

## Mediation in the civil Justice System – The Impact of the Mediation Act 2017

<b>Date</b>	28 March 2019
<b>Time</b>	4:30pm to 7:00pm
<b>Venue</b>	Law Society of Ireland
<b>Fee</b>	€176
<b>Discounted* Fee</b>	€150
<b>CPD Hours</b>	2.5 General (by group study)
<b>Event Code</b>	19004

### Aim and Objectives

Law Society Professional Training, in collaboration with GEMME (Irish Branch) and CEDR, is delighted to host this seminar, of interest to all solicitors. *Groupement européen des magistrats pour la médiation*, GEMME is the European association for judges interested in mediation, whose Irish members believe that success of the Act will depend on the judiciary, lawyers and law teachers embracing its aims and ensuring mediation remains central to our civil justice system.

Speakers will consider how the Act has integrated mediation into our civil justice system, some challenges for the FSPO in using mediation, the possible impact of Brexit on ADR practice and whether this legislation marks a step change in litigation practice when compared to other jurisdictions. An interactive panel discussion will facilitate Members' questions on the operation of the Act and issues arising in practice.

### Topics and Issues to be covered

- ) Mediation Act 2017 – focus on integration of mediation into civil justice system;
- ) Impact of the Mediation Act 2017 on dispute resolution practice;
- ) Pre-litigation mediation – practitioners experiences;
- ) Resolution of Complaints at the FSPO;
- ) Results of CEDR Mediation Audit – mediation in other jurisdictions;
- ) Brexit;
- ) CEPEJ Guide to Mediation for Lawyers CEPEJ(2018)7; 27 June 2018;
- ) Launch of Law Society of Ireland clients information leaflet on using mediation to resolve disputes and other ADR Committee resources.

Ger Deering will present an account of the FSPO move to mediation as the preferred option for resolving complaints against financial services and pensions providers, which in recent years resulted in approximately 75% of complaints being resolved by agreement between the parties. He will discuss the barriers that had to be overcome to get financial service providers to participate in mediation and consider the balance to be struck in mediation between confidentiality and transparency. He will also look at the potential for mediation to improve organisational service and performance.

### **Chairperson**

**Mr Justice Paul Gilligan**

### **Speakers**

#### **Mr Justice Peter Kelly, President of the High Court**

Mr Justice Peter Kelly was educated at O'Connell's Schools, University College Dublin and the Honorable Society of King's Inns. He was called to the Bar in 1973 and thereafter spent two years working in the European Division of the Department of Justice. He commenced practice at the Bar in 1975. He was called to the Inner Bar in 1986. He practised predominantly in the area of Chancery and Commercial Law. Mr Justice Kelly was appointed to the High Court in 1996. He was judge in charge of the High Court Commercial List since it was established in 2004 until 2014. He was appointed to the Court of Appeal. In 2015 he was appointed President of the High Court.

He is a member of the Bars of England and Northern Ireland and a former ad hoc judge of the European Court of Human Rights. He is Chairman of the Commercial Law Centre at UCD and an Adjunct Professor of Law at Maynooth University. He is a former President of the Medico Legal Society of Ireland and is a member of the Council of the Royal College of Surgeons in Ireland. Mr. Justice Kelly is also Chairman of the Edmund Rice Schools Trust, former Chairman of St. Francis Hospice Dublin and a Director of the Dublin Choral Foundation. On 29 November, 2011, Mr. Justice Kelly was elected as the first President of the Association of Judges of Ireland.

#### **Helen Kilroy, Partner, McCann FitzGerald, Dublin**

Helen Kilroy's practice covers commercial disputes, related advisory work and mediation. She has wide-ranging experience in corporate disputes, particularly shareholder disagreements and breach of warranty claims. She advises law firms and their insurers in professional negligence claims and partnerships in various professions. She has wide-ranging experience in property disputes, compulsory purchases, statutory investigations and enforcement. She is an accredited CEDR mediator and has conducted over 150 commercial disputes.

#### **Andy Rogers, Director of Communications, CEDR, London**

Andy Rogers is a Director at CEDR and a practicing mediator. He has worked on a large number of disputes across varied sectors from the purely commercial to those with highly personal and emotional issues. His clients range from private individuals through to large multinational organisations. Andy is a Trustee and Board Director of the Civil Mediation Council, the recognised authority in the country for all matters related to civil, commercial, workplace and other non-family mediation, where he co-chairs the Standards and Registration Committee.

### **Diana Wallis, Senior Fellow, School of Law & Politics, University of Hull**

After a diverse legal education, in London, Liege, Zurich and Chester Diana Wallis gained over 15 years of professional experience as a litigation lawyer (solicitor). From 1999 to 2012 as a Member of the European Parliament and particularly as a leading member of the Parliament's Legal Affairs Committee Diana's legislative work focused on European private international law (as rapporteur on Brussels 1 & Rome 11); Contract law, ADR & mediation, collective redress, property rights, e-justice and a ground breaking report on the role of the national judge in EU law. From 2007 to 2012 she was Vice President of the European Parliament. Since leaving the European Parliament in 2012, Diana has continued her activities in the European legal field particularly as President of the European Law Institute 2013- 2017. She is a member of the Law Society's EU Committee, a Trustee of the European Law Academy, Trier and a member of the Board of Trustees of BIICL. She is also a Senior Fellow of the Law School at the University of Hull. She is an Honorary Associate of the Centre for Socio-legal Studies at the University of Oxford. Diana is a keen advocate of ADR; and is a CEDR accredited Mediator and a Member of the Charter Institute of Arbitrators.

### **Ger Deering, Financial Services and Pensions Ombudsman**

Ger Deering was appointed Financial Services Ombudsman in 2015 and Pensions Ombudsman in 2016. Both offices were merged on the 1<sup>st</sup> of January 2018 when Ger became the Financial Services and Pensions Ombudsman. Ger has led a significant change programme since his appointment that has resulted in many more complaints against financial service providers being resolved through mediation. Prior to his appointment as Ombudsman Ger established and led a number of public bodies and has considerable experience in protecting consumer and employment rights. Ger was the first Commissioner for Taxi Regulation and he was the founding Director of the National Employment Rights Authority (NERA). He played a key role in leading the Workplace Relations Reform Programme which established the two-tier workplace relations system that replaced the former complex and inefficient system involving five separate bodies. He also worked in Local Government, Community Development, the Civil Service and the private sector.

*\*Law Society Finuas Skillnet members*

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