

# **Siobhan Fahey** Chartered Engineer & Chartered Arbitrator

BA BAI LLB(Hons) CEng Dipl.Arb FCI Arb MIEI MICE FConsEI

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## **Experience and Key Skills:**

Thirty years experience in the construction industry, specialising in contractual/legal aspects of construction projects since 1995. Independent professional consultant since 2004:-

- acting as Arbitrator, Conciliator, Adjudicator, Dispute Board Member and Mediator in numerous cases of construction and commercial disputes
- advising clients from different engineering, legal and cultural backgrounds on construction contracts, dispute avoidance and dispute resolution
- training in contracts and dispute resolution.

Strong interpersonal skills and extensive experience in dealing positively with individuals from different cultural backgrounds and from both legal and engineering backgrounds. An aptitude for getting to the heart of a problem in order to give practical and constructive input on contractual matters and complex legal issues. Skilled in writing concise and articulate reports, decisions, recommendations, determinations and awards.

Specific expertise in the Fédération International des Ingénieurs-Conseils (**FIDIC**) forms of contract, and Irish forms of construction contracts.

Member of the FIDIC President's List of Approved Dispute Adjudicators. On the panels of Arbitrators, Conciliator and Adjudicators held by the Chartered Institute of Arbitrators (**CI Arb**) and Engineers Ireland. On the panel of Mediators held by CI Arb.

Very frequent speaker at FIDIC international conferences around the world, at FIDIC/International Chamber of Commerce (**ICC**) conferences, and at training workshops and seminars run by Engineers Ireland, the Adjudication Society, and CI Arb. FIDIC International Accredited Trainer and experienced trainer in Irish construction contracts.

**2018 – present:** Member of the ICC Commission on Arbitration and ADR

**2015 – present:** Chair of the Dispute Resolution Board of Engineers Ireland

**2012 – present:** Committee Member of the FIDIC Contracts Committee and Principal Drafter of the FIDIC forms of contract 2017

**2015 – 2017:** Chair of the FIDIC task group for updated Dispute Adjudication Board rules

**2011 – present:** Chair of the FIDIC task group for a new Subcontract for Design-Build contracts.

**2009 – 2015:** Committee Member of the Dispute Resolution Board of Engineers Ireland.

**2014 – 2015:** Leader of the FIDIC working group for the revised ICC Dispute Board Rules.

**2007 – 2011:** Member of the FIDIC task group for the FIDIC Construction Subcontract 2011.

## **Academic and Professional Qualifications:**

BA, BAI (Hons) Civil/Structural Engineering, Trinity College Dublin 1989

LLB (Hons) Bachelor of Laws, University of Wolverhampton 1997

Postgraduate Diploma in Arbitration, College of Estate Management Reading 2000

Chartered Member of the Institution of Civil Engineers UK 1996

Chartered Member of Engineers Ireland 2006

Fellow of the Chartered Institute of Arbitrators 2007

Chartered Arbitrator with the Chartered Institute of Arbitrators 2009

Registered Consulting Engineer with the Association of Consulting Engineers of Ireland 2009

Professional Dispute Board Member of the Dispute Board Federation, Geneva 2010

Accredited Mediator with the Chartered Institute of Arbitrators 2011

FIDIC International Accredited Trainer: Module 1 - 2012, Module 2 - 2013

CI Arb Accredited Adjudicator (Republic of Ireland) 2014

Professional Member of the Dispute Resolution Board Foundation, 2015

FIDIC President's List Adjudicator 2016

Arbitrator of the Society of Construction Arbitrators 2019

**Professional History:****2004 – present: Independent dispute resolution practitioner, Dungarvan, Ireland**

Acting as Arbitrator, Conciliator, Adjudicator, Dispute Board Member and Mediator of construction disputes involving detailed technical issues as well as complex legal arguments, of values in the millions and tens of millions of euros.

Acting as sole Arbitrator on complex construction disputes.

Acting as Conciliator (on nearly thirty occasions since 2009) of construction disputes, the vast majority of which were settled at conciliation.

Acting as Chair of Dispute Board and Dispute Board Member for international projects using FIDIC 1999 forms of contract.

Acting as Adjudicator under Irish statutory adjudication and under contractual adjudication, issuing my decisions within the required 28 days plus 14 days.

Acting as a Mediator for a number of construction and commercial disputes (including a five-party construction dispute, which was successfully settled at mediation).

International training on FIDIC forms of contract – both public training courses and in-house training for private clients. Training and guidance on ADR procedures, dispute avoidance, and dispute resolution strategies.

Advising clients on the details of construction contracts, and giving practical advice on dispute avoidance and resolution. Previously, preparing written submissions for construction arbitrations and conciliations. Objective examination of the substance of claims and defences prepared by others.

**1999 – 2004: The Railway Procurement Agency (formerly C.I.E.), Dublin, Ireland**

In-house Contracts Advisor for the Dublin Light Railway (Luas). Drafting, negotiating and advising on all construction (FIDIC Yellow Book 1999, IEI and RIAI forms of contract), supply and professional services contracts procured by RPA in connection with construction of the Red and Green Lines of the light railway. Assessing the implications of risk allocation for new contracts. Drafting and negotiating of property development/lease agreements with local landowners, working agreements with utility companies/local authorities, bonds, collateral warranties and guarantees. Liaison with and management of external legal advisors for the Luas operating and maintenance contracts. Providing in-house training workshops and day-to-day advice to technical and managerial personnel on:- procurement of contracts, administration of construction contracts, insurance matters, claims, and dispute avoidance/resolution.

**1999: Staveley & Partners, Dublin, Ireland**

Providing contractual advice to clients in respect of civil engineering contracts.

**1998 – 1999: James R. Knowles Ltd., Hong Kong**

Advising and drafting claim pleadings on behalf of construction contractors and developers. Drafting and negotiating new construction contracts, including those based on FIDIC forms of contract. Providing day-to-day contractual support to technical personnel in the administration of construction contracts. Member of the legal representative team in a number of mediations and arbitrations.

**1995 – 1998: Mott MacDonald Ltd., Hong Kong**

Resident Engineer (seconded to the Hong Kong Government) responsible for claims management on a number of contracts for a large infrastructure/land reclamation project of total value circa €130 million. Negotiating with contractors for the resolution of claims, preparing supplemental agreements, and advising technical staff on the contractual implications of technical issues and disputes. Drafting defence submissions to claims, and pleadings for arbitral proceedings.

**1993 – 1995: Mouchel Asia Ltd., Hong Kong**

Section Engineer responsible for detailed design of the ancillary buildings, plant support structures, sewage treatment works and large capacity fuel/water storage tanks of a new electricity generating station in Hong Kong of total value circa €60 million.

**1989 – 1993: L.G. Mouchel & Partners Ltd., Bath, UK**

Graduate Engineer with responsibilities that included the design of a refurbishment scheme of river flow control structures in Herefordshire, and acting as Resident Engineer for construction of river control structures in Berkshire. Undertaking the conceptual design and feasibility of an urban regeneration scheme in Wiltshire. Designing the substructure and external works for an industrial/commercial complex in Kent.


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