

THE CANADIAN MARITIME LAW ASSOCIATION

William Tetley Memorial Symposium

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Faculty of Law

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Remembering Professor William Tetley: My Teacher, Mentor and Friend

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Ladies and gentlemen, friends and colleagues,
Mesdames et Messieurs, mes amis et collègues,

I am mostly grateful to the Canadian Maritime Law Association for inviting me to today's symbolic Symposium. Although it is great honor and privilege to be here again at "my" McGill Law Faculty, in one of the most vibrant, cosmopolitan and bilingual cities, provinces and countries in the world, surrounded by eminent lawyers, colleagues and Professor Tetley's family and friends, it is not easy for me to deliver the present speech.¹ I trust this is also your sentiment.

La raison de ma tristesse est le fait qu'il est à propos de l'éminent professeur Bill Tetley, as he was fondly referred to, a lawyer, politician, law professor, author, great humanist, colossus of the maritime legal profession, collector of Canadian art, gentleman, beloved father and husband, my teacher, mentor and dear friend, who died in Montreal, in the heart of Quebec and Canada on the 1 July 2014 at the age of 87.

So I very much hope you will kindly tolerate me if I avoid typical professorial and political phrases and rather talk personally because I feel so deeply.

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¹ This contribution is based on M. Pavliha: *In memoriam: Professor William Aubrey Tetley, C.M., Q.C. (1927 – 2014)*, [2014] ETL 483.

My life has been changed forever since 1988 when I was granted the Government of Canada Award to pursue my graduate studies at the Institute of Comparative Law of McGill Law Faculty, beginning in the academic year of 1989/90. Despite of the notorious fact that McGill had been already renowned as one of the best academic institutions in the world, it meant to me even more because of its famous maritime law expert, Professor William Tetley, whose impressive "blue" thick books could be found in every library of any serious shipowner, ship broker, agent, chandler, insurer, maritime lawyer or any other maritime-orientated stakeholder all over the world. He proved to be a fantastic symbiosis of practice and theory, a lucid, concise, logic, understandable, humorous and sometimes ironic lecturer, *l'enfant terrible* of international maritime law whose magnetic charisma impressed every student.

At this occasion I would like to share with you a few little anecdotes which are very self-descriptive. When I met him for the first time at the end of August half a century ago in his old office at Peel Street, he was rushing around, back and forward, shifting papers and notes and putting the selected ones in his brief case, never really stopping when greeting me and listening about my origin and study plans.

Couple of weeks later, it happened to me for the first time that any professor would invite me to his home, together with other students and our partners. The social gathering was described as an "election party" where we were supposed to participate at the election pool "at a cost of \$2.00 for each ballot" in order to guess a number of seats for Liberals, Parti Quebecois, Equality Party, NPD and others. It was great fun, for hungry and thirsty students also because of plenty of food, wine and beer with "special recognition for those wearing bow-ties and especially for those wearing hand-tied bow ties." That was obviously the reason I bought my first "real" bow-tie and learned how to hand make it (the easiest way to practice is on one of your legs).

Professor Tetley taught me four legal subjects: International Carriage of Goods by Sea, International Maritime Conventions, Independent Study I and Independent Study IV. I remember him once in the class room commenting on losing his argument at the Supreme Court of Canada in the following typical way of his own:

"The Supreme Court paid no attention to my big, long argument. It was 7 to 0, not even 6 to 1. It was like being killed on a green light – you were right, but you were dead."

Whenever I came to see him in his cabinet stuffed with books in order to obtain his opinion about my progress, his usual remark was "keep up good work," and then he would normally ask me to do some research for him in the library provided I had time, which proved to be extremely useful exercise plus I earned some pocket money.

When I prepared the first outline of my dissertation on voyage charters, the great Professor read it in silence and then he said one sentence only: "How many pages would you like to write, my dear friend, five thousand or perhaps ten thousand?" I got the message, went back to the library and replaced the topic, which was far too broad and general, with much narrower one (i.e. the Implied Terms of Voyage Charters) which used to be one of the sub-sub-sub chapters in

my initial thesis proposal.

