

ANN FENECH

Ann Fenech worked at HFW London from 1985-1991 when she first qualified. She is currently Head of the Marine Litigation Department at Fenech & Fenech Advocates based in Malta. In October 2022 she was elected President of the Comité Maritime International (CMI) - the first woman to hold this position in the 127-year history of the international maritime organisation. She is currently serving her first term.



I come from a medical family, with many generations of doctors, including my father and great grandfather. My father assumed that I would follow his footsteps into the medical profession, but I told him that I wanted to pursue languages, geography and history at school, much to his concern. These subjects (and my character) naturally led me to law, which I read at the University of Malta. At the time I was dating my now-husband, Thomas, who was studying medicine at Kings College Hospital in London. We had a long-distance relationship but on graduating, we decided to get engaged and married later that year.

I started to apply for jobs in the London market as I would be joining Thomas there. I was 24 at the time. I got to know that HFW were looking for a law graduate to work on a particular project. It was very novel role. Take your mind back to 1986 when computer systems were archaic and the ability to save information was very rudimentary. HFW had an extensive library of thousands of counsels' opinions in paper form. They wanted someone with a law degree to read this extensive library of opinions, create summaries and liaise with a computer company (which was unheard of at the time) to devise a software which would enable users to

search for these opinion summaries online. I applied for this job and was interviewed by partners, Charles Baker and Henry Page, and the librarian Deborah Sabaoth. I got the job. The position was for one year, but after the year, I was offered a role as a fee-earner, having had the benefit of reading thousands of Counsels' opinions.

I had the most amazing time at HFW and was given every possible opportunity to be an active member of the organisation. My gender, age or nationality never ever came into the equation. My experience there has stood me in good stead throughout my entire career. The whole atmosphere was conducive to bringing out the best in people. It wasn't just the lawyers; the support staff were wonderful to work with too. I worked predominantly for Graham Hogg and Tom Butler who gave me great opportunities, with hands-on experience with clubs, throwing me right at the deep end with cases. I was involved in cases which you would read about in Lloyd's List the following day and many interesting cases that were made case law. I enjoyed every minute of it. Those were exceptionally good formative years. The late 80s was a really interesting and unique time to be practicing maritime law in London. It was exciting to be working at such

a well-known firm as HFW with a tradition in the maritime sector.

I have so many happy memories and wonderful stories. I recall on my first day at HFW a big group of us went for a drink at Marlow's Wine Bar which was below the office at Marlow House. A man named Richard came over and introduced himself and said how it was his first day also. He said how he felt like he was a fish out of water. Despite it also being my first day, I reassured him and said it was a great place to work and we can stick together, and everything would be absolutely fine. We spoke for about 20 minutes. The next day in the office some of the girls were having a giggle. I asked what the joke was. They revealed that the baby-faced Richard from the night before was in fact Richard Crump who had actually been a partner for many years. I felt pretty foolish!

Within a couple of years of me joining HFW, the late Archie Bishop became Senior Partner. He was the world-famous authority on salvage and yet he always had time for me, and for all the other junior associates and assistants. I remember getting a call from Archie's PA Olive when he had just become Senior Partner. Archie had been invited to go to Malta to give a presentation.

As I was from Malta, I was invited to accompany him for a four-day trip. I had never met this man in my life but without giving it a second thought I enthusiastically said "of course, let's organise an event in Malta and invite all the maritime practitioners to meet Archie." We met for the first time at the gate at Heathrow Terminal 4. From that day onwards, we were best friends. I owe a lot to Archie. He was instrumental in encouraging me to do what I've done in my professional life, and I shall always be very grateful.

I have lovely memories of working with James Gosling and the late Charlie Lowe. I am still very good friends with Paul Dean, HFW's Global Head of Shipping. We joined HFW at the same time as young associates; he is one of the nicest people I know. Though it has been decades since I left HFW, it feels like I never left. It still feels like a family.

In 1991, my husband was offered a fellowship at the University Hospital in New Orleans where he would be specialising in diseases of the retina. It was very fortunate that this relocation was to New Orleans, the second largest port in the United States. Archie helped me to secure a role at Chaffe, McCall, Phillips, Toler and Sarpy. The office had a large window overlooking the Mississippi River. The amount of traffic going up that river was absolutely phenomenal and that is where I really got exposed to a great deal of casualty work. The number of accidents they have on that river necessitated law firms being on call on a 24-hour basis. There was an abundance of wet work.

