

HOUSTON MARITIME ARBITRATORS ASSOCIATION

NEWSLETTER

SUMMER 2009

NEWS FROM THE BRIDGE

Education and thanks are my key words.

It has been an extremely busy first year for your President. I think the HMAA has moved forward a great deal and not just because I sit in the seat of the President.

It is because of the wonderful directors and officers I serve together with as well as many of the members who are giving regular input and support throughout the year. To those of you who are riding along and can't offer input, that's OK but think about getting active even if it's a few hours or supporting the coming Fall Ball and 2nd golf tournament.

I'm happy to say the number of HMAA members putting in and helping out even if they are not on the BOD has increase significantly. This past year continues to prove the old adage "you get back what you put in". I've met more people and made new friends personally and professionally while going about business for the HMAA. I look forward to even more blessing in this coming year.

Here is a summary of what we have accomplished over the past 11 months:

- We have trimmed deadwood from the Association.
- We have added new blood.
- We had another successful training session in March.
- We increased the attendance at the Annual Dinner and Elections in June by 25% and now are forced to look at a new venue for next year. Keep pushing it.
- We held our first annual golf tournament.
- We gave away \$5,000 for scholarships.
- We have increased our working relationship in the transportation (not just Marine) community with cooperation from the West Gulf Maritime Association (WGMA) and the International Transport Managers Association of Houston (ITMA).
- We are prepared for a great (and inexpensive) evening at our first FALL BALL at Damien's Saturday September 26th (read on).

- We are prepared for our 2nd annual scholarship golf tournament and dinner Thursday Nov 12th at Tour 18 (read on)
- We had been invited to speak at two WGMA luncheons and recently have agreed to speak at ITMA luncheon.
- We have done a workshop with ITMA.

I use the word “We” in all the above because it has been a great team effort and there has always been somebody to back all of us up when needed. There are no individual players and that is the most wonderful thing to report. Yes, individuals made it happen but always with some team work.

When I was elected President of the HMAA last August I was not really sure of the amount of time that would be involved. It has turned out to be a lot of time, however, I can tell you that all the time has been extremely rewarding. The HMAA is achieving its goals and setting new ones moving forward.

Last August we said that education is going to be a focus for the HMAA and it has been and will continue to be so as this Board goes forward. We are making more of a presence in the shipping and transportation community of the Gulf Coast. People understand we may be the Houston “Maritime” Arbitrators but we do all types of arbitrations focusing on the transportation and energy industry.

I am also pleased to advise you in one of my recent dry cargo booking I was excited to find that ATL/WCIE’s Booking Note Arbitration Clause specifies HMAA.

I have spoken at WGMA functions in Houston and Nederland on various issues in the shipping community from Bills of Lading to Statement of Facts. The support the WGMA is giving us, as well as its own members, is terrific and the relationship is growing.

The International Transport Managers Association (ITMA) of Houston has also partnered with the HMAA this year and has invited me, Bill Seele and Dave Scruton to their events. ITMA’s June workshop on Force Majeure and General Average featured Captain Scruton on General Average. I quote one of the ITMA board members: “I think David was the “Super Star” at this event.”

We are working with both the WGMA and ITMA, and welcome any other organizations and individual firms to bring together for a “Town Hall Meeting” focusing on the concerns the shippers and people in international trade in the Gulf Coast may have. We are asking the organizations to have their memberships submit questions to them and the HMAA will pull together a panel of legal and commercial representative to address

these concerns. The WGMA has offered their newly built conference room for us to hold this event which we hope to do sometime towards the end of October.

There's so much more to read, and please read it, so I'm going to end here now with my thanks to all of the Directors and Officers for making the job dynamic.

Thank the WGMA and ITMA for their support in the past and in the future.

My only regret after the first year is still a goal; to get the Port of Houston directors to catch on to the HMAA and learn we are not just litigators but that we are educators as well and an important part of the future of the port of Houston and the Gulf Coast's international business community.