After my doctoral oral examination under Tetley's invaluable supervision on 28 November 1991 my wife Ester and I invited Mrs. and Prof. Tetley to dinner in our small apartment at the Atwater Avenue. It was kind of our "thanksgiving" to express the sincere gratitude for everything they had done for us, including Bill's warm recommendation which resulted in my summer job and then permanent employment at the law firm Marler, Sproule & Pilotte (the latter was later "replaced" by Castonguay). Without this additional and precious income we would not survive abroad three years and a half, being thousands of miles away from our home and our parents' help.

In September 1992 our daughter Gaja was born and few months later we returned to our fatherland, then already independent Slovenia. However, we kept in touch with Bill and Rosslyn who even visited us once in our part of the world. Although their arrival to the Ljubljana Airport was darkened by lost four pieces of their registered baggage, they were, thanks God, found and delivered next day about thirty minutes before the departure of the ship from Trieste to Patras in Greece. Professor Tetley delivered three unforgettable lectures: First aboard the ship at the international conference organized by the Faculty of Maritime Studies and Transportation of the University of Ljubljana, second at the Faculty of Law, and third at the special meeting of the Maritime Law Association of Slovenia which elected him as our first and most distinguished Honorary Member.

If we refer to Bill's popular website *Tetley's Maritime & Admiralty Law*² we can instantly feel his incredible knowledge, as well as his legendary sense of humor and a bit of sarcasm. For example, he had to shrink his immense *curriculum vitae* "in forty words or less" for the Law of the Sea Conference in Rotterdam, offering the Alternative One:

"Practiced law eighteen years, politics eight years, taught law at McGill & Tulane & elsewhere for thirty years; author of Marine Cargo Claims, 1966, 1978, 1988 & 2008, Maritime Liens and Claims, 1984 & 1998, International Conflict of Laws, 1994, International Maritime and Admiralty Law, 2003, the Glossary of Maritime Law Terms, 2 Ed., 2004, and The October Crisis, 1970: An Insider's View, 2006."

And the Alternative Two:

"Practiced law eighteen years, politics eight years, taught law and wrote books thirty years. Takes this occasion to send wishes to friends who have removed his name from their Xmas card lists and to whom he has done the same."

His long CV is so extensive that it would take me hours to present it here, however, there is no

² <http://www.mcgill.ca/maritimelaw/>. The website was and perhaps still is consulted in approximately 5,000 sessions (averaging 6 minutes per session) each week by visitors from around the world (approximately 250,000 hits per month) and has been cited by many courts, including the ex-House of Lords and the U.S. Court of Appeals.

need to do so as it will be forever engraved in the history of international maritime law.³ Let me just refresh the most important facts of his rich life, with the proposal that we all join our energy and write and publish Tetley's biography in the not too distant future.

William Tetley⁴ was educated in Montreal public schools, and then the Royal Canadian Naval College and served in the Royal Canadian Navy Reserve as a midshipman, Sub-Lieutenant and Lieutenant. He obtained his B.A. from McGill University (1948) and LL.L. from Laval University (1951) and then practiced maritime law for 18 years for Martineau, Walker, Allison, Beaulieu & Tetley, which became Fasken Martineau DuMoulin. Subsequently he was a member of the Québec National Assembly for eight years, including almost seven years as a Cabinet member under Premier Robert Bourassa. In 1976, he joined McGill Law Faculty, where he has taught international maritime law, private international law and consumer law. He was Visiting Professor of Maritime and Commercial Law at Tulane University, New Orleans (U.S.A.) from 1984 to 1998; one year later the same university named an annual lecture series in his honor, referred to as the Annual Tetley Maritime Law Lecture. He was appointed a visiting professor at Dalian University in 1996, and lectured at many other universities and conferences around the planet, for instance at Cambridge, Aix-en-Provence and Southampton.

