

DIPLOMA CENTRE

Diploma in Construction Law



MODULE 1: INTRODUCTION TO CONSTRUCTION LAW

SESSION 1	TIME	DELIVERY
Wednesday 11 October 2017	6:15pm – 7:15pm	Onsite & Online
Course Introduction: John Lunney , Solicitor, Diploma Centre, Course Leader		

- 1 **What is Construction Law?** Private law (law of obligations) & Public law (regulatory and procedural law)
Deirdre Ní Fhloinn BL

SESSION 1 (cont.)	TIME	DELIVERY
Wednesday 11 October 2017	7:15pm – 9:00pm	Onsite & Online
<i>For Lawyers :</i> <i>Introduction to the Construction Process</i>	<i>For Construction Professionals:</i> <i>Introduction to Contract Law & Tort</i>	

2. **Introduction to the Construction Process:** Understanding the life cycle of a Construction project from initial conception of project to ultimate demolition *Jarleth Heneghan, Partner, William Fry*
- Contract law:** How construction contracts differ from other contracts; relevant principles of contract law (formation, terms, breach, termination, privity) *Deirdre Ní Fhloinn BL*

- 3 **Who will be involved?:** The Design and Construction Team – The Employer, the Building Contractor, the architect, the engineers, the quantity surveyor/cost consultant, the project manager, the project supervisor for the design phase, and the project supervisor for the construction phase *Jarleth Heneghan, Partner, William Fry*

2.5hrs. Gen. CPD

SESSION 2	TIME	DELIVERY
Wednesday 18 October 2017	6:15pm – 8:45pm	Onsite & Online
<i>For Lawyers :</i> <i>Introduction to the Construction Process</i>	<i>For Construction Professionals:</i> <i>Introduction to Contract Law & Tort</i>	

- 1 **Construction Law from the Construction professionals perspective**
John Curtin, Regional Director, PJ Hegarty & Sons
- 2 **Contracting in Construction – Current Trends 2017**
Niav O' Higgins, Head of Construction & Engineering Group, Arthur Cox
- Law of tort:** An introduction to the Law of Tort, negligence and other torts relating to construction
Deirdre Ní Fhloinn BL

2.5hrs. Gen. CPD

SESSION 3	TIME	DELIVERY
Wednesday 25 October 2017	6:15pm – 8:45pm	Onsite & Online

- 1 **Standard form contracts:** Various types of standard form contract including new and emerging options ;
- 2 **& the pros and cons of each e.g. employer design, contractors design and build, building contracts, engineering contracts, public private partnership contracts, partnering contracts, joint ventures, letter of intent and sub-contracts**
- 3 **Allocation of risk as between the employer and the contractor:** identifying the unique risks involved in a construction project; an overview of allocating liability in respect of those risks as between the parties
Martin Cooney, Partner, Smyth & Son

2.5hrs. Gen. CPD

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SESSION 4	TIME	DELIVERY
Wednesday 8 November 2017	6:15pm – 9:00pm	Onsite & Online
1 Consultant appointments and designer duties: professional appointments, architect, engineer, monitoring surveyor, project manager etc <i>Alison Bearpark, Senior Associate, Eversheds- Sutherland</i>		
2 The Building Control (Amendment) Regulations 2014: Building control regulations/BCAR compliance, Recent Developments and key issues <i>Jarleth Heneghan, Partner, William Fry</i>		
3 Health & Safety: A review of the Safety Health and Welfare at Work Act, 2005 including risk assessments, safety statements, employer and employee obligations, Occupiers liability, Construction regulations, clients in construction best practice guidance <i>Jamie McGee, Associate, McCann Fitzgerald</i>		

2.5hrs. Gen. CPD*

MODULE 2: CONSTRUCTION PROCUREMENT (THE TENDERING PROCESS)

SESSION 5	TIME	DELIVERY
Wednesday 15 November	6:15pm – 8:45pm	Onsite & Online
1 An overview of public procurement law; The Public Procurement Directive (2014/24/EU): general overview of this Directive and implementing Irish Regulations; differences between public and private procurement. Rules on utilities, concessions plus Irish public procurement guidelines. <i>Cormac Little , Partner, William Fry</i>		
2 Focus on the procurement of works contracts: Structure, thresholds, requirement to advertise, contract notices etc., time-limits, overview of different procedures i.e. open; restricted; competitive dialogue; competitive negotiated and innovation partnership, award criteria, standard form contracts and useful hints. <i>Cormac Little , Partner, William Fry</i>		