Thanks to all for your support and for those sitting on the sidelines – come on off the bench this year support your association.

Stephen J. Stapleton III

MINUTES FROM HMAA's ANNUAL MEETING HELD JUNE 1, 2009

MINUTES

The Chairman of the Board of Directors, Mr. Bill Seele, called the meeting to order at 1825 hours on June 1, 2009. There was a quorum of members of the Association in good standing present and a number of proxies for voting had been received. Mr. Seele and the President of the Association, Mr. Steve Stapleton, jointly conducted the meeting.

Treasurer's Report:

The report of the Treasurer, Mr. William L. Warnement, was presented and reviewed. Upon motion made and duly seconded, the membership voted to approve the Treasurer's report. The original 2009 Treasurer's Report is attached to these minutes.

Minutes of 2008 Annual Meeting:

Mr. Seele mentioned that copies of the minutes of the 2008 annual meeting of the Association were made available by the Secretary, Mr. Chris Hart, with several copies on the tables for Members to review. Upon motion made and duly seconded, the membership voted to approve the 2008 minutes.

New Business:

Mr. Seele reported that the next meeting of the International Congress of Maritime Arbitrators ("ICMA") would be held in October 2009 in Hamburg, Germany.

Mr. Seele and Mr. Rob Ryniker plan to attend this meeting, and Mr. Seele invited any other members to attend as well. It was generally noted that it is desirable for the HMAA to have a presence in attendance at this ICMA meeting.

Mr. Stapleton expressed the gratitude of the Association to Mr. Tom Deen and all the members of the Law Committee for their work preparing legal update articles published in the periodic Newsletter of the Association.

Mr. Stapleton called upon Mr. Dave Scruton to provide a report about the Association golf tournaments. Mr. Scruton reported that the first annual HMAA charity golf tournament was held during the Fall of 2008 and that the tournament raised approximately \$5,000 and was a fine success. Mr. Scruton reported that the next HMAA charity golf tournament is scheduled for October 15, 2009 [later rescheduled for November 12, 2009], at the Tour 18 golf course in Humble, Texas. Proceeds from the tournament will be used by the Association to benefit educational scholarships at the Texas A&M University Maritime Academy and in benefit of the International Transportation Management Association (“ITMA”) scholarship fund.

Mr. Scruton was then asked to discuss the Association’s efforts to keep records concerning arbitrations held or conducted under the HMAA rules. Mr. Scruton reported that he had agreed, upon request of the Board of Directors, to serve as the point of contact for all members and arbitrators to report arbitrations. Mr. Scruton mentioned that a future Association Newsletter would include a form for reporting arbitrations, and that members serving on arbitration panels were requested, but not required, to complete the form and send it to Mr. Scruton. The purpose of these forms and records is for the Association to be made aware of the number, and general subject or nature if not confidential, of arbitrations conducted under the HMAA Rules.

Mr. Seele then introduced guests in attendance from the Texas Maritime Academy: Professor William McMullen and a student, Mr. Russell Hayes. Mr. Seele presented to Russell Hayes an educational scholarship grant from the Association in the amount of \$2,500. Professor McMullen and Mr. Hayes made remarks expressing their gratitude and the gratitude of Texas Maritime Academy for this scholarship. Mr. Seele and Mr. Stapleton reported that a similar educational scholarship had been presented to the International Transportation Management Association.

Mr. Stapleton expressed thanks to Mr. Seele for his service as Chairman of the Board of Directors, to Mr. Hart for his service as Secretary, to Mr. Warnement for his service as Treasurer, to Mr. Scruton for his efforts on the golf tournament and other projects, to Mr. Tom Donovan for his service as Vice President – Membership, to Mr. George McCarthy for his many years of service as a Director of HMAA and for his current service to our country on active duty as a Captain in the United States Navy, to Mr. Ron Capehart for his service in planning and coordinating social events, to Mr. Tom Deen for his service as a Director of the Association and Editor of the Newsletter and his service this year as Chairman of the Nominations Committee, and to Mr. John Britton for his work updating and developing the new website for the Association.

