

The Construction Contracts Act 2013 - 7 years on

Wednesday 5th July 2023

ciarb.
Ireland Branch

Date

Wednesday
5th July 2023, 1pm
(Lunch), conference
1.50pm sharp.

Cost

FREE

Registration required
See links below.

Delivery

Hybrid:
Zoom & In-person

Venue

Byrne Wallace LLP, 88
Harcourt Street, Saint
Kevin's Dublin, D02 DK18

BYRNE
WALLACE
LLP

CPD

3Hrs (Certificates
available on request)

Registration

Registration is essential
and can be made
via the following links:

In Person

Online

Live streaming will
commence at 1.45pm.
In person numbers will
be **limited to 80**.

**Register early to avoid
disappointment.**



Overview

Ciarb Ireland Branch is delighted to announce this year's Annual Conference on the **Construction Contracts Act 2013**. For this event, we will have 3 panels with 4 speakers each, discussing key topics in the industry as they relate to adjudication and the Act. Each panel will have a host of experienced speakers across the breadth of the industry from main contractors, sub-contractors, legal practitioners, consultants and members of the panel. The event will be kindly hosted by Byrne Wallace and will be held both in-person and online.

Timetable

- | | |
|-------|--|
| 13.00 | Light Lunch |
| 13.50 | Welcome Peter O'Malley, Chairperson Ciarb Ireland Branch |
| 14.00 | Panel 1 Topic: Low Value Dispute Procedure and proposed legislative/non-legislative change Chair: Alison Irving. Speakers: Seamus Duggan, Dympna Mullaly, Martin Waldron BL, Orla Fitzgerald |
| 15.00 | Panel 2 Topic: Smash & Grab Adjudications Chair: Keith Kelliher. Speakers: John Curtin, John Moynahan, James Burke BL, Fergus Cooney |
| 16.00 | Panel 3 Topic: Costs and the absence of complaints procedure. Chair: Maebh Gogarty. Speakers: Lisa Maloney, Jim Bridgeman, Sean O'Flaherty, Keith Kelliher |
| 17:00 | Q+A |
| 17.15 | Close |



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Peter O'Malley



Alison Irving



Keith Kelliher



Maebh Gogarty



Seamus Duggan

Peter O'Malley

Current Chairperson of Ciarb Ireland Branch and a Chartered Architect with over thirty years international experience, with an MSc in Construction Law, and other postgraduate Construction Law qualifications, Peter now directs his efforts to dispute resolution in the construction industry in Ireland and the UK through mediation, conciliation, adjudication and arbitration. Peter has had academic papers and articles published on the development of adjudication through the Construction Contracts Act 2013 (CCA 2013). Peter is Vice-Chair of the Irish Branch of CIARB where he is part of the committee responsible for the development of adjudication courses through 2022 and 2023. In addition, Peter is a member of the Construction Contracts Adjudication Panel established by the Department of Enterprise, Trade and Employment under the CCA 2013.

Alison Irving

Alison Irving is a graduate of National University of Ireland, Galway, Queen's University Belfast, and the Kings' Inns having been called to the Bar in 2014. She is the Executive for Main Contracting in the Construction Industry Federation, providing assistance and guidance to members on issues relating to prequalification, tendering, and contractual matters, and is responsible for dispute resolution services. Alison is also an Accredited Mediator and member of the Chartered Institute of Arbitrators.

Keith Kelliher

Keith is a Chartered Quantity Surveyor and is a past Chair of the CIARB Ireland. He also sat on the executive council of the MII until 2019 and is the current vice chair of the ADR committee in the SCSI. Keith has advocated for parties in over 120 adjudication cases in Ireland. Keith has sat as adjudicator on a handful of occasions and is

appointed to the Ministers panel of Adjudicators under the Construction Contracts Act 2013. Keith was the first to apply and receive an appointment from the Ministers Panel of Adjudicators under the Act, he was involved in the first enforcement of an adjudicator's decision (Gravity V THM) and was also involved in the O'Donovan V Bunni and others Judicial Review proceedings.

Maebh Gogarty

Maebh Gogarty is a Partner in Smyth&Sn Solicitors in Drogheda a Boutique Construction firm. She qualified as a solicitor in 2013 and works in general practice specialising in Construction Law focusing on Alternative Dispute Resolution and Dispute Avoidance. Maebh acts for Employers, Main Contractors and Sub-Contractors with extensive experience in Adjudication and Conciliation.

Maebh is a Member of CIARB and is the current Honorary branch secretary and Adjudication SIG chair.

Seamus Duggan

Seamus is Joint Managing Director of Duggan Brothers (Contractors) Ltd. Duggan Brothers are a General Building Contractor trading since 1923, employing approximately 120 management, supervisory, technical and support staff, annual turnover currently c. €100m. Undertaking projects across all sectors with a 60:40 split between public and private contracts. Seamus trained as a Quantity Surveyor, graduating from Bolton St. in 1996, and subsequently completed the Post Graduate Contract Law & Contract Administration course in Trinity College Dublin. An Ex-President of the MBCA (Master Builders' & Contractors' Association) and currently sitting on the MBCA Council and has recently been appointed as Chairman on the Tendering, Procurement & Contract Committee of the CIF.



