

Chairman's Address

Since the last issue of the Journal a new Committee has been elected and in turn new officers have been appointed. Details are given on the following page.

Congratulations to David Keane, who has been elected President of the Institute. We wish him every success in his new role as President of the Chartered Institute in Dublin next September.

As the new Chairman of the Institute it is my primary duty to promote the arbitral process, both in existing areas and in new areas. There does seem to be a fairly widespread public ignorance of the arbitral process itself and of its relationship to litigation and the courts.



David Keane, Chairman, and Michael M. Moran, past Chairman

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However, that the process itself is both known to and of interest to the professions and business generally, is instanced by the fact that membership of the Irish Branch is now approaching 600 and while this is a matter of gratification, it also raises the difficulty of arbitration nominations and the expectation of many members.

One of the differences between an organisation such as the Institute and other professional organisations is that, generally speaking members of the Institute are also engaged in other areas of work. Therefore, we have members who are engineers and arbitrators, others who are solicitors and arbitrators, more who are architects and arbitrators and so on. Newer members to the Institute have in many cases a general expectation that such membership will lead to nominations to act as an arbitrator but the reality is that such opportunities are not that widespread. There is the holiday travel scheme which is the greatest source of nomination.

Successive chairpersons have tried to spread this as far as possible, both geographically and taking qualifications and capabilities into account. Some of these involve substantial personal injuries and these, it is felt by many chairpersons, should only be handled by those who have experience in this area if possible.

There is obviously a chicken and egg situation here, in that if only experienced arbitrators receive personal injury nominations then this would almost always limit the nominations to barristers or solicitors and this might not necessarily be a good thing. As far as I am concerned I will try to widen the field of nomination where this can be done.

The Branch is at the moment investigating further areas where schemes might be brought in because while at the moment the fee return on, for instance the holiday travel scheme is extremely modest, it does nonetheless provide the experience which is necessary for members of the Branch to be considered for nominations in other areas.

I have felt it necessary to go into this matter in some detail because since taking up office as Chairman a number of Members have made me aware of their dissatisfaction over not receiving any nominations. I assure all those who are interested and who have put their names forward as being interested that I will ensure, as far as is possible, these nominations are spread over the entire membership.

David Keane
Chairman

EDITORIAL

As I hope you have seen there has been considerable changes to your newsletter. The newsletter serves as useful points of contact between the members, especially for those in areas with a small number of members.

Among the changes are a profile of a selected number of members in each edition. In this edition, the profile section has been used to inform members of the changes in the Committee. A concern of your Committee is to ensure members can seek advice and share their experiences. It is hoped to achieve this through the Information Exchange for members to raise queries and concerns to which other members can respond with advice based on their experience. Contributions may be anonymous, if desired. Branch news is a section for any news of members or anyone associated with the Branch.

Members are encouraged to submit articles to be considered for publication. Any suggestions as to what should be included in future additions of the newsletter are most welcome.

Johnnie McCoy, Editor.

COMMITTEE NEWS

The Committee of the Irish Branch for 2000/2001

David Keane

Chairman

Architect & Barrister

Roy Sherlock

Vice-Chairman
Brochure, Courses

Chartered Surveyor

James Bridgeman	Hon. Secretary Mediation, Arbitration Rules	Barrister
Ken McQuillan	Hon. Treasurer	Chartered Accountant & Chartered Tax Advisor
Anne Bunni	Courses, Promotion/ Development/Pupilage	Barrister
Wendy-Jane Catherwood	E-commerce, Promotion/ Development/Pupilage	Valuation Surveyor & Estate Agent
Bernard Gogarty	Council Representative, Arbitration Rules	Solicitor
Brian Hutchinson	E-commerce	Barrister & Lecturer
James Macken S.C.	Schemes	Barrister
John McCoy	Library, Newsletter	Barrister & Lecturer
Michael M. Moran	E-commerce, Law Firm Liaison	Solicitor
John O'Reilly	Branch Rules, E-commerce	Architect
Michael O'Reilly	Courses	Solicitor
Boyce Shubotham	Law Firm Liaison	Solicitor

Non-Committee Members of Workgroups

Brian Bond	Mediation
Joe Kelly	Law Firm Liaison

Members wishing to be considered for co-opton onto a workgroup should write to the Chairman of the Branch.

PROFILES

Before the last A.G.M., two Committee members decided to resign.

The Hon. Mr. Justice Roderick Murphy F.C.I.Arb

Following his recent appointment to the High Court, Judge Murphy resigned as a member of the Committee. Mr. Justice Murphy was educated in Dublin and Spain and was called to the Outer Bar in 1971 and to the Inner Bar in 1991. As Chairman of the Branch from 1997 to 1998 he was very involved in the promotion of the Arbitration (International-Commercial) Act, 1998. He was a member of the International Court of Arbitration of the International Chamber of Commerce in Paris for 1997-2000. He was appointed for a second term of 2000-2003. He was a director of Griffith College.

Councillor Vincent Martin B.L., A.C.I.Arb.

Following his recent election to Carrickmacross Urban District Council, Vincent resigned because of constituency commitments. He was educated at Maynooth College and has worked as a secondary school teacher. He was called to the Outer Bar in 1995 and practises on the Dublin and Northern Circuits. He is the creator of Public Access to Law, a guide for secondary school students to the legal system.

Two new members of the Committee were elected at the A.G.M.**James Macken S.C., F.C.I.Arb.**

Mr. Macken was educated in Dublin and Paris and was called to the Outer Bar in 1975 and to the Inner Bar in 1987. He specialises in the areas of construction, local government and planning.