Mr. Stapleton reported that an Association arbitrator training session was held on March 5-6, 2009. Faculty presenting this training seminar included Members Kevin O’Gorman, Anibal Sabater, and Efren Olivares of Fulbright & Jaworski L.L.P., and also Mr. Seele and past Chairman Mr. Rob Ryniker. It was reported that 15 persons attended the training seminar. It was noted that the price charged to attend this seminar, \$195, is significantly less than the price charged to attend comparable maritime arbitration seminars in other cities. Mr. Stapleton also noted that the written materials presented during this seminar are comprehensive, educational, and of great benefit to arbitrators serving in the Association. Mr. Stapleton expressed gratitude to the faculty members from Fulbright & Jaworski L.L.P. who developed and prepared these written materials over the past few years, and he also thanked Mr. Seele and Mr. Ryniker for their continued development and preparation of excellent mock arbitration training materials. Mr. Stapleton then presented a plaque to Fulbright & Jaworski L.L.P. in recognition of this law firm’s service in preparing and presenting the arbitrator training seminars for the past several years. Mr. O’Gorman accepted the plaque on behalf of Fulbright & Jaworski L.L.P. Mr. Stapleton thanked Mr. Don Dykstra for distributing some press releases about the seminar to several trade papers and magazines.

Mr. Stapleton then asked Mr. Ron Capehart to report on plans for an Association social gathering. Mr. Capehart reported that the HMAA Fall Ball 2009 would be held on September 26, 2009 at Damian’s Restaurant. Mr. Capehart has planned this event, and flyers with details of the event, including sponsorship opportunities, were made available during the meeting and will be distributed with future Association Newsletters.

Mr. Stapleton and Mr. Seele then presented plaques to commemorate a Lifetime Membership award and a Judicial Membership award. A Lifetime Membership was awarded to Mr. Rob Ryniker in recognition of his many years of service to the Association, including his past service as Chairman of the Board of Directors. A Judicial Membership was awarded to the Honorable Gray Miller, United States District Judge, Southern District of Texas.

Following these awards, it was noted that Lifetime Memberships are held by Wynn Wyman, Ed Bluestein, Ed Knutsen, George Chandler, and Rob Ryniker. A Judicial Membership is currently held by Judge Gray Miller. A Life Member is entitled to membership in the Association in good standing without the necessity of paying dues. A Judicial Member is entitled to membership in the Association in good standing without the necessity of paying dues during tenure on the bench.

The next order of business was the annual election of members of the Board of Directors of the Association. The President called upon Mr. Deen, who served as Chairman of the Nominations Committee, to present the nominees for the Board and to conduct the election of the Directors.

Mr. Deen reported that two seats on the Board of Directors were to be elected and that four nominations had been received, the nominees proposed being Dana Martin, Dave Scruton, Bill Seele, and G. Byron Sims. After first checking to determine whether there were any additional nominations from the floor, upon motion duly made and

seconded, by voice vote, the nominations were closed and a secret ballot was taken. The votes were tabulated, and Dave Scruton and Bill Seele were elected to serve as Directors of the Association for a two-year term.

The floor was then opened for any further old or new business. There was none.

There being no further business, the meeting, upon motion made, seconded, and approved, was adjourned.

Christopher R. Hart
Secretary

TREASURER'S REPORT 2009

This report covers the 12 month period beginning June 1, 2008 and ending May 31, 2009.

Begging Cash Balance.....	\$17,770.74
Income.....	\$22,640.00
Expenses.....	\$21,881.28
Ending Cash Balance.....	\$18,529.46

Income sources were from annual dues, arbitrator workshops registration fees, and Golf Tournament Receipts (\$14,225). Expenses were for the 2008 annual meeting, two Board of Director lunch meetings, website renewal and update, the 2008 arbitrators workshop cost, Golf Tournament Expenses (\$10,920.00) and two scholarships (\$5,000 total). All bills are paid and there are no unusual expenses anticipated. The ending cash balance reflects an increase of \$758.72.

