

### In this issue:

- 01**  
Message from the Chair
- 02**  
Dates for your Diary
- 03**  
Annual General Meeting
- 04-07**  
Annual Lunch
- 08**  
Trustee's Report
- 09**  
NI Chapter Update
- 10**  
Seminar: Perils of Being an Expert Witness
- 11-12**  
Seminar: EDI
- 13-14**  
Seminar: The Development of Dispute Avoidance in Construction and International Trends
- 15**  
Membership: Chartered Adjudicator
- 16**  
Education: Introduction to Adjudication (16<sup>th</sup> April '24)
- 17**  
Education: Accelerated Route to Fellowship
- 18**  
Student Membership, College Visits
- 19**  
Viewpoint: LinkedIn for Beginners
- 20-21**  
Request for EOI's for ICC National Commission
- 22**  
Adjudication Course
- 22**  
Special Interest Groups
- Backpage**  
Committee Members 2023 – 2024



### Message from the Chair

I am naturally excited and nervous to be trusted by the 2024/25 Branch Committee to lead them this year and I am very conscious of the contribution of the 38 distinguished past Chairs who are listed later in this Newsletter as we all stand on the shoulders of those who went before us. I would particularly like to thank Peter O' Malley as the immediate past Chair and the members of the immediate past committee and special interest groups for all their hard work over 2023/2024. Peter has been a great mentor and guide to me and the committee over the last few years and has left the Branch in a stronger place than he found it. I am looking forward to working with the next committee and executive team who are also listed later in the Newsletter as we seek to build upon the past success of the Ireland Branch.

Over the coming year I hope that we can deliver on the objectives and goals of the Institute by continuing or extensive programme of flagship events, strengthening our links with the NI Chapter, the Regions and the Young Members Group. Over the years we have built great relationships with Professional Institutions, Industry, 3rd Level Institutions, Leaders in the field of ADR and Headquarters in London which I hope we can continue to Build on.



Dermot Durack

We have a programme of courses, lectures and events planned for the year and some of these are detailed in this newsletter. Please add the dates of these events to your diary, where your attendance is always welcome. Should you have any ideas for events or want us to organise something in particular, please let us know. Don't forget to check the events section of our website from time to time to make sure you don't miss anything.

The Committee and I would like to thank you and our sponsors for your continued support and enthusiasm and hope that we can continue to rely on it for the year to come.

# Dates for your diary

**13<sup>th</sup> June – 3:00 to 4:30pm**

## Lecture

The Northern Ireland Chapter will host a lecture by Leonora Riesenburt on the *“Latest Global Trends in Arbitration from the MENA Region”* in the Dispute Resolution Centre, Floor Five, The Boat Building, 49 Queens Square, Belfast.



**14<sup>th</sup> June – 5:00 to 8:00pm**

## Lecture

Ciarb Ireland Branch Seminar in conjunction with The Society of Construction Law host a seminar entitled *“Construction claims and disputes – Sources and Solutions”* in the spectacular surroundings of ‘The Hardiman Hotel, Galway’ followed by a round table panel discussion.



**20<sup>th</sup> June – 12:30 to 1:30pm**

## Online Event

This online *“Meet the Chair”* event is your opportunity to meet the Ireland Branch Chairperson and Officers to ask questions and hear about their plans for the year and discuss any topics you wish to raise.



**24<sup>th</sup> June – 1:00 to 5:00pm**

## Lecture

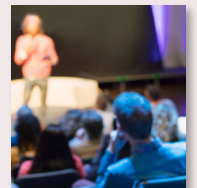
We are delighted to announce the Annual McQuillan Lecture is taking place in The Dublin Dispute Resolution Centre, The Distillery Building, Dublin 7. Introduction by Mr. Justice David Barniville (President of the High Court) David Huebner, Chartered Arbitrator will deliver his entitled *‘International Arbitration – between tradition & innovation’*.



**3<sup>rd</sup> July – 9:00 to 10:30am**

## Conference

Our annual Adjudication event *“The Construction Contracts Act 8 Years”* on will be held in the office of Byrne Wallace LLP at 88 Harcourt St, Dublin 2, D02 DK18. The conference will have three panels each with their own topic featuring speakers from Industry.



**4<sup>th</sup> July – 1:00 to 4:45pm**

## Conference

CIARB in Conjunction with the Family Lawyers Association bring this *“Family Law Arbitration Conference”* which will be opened by Mr. Justice David Barniville, President of the High Court in the Dublin Dispute Resolution Centre, The Distillery Building, 151 Church Street, Dublin 7.



**6<sup>th</sup> September – 8.00 to 9:30am**

## Seminar

Robert Burke and Ed O'Reilly of LCB will deliver a Seminar on the *SCL Delay and Disruption Protocol* in the Dublin Dispute Resolution Centre, The Distillery Building, 151 Church Street, Dublin 7.



**4<sup>th</sup> October – 1:00pm Onwards**

## Social

Our Annual Golf Outing returns to Newlands Golf Club, Belgard Road, Dublin 22, D22 R867. Teams of four in a scramble format followed by dinner in the Club House.



**1<sup>st</sup> November – 7.00pm onwards**

## Annual Dinner

The Ciarb Ireland Branch Annual Dinner will be held in the Banking Hall at the College Green Hotel, Westmoreland Street, Dublin D02 HR67.



Tickets for all the above events will be available on our website [www.ciarb.ie](http://www.ciarb.ie) where we hope you will support with your attendance. If you have any queries, please contact us on [info@ciarb.ie](mailto:info@ciarb.ie) or call us on +353 (0) 1 8175307.

# Annual General Meeting

## Dermot Durack – Chairperson

Our Annual General Meeting was held in the College Green Hotel in Dublin on the 24<sup>th</sup> of April and the meeting was formally opened by Peter O'Malley as the outgoing Chair. The minutes of the previous AGM and the Audited accounts for the Year 2023 had previously been circulated to all the members by email and were formally adopted at the AGM.