In 1992, we returned to Malta after my husband's fellowship was over. I returned to a very different world now because the maritime sector, which we have always had as a country, was in the process of being developed further by the government of the day. There was a very strong focus on amending our legislation for the benefit of the maritime sector. When I qualified in 1986, lawyers would do a bit of everything, with a special preference for a particular area, but it was absolutely unheard of to do marine litigation exclusively. However that is all I had

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done since I had graduated, so when I went back to Malta, I was offered three job interviews. At interview, I expressed my desire to stick with marine litigation and to develop their marine litigation department. Two of the firms, which were very prominent at the time, thought that this was ambitious and were uncomfortable with the idea. Fenech & Fenech had a different approach, they agreed that this was unheard of, but said, if you think you can do it, just get on with it! So, in 1992 I started the Marine Litigation Department at Fenech & Fenech, and we have never looked back since. We are still to this day, the only law firm on the island with a dedicated Marine Litigation Department, and that allows us to focus very heavily on the client's needs and offer specialised bespoke quality work. In 2008 I was elected Managing Partner of Fenech & Fenech and I remained Managing Partner till December 2020.

In 2008, I was elected as the President of the Malta Maritime Law Association and one of my tasks there was to ensure that the Association would become a fuller and more participating member of the CMI. The CMI is the international organisation which has been responsible for the drafting of the vast majority of international maritime conventions. This was something which really attracted my attention because Malta is truly a maritime jurisdiction and every aspect of the maritime sector is represented here.

In 2015, I was elected to the Executive Council of the CMI and in 2018, I was nominated and elected to the post of Vice President. In the meantime, the CMI had drafted a Convention on

the Judicial Sale of Ships and their recognition. As a practitioner and someone who is very heavily involved in the day-to-day sale of ships and judicial sale of ships, I was hugely interested not only from an academic perspective, but from a professional perspective, with real hands-on daily experience. The CMI needed to find an international legislative body that would take on our draft and turn it into an international convention. At short notice we held a colloquium in Malta in February 2018, gathering the industry on an international level. It was hugely successful. There was an overwhelming agreement on the need for this convention amongst all the main industry participants. In May 2018, I, together with Stuart Hetherington, President of the CMI, and Alex von Ziegler, representative of Switzerland, went to the United Nations Commission on International Trade Law (UNCITRAL) and explained the outcome of the colloquium. UNCITRAL agreed to proceed with the project. For the next four years, I acted as the CMI coordinator for the project. In June 2022 the final draft got approved by the Commission at UNCITRAL, and then in December 2022 it was adopted by the General Assembly of UNCITRAL. It was then open to all the Member States for signature and ratification. This was a huge cause for celebration. I was totally taken up with this draft convention, it was like a big case, and I was totally dedicated to it.

Then one day the President of CMI, Chris Davis, suggested that I put myself forward for the role. Initially I did not give the suggestion much serious thought. I was very busy, but also unsure whether this was something for

me. Before I knew it, I was nominated for the position by the National Maritime Law Association of Australia and New Zealand. No other person put their name forward and I received great support from national maritime law associations from every continent. I felt very privileged and honoured to think that people thought I was appropriate to follow in the footsteps of maritime icons of the world such as Francesco Berlingieri.

I was elected to this position in Antwerp in October 2022. I have since worked towards a number of deliverables. These include creating new working groups tasked with considering various current issues and making recommendations, including decarbonisation, and attacks on shipping; I have convinced HFW's Richard Neylon to chair the latter. Another focus has been to reach out to all our National Maritime Law Associations, encouraging members to get involved in the various CMI working groups. I have tried to accept as many invitations as possible to visit these National Maritime Law Associations, either in person, or remotely through video conferencing, and these efforts have been much appreciated. Also on my agenda is to encourage our consultative members, such as the International Group of P&I Clubs, BIMCO, ICS, the International Salvage Union, the IBA, amongst many others, to take a more active role in our IWGs because I really believe that for our suggestions and recommendations to have a greater chance of succeeding, they need to be formulated by academics and practitioners alike, with a robust dose from industry. This of course goes hand in glove with being active participants in the IMO legal committee and maintaining excellent relations with other UN bodies including UNCITRAL. Over the past two years we have registered significant progress in all these areas, and I am delighted that the industry is actively participating in all our activities and taking a key role in the development of numerous projects. I saw this with my own eyes when we were negotiating the Convention on the International

Effects of Judicial Sales of Ships, where thanks to the excellent relationships we have been able to build, we could count on these important industry players for support. The CMI remains a key player in the development and unification of international maritime law and we have the right people to do this.

I am a LinkedIn fanatic; I think it is the most amazing tool which brings you up to date with what's happening all over the world in a matter of minutes.

