



# ARBITRATION NEWS

The Newsletter of the Irish Branch of The Chartered Institute of Arbitrators

August 2003 Issue 18

## CHAIRMAN'S ADDRESS

Following the Annual General Meeting of the Branch, new officers were elected by the Committee. I have the honour to have been elected the Chairman of a very high-powered and hard-working Committee. I welcome the election of Rowena Mulcahy as Vice-Chairman, James Macken as our new Hon. Secretary and Ken McQuillan who returns as our Hon. Treasurer. There are some new faces on the committee and they are Brian Anderson and Joe Behan. Brian takes over as Chairman of the re-constituted Northern Ireland Sub-Committee. Our members in the North have been very active and I personally encourage the setting up of regional sub-committees to advance the interests of Arbitration. Joe takes over as the editor of *Arbitration News* as well as chairman of the Mediation Sub-Committee. It is hoped to begin mediation training for our members next year. If all goes according to plan our members should be able to receive the title of Chartered Mediator in due course. There is obviously a gap in the market for the expansion of training in other A.D.R. specialities and the Branch intends to fill it.

Speaking of the office, as the result of much searching by Anne Farrell, our Office Administrator, and a sub-Committee of Mrs. Rowena Mulcahy, Mr. Michael Moran and Mr. Roy Sherlock, the Branch now has new premises located at 31 Mespil Road, Dublin 4. Thanks to them the transition from Merrion Square to Mespil Road was achieved smoothly. I hope that none of you were inconvenienced by this move. Notices were placed in all the major newspapers in Ireland to inform you, the members, and the general public of our move. The President of the Institute, Mr. Jim Leckie, has been invited to perform the official opening of our new premises in the autumn.

The provision of work for you, the members, remains a priority for the Committee and me as your Chairman. I am pleased to announce that a number of additional schemes will be launched to generate some good publicity for the Branch and to recognise the considerable efforts of those who assist in the establishment of such schemes. In particular, I would like to thank Bernard Gogarty and Ercus Stewart SC for their considerable input into the establishment of the N.R.A./I.F.A. lands purchase scheme and Roy Sherlock for his considerable input into the S.I.M.I. motor vehicle scheme.

However, there is of course only so much the Committee can do. If you are aware of any possible area of work or if you hear of an interest being expressed in arbitration or A.D.R., then please alert your Committee to it. Members of the Committee are only too happy to make a presentation or engage in some other

method of convincing others of the considerable advantages that arbitration and A.D.R. have to offer. Indeed, while reading the racing paper, *The Irish Field*, I noticed a letter from a stud farmer who called for an independent arbitration process. I was more than pleased to follow up this letter with one from me on behalf of the Branch offering to meet such members of the racing industry as necessary to progress any movement towards the involvement of arbitration in the said industry.

By now most, if not all, of you will have received the important document from Bloomsbury Square concerning the "Agenda for Change". This was flagged in a recent newsletter from Bloomsbury Square. At a recent Institute wide Branch Officers' meeting, where I represented the Branch, it was made perfectly clear that this agenda is an absolute priority. Among the proposed changes are transferring Northern Ireland from the Irish Branch to part of the United Kingdom. Given the emphasis on the creation of All Ireland institutions in recent times as well as the existence of many long standing All Ireland entities, such as the Turf Club and the I.R.F.U., this proposal is rather surprising. I have asked our Northern Ireland Representative Brian Anderson to raise this with our colleagues in the North and to report on their views.

Among other changes that I have noted and that have been drawn to my attention is the fact there is no discretion in respect of acquiring the status of chartered arbitrator. The qualifying criteria for existing fellows remain as is. The panels referred to were based in England and a substantial number of very experienced arbitrators based in Ireland never applied to join when it was reasonable to expect that they would have been accepted. I am given to understand that a number of reasons exist for this. However, there appears to be a sense of frustration with the lack of recognition given to experienced non-panel members based in Ireland. There is also the reference to the chairperson of disciplinary tribunals as holding or having held office under the crown. How this is compatible with an international organisation, I am not quite sure. This may seem, and I await clarification, to possibly limit where such tribunals will sit. Please make your views known to the Branch as well as Bloomsbury Square about this as soon as you can. A special Committee meeting was held on the 13<sup>th</sup> of August to consider the many matters that this agenda raises for the Branch and our members.

