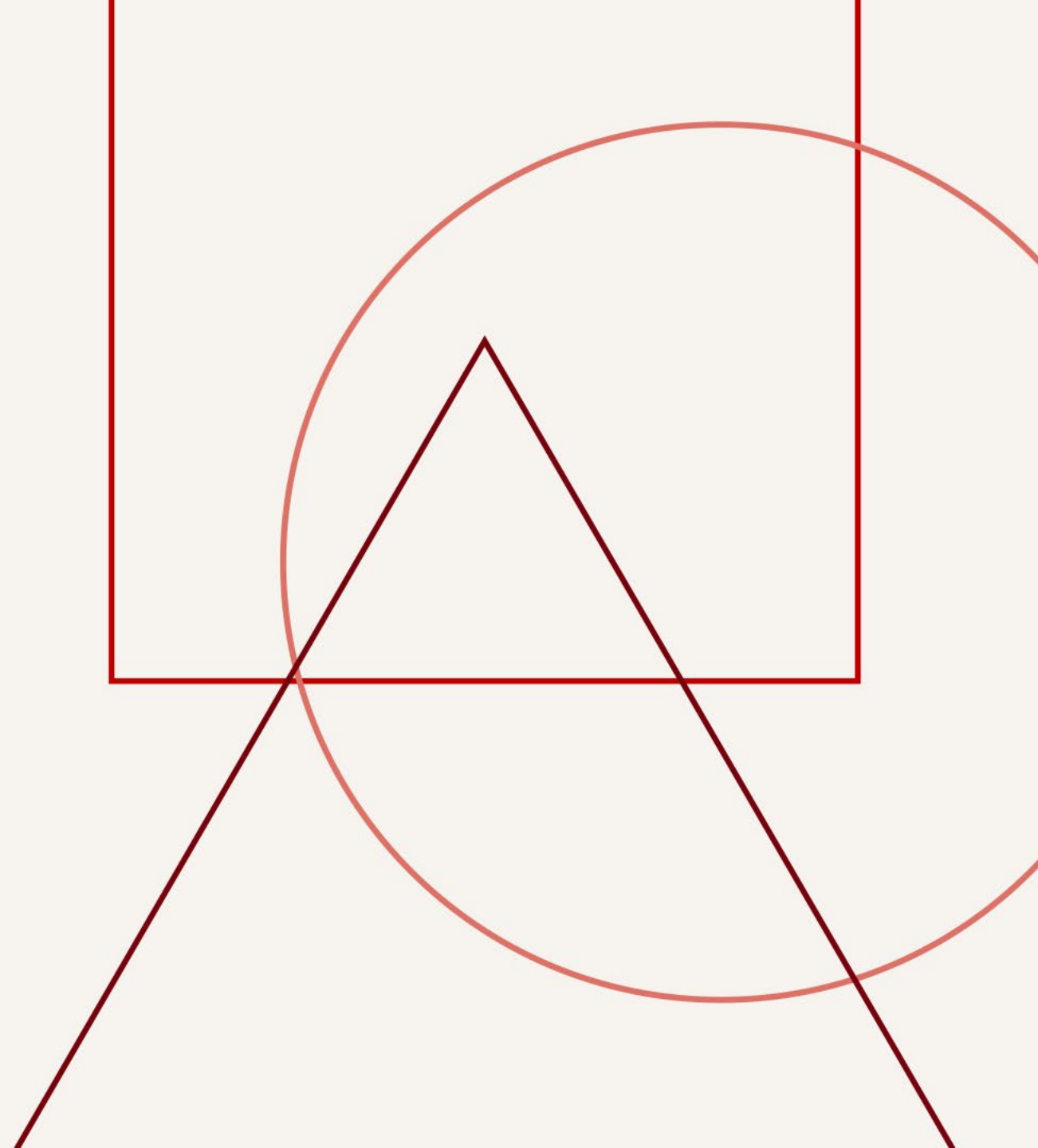


Introduction



Agenda



- Overview & Objectives of ciarb
- The Ireland Branch
- Alternative Dispute Resolution (ADR)
- ciarb Membership
- Questions & answers

Overview & Objectives of ciarb

The top right corner of the slide features a series of thin, light blue geometric lines. These lines form a right-angled triangle and extend horizontally and vertically, creating a modern, architectural feel.

