

LAW SOCIETY PROFESSIONAL TRAINING

Centre of Excellence for
Professional Education and Lifelong Learning



Litigation Update 2023

Date	25 October 2023
Time	2.00pm to 5.30pm
Venue	Green Hall Lecture Theatre, Law Society of Ireland, Blackhall Place, Dublin 7
Fee	€198
Discounted* Fee	€175* Law Society Skillnet Fee
CPD Hours	3.5 general (by group study)
Event Code	23028

**This Law Society Skillnet discount is applicable to all practicing solicitors working in the private sector. The standard fee for this course is €198.*

Aim and objectives

This annual conference is designed in collaboration with the Law Society's Litigation Committee. It aims to provide litigators with a practical overview of litigation developments. Topics range from state litigation principles to the importance of expert evidence. The President of the Law Society, Maura Derivan, will welcome practitioners to the event.

Topics:

- State Litigation Principles
- Collective redress
- The fundamental importance of expert evidence and the experts primary duty
- Litigation funding
- District Court Costs scales
- A day late and a dollar short – time limits in planning cases
- Wellbeing in practice

Chairperson

Aine Hynes SC, St John Solicitors

Áine is a partner in public and administrative law in St. John Solicitors. Áine has been a member of the Council of the Law Society and many of its committees (which include Litigation, Regulation of Practice and Education) since 2007 and served as President of the Dublin Solicitors Bar Association (2016 - 2017). She was appointed by Minister Lynch to the Expert Steering Group on the Review of the Mental Health Act 2001 (2012-2015) and was a member of the Regional Advisory Board of the National Advocacy Service (2013-2017). In May 2022, she was appointed by the Minister for Justice to the Civil Legal Aid Review Group. Áine currently chairs the Law Society Mental Health Law and Capacity Taskforce and has made extensive submissions to the department of Children, Equality, Disability, Integration and Youth on appropriate amendments to the Assisted Decision-Making (Capacity) Act 2015. Her novel submissions on transitional arrangements were accepted by the department, thus

ensuring a more orderly transition from wardship to the new legal capacity framework. Áine was one of the first solicitors appointed Senior Counsel in October 2020, following a historic move permitting solicitors to be granted patents of precedence.

Speakers

The Hon. Mr. Justice David Barniville

David Barniville is the President of the High Court of Ireland. He was appointed a judge of the High Court in December 2017 after almost 27 years in practice as a barrister and Senior Counsel. He was the judge in charge of the Commercial Division of that Court (2019-2021). He was also designated as the Arbitration Judge under the Arbitration Act 2010 to hear all arbitration related matters in the High Court prior to his appointment to the Court of Appeal. He assumed that role again following his appointment as President of the High Court in July 2022. He was also previously the judge in charge of the Strategic Infrastructure List in the High Court (2018-2019). David was appointed to the Court of Appeal in August 2021. He was appointed President of the High Court in July 2022. In July 2018, David was appointed as a member of Ireland's National Group on the Permanent Court of Arbitration in The Hague. He is a member of the Board of Trustees of the Academy of European Law (ERA) and of the Board of Trustees of BAILII (the British and Irish Legal Information Institute). David was the President of the Association of Judges of Ireland (2019-2021) and is Chair of the Judges Forum of the International Bar Association (IBA). Prior to his appointment to the High Court, David was Chairperson of the Council of the Bar of Ireland (2014-2016) and was Chairperson of Irish Rule of Law International (IRLI) (2015-2019). He was a member of the Bars of Ireland and of England and Wales (Middle Temple). David is a Bencher of the King's Inns in Dublin and of Middle Temple in London. David is an Adjunct Professor of Law in the University of Limerick and in the University of Galway. He was elected a fellow of the International Association of Barristers and of the International Academy of Trial Lawyers in the US in 2012 and 2014 respectively and, following his appointment to the bench in 2017, he became a judicial fellow of both bodies.

Joe O'Malley, Managing Partner, Hayes Solicitors, Dublin

Joe is a partner and Head of the Commercial Litigation & Dispute Resolution team at Hayes Solicitors. Joe handles a wide variety of commercial litigation matters for the State, financial institutions and corporate clients many of which involve mass claims. He represents the State and a drug manufacturer in relation to a large group of Swine flu vaccination claims. He also advises the State in relation to Covid vaccine claims. He advised on the defence of approximately 300 claims arising out of the Belfry Investments. He defended a truck dealership in relation to 300 claims based on alleged breach of competition laws. He also advises The Irish Times on media matters. He is former President of Dublin Solicitors' Bar Association. He is currently chairman of Law Society of Ireland's Litigation Committee and he is chairman of Danske Bank's Tracker Mortgage Redress Appeals Panel.

Rossa Fanning SC, Attorney General of Ireland

Rossa Fanning was appointed as Attorney General of Ireland on 17 December 2022. In that role, he attends Cabinet as the legal adviser to the Government and the chief law officer of the State. Prior to his appointment as Attorney General, he was a Senior Counsel in private practice at the Irish Bar with a varied caseload spanning commercial law, public law and judicial review, professional negligence, product liability, defamation and privacy law. Whilst in private practice, he appeared by invitation as a legal expert before the Oireachtas Select Committee on Jobs, Social Protection & Education, the Oireachtas Joint Committee on the Constitution and the Convention on the Constitution. He attended University College Dublin where he served as Auditor of the UCD Law Society. He graduated with a First Class Honours BCL degree in 1997 and was awarded the Swift McNeill Memorial Prize, finishing in first place. He was awarded a Postgraduate Research Scholarship by UCD, completing a thesis in the field of civil procedure for which he was awarded an LL.M with First Class Honours. He was called to the Irish Bar in 1999 after graduating from King's Inns in first place as the John Brooke Scholar. He was awarded the Christina Murphy Memorial Trophy as the individual winner of The Irish Times Debate in the same year. He was awarded a Fulbright Scholarship and a University Fellowship to pursue an LL.M at the University of Michigan where he graduated from in 2000. He was a college lecturer at the Sutherland School of Law in UCD between 2001 and 2009, lecturing in the fields of Constitutional law and Company law. A CEDR Accredited Mediator, he became a Senior Counsel in 2016 and was admitted to Bar

of Northern Ireland in 2019. He is a bencher and ex officio Council Member of the Honorable Society of King's Inns, a Member of the General Council of the Bar of Ireland and a Vice-President of the Irish Centre for European Law.