The AGM marked the end of a very successful year for Peter as the outgoing Chair and in his Annual Report he covered some of the highlights which included seven seminars, three joint events with other institutions, regional events, numerous training courses, numerous visits to 3<sup>rd</sup> level institutions and our three flagship events of the year, the Annual Dinner, Annual Conference and the Annual Lunch. Through the year we saw over 1,000 registrations for various different events. Peter also recognised the sponsors who supported us through the year, Philip Lee LLP, Kroll, Yendall Hunter, Addleshaw Goddard, Byrne Wallace LLP and FTI Consulting.

Jarlath Kearney gave the Report for the Northern Ireland Chapter who also had a very active year with their Expert Witness course being a highlight and they have an ADR Conference planned for the Autumn.

The AGM also saw the appointment of KSI Faulkner to be the Auditors for the current year and the election of the new Committee for 2024/25 who are named later in the Newsletter.

The topic that saw the most discussion was the amount of funding that we receive from Head Quarters which seems to be reducing year on year, however we are promised a new funding model in the next year or so and the new committee will raise our concerns with London.

A motion of appreciation for the work of Peter O'Malley was proposed by Jim Bridgeman and seconded by Sean O'Flaherty and carried unanimously by the meeting. As there was no further business the meeting was closed by Peter O'Malley



Peter O'Malley,  
Chairperson



Jarlath Kearney,  
NI Chapter Chairperson



James Bridgeman, Past CIARB  
International President



Pat Brady,  
Past Chairperson



L to R – Dermot Malone  
& Arran Dowling Hussey



L to R – Derek O'Reilly EDI Chair, Dermot Durack, Dr Finola Doyle O'Neill

# Annual Lunch

Dermot Durack – Chairperson



L to R – Dermot Durack, Peter O' Malley

Our Annual Lunch was held in the College Green Hotel in Dublin on the 24th of April with over 100 members and guests in attendance. The outgoing Chair, Mr Peter O'Malley opened proceedings and welcomed our honoured guests listed below in alphabetical order.

- **Justice David Barniville**, President of the High Court
- **Ber Barry-Murray**, President of the Mediators Institute of Ireland
- **Joe Behan**, Past Chair of the Ireland Branch and past Worldwide President of the Institute
- **Jim Bridgeman SC**, Past Chair of the Ireland Branch and past Worldwide President of the Institute
- **Lydia Bunni**, Chair of the Construction Bar Association
- **Giovanni Buttigieg**, Ambassador of Malta to Ireland
- **Tom Carey**, Immediate past Chair of the Ireland Branch
- **Jennifer Crowther**, Administrator of the Ireland Branch
- **Shirley Coulter**, Chief Executive Officer of the Society of Chartered Surveyors of Ireland
- **Shane Dempsey**, Irish Professional Mediators Organisation
- **Arran Dowling-Hussey**, CI Arb Trustee of the Ireland Branch
- **Jonathan Fitzgerald**, Immediate Past Chair of the Construction Bar Association
- **Hubert Fitzpatrick**, Director General, Construction industry Federation
- **Bernard Gogarty**, Past Chair of the Ireland Branch and Chair of the Ministerial Panel of Adjudicators
- **Brian Hutchinson**, Associate Professor, Sutherland School of Law, at UCD
- **Robert Laird**, President of the Irish Concrete Society
- **Paddy Magee**, President of the Society of Irish Motor Industry
- **Sean Mahon**, President of the Royal Institute of the Architects of Ireland
- **Justice Denise McBride**, Judge of the High Court of Northern Ireland
- **Paul McGarry**, President of Arbitration Ireland
- **Enda McGuane**, President of the Society of Chartered Surveyors Ireland
- **Naoimh McNamee**, Chief Executive Officer, of the Glencree Centre for Peace and Reconciliation
- **Barry MacCarthy**, President of the Law Society
- **Kathryn Meghan**, Chief Executive Officer of the Royal Institute of the Architects of Ireland
- **Roisin O'Shea**, Chair of the Irish Professional Mediators Organisation
- **Damien Owens**, Chief Executive Officer of Engineers Ireland

As part of his opening remarks Peter mentioned some of the key events of the year and the fact that we had 10 Past Chairs of the Branch in attendance. Following the Lunch Peter introduced our Guest Speaker Mr Ivan Yeates, Former Government Minister for Agriculture who gave us some fascinating insights into politics, the world of business and his own career.

The event was closed with Peter presenting a bouquet of flowers to Jennifer Crowther for her hard work and dedication to the branch and handing over the Chain of Office to Dermot Durack the incoming Chair.

We would like to take this opportunity to extend a sincere thanks to our event co-sponsors. Firstly, to **FTI Consulting** who are a leading global provider of project advisory, construction claims analysis and expert witness services for some of the world's most complex, high-profile projects.

Our second co-sponsor is **Byrne Wallace LLP** recognised as one of the leading construction law practices in Ireland who act for a wide variety of clients including, private developers, public bodies, financial institutions, contractors, consultants, sub-contractors, and insolvency practitioners amongst others. Without the support of our co-sponsors, this splendid event would simply not be possible, and for that support we are most grateful.

Finally, we would like to thank the staff of the hotel who looked after us so well and we look forward to returning for the **Annual Dinner** on the 1st of November, so save the date.



Peter McCarthy, Dispute Avoidance SIG Chair



Joe Kelly



L to R - Jonathan Fitzgerald, Peter O'Malley, Brendan Kilty SC



Joe Behan, Past CIARB International President



Ciaran Fahy, Past Branch Chairperson



L to R - Ivan Yates, Peter O'Malley



L to R - Hubert Fitzpatrick CIF Director General, Peter O'Malley



L to R - Jennifer Crowther Branch Administrator, Peter O'Malley



L to R – Shirley Coulter SCSi CEO, Dermot Durack, Enda Mc Guane SCSi President

### Sponsors of the Annual Lunch



BYRNE  
WALLACE  
LLP

# Trustee's Report

## Arran Dowling-Hussey – Ireland Branch Trustee

About 8 years ago my name went forward to be Chartered Institute of Arbitrators Trustee for the Ireland Region. There was a gap of a few months between nominations being sought and my election in November 2016. I was then re-elected at the end of 2020. It is a long time. It is difficult to 'grade yourself' especially when you have not quite finished the role. Having been a member of the, now abolished, Board of Trustees from 2013-2015 hopefully I was 'quicker out of the gates' than otherwise may have arisen. Like with any other aspect of life there are decisions if you got to take them a second time you would approach differently. However, I have always looked to diligently perform the role acting in the best interests of the Institute. It is tried and true that Trustees are, once elected, Trustees of the Institute who happen to be from particular cities rather than a regional champion of localised interests.