Overview & Objectives of ciarb

- The Institute was founded in 1915, and incorporated in 1925, with the primary aim of:

“raising the status of a professional arbitrator to a distinct and recognised position among the learned professions’ specifically, by means of the ‘study of the law and practice of arbitration.’¹

- In 1979 the Institute was granted a Royal Charter to allow it to be known as the Chartered Institute of Arbitrators.
- In 1990 the Institute became a UK registered charity with the objective to:

“promote and facilitate worldwide the determination of disputes by arbitration and alternative means of private dispute resolution other than resolution by the courts.”³



1. The Right Hon. Lord Headley, first President of the Institute, Annual meeting of the Institute (1915) J. Inst.Arb.8.

2. The motto of the Coat of Arms ‘Celeriter ac diligenter’ means swift and diligent or industrious.

3. CI Arb Fellowship notes.

The Ireland Branch

The background is solid black. In the bottom right corner, there is a large teal circle. A yellow triangle is positioned in the upper right area, with its base on a horizontal red line. A red square is located in the top right corner, partially overlapping the yellow triangle and the teal circle.

The Ireland Branch

- The origins of the Ireland Branch can be traced back to 1977 when there were 57 members of the Institute in Ireland.
- A meeting at the University Club in Kildare Street, Dublin in December 1977 discussed the possibility and the practicability of establishing a formal grouping of members from Ireland.
- The Ireland Branch of the Chartered Institute of Arbitrators was formally established at a General Meeting in October 1981 with seven founding members. Professor Nael Bunni, a founding member, is the branch patron.
- The day-to-day activities of the branch are co-ordinated by a Chair and Vice-Chair, elected annually, supported by a secretary, treasurer, a branch administrator and a committee of further 14 members, all of whom participate voluntarily.

