

# LK SHIELDS

YOUR LEGAL COUNSEL



PROJECTS & CONSTRUCTION

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## Adjudication Practice and Procedure Masterclass

LK Shields, 11 Dockgate, Dock  
Road, Co. Galway

22nd February 2019

## **Adjudication Practice and Procedure Masterclass**

**22<sup>nd</sup> February 2019 - Galway**

This Adjudication Practice and Procedure Masterclass training seminar will prepare construction professionals to meet the challenges of adjudication in Ireland, and to use adjudication to advance and protect their commercial interests. The Construction Contracts Act 2013 provides a statutory entitlement to minimum contract terms to support prompt payment, and facilitates the swift resolution of payment disputes using adjudication.

Compared to adjudication, arbitration and litigation are expensive and time consuming. That is why adjudication has quickly become the dominant method of resolving construction disputes in countries where it is available, and its use in Ireland is increasing. However, adjudication can be a brutal process with many snares and traps set along the way. Being successful requires knowledge, skills and use of process.

Niall Lawless and Jamie Ritchie have designed this Masterclass with the overarching objective of providing delegates with practical business benefits. If you have experienced payment disputes, bad payment practices, or suffered from problems of delayed or non-payment for work done, then this Masterclass is for you.

**Masterclass entry fee: €362.85 inc. VAT**

*Comprehensive Adjudication Practice and Procedure Masterclass Notes will be provided.*

<u>Session</u>	<u>Time</u>	<u>Subject</u>
1.0	9.00 am to 10.15 am	Introduction
2.0	10.15 am to 11.15 am	Construction Contracts Act 2013
	11.15 am to 11.30 am	Break
3.0	11.30 am to 11.45 am	Code of practice for adjudication
4.0	11.45 am to 1.00 pm	Adjudication of a payment dispute
	1.00 pm to 2.00 pm	Lunch
5.0	2.00 pm to 3.00 pm	Adjudicator and the Decision
	3.00 pm to 3.15 pm	Break
6.0	3.15 pm to 4.30 pm	Adjudication Practice and Procedure
7.0	4.30 pm to 5.00 pm	Discussion, Questions & Answers

## **Personal and Organisational Impact**

Your organisation will minimise the cost and time used in managing and resolving construction payment disputes by having personnel who:-

- Govern the Contract properly, and know the importance of keeping good records.
- Manage claims efficiently to protect your entitlement.
- Know how to prepare for disputes, and thus to avoid disputes.
- Use a formal method for evaluating commercial risk.
- Understand the optimal time to use adjudication, and other disputes methods.
- Can control and manage the adjudication process.
- Are confident working and winning in a payment disputes environment.

## **Who Should Attend**

This Adjudication Practice and Procedure Masterclass training seminar will benefit a wide range of professional and technical staff including:-

- Architects and Engineers.
- Business development managers.
- CEOs.
- Contract administrators, and managers.
- Commercial managers.
- Procurement and purchasing managers.
- Project managers.
- Legal support personnel



## **Agenda**

### **Introduction (9.00 am to 10.15 am)**

- Psychology of non-payment why the players do not pay, and the consequences.
- Array of Dispute Resolution Methods.
- What is required for adjudication legislation.
- Adjudication in other jurisdictions.
- Construction Contracts Bill 2010.
- Construction Contracts Act 2013.
- What can be adjudicated.
- Arising under, arising out of the construction contract.
- Adjudication “at any time”.

### **Construction Contracts Act 2013 (10.15 am to 11.15 am)**

- Payments under construction contracts.
- Pay-when-paid clauses.
- Payment claim notices.
- Right to suspend work for non-payment.
- Right to refer disputes to adjudication.
- Right to suspend work for failure to comply with adjudicator’s decision.
- Delivery of notices.

### **Break for coffee (11.15 am to 11.30 am)**

### **Code of practice for adjudication (11.30 am to 11.45 pm)**

- Prospective Adjudicator responsibilities to the parties to a payment dispute.
- Appointment of an Adjudicator.

