

PRESIDENT OF THE MALTA MARITIME LAW ASSOCIATION LECTURES AT IMLI

IMLI had the pleasure of welcoming Dr. Ann Fenech, President of the Malta Maritime Law Association and Managing Partner and Head of the Marine Litigation Department of Fenech & Fenech Advocates in Malta. Dr. Fenech visited the Institute on Thursday 23 October, 2014.



Dr. Ann Fenech with students of the IMLI Class of 2014/2015

Using her vast knowledge and practical experience in field, Dr. Fenech delivered two lectures on the topics ‘The Role of a Maritime Law Practitioner in the Shipping Industry’ and ‘The General Characteristics of a Maritime Lawyer’.

During her first lecture, Dr. Fenech discussed the areas of need for a maritime legal practitioner, covering a wide area of law such as contracts, registration of vessels, collisions, registration of mortgages, security interest in ships with specific emphasis on arrest and injunctions. Under contracts, she dealt extensively with ship repair contracts, yacht repair contracts, berthing

contracts, charterparty contracts, inter-state carriage of good and passengers, towage and salvage contracts.

In her lecture on 'The General Characteristics of a Maritime Lawyer' she addressed the students on the attributes required to gain a successful maritime law career. She stated that one must possess integrity at all times, be highly motivated and determined, take pride in one's work, have confidence in one's ability without being precocious, have a good knowledge of where to seek the right information and to have contacts with a good international network of reliable marine related service providers. She advised them to never be afraid to say, "I would need to check that out before I am in a position to give you advice". She stated further that it is pertinent to provide a service which offers good value for money and be the eyes and ears of your clients in your jurisdiction. She continued by saying, one must be firm yet flexible, be able to maintain an open mind for out of courts settlements, which very often is the best solution for clients, and most importantly, to find a niche in which to grow.

Dr. Ann Fenech attained her LL.D in Malta in 1986 and immediately joined the international shipping law firm of Holman Fenwick and Willan in London. In 1989 she obtained a Master of Laws Degree in Maritime Law from the University of London and in 1991 she moved to the firm of Chaffe, McCall, Phillips Toler and Sarpy, in New Orleans, United States of America.

In 1992, Dr. Fenech joined Fenech & Fenech Advocates in Malta and set up the Marine Litigation Department. She has worked with them continuously since then and in June 2008 she was appointed Managing Partner of the firm.

She deals exclusively with maritime related issues, having extensive experience in disputes ranging from ship building contracts to immediate casualty response in collisions, salvage operations and towage. She acts and has acted for major ship owners, charterers, P & I Clubs, shipyards, tug operators and financiers, as well as represented the Government of Malta in major maritime related matters. More specifically, in 2010 she represented the Government of Malta in the European Court of Justice in infringement proceedings commenced against Malta by the Commission. Her outstanding arguments led to the court holding in favour of the Government of Malta. Dr. Fenech has also been involved in numerous cases leading to land mark judgements.

In her numerous services to the Government, Dr. Fenech has assisted the Privatisation Unit in the privatisation of Malta Shipyards Ltd, Malta Super Yachts Services Ltd, Manoel Island Yacht Yard, Ricasoli Tank Cleaning Ltd, Ta' Xbiex Yacht Marina and Msida Yacht Marina. She also assisted with the drafting of numerous shipping laws in Malta such as the Pilotage Act and amendments to existing laws such as the Merchant Shipping Act and the Code of Organisation and Civil Procedure, where she was responsible for the introduction of rules governing the jurisdiction in rem of Maltese Courts.

Dr. Ann Fenech lectures extensively on the subject of Maritime Law in the University of Malta and in other universities abroad, especially in the areas of pilotage, towage, collisions, salvage and carriage of goods by sea.

Both in 2012 and 2014, Dr. Fenech she was awarded the Best in Shipping Law and Maritime at the European Women in Business Awards held in London.

The students of the IMLI Class of 2014/2015 were very appreciative of her lectures.

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