Maeve Delargy, Philip Lee.

Maeve is a Senior Associate solicitor at Philip Lee LLP on their Planning & Environmental team. She has worked in Tier 1 firms in this area since qualification in 2016. She is a Law Society Council member, a Law Society Litigation Committee member and Senior Vice Chair of the Law Society Younger Members Committee. Maeve has experience working on energy projects, carrying out due diligence for the project financing of these transactions, identifying risks and working collaboratively to mitigate those risks. She has also advised on a wide variety of litigious and non-litigious environmental and planning matters. Maeve speaks at seminars updating clients on recent developments and trends in the environmental and planning spheres. Maeve is active in campaigning for diversity and inclusion in society and regularly speaks at events on these issues.

Graham Kenny, Partner, Eversheds-Sutherland LLP

Graham is a partner in the Dispute Resolution and Litigation division of Ireland's largest global law firm, Eversheds-Sutherland LLP. Graham has over 20 years' experience as a solicitor during which time he acquired four separate law firms, before joining his practice with Eversheds-Sutherland LLP in 2022. Graham regularly acts as a solicitor advocate on behalf of his clients and has appeared in some of the largest commercial cases to come before the Superior Courts. Graham advises major domestic and international companies in resolving disputes and navigating the Commercial Court procedures. Graham has a particular specialist knowledge of corporate insolvency and has been involved in almost all of the seminal cases in this area over the past decade including the first examinership to be considered by the Supreme Court. He has also previously advised clients in three separate state tribunals of investigation. Graham is a qualified solicitor in England and Wales as well as being admitted to practice as an attorney in New York. Graham is a current member of the Litigation Committee of the Law Society of Ireland and is a former lecturer in the Society's Higher Diploma on Corporate Insolvency and Restructuring. He also has extensive experience as a director on a number of company's boards, ranging from major retail and hospitality establishments to national property companies. In addition, Graham is a current board member of one of the largest housing associations in the State, Tuath Housing.

Antoinette Moriarty

Antoinette is Head of Law Society Psychological Services. She is a psychotherapist with 20 years' experience working with legal professionals. She is particularly interested in the interplay between psychological insight, personal identity and professional success. She is committed to supporting individuals, teams and law firms to perform to their highest potential.

Lisa Carty, Pinsent Masons (Ireland)

Lisa Carty is the head of Litigation, Regulation and Tax in Pinsent Masons (Ireland). Lisa has over 20 years' experience as a commercial litigator, with a particular focus on financial services disputes. Lisa also has a significant practice in regulatory investigations and enforcement actions. Lisa is consistently ranked in legal directories and has won a number of prestigious awards for her work, including the Client Choice Award for Litigation in Ireland in 2020 and 2021. Lisa is a member, and former chair, of the Litigation Committee of the Law Society of Ireland. Lisa is the co-author of the chapter on Injunctions in the Civil Litigation Manual published by Oxford University Press.

Brian McMullin, Brian J McMullin Solicitors

Brian McMullin has been a practicing Solicitor for 30 years and is the Principal of Brian J McMullin Solicitors (Incorporating VP McMullin Ballyshannon). The firm has offices in South Dublin, Killybegs and Ballyshannon. He is also on the Roll of Solicitors in N. Ireland and in England and Wales. He has a strong litigation and commercial law background and his firm also provides specialist legal services to a number of public bodies. He is actively involved in commercial dispute resolution and is also an experienced personal injury plaintiff and defence litigator. He has been involved in the regulation of the Solicitors profession since 2008, initially as a member of the Regulation of Practice Committee and he also chaired a division

of the Solicitors Disciplinary Tribunal for ten years from 2012. He is an accredited Arbitrator and Mediator and is a fellow of the Chartered Institute of Arbitrators. He is also an active member of various Law Society Committees including the Litigation Committee and the ADR Committee and he is vice chair of the Money Laundering Reporting Committee. He holds Diplomas in Judicial Skills and Decision Making, International Commercial Arbitration, Insolvency and Corporate Restructuring and in Property and Taxation . He also holds a Certificate in Business and Human Rights from the Council of Europe. He was appointed by the Council of the Law Society of Ireland in 2020 as chair of the Legal Services Excellence Standard Steering Committee having previously served as a member of the original Working Group. In 2022 he was elected to the Council of the Law Society of Ireland.

IMPORTANT

- This is an in-person event and, unless otherwise stated, will not be available online or as a recording.
- In order to reduce waste and to support the work of the Law Society Environmental and Sustainability in Practice Taskforce, materials will not be printed. Instead, they will be emailed before the event.
- Solicitors are required to complete 20 hours CPD this year of which 5 hours must be undertaken in person. Please see <https://www.lawsociety.ie/Solicitors/rules-legislation/CPD-Scheme/2023-cycle>
- For full programme details download the Brochure
- View our Privacy Statement
- If you have technical or other queries, contact the Law Society Professional Training team on lspt@lawsociety.ie