

Danella Wilmshurst – navigating around the maritime legal world

By JIM WILSON

Maritime lawyer, Danella Wilmshurst, is well-known in the Australian maritime and maritime-legal community. She is internationally recognised in a wide range of areas including vessel finance and mortgage. Having acted for a wide range of clients in protection and indemnity insurance, hull and machinery insurance and having handled international trade, charterparty and commodities disputes, there are few areas of maritime law that Danella hasn't seen, acted in, and given her expert advice upon.

But it wasn't always thus.

In the very earliest part of her career in a job interview, the interviewing lawyer asked Danella what she knew about shipping law.

"And to my eternal shame, I said, 'Isn't that about boats and stuff?'," she laughs, rolls her eyes to the ceiling and shakes her head.

But the fact that she had been working for a large insurer while she studied, and had done liability claims, was to her credit in her interviewer's eye.

"I think the company was hoping that I might stay on and do trade practices law in an in-house capability. I worked with a lawyer who had a suburban practice. He was a thespian and I remember going to see his plays," she recalls.

Early days

Danella's original path was neither law nor maritime. She started an Arts degree but it didn't hold her interest. A friend suggested that law might be the topic and career of choice for her. So Danella enrolled in an undergraduate Diploma of Law at Sydney University.

Study of the law did not initially grab her interest either – until the course began covering international law.

"I was very interested in it. You had this fairly complex set of intellectual rules to find a practical solution to a complex situation. Quite a number of cases were about shipping but I didn't realise there was an opportunity to practise in that area," she explains.

Danella was fortunate enough to land a job with Norton Smith & Co, which at the time had one of the largest shipping practices.

Her journey towards becoming an expert maritime lawyer had begun.

Loving the legal life

Danella loved the life at Norton Smith and Co. It was the mid to late-90s, and she remembers coming into work at about seven each morning to collect the telexes. Fun fact – the web-part of the internet only became publicly available in

mid-1991 – and Danella recalls collecting "reams and reams" of paper.

Norton Smith was a great place to work. All the partners of the firm socialised together and they ate and drank in the canteen along with everyone else. The partners subsidised a massive buffet lunch for everyone. "The managing partner would sit down and eat lunch with the mail clerk," Danella says.

Trainees and lawyers could go and sit and talk to the partners and find out about the law, the practice of the law and how it had changed.

"It was a very healthy firm at the time. When you come across anyone who was there, there is a great nostalgia," Danella says.

Caught in the spotlight: one baby lawyer

One of Danella's first cases involved nothing less than the collapse of the Soviet Union. When a geo-political superpower comes to an end it sets a multitude of ripples in motion.

One such set of ripples involved the collapse of, and subsequent litigation over, a Soviet maritime company called Baltic Shipping. It was one of the biggest cases of embezzlement on the



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planet, and ships were arrested all over the world.

“It was such a spectacular collapse and there were multiple claims that outweighed the value of ships. We asked for sworn affidavits that they hadn’t made claims in other jurisdictions. These things are just global. It was a mad case. Every lawyer in Sydney was sitting around the table,” Danella recalls.

Two vessels were arrested in Australia and were then sold.

Claims were made, the case was heard but judgment was reserved. That happens when a judge wants to take a bit of time before giving judgment to reflect upon the evidence, to study complex precedents and to particularly consider and review the judgment. As it happens, the judge in the case was immediately pre-retirement and he was writing his final judgment.

Danella and her firm had been given instructions to enter the case at the last minute, with a view to re-open the case. Unfortunately, counsel (an outside expert lawyer hired by the law firm) had, for some reason, been delayed and hadn’t made it to the court.

So, there was the firm – and Danella of course – trying to re-open a tremendously lengthy and complex case before a judge who was looking forward to his retirement, and there was no specialist expert to present the case.

“The judge spied me in court. I’d been a solicitor for literally two minutes and he cried out, “I can see a solicitor there!” It was such a complex issue! I was caught like a bunny in the headlights!”

Luckily the opposing solicitor had a compassionate streak. He intervened and was able to persuade the judge to wait for counsel to show up.