Likewise, it may be unoriginal to say it, but it is a reality that we punch above our weight internationally. There is a strong affection and respect internationally for Ireland amongst those active in dispute resolution. Surprisingly often you will find that colleagues based outside of the Island have a second (Irish) passport or their spouse does or they, or someone close to them, have lived/studied in Ireland for a time. One of the roles that the Branch Committee asked me to perform from 2017 was to invite international speakers to Dublin. It never required much arm twisting at all. But it would be amiss not to note that the Institute is changing. (What seems) not too long ago there were about 12,000-13,000 members around the world.

We now have about 18,000 members and that is likely to increase in the next 5 or so years so as to break the 20,000 mark. There are now 44 branches around the world whereas at the start of my term 8 years ago it was, from memory, just under 40. The potential for growth in some of the newer branches such as Pakistan is immense whereas our membership level has been consistent for some years at around 650. Whilst the Institute is a broad church as a Barrister its easier for me to recall that we have about 15,000 lawyers in Ireland and there are 150,000, or more, in Pakistan than to discuss the number of (say) engineers or architects in one country or the other. What is the point being made? Our place at the Ciarb 'top table' is likely to become over time less obviously secure than it was in an Institute with 12,000 members. But we remain there for now.



Arran Dowling-Hussey

There has been a recent revision in 2023 to the Royal Charter under which the Institute is organised which retains the elected Trustee for the Ireland Region. The previous revision to the Charter was in 2005 so it may be that there will be no further changes for some years. The last revision allowed for external professionals to be coopted on to the Board of Trustees and the Board now has ten elected Trustees and five appointed Trustees. There had been a concern that as the Institute increased in size that a wider and more diverse set of skills was needed than arose from just electing the Board. The next Trustee from the Ireland Region will bring, within the limits of the role, a different approach and, as will be the case from all members of the Branch, they have my good wishes.

I thank those that voted for me, all those years ago, it has been a privilege to be a Trustee and in the six months or so that remain I will continue to do my best. That said in due course a break from committees having attended meetings in London for 10 of the last 11 years does not sound unattractive: but as my predecessor Jim Bridgeman SC was always on the phone for me, if needed, I will be happy to offer some thoughts to my successor if they are needed. Any member who may wish to contact me as Trustee can email me: [a.dowling-hussey@ciarb.org](mailto:a.dowling-hussey@ciarb.org)



# Viewpoint, Northern Ireland Update

Jim Armstrong



The **Northern Ireland Chapter** held its Annual General Meeting at Law Society House Belfast on Thursday 2 May 2024. The Chairman, Jarlath Kearney, reported on a positive year past, with renewed and increased interest and participation from its members in the current year. The Chapter has a number of upcoming events, which are scheduled to include more Expert Witness Training courses, seminars and presentations.

The Chapter was delighted to secure Paul Newman, barrister at 3PB Barristers, as the AGM's guest speaker. Paul completed the Diploma in Law at City University, London and 'Bar Finals' at the Inns of Court School of Law. He was called to the Bar of England & Wales in 1982 and to the Bar of Northern Ireland in 2022, becoming a BL of the Honorable Society of the Inn of Court of Northern Ireland. Paul specialises principally in construction law, including professional negligence claims against construction professionals, disputes concerning party walls and non-contentious construction work.

Paul's presentation at the AGM was entitled 'Expert Witnesses in Adjudication – Lessons from Case Law', thereby addressing the issues of adjudication imbalance, the applicability of court guidance to adjudication, the temptations of a fast-track process, the auxiliary advocate and what can and does go wrong with experts in adjudication. He outlined the Irish case of *Duffy v Brendon Magee & Another*, and the UK cases of *Imperial Chemical Industries Ltd v Merit Merrell Technology Ltd*, *Great Eastern Hotel Company Ltd v John Laing Construction Ltd*, *Van Oord & Another v Allseas UK Ltd*, and *Hertfordshire CC v Mother & Father & Other*, amongst others.

A regular visitor to Northern Ireland, Paul intends to retain his active involvement and support of the Chapter's activities moving forward.



Paul Newman

The next scheduled Chapter event is on 13 June 2024 and is entitled 'Latest Global Trends in Arbitration from the MENA Region'. The speaker is Leonora Riesenbarg, a highly accomplished independent Chartered Arbitrator, Accredited Mediator, Certified ADR Practitioner and Trainer in ADR based in the vibrant hub of Dubai.

The Officers for the Northern Ireland Chapter Committee are;

Chairperson: **Jarlath Kearney**  
Hon Secretary: **Jim Armstrong**  
Hon Treasurer: **Eoghan Devlin**

If you are interested in getting involved in the Chapter or any of their Special Interest Groups please email [info@ciarb.ie](mailto:info@ciarb.ie)

# Seminar

## The Perils of Being an Expert Witness

Poppy O'Malley



L to R – Mark Tottenham, Jarlath Kearney, Sean Carr, Orla Fitzgerald & James O' Donoghue

On 14 March, the branch hosted a lecture by **Mark Tottenham** titled 'The perils of being an expert witness' followed by a panel discussion in the Irish Architectural Archive. The evening began with opening remarks from **Sean Carr** of McCann FitzGerald, who introduced the keynote speaker, **Mark Tottenham** and panelists **James O'Donoghue**, of Partner at Bluett & O'Donoghue, **Orla Fitzgerald** and **Jarlath Kearney** of Elemental Contract Consultants.

Mark Tottenham presented on the perils of being an expert witness outlining the potential negative consequences of being an expert witness. To begin with, Mark provided an overview of the role of the expert witness. An expert witness's role is different to that of an ordinary witness – an ordinary witness is connected to the case in some way whereas an expert is detached from the case and provides specialist knowledge based upon experience in the subject matter. The primary role of an expert is to assist the court to determine a decision. Expert witness evidence is an exception to the rule that witnesses are not allowed to provide their opinion. This is because experts are retained for their reasoned, specialist and professional opinion on matters relating to the case, being central to an expert's role. Most importantly, experts are expected to be independent from the party who retained them, with their primary duty to the court. The seminal *Ikarian Reefer* case set out the key duties of an expert witness.