Over the course of my career, I have been fortunate to live in various places. I have enjoyed each place I have lived in for a long time and made the most of being there. I am a flexible person and tend to get on with everyone around me. I love London and feel very much at home there. New Orleans was a fascinating place. You have the French influence there which reminds you of the continent, but it is also typically American. It was such a fun colourful place to live. Of course, living in Malta has its advantages with the climate, the proximity of extended family; it is home.

Outside work, I love to travel. We have a sailing boat and have sailed all over the Mediterranean. Over Covid I developed my baking skills and produced some pretty impressive cakes, though I am more of a savoury person. I love cooking. I try to cook every day as I find it relaxing. Your mind cannot wander to work; you have to be fully present, or else you can burn yourself, or the food, or something will not go right. I also love to entertain; the biggest number I've cooked for at home is 60 people. And then of course there is my dear family. My husband Thomas of 38 years who has been so patient with me, and my two boys; Thomas married to Kelly, and Matthew, fiancé to Sarah. Tom and Kelly have made us grandparents for the first time, and we have a wonderful baby granddaughter called Olivia, so three months ago I also became a doting grandmother! The most wonderful experience of all.



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BOOMERANG INTERVIEW

Maurice Thompson returned to HFW in January 2024, after 16 years away, this time with a team of seven lawyers from Clyde & Co and other firms.

Maurice has 30 years' experience in Australia and the Middle East advising clients on complex large-scale disputes and litigation in the shipping, aerospace, energy & resources, insurance and commodities sectors. He also has substantial experience acting in class actions and litigation involving litigation funders in Australia and internationally.

When did you first join HFW and what was your role?

I first joined HFW back in 2006 when Gavin Valley first got the approval to open HFW's first office in Australia in Melbourne. We had been working at another firm and the entire group left to then become HFW.

Why did you leave HFW and where did you go?

I left HFW in 2008 mainly because of some conflicts. Up until 2008 there was a single marketer/seller of Australian wheat internationally and Stephen Thompson (now a Sydney partner) was doing lots of work for that client, while I was doing work for a whole host of other budding wheat merchants with a quite commodities focussed practice. Then in 2008 the Australian Government deregulated the Australian export wheat market and the competition within Australia for commodity traders to then sell and export wheat ramped up. At that stage it started to develop into a number of partners servicing that one pre-deregulation 'monopoly' wheat marketer, and me servicing those wanting to compete with that monopoly. So, conflicts started to impact me, and I chose to join a competing firm.

What made you decide to come back?

In the world of shipping and commodities law in Australia, the big players over the last 15 years have been HFW and Clyde & Co. I was the Head of Clyde & Co's 'Energy, Marine & Natural Resources' Group in Australia and if I was to move anywhere, it needed to be to a firm I highly rated, and to work with some partners I also highly rated. It was a pretty simple decision in the end: Gavin is the best maritime lawyer in Australia; Richard Jowett is one of the best insurance lawyers in Australia; and Stephen Thompson is one of the best commodities lawyers in Australia. I work across all three sectors (plus some more), so it was easy to align my practice with theirs. Plus, I had the advantage that I had worked with all of them before and I knew I could again work well with them.

HFW has seen the potential in litigation funding (or probably more apt to now call it 'legal funding' or 'disputes funding') and recognised that is a large part of my practice and offered me an opportunity to help drive the potential in that space which was the clincher for me.

So, I returned because of great management, partners recognised internationally as being top of their game, and a vision to take advantage of opportunities others are slow to move on.

How did it feel coming back to somewhere you had previously worked?

It almost felt like I had not left. Many of my contemporaries in the Australian and other global offices back in 2006 are now the very senior partners at the firm so I had a helpful degree

of perspective to rely on. The big difference locally was that Gavin's jet dark hair is now more silver and my hair has largely vanished!

What does your role involve now?

I am running a small number of very large class actions and singular litigation matters with litigation funding across the shipping, commodities and biosecurity sectors. Plus, I'm tasked with assisting other partners to pitch appropriate cases to legal funding companies.

What do you most enjoy about working for HFW?

I do like the fact that HFW is the best globally in my core sector areas of shipping, aviation and commodities. That does pack a large punch.

What do you like doing outside of work?

When I last worked at HFW in 2006 I played no.8 for a Premiership rugby side and frequently came to work with cuts and bruises and limps having taken out my frustrations on opponents on the rugby pitch. Those sporting limps are now replaced by 'old man' limps and I'm now a couch potato screaming at the TV. I paddle a surf ski or get on a concept 2 rowing machine to 'relax' and I love fishing.

