipping from Somali pirates in the Persian Gulf / Horn of Africa area.

The CMLA has tentatively scheduled a seminar for Judges of the Federal Court and Federal Court of Appeal in Ottawa on May 13, 2011. I am awaiting confirmation that the 25th annual meeting of our Association with representatives of the Federal government can be scheduled in Ottawa for May 12, 2011. At this time, however, those dates have not yet been confirmed.

It has been decided that the Annual General Meeting of the Canadian Maritime Law Association will be held in Quebec City on Friday June 3, 2011 at the Chateau Frontenac to be followed that same evening by a gala dinner to celebrate the 60th anniversary of our Association. Details will follow during the course of the next few months, but the event promises to be an exiting one and I urge as many members as possible to attend both the annual general meeting and the gala dinner and to enjoy the incomparable "joie de vivre" of Quebec City.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'P. Bolger', with a stylized flourish at the end.

P. Jeremy Bolger,
President