

Summer 2023 Newsletter

The Chartered Institute of Arbitrators
Ireland Branch – May 2023

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Ireland Branch



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Message from the Chair

Whilst I am naturally pleased to be taking up this office, there is a much larger part of me that is honoured to have been elected as the new Chair of the Ireland Branch for 2023/2024. As the 37th in the long line of distinguished past Chairs, it is my objective for the year in office to raise the profile of the Ireland Branch through the two primary tenets of the institute, namely education and training. I would like to thank Tom Carey as the immediate past Chair and the members of the immediate past committee for all their work over 2022/2023. I am fortunate to be part of a next committee and executive team that continues to seek to build upon the past success of the Ireland Branch.

The Ireland Branch enjoys long, deep, and established relationships with many of the professional and industry bodies in Ireland, where one of the greatest strengths of the branch is the broad base from which its members are drawn. Although we have the benefit of many distinguished members, we cannot be complacent where one of the most important challenges is to increase the relevance of the branch beyond the professional community to wider society and the public at large. A priority



Peter O'Malley

for my year will be to reach out and introduce the branch to the students of 3rd level institutions across the country, in looking ahead to identify the next generation of Ciarb members in Ireland.

The committee already has a programme of lectures and events planned for the year, together with various Alternative Dispute Resolution courses, where some of these are detailed in this newsletter. Do please include the dates of these events in your diary, where your attendance is always welcome. The continued success of the branch is entirely dependent on you as its members, where it is the responsibility of the committee and I to harness and direct that support and enthusiasm, that cannot be taken for granted – thank you.

Dates for your diary



2nd June 2023 – 1.00pm

Cathach lecture

A lecture, presented by Brendan Kilty SC, and viewing of the ‘Cathach’ the first known Irish manuscript containing the first reference to arbitration in Ireland, to be held at the Royal Irish Academy.



6th June 2023 – 3.45pm

Annual McQuillan lecture

A lecture, presented by Professor Dr Abdel Wahab, on ‘International Arbitration – between Tradition and Innovation,’ moderated by Catherine Needham BL, held at the Dublin Dispute Resolution Centre, Church Street, Dublin 7 as part of the Dublin International Disputes Week.



5th July 2023

The Construction Contracts Act 2013.....7 Years on

The half-day Annual Conference on the Construction Contracts Act 2013 to be held on-line and in person at the offices of Byrne Wallace, Harcourt Street, Dublin.



3rd November 2023 – 7.00pm

Ciarb Ireland Branch – Annual Dinner

Westin Hotel, College Green, Dublin where the guest of honour is the Former Taoiseach, Bertie Ahern, who will speak on ‘2023 – the 25th Anniversary of the Good Friday Agreement.’



Tickets for all the above events are now available on our website www.ciarb.ie where we hope you will support with your attendance.

Annual General Meeting and Annual Lunch

Maebh Gogarty, Honorary Secretary



Friday 28th April marked the return of the Ciarb Ireland Branch, Annual General Meeting (AGM) and Annual Lunch to the Westbury Hotel in Dublin, following the previous successful event at the hotel in 2022. The committee are grateful to those members and their guests who set aside their time to attend the AGM and following lunch. This is an important event in the annual diary, where it was encouraging to see it so well supported.

The AGM marked the end of a successful year for Tom Carey, as the Chair of the branch. Several of our long-standing committee members also stepped down to make way for a continuance by new members of the past good work of the committee. The committee would like to extend sincere thanks to Billy Morrissey, Tim Hopkins, Danyal Ibrahim, and Sinead Ryan for all the time and hard work they have directed to the branch committee over the last number of years. The committee firstly welcomes our new member Sean O'Flaherty and secondly offers congratulations to Peter O'Malley on his election to Chair of the branch, and the committee, for forthcoming year 2023/2024, where we all wish him well.

The Annual Lunch was attended by over 80 members and guests. The top table consisted of the outgoing Chair Tom Carey, the CCAS Panel Chair Bernard Gogarty, together with past Ciarb Presidents Professor Nael Bunni, one of the founding members of the branch, and James Bridgeman, in addition to our Honorary Treasurer Catherine Needham, Danyal Ibrahim and Dermot Durack the incoming Vice-Chair of the branch. The outgoing Chair Tom Carey formally welcomed attendees to the lunch and presented

the address highlighting the achievements of Ciarb and the Ireland Branch over the last 12 months. Tom Carey then introduced the guest speaker, the award-winning investigative journalist Nicola Tallant, who then entertained those in attendance with accounts of the importance of the lesser-known role of Mediator in the world of organised crime.