Mark stated that mishandling of expert evidence is a common cause of miscarriages of justice. Expert witness evidence can be declared inadmissible where the expert's breach of duty is so egregious that the court rejects the evidence in its entirety. Alternatively, the evidence could be given less weight in proceedings where the expert has failed to act professionally. An expert acting unprofessionally can be reported to their professional regulatory body. In the recent case of *Duffy v McGee* [2022], Mr. Justice Collins stated that the Superior Courts have the authority to include the expert as a party to the dispute and make a costs order against an expert where they waste the court's time.

The event continued with an informative panel discussion on a wide range of related issues. Key takeaways from the panel discussion included that when retaining an expert, providing clear instructions to the expert are essential. An important aspect of an expert's role in the pre-hearing stage is to tell the party who retained them whether the case is worth pursuing in court. Honesty on the part of the expert helps to focus the mind and avoid the unnecessary expense and effort pursuing a case that will not be a success.

The evening concluded with an audience Q & A session and light refreshments for attendees.

# Seminar

## Equality, Diversity & Inclusion Training

Paula Murphy



### Introduction

The 21<sup>st</sup> of March saw the roll out of our second EDI Training Session which was an initiative of the EDI Special Interest Group which was very well attended including members from overseas as it was held online. In her introduction Paula M Murphy highlighted areas where other EDI initiatives have been demonstrated. Efforts are now made to achieve a gender mix on all training sessions. This is not always achievable in part from perfectly able members suffering from "imposter syndrome". Members are encouraged to become trainers to deliver CIARB Courses and if the numbers of trainers increase, particularly from diverse backgrounds, this will assist in Diversity in the Training Sessions and Seminars. Speakers are encouraged where appropriate, to use diverse or preferred pronouns, even the occasional use of she can assist inclusion.

When there is a choice of potential appointees, who are equally qualified for appointment, members are encouraged to appoint the more diverse candidate, in particular, if they are encountering challenges in this area. The participation of diverse members in the various subgroups and committees is encouraged and this raises the profile and awareness of a larger pool of members for Seminars and or Panels. Members are also encouraged to provide Articles to the Newsletter, and subject to editorial approval, this can be a means of diverse Members raising their profiles.

### Training Session

The Introduction was followed by the Interactive Training Session which was delivered by Michael Lassman from the Irish Centre for Diversity who peppered the session with real life and personal experiences which helped maintain the attendee's attention for the duration of the session and encouraged interaction.

Michael outlined the legislative and regulatory background in relation to Gender Bias. There are nine grounds for discrimination at Law. Gender being one of them. He noted that in cases of Gender Bias it was frequently associated with other biases such as unconscious bias, there were fewer instances of Bias relating exclusively to Gender Bias only. This intersection of various biases was called "intersectionality".

Michael gave the backgrounds and examples of Gender Stereo typing, Male Privilege and Gender Micro-Aggressions and how language can betray our biases. Well-meaning statements can in fact reinforce stereotyping "Girls are as good at maths as boys" for example.

There are at least 15 recognised Genders. Gender should not be confused with Sex. Examples of Genders are male, female, gay, homosexual, non-binary, gender fluid, demigender, transgender and cisgender. Most frequently when considering

Gender Bias it is the Male / Female bias that comes to mind however bias on the basis of other Gender types is an increasing complex issue requiring addressing, The session concentrated primarily on bias as it related to Male / Female.

A move towards Gender Neutral pronouns in Organisations such as the Gardai (Garda replacing Ban Garda), Fire Services (Fire Officer replacing Fireman) and substitution of Chairman to Chairperson immediately resulted in increased recruitment in the respective organisations. (In Britain where the increase was recorded, in the Police Services and Fire Services the year following the change the increase in recruitment of females was recorded as over 15%.)

The use of Gender Neutral pronouns such as He/him/his, she /her/hers, they/them/theirs needs to be accommodated in Training Seminars and Communications to assist inclusion and reduce Gender Bias. One participant has her preferred pronouns as her log-in and in addition the phonetic sounding of her name. She interjected to outline that this use encouraged people she had interactions with to set out their preferred pronouns and encouraged inclusion and reduced bias.

The training session concluded with strategies for becoming more gender equal.

- Recognise your own biases
- Empower Women
- Challenge male privilege
- Give opportunities to women wherever possible
- Stand up against inequality
- Ensure our language is Gender neutral

### Input from Practitioners

The training was followed by contributions from two experienced practitioners in the field of ADR.

**Lydia Bunni, Barrister at Law** and current Chair of the Construction Bar Association has risen to the top of her field. She is the first female Chair of the Construction Bar Association. She briefly outlined her path to the top and admitted to switching from considering Medical Negligence, which at the time was very male dominated, and was a very lucrative arm of the law, to a mixed Commercial practice with Construction specialisation – also a heavily male dominated area of the law. Along the way, even including a stint in a newspaper to learn typing, prior to commencing her Legal Studies from her story, it was evident that planning and strategizing assisted her rise to the top.

She was invited to be the Irish Representative on the Adjudication Society Steering Group re Pledge for Equal Representation in Adjudication, which has been instrumental in developing the pledge to improve female representation in Adjudication

and as such, was one of the first signees of the pledge where shadowing and mentoring are being promoted to increase inclusivity in the field. She recognised the contribution of her father Nael Bunni in steering her at some junctures in her career (however, as an aside, Lydia's talents and drive are clearly evident to all who have encountered her and her rise has been facilitated by same).

**Bernard Gogarty, Solicitor** of Smyth and Son and Chair of the Ministers Panel of Adjudicators, has over 40 years' experience in the Legal field. He very honestly admitted to knowing little about the field of Equality Diversity and Inclusion however there is little evidence that he does not practice inclusion. He spoke both in a persona capacity and as Chair of the Ministers Panel for the Appointment of Adjudicators.

