

MICHAEL WAGENER

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BIOGRAPHICAL

michael@charterpartycases.com

1. PERSONAL

- Born in 1956 in Bloemfontein. Married to Maria. Six children and five grandchildren.

2. EDUCATION

- **Matriculated** at Grey College, Bloemfontein in 1973 with distinctions in Latin and Science.
- Graduated with a **Baccalaureus Procurationis degree** at the University of the Witwatersrand in 1977.
- **Bachelor of Laws**, University of the Witwatersrand, 1981.
- **Master of Laws** (Shipping Law) at the University of Cape Town, 2003

3. MILITARY SERVICE

- Served as a commissioned officer in the South African Defence Force from 1978 to 1979.

4. CAREER

- Worked as a **Regional Court Prosecutor** in Johannesburg, Randburg and Krugersdorp from 1980 to 1983.
- Practised as an **advocate at the Johannesburg Bar** from 1983 to 1989. Mainly criminal practice for the first few years, then labour law.
- Practised as an **advocate at the Cape Bar** from 1989 to 1992. General Practice. Served as a **Civil Magistrate at Cape Town** from 1992 to 1999.
- Worked as an **attorney for Bowman Gilfillan** from 1999 to 2017, labour law and general civil litigation.

5. APPEARANCES IN REPORTED DECISIONS

- South African Riding for the Disabled v Regional Land Claims Commissioner and others [2017] ZACC 4
- Banda and another v Van der Spuy and another 2013 (4) SA 77 (SCA)
- Bantry Construction Services (Pty) Ltd v Raydin Investments (Pty) Ltd 2009 (3) SA 533 (SCA)
- Be Bop a Lula Manufacturing & Printing cc v Kingtex Marketing (Pty) Ltd 2008 (3) SA 327 (SCA)
- Old Mutual Life Assurance Co SA Ltd v Gumbi 2007 (5) SA 552 (SCA)
- Western Cape Southern Suburbs Real Estate (Pty) Ltd t/a Seeff Properties v Commission for Conciliation, Mediation & Arbitration & others (2009) 30 ILJ 2158 (LC)
- Food & Allied Workers Union & another v the Cold Chain (2007) 28 ILJ 1593 (LC)
- Fitschen and University of Cape Town (2007) 28 ILJ 2854 (CCMA)
- SA Transport & Allied Workers Union on behalf of Finca v Old Mutual Life Assurance Co (SA) Ltd & another (2006) 27 ILJ 1204 (LC)
- Botha v Italtile Centre (1992) 13 ILJ 661 (IC)
- S v Mitchell and another [1992] 1 All SA 332 (A)
- Commercial Catering & Allied Workers Union of SA v Pick 'n Pay (Norwood) (1989) 10 ILJ 966 (ARB)
- Transport & General Workers Union of SA v Ullmann Brothers (Pty) Ltd (1989) 10 ILJ 1154 (IC)
- Moyo & others v Administrator of the Transvaal & another (1988) 9 ILJ 372 (W)
- S v Mthembu and others 1988 (1) SA 145 (A)

6. PUBLICATIONS – ACADEMIC ARTICLES

- Fundamental Breach – Has the baby gone out with the Bathwater – Tulane Maritime Journal, Volume 29 p 45
- South African Maritime Law Update – Journal of Maritime Law and Commerce, Volume 37 p 403
- South African Admiralty and its English Origins – Will it Jump or Must it be Pushed – Journal of Maritime Law and Commerce, Volume 36 p 61
- Seafarers and Shipowners – Finding a Balance – Nature of Law (BG publication) 2005
- Age Discrimination – a Note on Schweitzer v Waco Distributors (2006) 27
- Industrial Law Journal 2031
- South African Maritime Law Update – Journal of Maritime Law and Commerce, Volume 38 p 415
- A Relative Concept – safe port/berth clauses – Maritime Risk International, September 2008
- Legal Certainty and the Incorporation of Charter party Arbitration Clauses in Bills of Lading – Journal of Maritime Law and Commerce, Volume 40 p 115
- South African Maritime Law Update – Journal of Maritime Law and Commerce, Volume 40 p 453
- South African Maritime Law Update – Journal of Maritime Law and Commerce, Volume 41 p 385

7. AWARDS

- First prize, Charles Taylor Consulting Essay Competition, 2004, for the essay “The Use or Abuse of the Corporate Veil in Shipping”.