Respectfully Submitted
William L. Warnement Jr., CPA
Treasurer

NEW OFFICERS AND DIRECTORS

During the June 2009 Annual Meeting two new Board members were elected. William Seele was re-elected to the Board and David H. Scruton was elected as a new Board member.

On July 7, 2009 the Board held its regularly scheduled meeting and elected the following officers:

William Seele - Chairman of the Board
Steve Stapleton - President
William L. Warnement - Treasurer
Chris Hart - Secretary
Tom Donovan - Vice President-Membership

Ron Capehart - Vice President-Social
John Britton - Vice President-Webmaster

Congratulations to all!

LETTER OF THANKS FROM HMAA'S TA&MUG
SCHOLARSHIP RECIPIENT

Howdy, Steve

I truly appreciate you making me feel so welcome and your contribution in making the first Houston Maritime Arbitrators Association Scholarship possible.

Your support and the support of the HMAA have made a large impact on my career as a student. I look forward to working with you in the future as A&M Galveston and the HMAA build a better relationship, in addition to professionally as I plan to stay in the maritime field. Hope we can stay in touch.

Your friend,

Richard Hayes

Undergraduate Research Scholar

Texas A&M Class of 2010

REPORT YOUR ARBITRATIONS

If you have previously conducted an Arbitration for the HMAA, please send details to David Scruton at dscruton@3dmarine.com We do NOT want to know your client details. We simply want to keep a record of the number of arbitrations conducted by the HMAA. The information required is Arbitration Type, Name of the Arbitrator(s), Brief Case Description, and Date Conducted.

Please see the attached sheet on page 19 of this newsletter, which you are requested to print out, complete and send in to if you have conducted an Arbitration Hearing under HMAA Rules.

LAW COMMITTEE

MANIFEST DISREGARD NO LONGER A BASIS TO VACATE ARBITRATION AWARDS

Parties sometimes challenge arbitration decisions in court, asking courts to vacate an arbitration award. Among the possible grounds for arbitration award vacatur, manifest disregard of law became a sort of standard of review for legal error that most federal courts of appeal adopted, with varying definitions for what constitutes a manifest disregard of law. One question about manifest disregard, and other grounds for vacatur, has been whether arbitration awards governed by the Federal Arbitration Act (“FAA”) can be vacated for any common law, non-statutory grounds that are not specified in the FAA.

The United States Court of Appeals for the Fifth Circuit recently held, on March 5, 2009, that manifest disregard of the law “is no longer a basis for vacating awards under the FAA.” *Citigroup Global Markets, Inc. v. Bacon*, 562 F.3d 349, 355 (5th Cir. 2009). The *Bacon* case presents a non-maritime arbitration about unauthorized withdrawals from an individual retirement account, but the Fifth Circuit’s decision is important for maritime arbitrations, and any other arbitrations, governed by the FAA, 9 U.S.C. § 1 *et seq.*

This decision expressly overrules prior Fifth Circuit cases that allowed nonstatutory grounds to support vacatur of an arbitration award. The court’s opinion thoroughly discusses the history, development, and demise of the idea that manifest disregard of the law can constitute an independent basis for courts to vacate arbitration awards in addition to the statutory grounds enumerated in Section 10 of the FAA, 9 U.S.C. § 10. The court overruled its prior decisions in light of the United States Supreme Court’s decision in *Hall Street Associates, LLC v. Mattel, Inc.*, 128 S. Ct. 1396 (2008). [The *Hall Street* decision is reviewed in the Fall 2008 HMAA Newsletter.]