He focused on the Ministers Panel as it related to female members. The first Ministerial Panel had no female members, and the current one has 4 female members out of a panel of 33 Members. Having reviewed the background to nomination to the current Panel, there was a very high success rate of female applicants to nomination to the Panel. The issue, as he saw it, in relation to nomination onto the Panel was the low number of female member applicants or suitable training courses /shadowing /mentoring programmes to train potential new members of all backgrounds and gender for future Panels.

Bernard noted that he is constrained as Chair as to what he can do to address the issue however he indicated that if any proposals or initiatives were developed or suggested by organisations such as the CIARB he would bring them to the Minister. This welcome suggestion concluded the session.

Time constraints did not permit going into too much depth about this multifaceted issue. The EDI Sub-Group hope to continue to roll out initiatives in the coming year.

“

“The use of Gender Neutral pronouns such as He/him/his, she /her/hers, they/them/theirs needs to be accommodated in Training Seminars and Communications to assist inclusion and reduce Gender Bias.”

# Seminar

## The Development of Dispute Avoidance in Construction, and International Trends

Peter McCarthy



L to R - Siobhan Fahey, Peter McCarthy, Martin Burns, Orla Fitzgerald & Alan Brady

On the 24<sup>th</sup> of May, the CIARB Ireland Branch hosted a Seminar in the Dublin Disputes Resolution Centre entitled “The Development of Dispute Avoidance in Construction and International Trends”. The events aim was to look at how the practice of dispute avoidance has developed internationally and how Ireland can learn from this development. The event was moderated by **Peter McCarthy**, current Chair of the CIARB Ireland Branch’s Dispute Avoidance Special Interest Group. Peter gave a very warm welcome to the attendees.

The first speaker was **Martin Burns** who is a RICS global leader on dispute avoidance. Martin gave an extremely interesting talk on the development of dispute avoidance in construction and international trends. He drew the attendee’s attention to the sixth annual crux insight report from HKA which noted that disputes typically prolong planned schedules by more than two thirds. He noted that the key causes of disputes were inaccurate, incomplete, and late designs; clashes over contract interpretation, poor management or administration of contracts; and poor management of subcontractors and supplier interfaces. Martin spoke about the Conflict Avoidance Process (CAP) which was developed as a joint initiative between RICS, Transport for London and several major contractors. The aim was to create a mechanism that would underpin a culture of cooperation by addressing emerging disagreements early before parties become embroiled in lengthy and costly disputes. CAP has since evolved into a tool which is being routinely

used in the construction industry to manage conflicts in a cost effective and collaborative way.

According to Martin, a key reason for CAP’s success to date is that the people who are appointed as CAP professionals are credible and have immense experience in resolving disputes using a range of methods. This enables a CAP Professional to work with the parties and provide impartial recommendations that help them achieve solutions quickly, amicably, and cost-effectively. Feedback suggests that parties have been more likely to engage in the process, and be prepared to be guided by CAP recommendations, when they have been confident that their CAP professionals have very high levels of subject matter experience and knowledge.

The next speaker was **Siobhan Fahey**, Chartered Engineer & Chartered Arbitrator. Siobhan was the principal drafter of the FIDIC 2017 Contract and Guide 2022. Siobhan noted that in the last decade dispute avoidance has become a strong trend in international and domestic construction. Siobhan provided her thoughts on what measures can be taken by parties at all stages of a construction project to avoid disputes. Siobhan spoke about the operation and success of the standing Dispute Avoidance/Adjudication Board (DAAB) process which is now standard in the FIDIC contracts. Siobhan highlighted the benefits for the parties using the DAAB process, namely, that the Dispute Board is part of the project; routine visits provide

focus for parties to discuss disputes and potential disputes which provides a tremendous opportunity for dispute avoidance; that the Dispute Board is “up to speed” at all times by routine visits (usually 3 times per year) and through review of regular reports; that the Dispute Board understands the project, the parties, individuals involved, physical difficulties, economic background; and the speed of dispute resolution when the DAAB is used. Siobhan finally highlighted dispute avoidance measures present in the NEC4 contracts, Public Works Contracts and the CIARB Dispute Board Rules.

Siobhan, Martin and Peter were then joined for a panel discussion by **Orla Fitzgerald**, Architect and previous Chair of the RIAI International Affairs committee and **Alan Philip Brady** BL, barrister and current executive member of the Adjudication Society Irish Branch and the Construction Bar Association. Orla gave her experience of how the use of standing conciliators in Ireland has led to the substantial decrease in disputes in construction projects in Ireland. Orla also gave her thoughts on the CAP process. Alan addressed the attendees on the benefit that a range of different professionals can have to the success of a Dispute Board and the role that lawyers can have and currently have internationally in assisting parties to avoid disputes through dispute boards. Alan stressed that the key requirement for having a successful dispute board/ dispute resolution was to have the right people involved on all sides.

# Membership

## Chartered Adjudicator

[www.ciarb.org/membership](http://www.ciarb.org/membership)



**CIArb** supports you at every step of your dispute resolution career, whether you are either simply interested in learning about it, are in the early stages of building a career in dispute resolution or, if you work as a neutral and want to develop your practice in one of our three Practice Areas, Arbitration Mediation or Adjudication.

### Routes to Membership

There are three routes to membership.

1. **The CIArb Qualification Route:** which can be attained by successfully completing the CIArb qualification courses for your chosen grade of membership.
2. **The RCP Route:** Provide evidence of successful completion of a Ciarb-accredited course taken through a Ciarb Recognised Course Provider (RCP). Candidates who complete courses with one of Ciarb's RCPs, should apply for membership within two years of completion.
3. **The Experience Route:** Demonstrate professional experience commensurate with the required knowledge, skills and experience of your chosen membership grade.

### Membership Grades

There are five Grades of membership.

1. **Student** – for those who studying at university or at a higher education institution.

2. **Associate** – for those at the early stages of a dispute resolution career.
3. **Member** – for those that are taking their career in dispute resolution to the next level.
4. **Fellow** – for those who are experienced and eligible to sit on dispute panels of neutrals.
5. **Chartered** – for those who exemplify the very highest standards in effective dispute resolution.