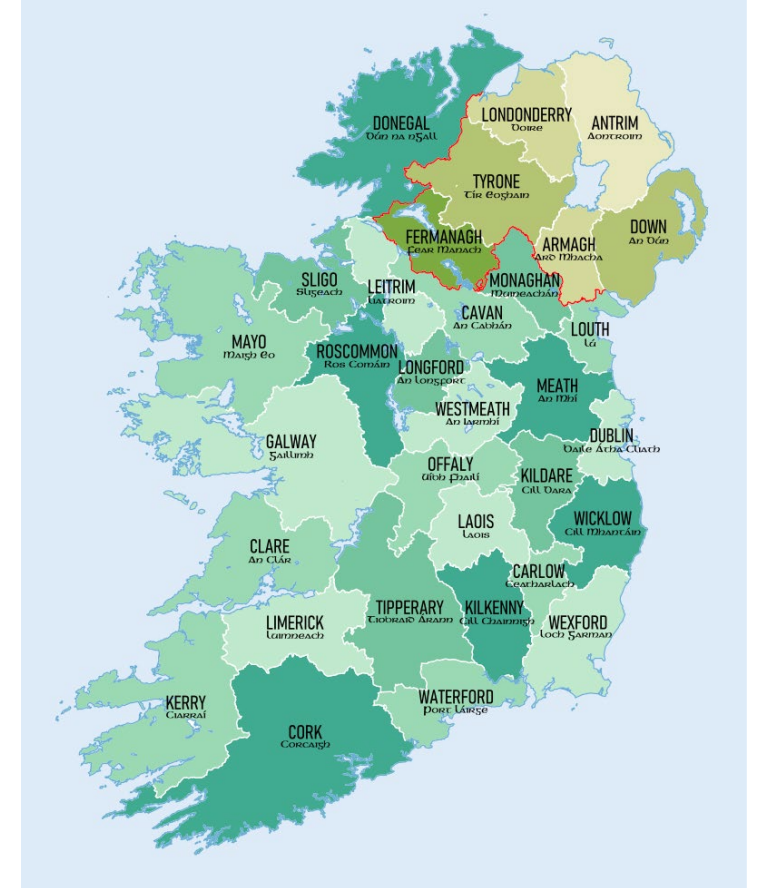


The Ireland Branch

- Today the Ireland Branch which includes Northern and Southern Ireland has over 700 members, across all industries, comprising:

91 Student members
147 Associate members
253 Members
230 Fellows

- The branch has a number of committee's or Special Interest Groups (SIG's) which seek to further develop dispute avoidance and resolution in specific areas including:
 - Climate and Environment
 - Construction Adjudication
 - Mediation
 - Arbitration
 - International Arbitration
 - Equality, Diversity and Inclusion
 - Family Law
- The branch enjoys close relations with the judiciary and all of the professional institutions across the island of Ireland



Alternative Dispute Resolution (ADR)

The background features a solid yellow field. In the upper right, there is a large, faint orange-outlined triangle. In the lower right, there is a large, faint orange-outlined semi-circle. A thin orange line runs diagonally from the top right towards the bottom right, passing through the semi-circle.

The context of disputes

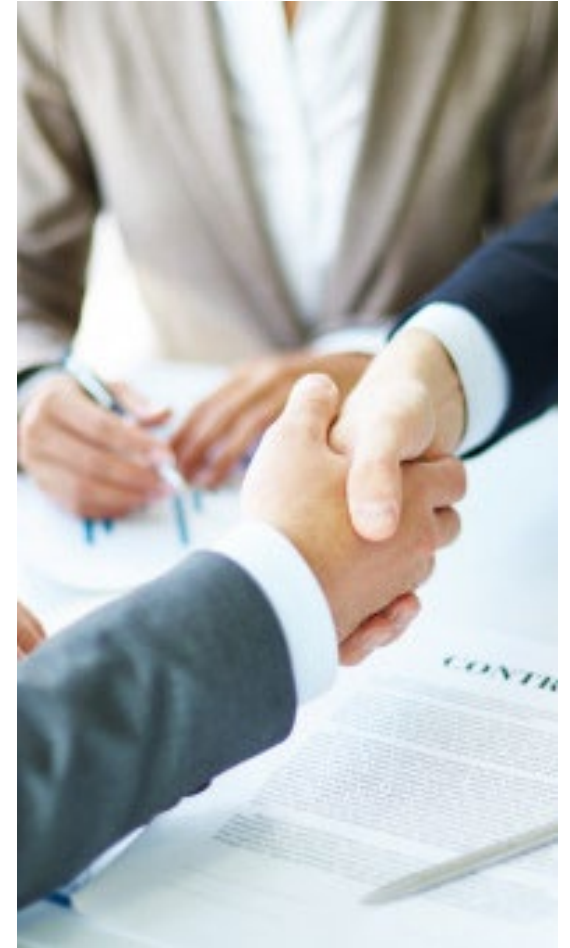
- Most disputes are limited to two parties, should it always be necessary to submit private disputes to public scrutiny through public courts – is this really correct?
- Is the ‘one size fits all’ process of state courts applicable to all types of dispute?
- The needs of parties seeking dispute resolution will usually be:-
 - Expedience
 - Certainty
 - Finality
 - Efficiency
- Can a court system ever succeed in consistently meeting these needs for every type of dispute?
- Should the parties have a degree of autonomy on how their dispute is resolved?
- Is there an alternative?

“Controversial disputes are a part of democratic culture.”