Tom Carey presented a bouquet of flowers to our hard-working Branch Administrator Jennifer Crowther for her work, and continued dedication to the branch, over the past year. Finally, Tom Carey invested Peter O'Malley with the chain of office as the new Chair of the branch, having been elected at the earlier brief committee meeting, immediately after the AGM. Finally, I can report that members of the branch have since communicated thanks to the committee for their hard work in again organising such a successful event.



L to R - Outgoing Chair, Tom Carey and Incoming Chair, Peter O'Malley



L to R – Chair Tom Carey and Jennifer Crowther



L to R – Bernard Gogarty, Dr Nael Bunni and Jim Bridgeman



L to R – Danyal Ibrahim, Maebh Gogarty, Catherine Needham, Dermot Durack, Chair Tom Carey, Bernard Gogarty, Dr Nael Bunni, Jim Bridgeman, and Jennifer Crowther



L to R – Paula Murphy, Chair Tom Carey and Sinead Ryan



L to R – Caoilfhionn Ni Chuanachain, Margaret Austin and Siobhan Kenny



L to R – Dan O'Mahony, Martin Waldron, Marianna Verdes, Lydia Bunni, Catherine Dunne and Alan Brady



Guest speaker, Nicola Tallant



L to R – Billy Morrissey and David McCarthy



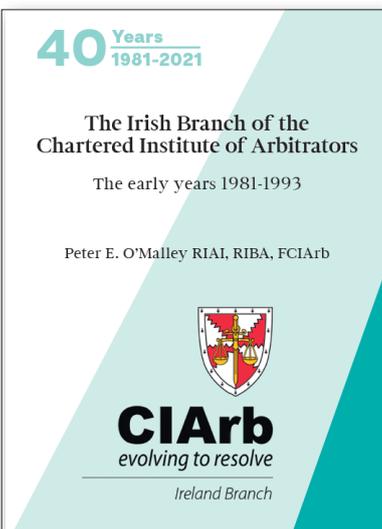
Table arrangement at the Wilde Restaurant



L to R – Tim Ryan, Michael Somers, Dr Noel Whelan and Billy Morrissey



L to R – John Farage O'Brien and Billy Morrissey



Some members may not be aware of the book 'The Irish Branch of the Chartered Institute of Arbitrators – The early years 1981-1993' which was launched last year, where there is an extract below:

"From modest beginnings the Irish Branch of CIARB was to become the preeminent organisation in the promotion of arbitration and various other formal processes to resolve conflict, that today are referred to as Alternative Dispute Resolution (ADR). The branch, with a core of experienced and considered, yet enormously enthusiastic, members quickly established itself as a centre of expertise and learning that was to become respected internationally. The branch sought to bring reform to the area of dispute resolution through a full reconsideration of the prevailing legislative context, with access and influence at the highest levels of the government."

If there is any member who would like a copy of the book, there are still a number available. For a copy please just e-mail info@ciarb.ie and a copy will be forwarded on.

Trustee's Report

Arran Dowling-Hussey – Ireland Branch Trustee



Ireland has had a member on the Board of Trustees of Ciarb for over 10 years. A Trustee serves for 4 years and can only serve two successive terms. My term which started in January 2017 will come to an end in December 2024. Whilst the Ciarb is a 'broad church' as an organisation there have been periods since 2017 when all the Trustees have been lawyers. It is planned that between now and the end of 2024 several new trustees will be co-opted to the Board to give a wider spread of qualifications and experience. The present eleven Trustees are joined by the President, who sits as an ex-officio member of the Board and members of the Ciarb executive where they meet four times a year in February, June, September, and November. Every alternate year, the Board of Trustees' Autumn meeting coincides with the holding of Congress.

On a day-to-day basis the Director General (DG) of Ciarb leads a team of employees, primarily based in 12 Bloomsbury Square, working under a team of Directors who report to the DG. The Board of Trustees is responsible for strategic direction of Ciarb and for providing oversight of the management and control of all its affairs. When I joined Ciarb some years ago, the total international membership was circa 12,000. It is now over 18,000. In addition to the full membership, there are more than 8,000 student members. The Institute is now represented in more than 150 jurisdictions through 42 branches.

The elected members of the Board of Trustees are trustees for the whole membership (i.e., not regionally representational) and are not permitted to hold any other office nor take-

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“The work of the various committees, centred around the head office in Bloomsbury Square, has been and continues to be vital to the overall development of the Institute across the world.”

up any other appointment within the Institute, while serving as a Trustee. As a result, whilst I was previously fortunate to be appointed as Arbitrator by the Branch from time to time, the last appointment I received was in 2016.