“I rather now suspect that the judge wasn’t really determined to have me appear in court – he couldn’t really determine the case on a baby lawyer’s submissions. I think he was having a bit of fun with me. I was later waiting at the train station and the judge shuffled up behind me and said, “I hope you’re not planning to arrest that train, Ms Wilmshurst!” I couldn’t fathom that a judge would even know my name,” she chuckles.

An end to a beautiful time

For good or bad, nothing in life ever stands still and the Norton Smith & Co’s time was coming to an end. A merger with an international firm happened and the culture changed.

“From where I sat, I was with the best firm in the world. Why would you mess with that?” she says.

The big issue was that, back then, a huge amount of work was referred into Australia by the Protection & Indemnity Club and their lawyers. The lawyers in the merged entity were now linked to an overseas firm and, naturally enough, international lawyers would not send work to the Australian affiliate of a global competitor.

New plan: Norton White

A blueprint for new, fully-specialist transport law firm, Norton White, was created. It would link to high profile specialists in Australia and New Zealand. The firm was attractive to the P&I Club, and Danella recalls it was a “really busy practice”. As a completely new start-up, it had some quirky ways.

“We had no office fit-out. It was just one floor. One of the senior partners would sometimes practice yoga in the office! It had no phone or fax lines, they were going to some pub in the Rocks. It was one of the most profitable months we had! We had different people – a commercial law specialist, a finance specialist, it was a very good model. It was fabulous. I became a senior associate at time,” Danella recalls.

Working for the opposition and becoming a partner

Danella moved on in her career and went to Ebsworth Lawyers (now HWL Ebsworth Lawyers), along with several of her colleagues. It was a funny move because Norton and Ebsworth had a long history of acting for opposing sides in the same case. So, when I was asked to go work at Ebsworth, I replied, “You want me to go work for the opposition !?!?”

“It was like going back to work at Norton. Ebsworth had the last tea-lady in Sydney!” Danella chuckles.

It was during her time at Ebsworth that she was made a partner. She had gone overseas for a holiday and when she came back it was to a ton of mail and articles from the legal press on her desk. One of those letters appointed her to partnership.

“At the time of joining, I said I wanted to be a partner, I wanted to be fully invested in what I was doing. It is that sense of investment...to broader strategic matters, or resourcing. I felt it was that investment that I needed. It’s the biggest change in your working life. After you start as a baby lawyer, right through to your last day of work before you retire, there’s not necessarily a vast

change in the complexity of work you do... but when you become a partner that changes because you need to have some understanding of running a business. And then you have the issue of how to manage staff. It’s a really big transition!” she explains.

Abandoned ship, the Great Barrier Reef... and the onset of cyclone season

Danella particularly remembers a case that came through from a Singapore law firm. A ship had been anchored and abandoned off the Great Barrier Reef. It had fuel onboard and it was the beginning of the cyclone season.

There was a lot at stake, huge responsibilities – Danella’s firm was basically acting as a ship manager – and there were huge risks. Without insurance, the ship could not be moved. She was also personally liable for the costs of the arrest.

“We were all sitting there just watching the cyclones forming offshore. The Admiralty Marshal told me he barely had any sleep,” she says.

But Danella was able to shepherd the vessel through the sale process in about four months. That’s an incredibly speedy timeframe.

Back to Norton White

Inevitably, in any working life, there is far more than can be recounted in a short profile. So, here, we will jump forward in time, and Danella has recently become a partner at a well-known, Sydney-based law firm.

It’s Norton White. The firm she joined early in her career, when it was a start-up.

“I do feel I have circumnavigated the world!” she says.

Norton White has a broad set of commercial and corporate merger and acquisition skills, and it is focused on the transport sector. That means it offers the kind of work that Danella wants to do.

“There have been fabulous matters to work on here, since we have arrived,” she says.

Danella is really pleased.

“It is like coming home”, she says, “it is awesome. I’m really delighted. It is great to come to a firm with an existing talent pool of solicitors to work with. It’s very, very, nice to be here,” she says with a smile. ▲



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