



SOCIETY OF MARITIME ARBITRATORS, INC.

June 12, 2009

Ms Carleen Lyden-Kluss
Executive Director
Maritime New York, Inc. "NYMAR"
P.O. Box 218
132 East 43rd Street
New York, NY 10017

Dear Carleen:

I enjoy reading NYMAR'S NY NOTES from New York Maritime Inc. In the May issue, I saw the item concerning John Stratakis' article on maritime arbitration in New York and the question on how have things changed since John's article was published.

As the newly elected president of the Society of Maritime Arbitrators, Inc., I can say that during the ten years since the original publication of John's fine article, my predecessors and the Board of Governors of the SMA have been extremely busy and successful in moving the SMA forward on many of the issues John discussed. For example, a few items of interest are:

- Enhancements/Modification to the Rules for Arbitration – Our rules are under continuous review by our Rules Committee, with input and comment from the New York maritime bar via the Liaison Committee. The most recent change was in April 2009 where we addressed the issue of class action arbitrations. Additionally, the Salvage Committee is preparing a new set of rules for publication and we have an *ad hoc* committee examining the issues in small craft construction and operations. Our rules are available on our webpage: www.smany.org
- Publications – Our quarterly online magazine, "The Arbitrator", is distributed worldwide with a readership which transcends the field of arbitration (also available on our webpage and by free electronic subscription). It continually receives outstanding reviews. We are most proud of a recent critique from a member of the Federal bench who wrote, "*I have downloaded and read the April 2009 issue. It is first class: informative and witty, a combination not always achieved by legal and technical publications. Congratulations!*"

- Award Service – To date we have published in excess of 4,000 awards and have noted a recent steady increase in the rate of awards submitted for publication. Our awards are now available on both Lexis-Nexus and Westlaw, with our hardcopy service continuing to show a strong list of subscribers. Soon the 7th Edition of the Digest of SMA awards will be “on the street” and will be available in electronic form.
- Membership – The SMA continues to search for qualified new members. We have added eight new members in the past three years. The new members have strengthened our existing pool of diversified arbitrators with strong industry backgrounds including expertise as shipowners, industry chief executives, dry and tanker brokers, charterers, freight traders, as well as sales and purchase, claims, pollution and environmental work.
- Education – For the last five years, the SMA has offered educational seminars literally to the world maritime industry. Our program, titled “Maritime Arbitration in New York”, has drawn people from commercial companies, law firms and government agencies here in the United States as well as attendees from China, Venezuela, Nigeria (via London), Mexico, and Costa Rica.
- Technology in Arbitration – Email and electronic exchanges are now a common form of document exchanges and communications.
- International Profile – SMA members have continued to represent the best interests of the New York maritime community at international events. To this end, SMA members have traveled to Mexico, Panama, New Zealand, Singapore and Europe in addition to presenting seminars in Florida, Houston and New York conveying the benefits of arbitration in New York.
- Finality of SMA Awards – Naturally, parties sometimes do not agree with the decision of arbitration panels and file motions to vacate awards. This happens in all forms of arbitration both here in the United States and overseas as well. The success rate on these motions regarding SMA cases, which have been filed for a variety of different reasons, has been extremely low. In fact, in recent years, only one SMA award comes to mind as being vacated.

There is much more that can be added to on these points; in addition the topics of awarding of costs, timeliness and emerging areas of disputes might be of interest to NYMAR’S NY NOTES readers. I will be happy to discuss any other questions about the SMA.

Very truly yours,
Austin L. Dooley, Ph.D.
President of the Society of Maritime Arbitrators, Inc.