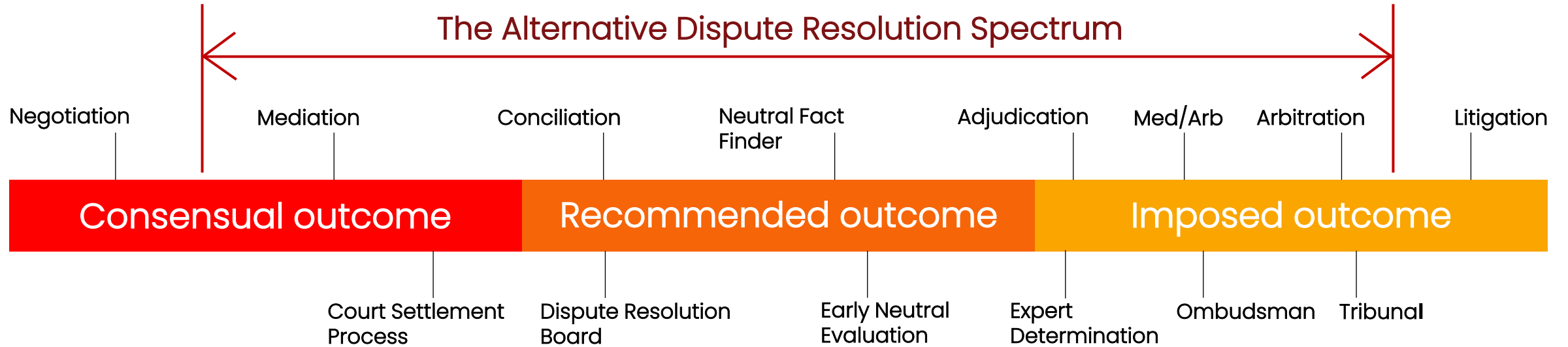
Angela Merkel,
German politician

What is ADR?