Professor Tetley earned many honors throughout his fabulous career. In 1981, he won the Lilar Prize of Brussels, awarded every three years by the Comité Maritime International (CMI) for a leading work on maritime law published in any language in the world. In 1994, he was named an Honorary Life Vice-President of the CMI and in 1995 a Member of the Order of Canada. He received the F.R. Scott Award for Distinguished Service from McGill University's Faculty of Law in 2007 to recognize his significant contribution to law and the life of the faculty, and his exceptional service and leadership to society. In 2004, a fellowship (the William Tetley Fellowship) was named after him, for doctoral and master's studies at McGill University. Last but not least, he was an award-winning author of books on international maritime law covering areas on Conflicts of Laws, Maritime Liens and Mortgages, and Marine Cargo Claims. His books have been translated into many languages, including Russian, Japanese and Chinese.

I believe that most if not all Tetley's books are dedicated to his love, wife and life companion Rosslyn who is a wonderful example of the old proverb that behind every successful man, there is a strong, wise and hardworking woman.

Bill was the very first person informing me about the eminent IMO International Maritime Law Institute in Malta (IMLI), suggesting to write a letter to Director and asking him for a part-time job or similar teaching position. Indeed, when we met for the first time about 16 years ago Professor David Attard told me frankly that he gave me a chance to prove myself lecturing at IMLI just because of Tetley's flattering letter. As thoughtfully mentioned in the *IMLI e-News*,⁵

³ See <http://www.mcgill.ca/maritimelaw/tetleycv/longcv/>.

⁴ The following paragraph is borrowed from one of his last books - W. Tetley: *Marine Cargo Claims*, Fourth Edition, Volume 1, Chapters 1 to 31, Les Éditions Yvon Blais Inc., Montreal 2008, pp. xxi-xxii.

⁵ Vol. II, Issue No. 39, 8 July 2014.

expressing condolences to Professor Tetley's family, for IMLI, Bill Tetley was one of its first and closest friends, a true herald in the spreading of the good news of the establishment of an institute to be dedicated to serving the rule of international maritime law through the training of lawyers from developing countries around international circles. His faith and enthusiasm for such a unique project sparked a keen interest in IMLI by the maritime world.

Perhaps you remember a story about the pencil written by Paulo Coelho.⁶ It is very educational and enlightening because Professor Tetley had the same five qualities as the pencil:

Firstly, he was capable of great things but he had never forgotten that there was a hand guiding his steps, the hand called God.

Secondly, even he had to stop writing occasionally to use a sharpener. That made him suffer a little but afterwards he was much sharper. We all must learn to bear certain pains and sorrows, because they will make us better persons.

Thirdly, like the pencil, he could use an eraser to rub out any mistakes just like in the poem by Alexander Pope: *"To err is human; to forgive, divine."*

Fourthly, what really matters in a pencil is not its wooden exterior, but the graphite inside. I am pretty sure that Bill always paid attention to what was happening in his mind and soul.

Finally, the pencil always leaves a mark and so did Professor Tetley because he was conscious of that in his every action. He was an eternal optimist who would probably endorse without hesitation the following thought by another famous Canadian Yann Martel: *"Choisir le doute comme philosophie de vie c'est comme choisir l'immobilité comme mode de transport."*

As it was beautifully stated in the *IMLI e-News*, the legend in maritime law's lasting legacy will undoubtedly be the books Prof. Tetley has written, as well as his vast knowledge of, expertise and enthusiasm for maritime law, which he shared with all, students, practitioners and the maritime world at large. He is already sadly missed by all of us, by all those people, institutions and by maritime lawyers throughout the world, whose lives he touched, including IMLI.

Let me conclude my modest contribution with Tetley's own words which speak for themselves eternally:⁷

"Whether we be judges, lawyers, professors, students, commercial men and women, or persons connected in some way with maritime commerce, we are all pilgrims in search of a just and comprehensible international maritime law."

⁶ P. Coelho: *Like the Flowing River: Thoughts and Reflections*, Harper, London 2010, pp. 10-11.

⁷ W. Tetley: *Marine Cargo Claims*, Third Edition, Les Éditions Yvon Blais Inc., Montreal 1988, p. xvi.

We bid you farewell, Bill, knowing that your maritime soul will keep marching on. So see you on the other side of cosmic ocean, let your spirit live, grow and flourish,

vivat, crescat, floreat!

Many thanks for your kind attention, *merci beaucoup pour votre aimable attention.*