### Chartered Adjudicator

Chartered Adjudicator is the newest grade of membership available in the CIArb introduced for the first time in 2024 and applications will be accepted twice a year in April and October. To obtain Chartered status, you must be a current CIArb Fellow, provide evidence of practice including involvement in at least 25 complicated adjudications and two references from individuals with first-hand experience of working with you in the relevant field and pass a Chartered peer interview. If you are interested in finding out more about becoming a Chartered Adjudicator send an email to [memberservices@ciarb.org](mailto:memberservices@ciarb.org) or if you have more general queries about progression from one grade to another please contact us at [info@ciarb.ie](mailto:info@ciarb.ie) and we will endeavour to point you in the right direction. Adjudication has been in Ireland for 8 years now so hopefully we will have Chartered Adjudicators in Ireland in the not-too-distant future!

# Training Course

## Introduction to Adjudication

Greg Daly



There was a strong attendance for the recently convened **'Introduction to Adjudication'** online course, delivered by the Ciarb Ireland Branch. A cohort of 25 attendees participated in the course, which was hosted online on Tuesday 16<sup>th</sup> April 2024.

The course covered a wide range of Construction Adjudication related background and relevant topics including:

- Comparison of other processes of ADR
- Fundamental Principles of the Construction Adjudication process
- The Construction Contracts Act 2013
- Code of Practice Governing the Conduct of Adjudication
- An Adjudicator's Jurisdiction and Powers
- The Construction Adjudication Process
- Decision Types, Requirements and Enforcement
- Adjudication in other Jurisdictions and Dispute Boards

The speakers delivered a quality set of well-prepared course modules and on completion of the course, candidates had the option to undertake in an online assessment which, in passing, would allow them to apply for associate membership of Ciarb.

The course was facilitated and arranged by Danyal Ibrahim, Chair of the Adjudication Special Interest Group (SIG), and with the continuing support from Jennifer Crowther, the Administrator of the Ciarb Ireland Branch.



# Education

## Accelerated Route to Fellowship, International Arbitration

James Bridgeman

The Branch is planning to hold an **Accelerated Route to Fellowship** course in Q3 of 2024. This Program is designed for **Senior Practitioners** in the field of dispute resolution. Fellowship is the highest grade of membership and allows the use of the designation FCI Arb.

This is a qualification program, not a fundamentals training program. Successful completion of the program permits participants to apply to become Fellows of the Chartered Institute of Arbitrators, the highest grade of CI Arb membership which allows the use of the designation FCI Arb. The program focuses on applicable laws and procedures for the conduct of efficient arbitration hearings in complex international cases. The program is comprised of three elements:

### Oral Assessment

This element of the Accelerated Route to Fellowship Programme consists of two days of workshops based on a case study of a dispute. Each participant is assessed on their knowledge, judgment and self-presentation during discussion of a series of problems arising during a mock complex international arbitration and role play simulations.

### Written Assessment

Written assignments will be part of the assessment process during the workshop portion of the program. One of the written assignments will be prepared in advance of the workshops and will be collected early on the first day of the workshops.

### Award Writing Examination

This element consists of a written, open book examination in which an award must be written and fully reasoned based on the evidence in an arbitration proceeding. The exam is administered as part of this program. To receive a passing grade, the award must meet international standards for enforcement.

### Expression of Interest

If you are interested in participating in this course, please email us on [info@ciarb.ie](mailto:info@ciarb.ie) providing an overview of your ADR experience and qualifications.



# Viewpoint

## Student Membership & College Visits

Greg Daly



Student membership is **free to anyone currently studying at a university** or at a higher education institution. It is a great way to take your first step into the world of dispute resolution and explore your career options. This membership grade is available for a maximum of three years. After which time, you are invited to join as a professional member or, if you are still a student, you may re-apply for Student membership.

### Benefits

Discounted access to the popular Online Introduction to ADR (*alternative dispute resolution*) course and assessment. Flexible and affordable, this course builds your understanding of effective dispute resolution and leads to eligibility for Associate membership.

Stay informed on the latest industry and Ciarb developments through:

- eSolver: your monthly newsletter
- Resolver: your quarterly online magazine

- Arbitration: The Journal of International Arbitration, Mediation and Dispute Management – Ciarb’s peer-reviewed academic journal
- Articles on the Ciarb website
- Connect with other members through our global and local events and network of over 40 Branches

### Requirements

You need to provide evidence showing that you are currently studying at a university or at a higher-education institution. You can apply at [www.ciarb.org](http://www.ciarb.org)

### College Visits

The CIARB Ireland Branch operate an annual programme of visits to Universities and Colleges anywhere in Ireland to talk to students about ADR. If you would like us to visit your Institution or you would like to assist by delivering one of the talks, please contact us on [info@ciarb.ie](mailto:info@ciarb.ie) and we will make the arrangements.

# Viewpoint

## LinkedIn, What's it all About?

Josh Bates, Business Development Executive



Connect to Opportunity™



What is LinkedIn? LinkedIn is a professional online platform designed for networking and career development. With over a billion users and growing, it's a platform buzzing with career opportunities, networking potential and personal and company branding scope. Whether you're fresh out of university or a seasoned pro, this guide will get you LinkedIn-ready.

### Building Your Profile: It's More than a Resume

Think of it as a dynamic CV that showcases your skills, experience, and even a bit of personality. Here's how to make it stand out:

- **Profile Picture:** A professional headshot is key. Good lighting, clean background, and a friendly smile.
- **Headline Hero:** Craft a clear, benefit-driven headline that grabs attention.
- **Keyword Magic:** Help recruiters find you! Research relevant keywords and sprinkle them throughout your profile.
- **Storytelling Skills:** Don't just list duties, tell a story! Briefly describe your accomplishments using metrics to showcase your impact.
- **Show, Don't Tell:** Add links to projects, publications, or presentations that prove your expertise.
- **Banner Boost:** This is what viewers will see first, so make it count! Use a visually appealing image that reflects your brand, what you do and what you stand for. Make sure it looks well on mobile phone.

### Building Your Network: Make Connections That Count

- **Start Strong:** Connect with classmates, colleagues, and past employers.

- **Strategic Expansion:** Search for people in your industry, dream companies, or alumni from your school.
- **Connection Craft:** Don't be shy! Personalise your connection requests with a friendly intro (if applicable).
- **Engage and Grow:** Like and comment on posts, share industry insights, and participate in discussions to build connections.
- **Potential Clients:** Connect with people from companies you want to work with.