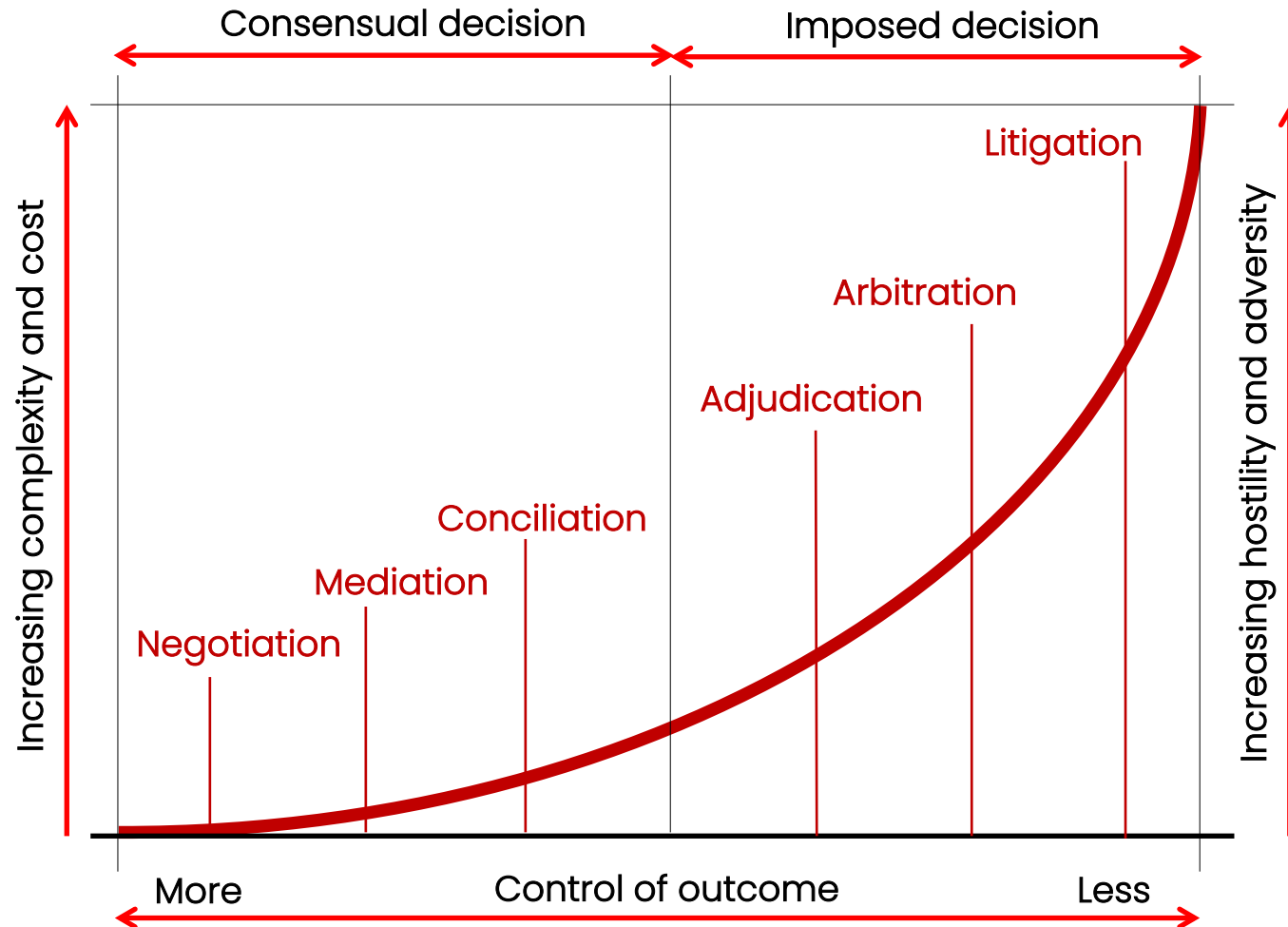
- Alternative Dispute Resolution (ADR) provides an alternative to litigation.
- The term Alternative Dispute Resolution (ADR) is credited to Professor Frank Sander who in 1976, coined the term 'Alternative Dispute Resolution (ADR) to account for the use of 'alternative ways of resolving disputes outside the courts.'
- Disputing parties enjoy a level of autonomy or self determination which is not available in litigation.
- ADR is a private process where confidentiality can be maintained.
- Offers a range of processes that can be selected to best fit the dispute 'the forum can fit the fuss.'
- ADR is significantly quicker and more efficient, being more economic in both time and cost, with capacity to resolve cross-jurisdictional disputes.



The ADR spectrum



Characteristics of ADR processes



ADR in the context of the EU

- The importance of ADR has been affirmed in 2007 in the Lisbon Treaty at Article 65.2(g), where the European Parliament and Council shall adopt measures aimed at ensuring the development of ADR.
- ADR offers a solution to the problem of a continuing reduction of access to justice due to three factors: the volume of disputes brought before the courts is increasing, the proceedings are becoming more lengthy and the costs are increasing.
- There are many types of disputes that are suitable for ADR including: family law disputes, appropriate employment law disputes, property disputes, boundary disputes, probate disputes, medical negligence disputes and commercial and consumer disputes.

“Access to justice is not just about accessing institutions but also having the means to improve everyday justice, the justice of people’s social, civic and economic relations. This means giving people choice and providing the appropriate forum for each dispute.”

Department of the Attorney General, Australia, 2009.

ADR in the context of the EU

- The European Commission Recommendation 98/257/EC sets out the seven principles for ADR Schemes to follow:
 - **Independence** of the dispute settlement body to ensure the impartiality of its actions;
 - **Transparency** of the scheme to ensure that the consumer has all the necessary information about the procedure and that the results obtained can be objectively assessed;
 - **Adversarial** procedure to ensure that the consumer has the possibility to present all their views and are informed about the arguments of the other party;
 - **Effectiveness** of the procedure to ensure that the consumer will benefit from the advantages of an alternative dispute settlement;
 - **Legality** to guarantee that the decision taken by the dispute settlement body does not deprive the consumer of the protection afforded by the relevant consumer protection legislation;
 - **Liberty** to ensure that the decision taken may be binding on the consumer only if they are informed of its binding nature in advance and specifically accept this after the dispute in question has arisen; and
 - **Representation** to ensure that the consumer has the possibility to be represented in the procedure by a third party if they wish.