The continued growth has led to the necessity to modify and develop the governance of the Ciarb. Prior to being a Trustee I had the privilege of serving on the Board of Management from 2013 to 2015. The Board of Management has now been abolished, but being on this board gave me invaluable experience in allowing to later become a Trustee. Other changes include the creation of several committees that report into the Board of Trustees. These committees include an Audit and Risk Committee, which I Chair for 2023, a Finance Committee, a Governance Committee, and a Nominations Committee. Each of these committees meets four times a year on separate dates to the main Board's meetings. Although not apparent at branch level the work of the various committees, centred around the head office in Bloomsbury Square, has been and continues to be vital to the overall development of the Institute across the world.

Special Interest Groups (SIG's)



Within the Ireland Branch we have several Special Interest Groups, or SIG's by which they are more generally known. The SIG's are a very important part of branch activity and provide the basis for members to pursue a particular interest in the wider sphere of dispute resolution. The individual SIG's are listed below together with the Chair of each:

Adjudication SIG

- Meabh Gogarty

Arbitration SIG

- Adrian Kearney

Dispute Avoidance SIG

- Peter McCarthy

Education and Training SIG

- Greg Daly

Environment and Climate SIG

- Tom Carey

Equality, Diversity, and Inclusion SIG

- Paula Murphy

Family Law SIG

- Nuala Jackson

International Arbitration SIG

- Jim Bridgeman

Most of the members of the branch committee have been, and continue to be, involved in one or more of the SIG's. The newsletter reports regularly on the activity of the SIG's where several reports are included in this issue. If you would like to participate in one of the SIG's, please let us know or send an e-mail to info@ciarb.ie advising of your interest.

Education & Training SIG

Greg Daly, SIG Chair

At the end of last year and the beginning of this year the Education & Training SIG initiated a programme to increase the profile of the branch to new student members. Having developed and completed a new presentation titled 'Introduction to Ciarb – Ireland Branch,' the SIG team, of Meg Burke, Peter O'Malley, and I, have commenced a pilot to present directly to students at a limited number of third-level institutions.

Following a warm welcome and positive reaction to presentations during the spring/summer 22/23 semester at University College Cork (UCC), Technical University Dublin (TUD), University College Dublin (UCD) and Trinity College Dublin we have benefitted in recent months from new student members joining the branch. With the success of the pilot, the SIG is planning to increase the reach of the 'Introduction' presentation in the forthcoming autumn/winter semester of 23/24 to a wider range of courses, third level institutions in addition to their equivalents in Northern Ireland.

If anyone has any contacts at third level institutions, please contact me or one of the team as this will always be the most efficient way to make an introduction. Similarly, if anyone would like to join the SIG and assist in making the presentations at the colleges together with meeting the students and the academic staff, you would be most welcome.



Adjudication SIG

Danyal Ibrahim, SIG Chair

For the 2022/2023 term, the Adjudication SIG's main accomplishment was the development of the Ciarb Ireland Branch 'Introduction to Construction Adjudication' course. The material for the course, specifically on the Construction Contracts Act 2013, was written entirely by SIG members and approved by Ciarb London. On 18 April 2023, the course was delivered for the first time on-line. The course was presented over one half-day comprising of five subject matter topics. Candidates also had the option of completing the online assessment where on successful passing they would be eligible to apply for Associate Membership of Ciarb. Approximately twenty candidates attended the course, and a short feedback survey was issued the same week. The feedback was positive with some comments on areas to improve, which of course we will take on board.

The SIG also ran the 'Introduction to ADR' course for the second time in March 2023. This online course adapted by the SIG for our jurisdiction, using the material created for the London course, was first run in March 2022. The course comprises of seventeen modules delivered over two half days covering the breadth of ADR processes around the world including arbitration, mediation, conciliation, adjudication, negotiation and more. The original material has now been further updated by the SIG to reflect the new Ciarb branding and delivered to over twenty candidates including a small group from the Ombudsman for Children. The course feedback was positive, where the SIG is planning to run the course again later in the year.

Finally, the SIG is preparing for the 2023 Ciarb Annual Conference on 'The Construction Contracts Act 2013...Seven years on' to be held on 5 July 2023 with details being presently finalised. Following the success of last year's hybrid event, this will be repeated this year with the event held both in-person and online. We will also continue the tradition of offering this key event free of charge to all.

Equality, Diversity & Inclusion SIG

Paula Murphy, SIG Chair

The Equality Diversity and Inclusion (EDI) SIG was formed in September 2021 and comprises a group of six members, where in terms of gender, age and primary profession, the group is diverse in keeping with our aims. During the past year the group has been active with several initiatives which included:

In December 2022, we ran workshop for the Ciarb (Ireland Branch) Committee and the SIG on Unconscious Bias, a topic that is relevant to all areas of practice.

