# IMLI*e*-News

## JUDGE AT FEDERAL COURT OF CANADA LECTURES AT IMLI

IMLI had the honour to host the Honourable Sean J. Harrington, Judge at the Federal Court of Canada who visited the Institute on 24 March, 2016. During his visit, Judge Harrington delivered a lecture on the Law of General Average.

This was Judge Harrington's first visit to the Institute upon the warm recommendation of Prof. Dr. Marko Pavliha, Vice-Dean for Research and Development and Head of the Law Department at the Faculty of Maritime Studies and Transportation, University of Ljubljana and a Member of IMLI Governing Board. The Director, staff of IMLI, and students of Class of 2015-2016 warmly welcomed the newly found friend of IMLI, whose visit fits in perfectly with the Institute's tradition of not only delivering academic knowledge to its students, but also practical knowledge, as Judge Harrington is a world known expert in maritime law.



*The Honourable Sean J. Harrington (Judge, Federal Court of Canada) with the IMLI Class of 2015-2016*

In his introduction to the subject, Judge Harrington began by explaining the definition of law of General Average as a legal principle of maritime law to which all parties, in a sea venture, proportionally share any losses resulting from a voluntary sacrifice of part of the ship cargo to save the whole in an emergency. The tenet of General Average is that a party who has suffered some extraordinary expenditure or loss in order to save property belonging to others has the right of compensation for its loss from all parties to the voyage who have benefited from it, for example a merchant whose cargo is jettisoned to save a voyage.

He further discussed that General Average differs from insurance in many fundamental respects, such as that it does not arise from contract but from the status of being in a common adventure, it only covers voluntary sacrifices or expenses made for the common good at a time of peril, liabilities averted do not contribute in General Average. He also added that it is not yet clear whether, absent contract, sacrifice or expenses made in order to complete the voyage are recoverable in General Average.

He finally addressed the York-Antwerp rules as a means to introduce international uniformity in the application of the law of General Average. The rules, who have been updated numerous times since its establishment in 1890, most recently in 2004, are now fall within the domain of the Comité Maritime International and will be the main topic of discussion at its conference to be held this coming May in New York. Judge Harrington underlined the need to amend the York-Antwerp Rules every decade or so to deal with various novel issues which arise from court decisions in one jurisdiction or another which have not been favourably received

Judge Harrington was educated at Loyola College of University of Montreal and McGill University Law School. He was called to the Québec Bar in 1969 and the Law Society of Upper Canada in 1978.

He was a Partner with Borden Ladner Gervais LLP. Judge Harrington was also Past President of the Canadian Maritime Law Association, Past Chairman of the Average Adjusters Association of Canada, Past Treasurer of the Bar of Montreal, and Past Vice President of the Association of Maritime Arbitrators of Canada.

Judge Harrington was appointed as a Judge of the Federal Court and ex officio member of the Federal Court of Appeal on September 16, 2003 and as a Judge of the Court Martial Appeal Court of Canada on March 23, 2004. From 2011 to 2015, he became a Member of the Public Servants Disclosure Protection Tribunal Canada

He has been a visiting professor to a number of prestigious institutions, including McGill University, Dalhousie University, Université de Montréal, and Ottawa University

The students of the IMLI class of 2015-2016 benefited immensely from his lecture.

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