

IMLIe-News

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PRESIDENT OF THE MALTA MARITIME LAW ASSOCIATION LECTURES AT IMLI

On Monday 19 October, 2015, the Institute 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. During her visit, Dr. Fenech who met with the the staff and students of the Class of 2015/2016, delivered two lectures under the rubric “*The Role of the Maritime Practitioner.*”



Dr. Ann Fenech meeting the students of the IMLI Class of 2015/2016

In her lectures, Dr. Fenech discussed a variety of circumstances which a maritime legal practitioner is likely to come face to face with. She described Malta as the ideal jurisdiction where a maritime lawyer is likely to come across the entire cross section of maritime sectors covering wet work comprising of salvage, pilotage, collisions and towage, disputes resulting from the carriage of petroleum products, bunkering and oil storage, ship repair and ship building, registration of vessels and mortgages, problems associated with defaulting owners and the protection of the rights of the mortgagees against the vessels and several other maritime related subjects. In discussing the

general characteristics of a maritime lawyer, she explained the qualities required to gain a successful maritime law career. She stated that one must possess integrity, be highly motivated and determined, take pride in one's work, and have confidence in one's ability, 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.

Dr. Fenech advised the students to be confident and yet never to shy away from advising clients that the issue needed more research and consideration before an answer could be given. She stated further that it is pertinent to provide good value for money services at all times. She continued by stating that a maritime practitioner must be firm yet flexible, be able to maintain an open mind for out of court 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 assisted the Attorney General in the representation of the Government of Malta in the European Court of Justice in infringement proceedings commenced against Malta by the Commission. Their arguments led to the court holding in favour of the Government of Malta. Dr. Fenech has also been involved in numerous cases leading to landmark judgements.

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 was awarded the Best in Shipping Law and Maritime at the European Women in Business Awards held in London.

The students were very appreciative of her lectures.

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