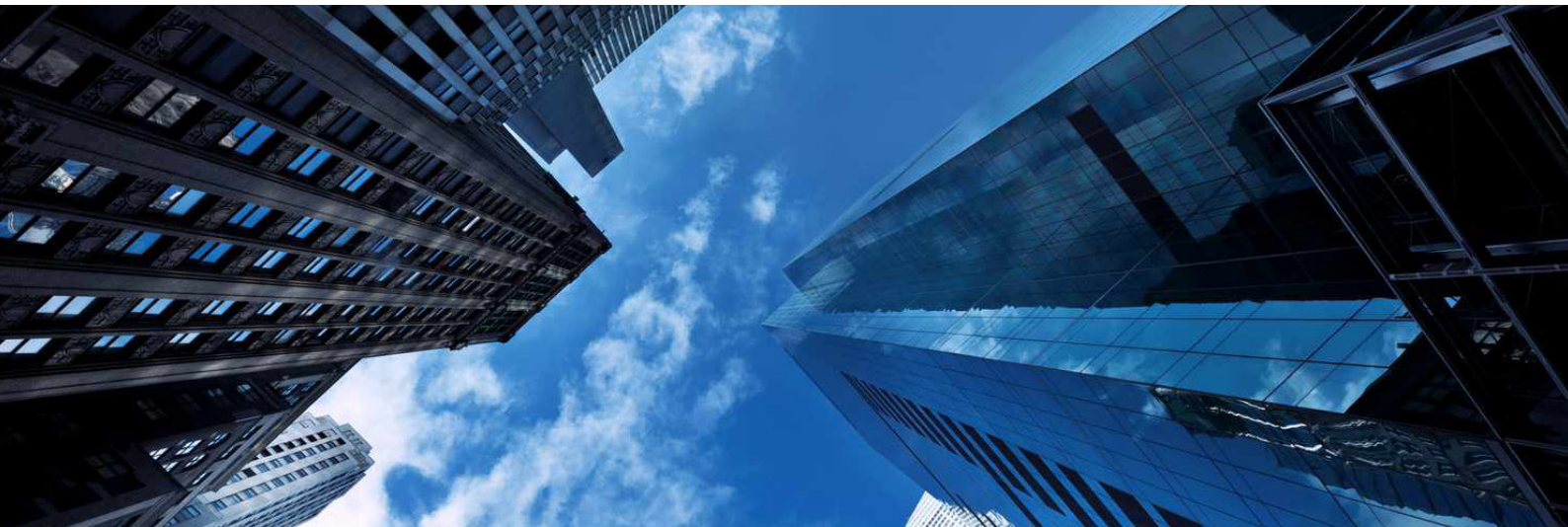
### Going Beyond the Profile: Become a LinkedIn Leader

- **Groups:** Join groups related to your interests and actively participate in discussions. Learn from others and establish yourself as an expert.
- **Follow the Leaders:** Follow companies and influencers to stay up-to-date on industry trends.
- **Content King:** Share your expertise by writing articles or creating posts on relevant topics. Over time, you have the potential to become a thought leader.

**Remember:** Consistency is key. By actively building your profile and engaging with your network, you'll transform yourself into a valuable professional and unlock exciting opportunities. Don't forget to download the app on your mobile device too. LinkedIn is used more so on mobile device than computer. What are you waiting for? Go ahead and make the most of an evolving and exciting professional tool that could reap huge benefits to you and your company.

# Request for expressions of interest for nomination to: ICC National Nominations Commission, Ireland

Peter O'Malley



## Overview

The International Chamber of Commerce (ICC) was founded in 1919 following World War I with the objective of expanding international trade for business all over the world. The ICC is represented in individual countries by a national committee. In Ireland that committee is ICC Ireland, which is operated and managed by Chambers Ireland. One of the functions of ICC Ireland is to represent the dispute resolution services of the International Chamber of Commerce (ICC), which are:

- ICC International Court of Arbitration and
- ICC International Centre for ADR

These activities are carried out through the ICC Ireland National Arbitration Committee, which is chaired by the Chief Executive of Chambers Ireland. The remainder of the committee consists of 6 members, who are nominated by 3 of the Corporate Patron members of Chambers Ireland: Ciarb Ireland Branch, Law Library, and the Law Society, where each is entitled to nominate 2 of the 6 committee members. The ICC Ireland National Arbitration Committee also functions as the National Nominations Commission, which is responsible for the nomination of potential arbitrators, experts, mediators, etc in response to requests from the ICC.

## Ciarb Ireland Branch (IB) Nominees

The Ciarb Ireland Branch is seeking expressions of interest from branch members to be nominated to these roles where they have the capacity, interest, and willingness to actively engage with the Nomination Commission activities, which includes:

- Available to attend and participate in committee activities approximately 6 meetings per year.

- Available to attend the CI Arb Ireland Branch Committee Meetings as a non-voting member to ensure the Branch and the ICC National Nomination Committee are aligned – approximately 6 meetings per year.
- Advocate for the views of the CI Arb at the ICC National Nomination Committee.
- Ensure that the CI Arb Ireland Branch are kept up to date with activities on the ICC Commission.
- Willing to stay informed and knowledgeable on the ICC, CI Arb and their activities.
- Promote ADR and the interests of the CI Arb with the Business Community through Chambers Ireland.
- Interested in international dispute resolution and the services provided by the ICC in particular.
- Understand and reflect represent the unique and diverse membership of the Ciarb Ireland Branch relative to the other Institutional Members of the National Arbitration Committee.
- Understand and represent the ICC dispute resolution services in the Irish context.
- Available to attend and participate in visits to ICC Paris – approximately every 18 months.
- Available to attend and participate in visits by ICC Paris to Dublin – approximately every 18 months.