The issue decided in *Bacon* is “whether, under the FAA, manifest disregard of the law remains valid, as an independent ground for vacatur, after *Hall Street*.” 562 F.3d at 355. The Fifth Circuit concludes that the statutory grounds for vacatur enumerated in FAA Section 10 “are the exclusive means for vacatur under the FAA.” *Id.* The court made its holding quite clear: “Thus, to the extent that manifest disregard of the law constitutes a nonstatutory ground for vacatur, it is no longer a basis for vacating awards under the FAA.” *Id.*

Section 10 of the FAA prescribes four statutory grounds under which an arbitration award can be vacated. Aside from vacatur, arbitration awards can be modified or corrected under FAA Section 11, and they can be confirmed under Section 9. As the court notes, the four statutory grounds for vacatur, and now the exclusive grounds in the Fifth Circuit, are:

- (1) where the award was procured by corruption, fraud, or undue means;
- (2) where there was evident partiality or corruption in the arbitrators, or either of them;
- (3) where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced; or
- (4) where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

562 F.3d at 352 (citing 9 U.S.C. § 10(a)).

The Fifth Circuit notes in *Bacon* that four other circuits have considered the question whether manifest disregard of the law has continued vitality following the 2008 Supreme Court decision in *Hall Street*. The First Circuit has decided, like the Fifth Circuit, that manifest disregard of law is no longer a valid ground for vacatur. 562 F.3d at 355. The Sixth Circuit construes the *Hall Street* holding narrowly such that it merely invalidates contractual agreements purporting to expand the statutory grounds for court review. *Id.* at 355-56. The Second and Ninth Circuits consider that manifest disregard of law can be conceptualized as a shorthand restatement of the statutory grounds for vacatur prescribed in 9 U.S.C. § 10(a)(4), which allows vacatur “where the arbitrators exceeded their powers” or imperfectly executed them. The Fifth Circuit calls this a very narrow description of manifest disregard, harmonizing it with *Hall Street* by this explanation: “Because the arbitrator is fully aware of the controlling principle of law and yet does not apply it, he flouts the law in such a manner as to exceed the powers bestowed upon him.” 562 F.3d at 357.

The court indicates that manifest disregard has no continued vitality in the Fifth Circuit:

In the light of the Supreme Court’s clear language that, under the FAA, the statutory provisions are the exclusive grounds for vacatur, manifest disregard of the law as an independent, nonstatutory ground for setting aside an award must be abandoned and rejected. Indeed, the term itself, as a term of legal art, is no longer useful in actions to vacate arbitration awards.

562 F.3d at 358.

— Contributed by Christopher R. Hart

ARTICLES OF INTEREST

ALTERNATIVE DISPUTE RESOLUTION FOR FEDERAL INTERAGENCY INFORMATION SHARING

BY
CAPTAIN DAVID F. SANDERS, JAGC, USN

The Office of Global Maritime Situational Awareness, housed in Washington, DC is a national office created pursuant to National Presidential Directive 41/Homeland Presidential Directive 13 of 2004 and its supporting plans. OGMSA is charged with the interagency coordination of the national effort to achieve Maritime Domain Awareness.

Maritime Domain Awareness is defined by the *National Plan to Achieve Maritime Domain Awareness* as “The effective understanding of anything associated with the maritime domain that could impact the security, safety, economy, or environment”.

A principal tenant of MDA is the timely and effective sharing of information by and between federal agencies and departments. In furtherance of its mission to foster MDA OGMSA has developed a workshop series entitled “**Transforming Interagency Information Sharing**”. It is the intent of the workshop series to draft and advocate a formal, national, interagency policy to share information. That policy will contain two symbiotic pillars. The first is a clear and unambiguous directive for departments, agencies and programs of the Federal Executive Branch to share information to the greatest extent possible and permissible. The second pillar of the policy is a procedure to identify and resolve information-sharing disputes. That dispute resolution procedure will follow traditional alternative dispute resolution models. This information sharing alternative dispute resolution procedure will encourage the parties to resolve the dispute at the lowest level with the least disruption to operations. Agencies within a Federal Executive Department will seek to resolve the dispute internal to the Department. Involvement of the Department’s Office of General Counsel, information sharing office and ultimately the Department Director may be required. Agencies from different Executive Departments, failing to resolve the dispute, will be required to submit the

dispute to a resolution process. That process would include mediation, then an administrative arbitration resulting in an information sharing decision