### **Adjudication of a payment dispute (11.45 am to 1.00 pm)**

- Evaluating commercial risk in disputes.
- Notice of Intention.
- Challenges to jurisdiction.
- Referral Notice.
- Response.
- Reply to Response.
- Rejoinder & Surrejoinder.

### **Break for lunch (1.00 pm to 2.00 pm)**

#### Adjudicator and the Decision (2.00 pm to 3.00 pm)

- Managing the process.
- Jurisdiction and natural justice.
- Limiting the amount of documentation.
- Meeting with the parties.
- Considering new arguments.
- Making the Decision.
- Reasons, what are sufficient reasons.
- Structured decision-making.
- Form of the Decision.
- Confidentially.
- Immunity.
- Right to resign.

#### Break for tea (3.00 pm to 3.15 pm)

#### Adjudication Practice and Procedure 3.15 pm to 4.30 pm)

- Using the Contract properly.
- Competent contracting and record-keeping.
- Evidence in adjudication.
- Experts in adjudication.
- Building the best team.
- Managing disputes costs and time.
- Dealing with an adverse Adjudicator's Decision.
- Enforcement.
- Golden rules.

#### Discussion, Questions & Answers (4.30 pm to 5.00 pm)

*The Adjudication Masterclass is for training purposes only and in no way constitutes or should be considered a substitute for legal advice.*

## Seminar Consultants

### **Mr. Niall Lawless**



Delegates will gain an in-depth practical understanding of adjudication practice and procedure through presentations from Seminar Consultant Niall Lawless. Mr. Lawless is specialised in all components of alternative dispute resolution – providing arbitration, adjudication, mediation and expert witness services in commercial, construction, engineering and technology disputes. Mr. Lawless is a CI Arb and CEDR accredited mediator. He is an experienced Chartered Arbitrator, Mechanical Engineer, Building Services Engineer, Information Systems Engineer, Chartered Builder and Construction Manager. As an experienced International Commercial Arbitrator ('ad hoc' and ICC), Mr. Lawless has published awards involving a broad spectrum of international businesses. Mr. Lawless has been Adjudicator in statutory and non-statutory adjudication many times. He is on the Minister's Construction Contracts Adjudication Panel in Ireland. He is a listed Adjudicator on many international panels, including the £16 billion Crossrail Adjudication panel. Mr. Lawless is Chair of the Construction Industry Council (UK) Adjudicator Nominating Body (ANB) Management Board, achievements include the publication of Users' Guide to Adjudication, one for Ireland and one for the UK. Mr. Lawless is currently co-authoring a series of '*Adjudication Practice and Procedure*' textbooks for three countries. For further information refer to:- [www.linkedin.com/in/adjudicator](http://www.linkedin.com/in/adjudicator)

### **Mr. Jamie Ritchie**



Delegates will gain a greater understanding of adjudication practice and procedure through presentations from Seminar Consultant Jamie Ritchie. Jamie is a solicitor in the Projects and Construction team with LK Shields and a former construction industry consultant. He has first-hand experience of acting for a range of construction industry entities. He has represented Referring Parties and Responding Parties in a significant number of adjudications. Such adjudications have included disputes over final accounts, extension of time, breach of contractual standard of care and late payment involving high value claims. Jamie has also been involved in the enforcement process in relation to adjudication decisions. Through his experience, Jamie is ideally placed to provide delegates with an insight into the adjudication process and to outline best practices which contractors can adopt.

If you would like to register your attendance for this course, please return the following form to Jamie Ritchie at [jritchie@lkshields.ie](mailto:jritchie@lkshields.ie) or post to Jamie Ritchie, LK Shields, 40 Upper Mount Street, Dublin 2 with your preferred method of payment. We accept cheques and bank transfers only. Please note that delegates will be required to make payment prior to attending the course.

### **Delegates Details Returns Slip**

Name:

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Job Title:

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Company Name:

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Address:

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E-mail:

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Telephone:

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Payment Method:     Cheque         Bank Transfer