Michael O'Reilly Solicitor, F.C.I.Arb.

Michael was educated in Dublin and was admitted as a solicitor in 1979. He has worked in Max Abrahamson's firm and now is a partner in the firm of McCann Fitzgerald. He has lectured in the Diploma in Arbitration in U.C.D. and is one of the Course Directors for the entry course to the Institute. Michael also served on the Branch Committee between 1991 and 1994 when he retired due to pressure of work. We are very pleased to welcome him back. He specialises in the areas of construction, environment and planning law.

BRANCH NEWS

Congratulations to Geraldine Cosgrove and her husband Denis O'Hogan on the recent birth of their daughter, Kate. Geraldine has decided to resign her position as administrator of the Branch, after many years of deeply appreciated work for the Branch. We wish Geraldine, Denis and Kate the very best for the future.

Ms. Suzanne Laing has joined the branch as administrator. Suzanne has worked for the branch during Geraldine's maternity leave. We wish her good luck in her new job.

Ms. Laura Regan, Information Manager at the library of the Irish branch and Chartered Institute of Accounts in Ireland recently gave birth a baby girl, Rachel. She has since left her position as Information Manager with the Institute. Many congratulations and good luck always.

A word of welcome to the following new members of the branch;

Ms. D. M. T. Daly BA(Hons), DipEurLaw	Solicitor	Dublin
Mr. W. M. McKeachie BCL, BL, SC, Barrister-at-Law	Senior Counsel	Dublin
Ms. M. Mulready BA.Law & Accounting	Insurance Researcher	Dublin
Mr. K. Reichert LLB, Barrister-at-Law	Barrister	Dublin
Mr. G. Stoops	Loss Adjuster	Co. Down
Mr. D. C. Foley FCCA	Accountant	Co. Kildare
Mr. C. C. Kelly LLB	Barrister-at-Law	Dublin
Miss M. C. Rowe LLB(Hons), Asst	Contracts & Arbitration Manager	Belfast
Mrs C. M. Connellan BA, DipArbLaw, ACII	Barrister-at-Law	Dublin
Capt. E. P. Connellan (FG), BA, MBA, DipArbLaw	Master Mariner	Dublin
Mr. E. McDermott BSc, FSCS, FRICS	Chartered Surveyor	Dublin
Mr. K. Tierney BE, MIEI, DipProjMgt, DipCLCA	Civil Engineer	Dublin
Mr. B. P. Wilson MA, BA(Econs),	Valuation Surveyor	Cork
Mr. R. M. Donaghy LLB, LLM, BL	Barrister-at-Law	Belfast

The results of the Diploma in International Arbitration have recently been published in U.C.D. Congratulations to all who passed. It is expected that this course and the Diploma in Arbitration will be run also next year.

If you have recently gone onto e-mail and you would like to receive your copy of the newsletter on the same, please send your name and e-mail address to Ms. Suzanne Laing, The Chartered Institute of Arbitrators – Irish Branch, 8 Merrion Square, Dublin 2 or ciarb@arbitration.ie or fax (01) 6627891.

COURSES FOR THE YEAR 2000**Fellowship Assessment Course for Diploma Holders from U.C.D.**

September 2nd & 3rd – The Grand Hotel, Malahide, Co. Dublin.

Entry Course

November 17th, 18th and 19th – The Grand Hotel, Malahide, Co. Dublin.

Anne Bunni

GOLF OUTING

The inaugural golf outing of the Chartered Institute of Arbitrators - Irish Branch Golf Society will be held at Tulfarris Golf Club on Thursday the 21st of September.

The first tee has been reserved from 12:30 to 14:30. Thus approximately 36 golfers can be accommodated.

The outing shall be followed by dinner at 20:00 and the cost per person shall be £50:00.

The Branch is grateful to Deloitte and Touche and A. & L. Goodbody for kindly sponsoring this event. An entry form is enclosed.

COMPETITION

As part of the expanded newsletter, the Branch Committee have decided to hold a competition for the members of the Branch to suggest a suitable name for the newsletter. It is hoped that the name will reflect the dynamic profession that is arbitration. The winner shall receive a bottle of champagne. In the event of a number of members suggesting the same name, the winner will be drawn from a hat with all the names in it. The judges shall be the Chairman, the Editor and Mrs. Anne Bunni. Their decision shall be final. Please send your entries to the Editor, The Chartered Institute of Arbitrators, 8 Merrion Square, Dublin 2. All suggestions are to be received by the 31st of August.

INFORMATION EXCHANGE

Please can I seek the assistance of the members as to how I should ensure that a sealed bid received by me and only opened after I had rendered my award, is clearly established to the satisfaction of the parties. Should I open it in the presence of the parties or a witness or ask them if I need to open it at all and then return it to the party who offered it?

Anon., Cork

If you have any suggestions, please send them to the Editor, before the 31st of August.

Brian Hutchinson, a member of the e-commerce workgroup, recently delivered a lecture to the Anniversary Conference of the Law Society of Scotland.



Legal Brief: Notes on Cases, Conferences and Materials Spring/Summer 2000 by *Anthony P Quinn*

These notes provide data on some areas arising at the branch AGM.

ON-LINE ARBITRATION

E-Business Meets E-Copyright : Seminar at Faculty of Law, UCD

A seminar organised recently by the Copyright Association of Ireland (WWW.cai.ie), discussed the draft EU Directives on:

- (1) Electronic Commerce [ECO 419 CONSOM 80 CODEC 826] and
- (2) Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society [Com. (1999) 250 final].