The Office of Global Maritime Situational Awareness hosted the first workshop in this series at U.S. Coast Guard Headquarters June 17, 2009. It was well attended, well received, and considered difficult questions. The workshop enabled a full and frank dialog among disparate agencies and produced thoughtful and meaningful advice and recommendations. Approximately sixty attendees from seventeen agencies were divided into four working groups. Each group was provided with a professional facilitator, pens, pads, a flip chart and a series of questions. Three principal “information sharing” questions were considered and discussed by the working groups over an eight hour day. For each question each group appointed a recorder and a spokesperson. At the conclusion of the discussion session each of the four groups sent its spokesperson forward for presentation of the group’s findings to the gathered assembly. Each spokesman identified the group and put forward the group’s findings on the question under consideration. Thereafter the presenter entertained questions and solicited support from group members. The findings were captured by an assigned workshop recorder. This format ensured the participation of all attendees and fashioned a sincere, and at times passionate, exchange of ideas and opinions. The dialog, exchange of views, production of ideas and resulting recommendations rendered an Esprit De Corps resulting in an excellent examination of the current status of federal interagency information sharing policies, procedure and practice

It is not the intent of the workshop series just to engender discussion. Discussion is a means to an end. The workshops seek to transform ideas into action, to recognize a need, assess a problem, design a course of action, and lay the foundation for advocating and acceptance of the workshop recommendations. The intent of these workshops is to elicit a board range of input to design, publish, and adopt an interdepartmental policy to share information and outline a formal procedure to resolve information sharing disputes. The first volley of input was enthusiastically delivered by workshop participants. Their message was clear and unambiguous. They are ready to share information, want to resolve disputes and eliminate barriers, seek concise, single source guidance, request

support from senior leadership and desire to transform the interagency culture to foster and institutionalize information sharing for the benefit and protection of the American public, its safety, economy and interrelationship with its government.

In the first question under consideration the workshop participants were asked to:

“Identify Existing Mandates for Federal Interagency Information Sharing.”

Workshop attendees from all four working groups uniformly affirmed that there currently exists a federal mandate requiring inter-agency information sharing. Consensus attributed the mandate to the demand for improved information sharing issued by the 911/Commission and subsequent reports and commissions. Examples of the information sharing mandates included legislation, national plans, national strategies, national directives, executive orders, departmental policy, and inter-departmental memoranda of agreement to share. Examples in practice included the US Department of Justice work with law enforcement, the acceptance of national and state fusion centers, The Program Manager for Information Sharing Environment, national threat response coordination, and the establishment of information sharing offices within federal agencies and departments.

In consideration of the second principal question workshop participants were asked to,

“Identify and Discuss the Barriers to Information Sharing”.

Oft cited and familiar barriers to information sharing were recognized. These included the Privacy Act, prevailing understanding of Personally Identifiable Information, national security concerns, document classification and the culture of information protectionism. Workshop attendees provided numerous personal anecdotal examples of information sharing barriers. Examples included technological concerns, the turnover of individuals knowable in information sharing, the protection of personnel records, concern regarding contractual proprieties, disclosure to foreign governments, disclosure to unauthorized contractors and the remnants of the “need to know” culture. Participants concluded that most of the identified barriers were attributed to supervisors' decisions. Often the subordinate felt powerless to challenge the decision even though in their opinion national

best interests were probably being circumvented. Workshop attendees reached consensus in recognition of the need for transforming inter-agency information sharing norms and culture.