ADR Schemes – Ireland

- The European Commission has encouraged member states to establish ADR Schemes for the resolution of customer disputes.
- There are a number of ADR Schemes in Ireland for the resolution of customer disputes:
 - Financial Services Ombudsman.
 - Pensions Ombudsman.
 - Residential Tenancies Board
 - Advertising Standards Authority of Ireland.
 - Irish Travel Agents Association.
 - Society of Irish Motor Industry.
 - National Roads Authority/National Farmers Association
- The Government recognises the importance of ADR as a means of resolving consumer disputes on the basis of being more efficient, more flexible and more cost effective, than court litigation.



An tOmbudsman Seirbhísi
Airgeadais agus Pinsean
Financial Services and
Pensions Ombudsman

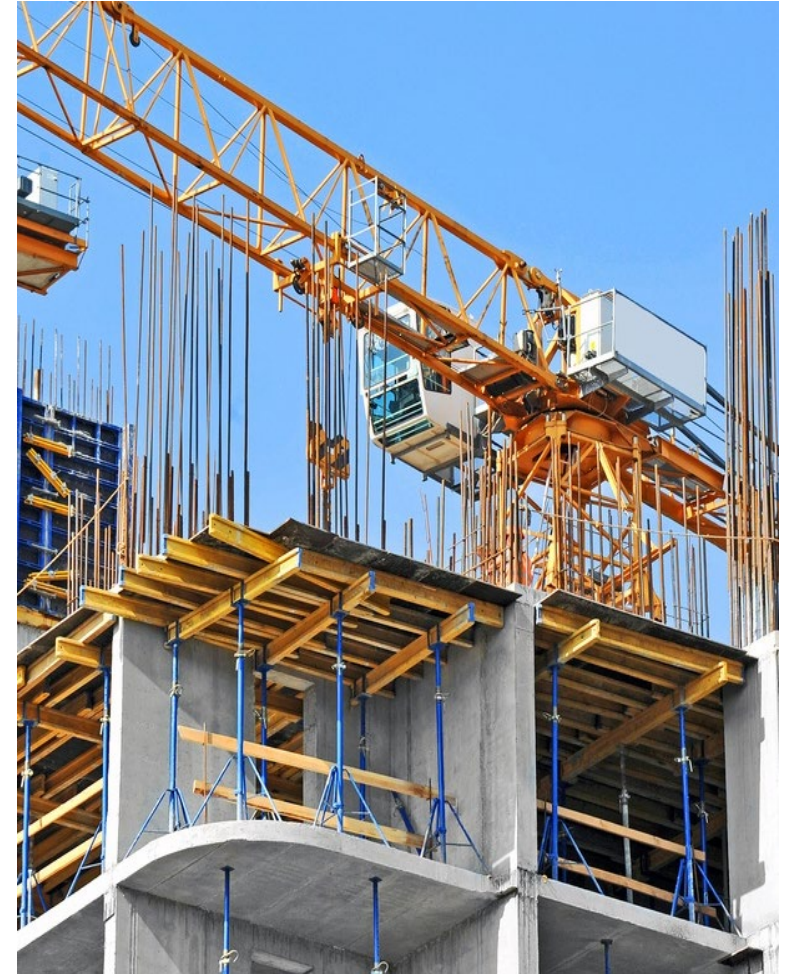


RTB
Bord um Thionóntachtaí Cónaithe
Residential Tenancies Board



ADR in the construction industry

- There is a long history of disputes within the building industry due primarily to the nature of the construction process and its inherent characteristics.
- Traditionally construction disputes have been resolved through arbitration, now under the Arbitration Act 2010, but this is now considered to be too unwieldy and expensive.
- The process of conciliation, being similar to mediation but with provision for a Recommendation if required, has served the industry well, particularly in public contracts.
- Mediation and conciliation, are consensual rather than imposed processes and can be seen as disadvantaged by a lack of certainty in reaching agreement in all cases.
- Many disputes are resolved through adjudication, as provided for in the Construction Contract Act 2013, with an expedient and, to all intents, binding resolution.