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Dympna Mullally



Martin Waldron



Orla Fitz.Gerald



John Curtin



John Moynihan

Dympna Mullally

Dympna is Head of Contracts Compliance in Designer Group. Designer Group was established in 1992 and is now a leading provider of mechanical and electrical engineering services, with projects across Ireland, UK, Europe, Africa, and Mexico. Dympna joined the Commercial Department of Designer Group in 2018 and has twenty years' experience in the construction industry in Ireland and Australia. Dympna was the Executive of the mechanical and electrical sector of the Construction Industry Federation during the early evolution period of the Construction Contracts Act and was actively involved in its instigation and progression.

Her role in Designer Group involves overseeing contractual relationships and documentation with clients, supply chain and third parties, from tender stage through to final account. She provides day-to-day support and training to project teams, ensuring they are aware of their contractual obligations, including the applicable provisions of the Construction Contracts Act, upstream and downstream. Dympna is also the Company Secretary for the Group, with responsibility for the maintenance of company records and for corporate governance matters, for both the business and the Board. Dympna holds a Postgraduate Diploma in Construction Law and Contract Administration from Trinity College Dublin and a Certificate in Company Law and Practice from the Law Society of Ireland.

Martin Waldron, BL

Martin has built a steady career spanning 28 years as a Barrister and Chartered Quantity Surveyor, specialising in the construction and property dispute domain. His experience includes working on some of the largest disputes in the state in roles as counsel, arbitrator, mediator and adjudicator.

Currently, Martin's responsibilities include leading the SCSl Dispute Resolution Standing Committee and serving as Treasurer for the Construction Bar Association. Previously, he also chaired the CIARB's Irish Branch. He also sits on the SCSl Standing Committee for Regulation and Standards.

Orla Fitz.Gerald

An architect in practice since 1986. Founding Director in OMP, following which Orla worked in the Middle East and on return to Ireland established her own practice which at its pinnacle had 17 direct employees working across a broad range of projects in the public and private sector, including a bio-science facility, speculative and bespoke office developments, large commercial fit-outs, multi and single unit residential schemes, and a significant conservation project undertaken in cooperation with other architects.

Following the 2008 'downturn' Orla pursued further education particular to Alternative Dispute Resolution and now primarily practices in that area. Orla sits as Arbitrator, is a member of the Construction Contracts Adjudication Panel, a qualified mediator, acts as standing conciliator and conciliator in addition to providing expert evidence in construction disputes in Ireland, England and Internationally.

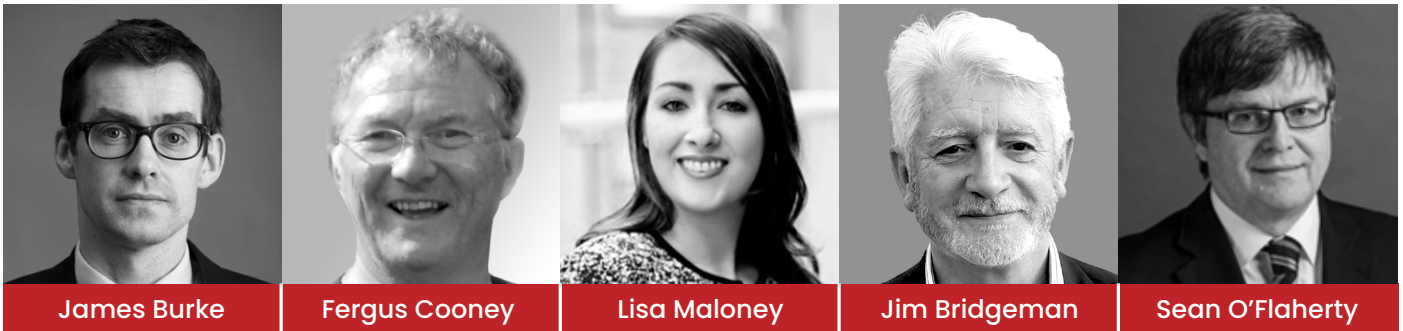
Orla has served on the RIAI Council, International Affairs Committee, Competencies Work group, Exam Board and Technical Assessment Board as established under Building Control Act 2007. A member of the stakeholder group liaising with the Department of the Environment and Local Government in relation to the Code of Practice for Inspecting and Certifying Buildings and Works under the Building Control Amendment Regulations 2014.



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Orla currently serves on the RIAI ADR Taskforce, is the CIC professional bodies nominee to the National Building Control & Market Surveillance Project Management Board, and the CIARB nominee to the ICC National Nominations Committee.