Presently the former chairman James Bridgeman is drafting new Branch Arbitration Rules. It is hoped that the Committee will approve a final draft and then the draft rules will be sent to members for consideration. When this happens the Committee would be most grateful for your suggestions and views as soon as possible. The present rules, while they have served the Branch well, are in need of an overhaul to reflect the changes in arbitration law and practise that have occurred.

As if Jim does not have enough to do as Chairman of the Courses and Training Sub-Committee, he has received on C.D. the majority of the training materials for the course presently provided by Bloomsbury Square. There have been complaints in previous years

### Items of Interest in this Issue ...

- Chairman's Address
- Committee
- New Members
- Social News
- Legal Brief

## CHAIRMAN'S ADDRESS cont/ ...

that the course materials and exams referred to U.K. legislation. However I am pleased to announce that plans are under way to amend the said materials to reflect Irish Law. Of course the original materials can be used by our colleagues in the North where the 1996 Act applies.

I am pleased to announce that following representations, *First Law*, the publishers of Ercus Stewart's book on Arbitration, has agreed to extend its offer of a special price for members of the Branch. This provides an excellent opportunity to purchase this splendid book at a discounted price.

Recently the *Irish Times* reported that there are plans to establish a dedicated Commercial Court as part of the High Court for cases involving sums greater than €1 Million Euro. The report indicated that Mr. Justice Kelly, formerly a leading commercial Senior Counsel at the Bar, will be involved in bringing these plans to fruition. The report further indicates that the use of arbitration will be involved. The Branch welcomes any development that will increase the use of arbitration in any form of dispute and will monitor developments.

In case you think that it has been all work and no play, a number of social duties arose. One of the most pleasurable duties was to play, and then present, the prizes at the annual golf outing at Glen o' the Downs Golf Club. Many thanks to all who played in what was pleasant weather on an enjoyable course. This event would not have been possible without the generous sponsorship of Deloitte and Touche, Chartered Accountants, and McCann Fitzgerald, Solicitors. I am also most grateful to the Sub-Committee comprising Michael Moran, Michael O'Reilly, Áine Connolly and Anne Farrell for their Trojan efforts.

Finally, the production of this newsletter involves a considerable amount of effort and work. One area where the workload could be eased is if members agreed to receive this newsletter by e-mail. We e-Mail copies of this newsletter to overseas branches and have had a good response. Please notify the office by e-Mail if you agree to the transmission of the newsletter by same.

Johnnie Mc Coy F.C.I.Arb.  
Chairman

## COMMITTEE 2003—2004

John McCoy Chairman (Barrister & Lecturer)  
Rowena Mulcahy Vice-Chairman (Solicitor)  
James Macken Hon. Secretary (Senior Counsel)  
Ken McQuillan Hon. Treasurer (FCA)  
Roy Sherlock (Chartered Surveyor)  
James Bridgeman (Barrister)  
Michael Moran (Solicitor)  
Bernard Gogarty (Solicitor)  
Dorothea Dowling (Chartered Insurer)  
Dermot Roughan (Consultant Engineer)  
Joe Behan (Consultant Engineer)  
Brian Anderson (Chartered Quantity Surveyor)



Pictured at the handover of the chain of office are John McCoy, incoming Chairman, and James Bridgeman, outgoing Chairman.

## MEMBERSHIP

A word of welcome to the following who were recently admitted to the Irish Branch.

Mr. R.J. Hughes	Co. Down	Mr. K.T. Miller	Co. Laois
Mr. A. Hussey	Dublin	Mr. C.P. Murphy	Cork
Mr. R. Hammond	Co. Cork	Mr. R. Healy	Co. Westmeath
Mr. A.J. Hickey	Dublin	Mr. A. Boylan	Dublin
Mr. P.J.A. Dockry	Co. Cork	Ms. A. Gannon	Dublin
Mr. J. Treacy	Dublin	Mr. R. Barrett	Co. Cork
Mr. M.A. Farrelly	Co. Wicklow	Mr. W.J. Keran	Co. Dublin
Ms. R. Hynes	Limerick	Mr. W.R. Newns	Co. Dublin
Mr. C. Moran	Co. Galway	Mr. J.L. Glynn	Co. Meath
Ms. R. Walsh	Co. Dublin	Mr. S.P. Polden	Co. Wicklow
Mr. E.J. Bohan	Dublin 6	Mr. P.J. McAteer	Co. Down
Mr. M.J. Lang	Co. Dublin	Mr. R. MacSweeney	Co. Galway
Ms. L.S. Anglade	Dublin	Ms. CA Smith	Dublin