



# ARBITRATION NEWS

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

March 2004 Issue 19

## CHAIRMAN'S ADDRESS

Welcome to the second edition of *Arbitration News* to be published during my term of office. Firstly, thanks to all who turned out for the Annual Dinner. It was a most enjoyable evening and I was honoured that so many members and their guests were present. In particular we welcomed a large contingent from Northern Ireland. The Branch was most honoured to have the presence of the Honorary President, Lord Peter Fraser and his wife, Lady Fiona. Lord Fraser gave a wide-ranging speech about the future of the Institute and the role of arbitration as a form of dispute resolution. The Branch was further honoured by the presence of the President Mr. Jim Leckie B.L. who most kindly opened the new premises at Mespil Road. Mr. Leckie spoke of the way forward for the Institute and complimented the Branch on its activities.

Thanks to the efforts of Jim Bridgeman the Branch has been approved to run a Mediation Entry Course. It is hoped to begin this mediation training for our members in the near future. If all goes according to plan, our members should be able to receive the title of Chartered Mediator. 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. An Entry Course was run last September and it hoped to run Membership and Fellowship courses when the texts and materials as prepared by Bloomsbury Square have been amended to reflect our laws.

The provision of work for you, the members remains a priority for the Committee and myself as your Chairman. The Chairman of the Irish Branch is now the nominating authority for candidates to assess the valuation of lands acquired by the Department of Transport/ the Irish Farmers' Association/National Road Authority. The fact that this scheme came to be administered by the Branch is due in no small part to Mr. Bernard Gogarty. A briefing on the Scheme was held in Athlone in late January 2004, when Mr. Frank Nyhan, Mr. Bernard Gogarty and myself addressed an audience of over 60 representatives from the Department of Transport/ the Irish Farmers' Association/National Road Authority, Local Authorities and their professional advisers/representatives.

The Branch also took over the administration of the Society of the Irish Motor Industry motor vehicle dispute scheme from the Law Society of Ireland. The thanks of the Branch go to Mr. Roy Sherlock for his valued efforts in revising the scheme for the Branch to administer. Similarly, the Irish Branch has been actively involved in a new European Communities initiative for international consumer disputes along with the EEJ Net in Dublin. Mr. Michael Moran will be representing the Branch at a meeting at the E.U. Commission in Brussels to move this scheme onwards.

There remains 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 will only be 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.

By now most if not all of you will have received the important document from Bloomsbury Square concerning the "Agenda for Change" EGM. I am please to report that members based in Northern Ireland have the option to remain in the Irish Branch. It is my hope that they will. The Northern Committee has been successfully reconstituted with Brian Anderson in the chair.

Among other changes that I have noted or that have been drawn to my attention include the fact there is no discretion in respect of acquiring the status of Chartered Arbitrator. I have again raised the issue of Fellows who qualified under the old rules 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. A special Committee meeting was held on 13<sup>th</sup> August 2003 where this and many other concerns were raised. Following representations to Allan Connarty (Director Operations UK) he has agreed to liaise directly with the Branch in this regard. Please see notice on page 3.

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 rules will be put out for consideration by you, the members. When this happens the Committee would be most grateful for your suggestions, views, etc., 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.

The Branch is delighted to announce that the distinguished international arbitrator, Mr. Neil Kaplan QC, CBE, has agreed to give a lecture on International Arbitration in Dublin in the near future. Further details will be sent out when the event has been finalised.

Finally, if you have e-Mail and would like to assist the Branch in lightening its administrative burden, please e-Mail your details to the Branch at your earliest convenience (ciarb@arbitration.ie).

**Johnnie McCoy F.C.I.Arb. Chairman**

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

- Chairman's Address
- Annual Dinner
- New Members
- News
- Diary
- Legal Brief

## ANNUAL DINNER 2003

Our Annual Dinner was held on 28th November 2003 in the Royal St. George Yacht Club. The guest speaker was the Institute's Hon. President, Lord Peter Fraser of Carmyllie.

All who attended thoroughly enjoyed the occasion which was another great success for the Irish Branch.



Lord Peter Fraser, Dermott Jewell (CEO Consumers Association of Ireland) and John McCoy



John Pinkerton (Law Society of Northern Ireland), John McCoy and Michael Moran.



Lord Peter Fraser, Mr. Justice Ronan Keane (Chief Justice) and John McCoy



Michael Moran, Anne Farrell and John McCoy



Anthony P. Quinn, John McCoy & James Connolly SC (Vice-Chairman - Bar Council of Ireland)



### Office Opening

Mr. Jim Leckie, President, Chartered Institute of Arbitrators, and John McCoy, Chairman Irish Branch, at the opening of the Branch's new offices in Mespil Road, October 2003.

### Institute Elections ...

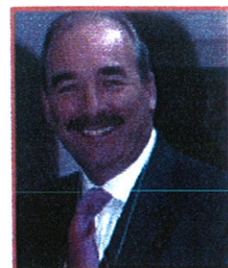


Under the new Agenda for Change rules, the Institute will have a 12-member board of trustees. Ireland will be part of Europe excluding the UK and there will be one trustee from this jurisdiction. Our past Chairman, Mr. Roy Sherlock, has indicated a desire to go forward for election as a trustee.

Roy has the full backing and support of the Irish Branch Committee and we would like to encourage all our members to support Roy when the election takes place.

### Congratulations to...

Our Editor, Joe Behan, who became an accredited Mediator following assessments in London in November 2003. Joe joins Dr. Nael Bunni as the only accredited mediators in the Irish Branch. We would hope in the future to have more members of the Irish Branch follow their lead.



## MEMBERSHIP

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

Mr. J.F. Cheatle (Dublin)	Ms. L.S. Anglade (Dublin)	Mr. K. McEntegart (Co. Louth)	Mr. E.J. Moran (Galway)
Mr. P. Russell (Dublin)	Ms. C.A. Smith (Dublin)	Mr. J. O'Brien (Co. Wicklow)	Mr. S. Rooney (Monaghan)
Ms. O. Gaffney (Co. Tipperary)	Mr. J. Weir (Dublin)	Mr. D. O'Driscoll (Co. Cork)	Mr. F. Browne (Carlow)
Mr. J.L. Glynn (Co. Meath)	Mr. M. Duggan (Cork)	Mr. M. O'Connell (Dublin)	Mr. G.P. O'Toole (Co. Mayo)
Mr. W.J. Karen (Co. Dublin)	Mr. J. Fitzgerald (Co. Clare)	Mr. K.P. O'Connor (Dublin)	Mr. E.A. Griffin (Co. Dublin)
Mr. R. McKnight (Co. Antrim)	Mr. M.M. Greene (Co. Dublin)	Mr. M.T.J. Bride (Dublin)	Ms. L. Bunni (Co. Dublin)
Mr. W.R. Mewns (Co. Dublin)	Mr. P. Mulcahy (Cork)	Mr. K.J.B. Smith (Co. Dublin)	Mr. J.P. Kearney (Belfast)
Mr. A. Nulty (Co. Kildare)	Mr. K.M. Young (Dublin)	Mr. Y.A. Braimoh (Co. Kildare)	Mr. S.F. Dunne (Dublin)
Ms. L.S. Anglade (Dublin)	Mr. R. Delaney (Kilkenny)	Mr. C. McCandless (Co. Antrim)	