The third information sharing question under scrutiny required the participants to: **“Provide Recommendations to Improve Federal Interagency Information Sharing”**. Workshop participants delivered a variety of outstanding recommendations to improve the culture, procedure and practice of information sharing and to resolve information sharing disputes. These recommendations included savvy observations and cogent advice. Successful transformation must include accountability for information sharing, by, between and among agencies. Currently agencies are hesitant to formally document another agency's decision not to share information. Because of that reluctance it is difficult to formally document an information sharing barrier and pinpoint the root cause of the barrier and difficult to seek possible resolution. Additionally transformation must include an incentive to share. Current incentives to share information are unclear and there is a tendency for decision-makers to ere on the side of not-sharing. Decision makers perceive the risk of sharing is greater than any reward gained by sharing. Hence effective inter-agency information sharing is currently based on cultivating personal relationships and networking, and is neither based on incentive nor is it institutionalized. Information sharing must receive the support of the highest levels of American Government. Institutionalized interagency information sharing can be achieved by establishing a single source mandate for information sharing. That mandate must include a clear policy to share information and a procedure to effectively resolve information sharing disputes. Incentives must be fixed that encourage decision-makers to error on the side of sharing information. Recommendations included incentives such as performance evaluation recognition of information sharing support and budget incentives to share information. Employees must be trained on procedures and methods of effective information sharing and myths and misconception resulting in artificial barriers to information sharing must be dispensed with. Education should include a day long, certificate bearing, course of study to include the mandate for information sharing, the mechanics of information sharing, Privacy Act, Alternative Dispute Resolution and the

technology of information sharing. Legislative and leadership efforts to advance, accept and make inveterate quick and effect inter-agency information sharing are required.

The workshop concluded with the summation that the federal workforce is ready to undertake the transformation of information sharing. The demand signal is clear. Change must follow. Through a sincere and concerted effort to share information the current culture can be reformed and current practices transformed. That transformation must include a formal written policy to share information as well as an information sharing dispute resolution procedure. These actions will produce streamlined information sharing resulting in the enhanced protection of the American public.

*** Captain Sanders currently serves as Legal Counsel to The Office of Global Maritime Situational Awareness.*

HMAA CALENDAR EVENTS

HMMA SECOND ANNUAL CHARITY GOLF TOUNAMENT

The HMAA is holding its second annual Charity Golf Tournament at Tour 18, Humble, Texas, on 12th November, 2009, with a 12:30 shot gun start.

The proceeds will benefit the International Transportation Management Association (I.T.M.A.) and Texas A&M Maritime Academy (for Educational Scholarships).

The format is a 4-man scramble with prizes awarded for the 1st, 2nd, and 3rd places (gross scores), nearest pin, longest drive, hole in one, and putting competition.

After the tournament, dinner will be served in the pavilion, at which time the prizes will be awarded.

For those of you who want to come to the dinner only, the cost is \$25 per head, but payment in advance would be greatly appreciated, after all, this is a charity event and we don't want to lose money.

Sponsorship opportunities are also available.

Attached to this newsletter on page 16 is the flyer with full details. Also attached on pages 17 is a copy of the entry form, which we would appreciate you completing and sending to David Scruton together with your entry fee and any sponsorship donation at the earliest opportunity.

Door prizes would be greatly appreciated and will be raffled at the dinner.

Last year, the tournament was a great success with many excellent door prizes donated. The 2008 Winners were the "Port Freeport", captained by Mr. Peter Wurschy.

We hope to repeat last years' excellent venue and look forward to your participation.

HMAA FALL BALL 2009

Join the HMAA as we celebrate the 75th anniversary of the launch of the RMS QUEEN MARY on September 26, 2009. The evening starts at 7:00 p.m and is scheduled to end at 11:00 p.m. at Damien's Cucina Italiana in the Sicilian room. Black tie is optional!