## Activities

The activities of the ICC Ireland National Arbitration Committee are summarised as follows:

- Promotion of ICC Dispute Resolution Services within the Irish Market. (Note: In recent years the focus has been the unique services offered by the ICC in respect of the supervision of the arbitration process by the ICC Secretariat and the review of the draft awards by the Court of Arbitration.)
- Nomination of the Irish member to the ICC Court of Arbitration. (Note: In addition to the nominated Court Member, there is also an alternate proposed, but the nomination of the alternate is by the Court President.)
- Nomination of Irish representatives to the ICC Commission on Arbitration and ADR. (Note: The number of representatives is currently uncertain as the ICC Commission membership is currently being reviewed by the ICC.)
- Nomination of potential arbitrators, experts, mediators, etc in response to requests from the ICC. (Note: Approximately 4 to 6 requests made per year with approximately 2 appointments being confirmed. The appointments arise across a range of sectors and in circumstances where the Parties are unable to agree on an appointment.)
- Assist in the organisation of ICC visits and CPD events within Ireland and Paris.
- Participate in the wider dispute resolution environment as it exists within Ireland, including organisations such as Arbitration Ireland and Ireland for Law.

## Expressions of Interest

Members currently interested in being considered for nomination to the ICC Ireland Arbitration Committee are invited to submit their Curriculum Vitae setting out relevant experience, together with a summary of why they consider they are suitable for consideration (maximum 200 words).

## Note

- Overarching CI Arb principles and policies will be taken into consideration, including EDI.
- Membership of the ICC National Nominations Commission is pro bono.
- All costs necessary to undertake the role are self-funded.
- Nomination is subject to ICC ratification/ acceptance.

## Timescale

- Request for Expressions of Interest published by CI Arb (IB) in June 2024.
- Expressions of interest to be forwarded to [info@ciarb.ie](mailto:info@ciarb.ie) in soft copy on or before 5.00pm on Friday 28 June 2024.
- The Ciarb Ireland Branch Committee will then review and consider applications, including discussion with potential nominees during July 2024.
- It is anticipated that the nominees will be proposed to the Ciarb Branch Committee in July 2024, after which the nomination will be placed before the ICC National Nominations Commission.

## Further Information

Further information may be found on the following ICC website link: <https://iccwbo.org/governance/governing-body-for-dispute-resolution-services/>  
(Clickable link)



**ICC International Court of Arbitration**  
**ICC Commission on Arbitration and ADR**



# Education

## Accredited Adjudication Course

Danyal Ibrahim, Honorary Secretary

The Ireland Branch is planning to run a CIARB Accredited Adjudication Course before applications open for the third iteration of the **Ministers Panel** under the Construction Contracts Act 2013.

We are exploring **two options**, firstly partnering with a university to offer a Professional Post Graduate Diploma accredited by the CIARB delivered over one academic year. Lectures would be streamed to facilitate students that do not live near the university.

The second option would be to localise the CIARB UK Virtual Accredited Adjudication Course which is delivered in three modules over 18 Months.

Modules 1 covers Law, Practice & Procedure in Construction Adjudication, Module 2 covers running an Adjudication and Module 3 covers Decision Writing in Construction Adjudication.

### Expressions of Interest

If you are interested in completing an accredited adjudication course, please let us know by contacting us on [info@ciarb.ie](mailto:info@ciarb.ie) and let us know what your preferred delivery method is.

---

## Special Interest Groups

Dermot Durack, Chairperson



The Ireland Branch in addition to having our main committee also has a number of **Special Interest Groups** who we rely on to help with strategy and the organising of particular events.

### The Groups are as follows:

- Construction (inc. Adjudication, Conciliation & Dispute Avoidance)
- Family Law
- Equality, Diversity & Inclusion (EDI)
- Commercial (inc. Arbitration and International Arbitration)

- Community & Environment (inc mediation, planning, employment, HR)
- Northern Ireland Chapter
- Young Members Group

### Expressions of Interest

If you are interested in being involved in one of our Special Interest Groups, please let us know by contacting us on [info@ciarb.ie](mailto:info@ciarb.ie) and let us know which one you want to be involved in.

# Committee Members 2024 – 2025

## Chair:

Dermot Durack  
Quantity Surveyor

Jim Bridgeman  
Senior Counsel

## Vice-Chair:

Catherine Needham  
Barrister at Law

Peter McCarthy  
Quantity surveyor

## Honorary Secretary:

Danyal Ibrahim  
Architect

Greg Daly  
Engineer

## Honorary Treasurer:

Niall Buckley  
Senior Counsel

Sean O'Flaherty  
Barrister

## Immediate Past Chair:

Peter O'Malley  
Architect

Dr. Finola Doyle O'Neill  
Media & Legal Academic

Meg Burke

Barrister at Law

Damien Keogh  
Senior Counsel

## Supported by:

Northern Ireland

## Chapter Chair:

Jarlath Kearney  
Quantity Surveyor

## Branch Patron:

Dr. Nael Bunni  
Engineer

## Branch Trustee:

Arran Dowling-Hussey  
Barrister at Law

## Branch Administrator:

Jennifer Crowther

## Previous Chairs 1982 – 2024

'82 – '85 M. Abrahamson (RIP)

'85 – '86 W. Cantwell (RIP)

'86 – '89 N. Bunni

'89 – '90 M. D'Alton (RIP)

'90 – '91 M. Carrigan

'91 – '92 E. Stewart

'92 – '93 W. McLaughlin

'93 – '94 T. Sullivan (RIP)

'94 – '95 K. McQuillen (RIP)

'95 – '96 B. Gogarty

'96 – '97 A. Bunni (RIP)

'97 – '98 R. Murphy

'98 – '99 J. O'Reilly (RIP)

'99 – '00 M. Moran

'00 – '01 D. Keane (RIP)

'01 – '02 R. Sherlock

'02 – '03 J. Bridgeman

'03 – '04 J. McCoy

'04 – '05 R. Mulcahy

'05 – '06 J. Macken (RIP)

'06 – '07 D. Roughan (RIP)

'07 – '08 J. Behan

'08 – '09 C. Fahy

'09 – '10 A. McGovern

'10 – '11 T. O'Keefe

'11 – '12 P. Brady

'12 – '14 J. Halley

'14 – '15 T. O'Muire

'15 – '16 AM Blaney

'16 – '17 G. Monaghan

'17 – '18 B. Holohan

'18 – '19 K. Kelliher

'19 – '20 J O' Donoghue

'20 – '21 M. Waldron

'21 – '22 B. Morrissey

'22 – '23 T. Carey

'23 – '24 P. O'Malley