ciarb membership

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Benefits of ciarb membership

- You will become part of the world's largest community of alternative dispute resolution professionals, with over 17,000 members and 10,000 student members.
- You would be part of the Ireland Branch, one of 42 branches worldwide enabling ciarb to have a presence in nearly 150 jurisdictions.
- You can avail of opportunities to build skills and achieve career goals through continued learning, mentorship and access to the leading papers and resources in ADR.
- You will be able to develop your career, knowledge and skills through ciarb's world renowned qualifications and learning, delivered by leading practitioners in the field and take part in the Institute's work experience and mentoring programmes.



Benefits of ciarb membership

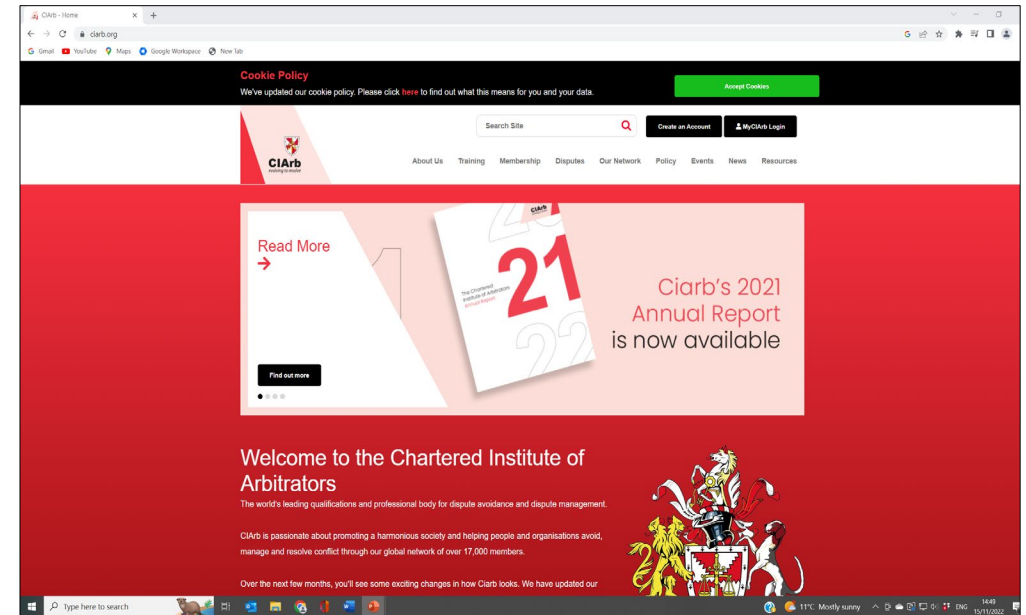
- You can demonstrate your professional credibility through ciarb's globally recognised and respected post-nominals: Associate (ACI Arb), Member MCI Arb), Fellow (FCI Arb) and Chartered status (C. Arb).
- You will be able to keep up to date with industry and ciarb news and views through:
 - eSolver
 - Monthly newsletter
 - Resolver
 - On-line quarterly
 - Arbitration – The journal of International arbitration
- You can attend the regular training courses and functions held by the Ireland Branch through the year, in addition to the Annual Meeting and Lunch, the Annual Dinner together with enjoying the opportunities of networking within your own profession and with other professions.



Student membership

- Student membership is FREE to anyone studying at a university or other higher education institute.
- Student membership is for a maximum of three years, where after that time if you are still eligible you may re-apply for Student membership.
- You can apply for Student membership on-line at:

www.ciarb.org





Thank you

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