Sponsorship and Ticket Information:

Her Majesty's Table \$1,000.00 (Table for 10, Champagne and 2 bottles of wine with dinner. Name recognition in Signage and Printed Material)

Captain's Table \$750.00 (Table for 10, 2 bottles of wine with dinner. Name recognition in Signage and Printed Material)

Wheelhouse \$500.00 (Table for 10 and name Recognition in Signage and Printed Material)

Individual Tickets \$50.00

For additional Ticket and Sponsorship information please contact Ron Capehart at rcapehart@gjtbs.com or 713-599-0700

Please see the attached registration form on page 18.

HMAA MARKET PLACE

**BE THE FIRST ON YOUR BLOCK
TO HAVE AN OFFICIAL HMMA GOLF SHIRT**



Houston Maritime Arbitrators Association Golf Shirts have been made and will be on sale at the upcoming golf tournament in November. However, the number available is limited. Consequently, if you would like to reserve one before the tournament, please contact David Scruton (3D Marine USA, Inc. - tel. 281-444-9495 or email: dscruton@3dmarine.com) as soon as possible.

There are two (2) colors, colonial blue and golden yellow, each with the HMAA logo. Price is \$25.00 each.

**HOUSTON MARITIME ARBITRATORS ASSOCIATION (HMAA)
CHARITY GOLF TOURNAMENT INFORMATION**

- When:** 12th November 2009 12:30 p.m. Shotgun Start
- Where:** Tour 18, 3102 FM 1960 E., Humble, Texas (281) 540-1818
- Why:** In Benefit of International Transportation Management Association (I.T.M.A.) and Texas A&M Maritime Academy (for Educational Scholarships)
- Format:** 4-Man Scramble
- Entry Fee:** \$550.00 per 4-man Team
\$150.00 for singles
- All Inclusive:** Green Fees, Shared Cart, Range Balls, Tournament Services, Tournament Rewards for All Players, Boxed Lunch, Drinks on the Course and Dinner.
- Additional Competition:** A putting competition will be held for an additional nominal fee.
- Schedule:**
- | | |
|------------|--|
| 10:30 a.m. | Check in opens. Practice starts. |
| 11:30 a.m. | Boxed lunch served. |
| 12:00 p.m. | Report to carts for rules. |
| 12:30 p.m. | Shotgun start. |
| 6:00 p.m. | Dinner served in pavilion. Prizes awarded. |

Raffle of door prizes.

(Prizes awarded for 1st, 2nd and 3rd places (gross scores), nearest pin, longest drive, hole in one, and putting competition.)

Sponsorship opportunities are also available and include as follows:

Hole:	\$200.00
Hole in One:	\$750.00
Putting:	\$250.00
Lunch:	\$750.00
Dinner:	\$750.00
Drinks:	\$1,500.00
Door Prizes:	Any Value

Charity Golf Tournament Team Registration

Team Captain : _____

Company:

Address: _____

City, State, Zip:

Phone No.: _____

E-Mail Address:

Player # 1: _____

Player # 2:

Player # 3: _____

Player # 4:

Deadline for Entry: 15th October 2009.

Please make checks payable to: The Houston Maritime Arbitrators Association.

Mail Registration Form with Check(s) to:

HMAA Golf Tournament

c/o 3D Marine USA, Inc.

12411 Donna Drive, Houston, Texas 77067

Attention: Captain David Scruton

Questions: Please contact David H. Scruton at 3D Marine at Dscruton@3dmarine.com

or 281-444-9495 (office), 713-501-6969 (cell)

FALL BALL REGISTRATION FORM

Black Tie optional

Your contribution is tax-deductible only to the extent allowed by law.
(Please Print Information Below)

Name: _____

Address: _____

City/State/Zip: _____

E-Mail Address: _____

Phone Numbers:(O)_____ (H)_____

Make Checks Payable to Houston Maritime Arbitrators Association

**REMIT TO: c/o Ron Capehart, 1301 McKinney, Suite 1400 **Houston, Texas
7710**(713) 599-0700**FAX (713) 599-0777**

Captain David H Scruton
3D Marine USA, Inc.
12411 Donna Drive,
Houston, Texas 77067
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