Also in December 2022, the SIG prepared an Equality, Diversity, and Inclusion survey for the Ireland Branch members. In the survey, we sought your feedback, views, and insights to help the SIG understand the needs of the current membership and identify ways that that the branch can enhance and improve equality, diversity, and inclusion.

In the spring the survey results were analysed and where, through the compilation of preliminary results, several recommendations were made to Chair, who then shared these at the AGM on 28 April 2023.

On 13 April 2023 we hosted a half day webinar for Members, entitled 'An Introduction to EDI,' which included unconscious bias training. The webinar included presentations from the Ciarb Director General, Catherine Dixon in relation to Ciarb EDI initiatives worldwide, from Matt McCann in relation to disability awareness and from Aoife Farrelly in relation to the Bar Council's Equality and Resilience Committee. The event ended with a round table discussion chaired by Catherine Dixon.

Looking forward to the rest of the year, the SIG will prepare a more detailed report for the branch committee setting out recommendations and objectives to make the Ireland Branch a more diverse and inclusive organisation, with all our events taking EDI into account. We also planning to run a hybrid event later in the year with particular emphasis on gender issues and disability.



Based in Paris, the ICC International Court of Arbitration, now celebrating its centenary year, was established for the resolution of international commercial disputes. Since inception the ICC Court has remained at the forefront of supporting global trade and investment through dispute prevention and resolution. It operates under the auspices of the International Chamber of Commerce and consists of more than 100 arbitrators in circa 90 countries.

The ICC Commission on Arbitration and ADR is a forum of experts nominated by ICC national committees that examines key issues of practical concern to international arbitration and other forms of dispute resolution. The commission considers current developments in arbitration and ADR, and provides reports, rules, guidelines, and best practices on a range of topics of current relevance to the world of arbitration and ADR, with a view to improving ICC dispute resolution services. There are visits every year or so by senior ICC people to Ireland and visits by Irish delegates to ICC Headquarters in Paris (generally in September, by open invitation). The ICC runs CPD courses to the highest international standards in the areas of Arbitration and other ADR practices.

Ian Talbot, CEO of Chambers Ireland manages ICC Ireland. The ICC national committee in Ireland comprises two delegates from each of the Bar of Ireland, the Law Society and the Ciarb Irish branch. Gordon Barry and Orla FitzGerald are the current Ciarb delegates. The national committee responds to requests from ICC Paris, primarily regarding appointment of arbitrators, experts and nominees to task forces and the ICC

Court of Arbitration. There are currently two Irish members serving at the ICC Court of Arbitration Louise Reilly BL as Court Member (former chair of the Branch International ADR Affairs SIG) and Eamon Conlon SC as Alternate.

We are also privileged to have delegates serving on the ICC Commission on Arbitration and ADR Dr Nael Bunni Branch, our branch Patron, who was instrumental in setting up the Irish branch affiliation with ICC through Chambers Ireland. The other commission members are Siobhan Fahey (senior drafter of the FIDIC contracts), Michael Collins, John Gaffney, Patrick Leonard SC, Gavin Woods, James O'Donoghue, and Klaus Reichert who had a considerable influence on the drafting of the Arbitration Act 2010 and the setting up of Arbitration Ireland.

The Ciarb Ireland Branch affiliation with ICC is relevant in providing relevant up-to-date information, and awareness of opportunities for participation and visibility. Significantly this can include nomination of members in response to requests for the appointment of an arbitrator. Members who may be interested in further information about ICC and the Irish Branch can contact us through the website or by contacting any committee member.

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“From inception, the ICC has remained at the forefront of supporting global trade and investment through dispute resolution and prevention.”

Committee Members 2023 – 2024

Chair:

Peter O'Malley
Architect

Jim Bridgeman
Senior Counsel

Vice-Chair:

Dermot Durack
Quantity Surveyor

Peter McCarthy
Quantity Surveyor

Greg Daly
Engineer

Honorary Secretary:

Maebh Gogarty
Solicitor

Nuala Jackson
Senior Counsel

Honorary Treasurer:

Catherine Needham
Barrister

Sean O'Flaherty
Quantity Surveyor

Immediate Past Chair:

Tom Carey
Engineer

Supported by:

Branch Patron:

Dr Nael Bunni
Engineer

Adrian Kearney
Surveyor

Branch Trustee:

Arran Dowling-Hussey
Senior Counsel

Paula Murphy
Architect

Branch Administrator:

Jennifer Crowther

Meg Burke
Barrister

