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Academic and Professional Qualifications

- BE in Civil Engineering, University College Dublin (UCD) 1971
- MBA, Trinity College Dublin 1975
- Diploma Arbitration Law UCD 1999
- Diploma International Arbitration Law UCD 1999
- Chartered Engineer and Fellow of Engineers Ireland (EI)
- Registered Professional Consulting Engineer with Association of Consulting Engineers of Ireland (FConsEI)
- Chartered Arbitrator and Fellow of Chartered Institute of Arbitrators
- Accredited Mediator with Chartered Institute of Arbitrators
- Certified Mediator with Mediators Institute of Ireland (MII)
- Member of Irish Commercial Mediation Association (ICMA)
- Member of EI, Law Society, Construction Industry Federation (CIF) and CI Arb Panels of Arbitrators
- Member of EI, CI Arb and CIF Panels of Conciliators
- Member of the Dispute Resolution Panel for the Single Electricity Market
- Member of FIDIC President's List of Adjudicators
- Member of Irish Ministerial Panel of Adjudicators

Professional Experience

2006 - Date : Working in alternative dispute resolution as arbitrator, conciliator, mediator and adjudicator since 2003; exclusively as third party neutral since 2009.

1985 - 2006 : Private practice in own name. Consulting Engineer/Expert Witness with extensive experience of civil litigation in a very broad range of disputes in the Irish High and Circuit Courts. Also involved with Civil and Structural work through Fahy Fitzpatrick Consulting Engineers which was co-founded in 1990. Very extensive experience of preparation and presentation of a vast array of cases in High Court including building and civil engineering disputes as well as professional negligence cases.

1971 – 1985 : Worked as engineer in contracting, local authorities and consultancy including 2 years in France/Belgium (1972 – 1974). Experience in building, housing, civil infrastructure, roads maintenance, natural gas network and pumped storage scheme.

Experience in Dispute Resolution

Since 2010, have completed over 20 arbitrations, some 50 conciliations, some 25 mediations, some 10 disputes using expert determination and some 10 adjudications. Have dealt with civil engineering contracts (IEI, PWC and Bespoke), building contracts (RIAI, GDLA, Law Society and PWC), other contracts (FIDIC and MF/1), professional fees disputes (RIAI and ACEI). The disputes have been almost totally construction related.

In 2016 and 2017, acted as Dispute Resolution Expert (DRE) on 2 separate contracts on the same project which is a 7 year maintenance contract for a 187 km section of road in Western Ukraine. The project is funded by the European Bank for Reconstruction and Development (EBRD) and the form of contract used is based on an Output and Performance Based Road Contract (OPRC) developed by the World Bank.

Currently acting as Dispute Resolution Expert (DRE) on 3 road jobs in Ethiopia the largest of which is some 220 km for a value of approximately €200m. This is a design build job using the FIDIC Orange Book 1st edition with amendments. The other 2 jobs are employer designed using the FIDIC Red Book 4th edition, with amendments, with a contract value of some €26 m and €30m respectively.

Acted on 3 occasions, in past 3 years, as chairman of a Dispute Board which provided a binding, but not final, decision under the Capacity Market Code of the all Ireland Single Electricity Market.

Currently acting as Standing Conciliator (SC), which is similar to FIDIC sole person DAB/DAAB, on 7 contracts under the Irish Public Works form of contract (PWC), employer design in each case, comprising:

- A flood relief scheme in Cork. c €25m. Just completed.
- A road scheme in Dublin. c €18m. Just completed.
- A road scheme in Monaghan. C €6m. Nearing completion.
- A cycleway in Dublin. c €8m. Ongoing.
- A housing scheme in Galway. c €19m. Ongoing.
- Children's Hospital in Dublin. c €900m. Ongoing

In addition, in the past year I have also completed the following:

Conciliation

Housing Scheme dispute. c €3m. Employer design PWC.
Airport Runway Contract dispute. c €0.5m FIDIC Yellow Book 1999
Housing Scheme dispute. c €6.5m. Employer design RIAI form
Housing Development dispute. C €0.5m. Employer design PWC form

Mediation

Sewerage Scheme. Dispute c €4.5m. Design build. IW form
Data Centre in Holland electrical equipment supply. Dispute c €0.8m
Gas Line in Scotland. Dispute c €13m. Employer design GNI form

Arbitration

Church Restoration. Dispute c €0.5m. Employer design RIAI form

Expert Determination

Professional Fees Dispute c €0.1m

Specialist Professional Expertise

Generally extensive knowledge of civil engineering and building design and construction. Lectured and written extensively on dispute resolution in recent years. Chaired the Engineers Ireland drafting group which developed four new procedures in 2011 – Mediation Procedure, Pupillage Procedure, Arbitration Procedure 2011 and 100 Day Arbitration Procedure. Details of these are available on the Engineers Ireland site at: <http://www.engineersireland.ie/Services/Dispute-Resolution.aspx> Have successfully used the 100 Day Arbitration Procedure in disputes up to a value of €0.6m.

In July 2013 co-author of a paper: *How the Public Works Contract Might Be Used in the Private Sector*. As part of this exercise the Irish Public Works Contract (PWC) Employer Design contract was redrafted; details of the paper and the redrafted contract are available on the Engineers Ireland website. In February 2014 co-author of a paper: “*Working with Sub-clauses 10.6 and 10.7 of the PWC.*”

Chaired a group which has drafted a new form of construction contract for use in the Irish private sector. This is based on the PWC and draws upon the work done in the July 2013 paper.

Proficiency in Other Languages

Fluent spoken and written French

Involvement in Professional Bodies

- Former Chairman Dispute Resolution Board of Engineers Ireland 2009-2015.
Details at: <http://www.engineersireland.ie/Services/Dispute-Resolution.aspx>
- Former Chairman Chartered Institute of Arbitrators, Irish Branch 2008-2009
- Member of ICC Commission on Arbitration since 2010
- Chairman of Engineers Ireland Ethics and Disciplinary Board 2007 – 2009
- Founding committee Member of Arbitration Ireland 2010
- Member of CI Arb Practice and Standards Committee since 2015