John Curtin

John joined PJ Hegarty in 1990 as a graduate Quantity Surveyor. In 1997 he became the commercial manager. In 2003 he was appointed to the position of Regional Director and in 2020 he was appointed to the Board in the role of Commercial Director. John has been involved in many prestigious projects including landmark industrial projects, design and build projects and PPP projects. John has a particular focus on training and development of surveying staff to chartered status and is heavily committed to industry activity. In 2011 John was involved in the merging of the IAVI and the SCS to form the Society of Chartered Surveyors Ireland (SCSI) and was its first President.

John Moynihan

John is a Chartered Quantity Surveyor with over 25 years' experience in the construction industry. John has held senior management roles in both Contracting and Consulting organisations. John is presently working with Kirby Group Engineering, a leading mechanical and electrical engineering contractor operating across Ireland, the UK and mainland Europe. <https://www.kirbygroup.com/>. He has worked extensively with the Department of Finance Public Works Contracts (PW-CF's) as well as the FIDIC, NEC, RIAI and many other bespoke forms of contract. John has acted as independent expert and advocate for many disputes on a range of projects from water treatment to roads to building works. He has also provided advice on tender document preparation, procurement, and tender analysis. He has extensive experience identifying and managing risk and preparing and

rebutting claims. John has successfully represented subcontractors in the pursuit of payment claims under the Adjudication Act. John has obtained two post graduate diplomas in Construction Law. John also keeps up to date with the changes and challenges in the Irish construction market in relation to construction law and procurement.

James Burke

James Burke is a practising chancery and commercial barrister with a particular focus on Construction Law and Professional Negligence. He is regularly involved in large scale and complex building disputes. He regularly represents professionals from the construction sphere in professional negligence proceedings. He has been involved in a number of judicial review applications in respect of the Adjudication process pursuant to the Construction Contracts Acts 2013 and is currently involved in a number of enforcement applications. He is also a committee member of the Construction Bar Association and is responsible for its Tech Talks. He has written and delivered a number of papers on Adjudication.

Fergus Cooney

Fergus qualified as a Civil Engineer in UCD in 1972, became a Chartered Engineer in 1988 and a Fellow of CIARB in 2015. He worked initially as a main contractor for the family firm, Cooney Jennings Ltd, and since 1985 has been self-employed representing main and specialist contractors in Ireland and UK, in all aspects of construction from tender to Final Account. He trained as Mediator, Arbitrator and Construction Adjudicator with CIARB and works as a party representative and expert witness. Very interested in sport, played water polo for Ireland and senior club rugby for Wanderers. An all year-round sea swimmer and Leinster Rugby supporter.



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Lisa Maloney, Associate, Byrne Wallace

Lisa is an associate in the ByrneWallace Infrastructure, Construction and Energy Department. She advises clients on all aspects of construction, public procurement and health and safety law (contentious and non-contentious). Lisa has expertise on the various forms of dispute resolution and advises clients on construction claims and contract management. She has represented employers, contractors and consultants in mediation, conciliation, adjudication and arbitration. Lisa is also experienced in litigation and has represented clients at all court levels. Lisa's client base includes public authorities, statutory bodies, developers, funders, contractors, sub-contractors and designers. Lisa is a member of the Chartered Institute of Arbitrators and tutors on negotiation skills in the Law Society. Lisa is a sub-committee member of the Health and Safety Lawyers Association of Ireland and is also a contributor to the construction law working group known as "The Chancery Lane Project" Ireland.

Jim Bridgeman

James Bridgeman SC FCI Arb is a Chartered Arbitrator with over thirty years' experience. He has acted as arbitrator, both as chair and sole panellist in over 500 arbitrations, tribunals and administrative proceedings. Including 80 construction, partnership, insurance, real property, distributorship, intellectual property arbitrations and adjudications, over 400 internet domain name

references (UDRP), numerous statutory tribunals, appeal boards and professional regulatory determinations. He has been appointed as an arbitrator/neutral by party selection and by institutions including WIPO (Geneva), ICC (Paris), CI Arb (London), NAF (USA), Nominet UK (Oxford, UK), Czech Arbitration Court (Prague). He is regularly appointed as a construction adjudicator and as a tribunal member to determine Internet domain name disputes. He is a Past President of the Chartered Institute of Arbitrators (2018), past Chair CI Arb Irish Branch (2005), former CI Arb Trustee (2013-2017) and past member of the ICC National Committee for Ireland.

Sean O'Flaherty

Sean has over 35 years experience in PWC Forms of Contract, FIDIC, NEC, Speciality in Contract Law, Construction and Engineering Law, Contractual Claims arising under all forms of contract. He is also a Main Contractor and Sub Contractor Claims specialist with international experience in disputes in India, Italy and Austria, specifically in D&B Mech and Elec as well as airport experience. Sean has a Dip Eng, BSc. (Surveying), MA., Barrister at Law Degree, Diploma in Arbitration Law, LLB Irish Law Cert. Mediation and is an Accredited Conservation Surveyor. Sean is also a member of the Construction Contracts Adjudication Panel, MSCSI, MRICS, FCI Arb and MIEI.