2.5hrs. Gen. CPD

SESSION 6	TIME	DELIVERY
Wednesday 22 November 2017	6:15pm – 8:45pm	Onsite & Online
1 Evaluation, documentation and communication: How to approach ITTs/RFPs/ITPDs etc, key aspects of evaluation criteria, how to engage with the contracting authority, clarifications and debriefing, focus on practical tips <i>Anna- Marie Curran , Partner, A& L Goodbody</i>		
2 Remedies available to unsuccessful candidates: Implication of the Remedies Directives and implementing Regulations, applicable Court rules, prompt actions, possibility of a complaint to the European Commission/other agencies. Contracts not covered by the EU regime, general judicial review procedures, overall litigation strategy. <i>Anna- Marie Curran , Partner, A& L Goodbody</i>		

2.5hrs. Gen. CPD

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MODULE 3: CONSTRUCTION CONTRACTS

SESSION 7	TIME	DELIVERY
Wednesday 29 November 2017	6:15pm – 8:45pm	Onsite & Online
<p>1 Lump sum and quantities contracts: Bills of quantities and their elements: item descriptions, quantities and rates. Methods of measurement. Provisional and prime cost sums. Treatment of quantities in the public works forms (guidance), RIAI blue and yellow forms [FIDIC 2nd, NEC4]. Use of quantities and other methods (milestone schedules) for interim valuation. Using priced rates to value change (introduction). TBC</p> <p>2 Responsibility for design in construction contracts: Allocation to the employer or contractor. Consequences of allocation: cost of construction, time, and operation of works. Degrees of design responsibility: fitness for purpose and reasonable skill and care. Employer's responsibility for amending errors in its own design and consequences. Contractor taking responsibility for design undertaken by the employer. Novation of design consultants. Stephen Proctor, Partner, McCann Fitzgerald</p>		

2.5hrs. Gen. CPD

SESSION 8	TIME	DELIVERY
Wednesday 6 December 2017	6:15pm – 8:45pm	Onsite & Online
<p>1 Supply chain: Subcontracting. Contractor's responsibility for subcontractor work. Forms of employer control over subcontracting. Domestic and nominated subcontractors. Prime cost sums. Reserved sums and named specialists under public works contracts. Subcontractor design and responsibility. Consequences of nominated subcontractor insolvency or other termination. Finola McCarthy, Partner, Ronan Daly Jermyn</p> <p>2 Insurance and accidents: Typical construction insurances. Insurance of the works and ancillary items. Typical exclusions. Link to risks typically retained by the employer. Treatment of proceeds. Lender sole loss payee clauses. Responsibility for damage to other property and injury to workers and others: indemnities and insurance coverage. Professional indemnity. Owner controlled insurance. John Barry, Director, Willis Towers Watson</p>		

2.5hrs. Gen. CPD

SESSION 9	TIME	DELIVERY
Wednesday 10 January 2018	6:15pm – 8:45pm	Onsite & Online
<p>1 Other commercial risks: Unexpected conditions and obstructions in the ground and existing buildings. Erroneous site investigation reports and other information provided by the employer. Weather. Strikes. Protesters and trespassers. Interference from other contractors. Statutory consents. Material and labour cost increases and shortages. Change of law. Damien Keogh, Principal, Damien Keogh & Associates</p> <p>2 Ordinary certification and payment: Payment provisions of the Construction Contracts Act 2013. Interim and final payments. Methods of valuing interim payment. Certification. The role of the certifier. Retention. Set-off. Damien Keogh, Principal, Damien Keogh & Associates</p>		

2.5hrs. Gen. CPD

SESSION 10	TIME	DELIVERY
Wednesday 17 January 2018	6:15pm – 8:45pm	Onsite & Online
<p>1 Change: Right to instruct changes. Obligation to instruct changes. Consequences. Contract processes. Omissions.</p> <p>2 Time and completion: Meaning of completion. Certifying completion. Sectional completion and milestone dates. Extending time. The prevention principle. Liquidated damages. Defects period and retention. Contractor delay cost</p>		

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Rory Korrane , Head of Construction, Mason Hayes & Curran
Eoin Cassidy, Partner, Mason Hayes & Curran

2.5hrs. Gen. CPD

SESSION 11	TIME	DELIVERY
Wednesday 24 January 2018	6:15pm – 9:00pm	Onsite & Online
1 Claims for more money and time: Contract processes: public works contracts, RIAI, FIDIC, NEC. Notice bars and early warning. The role of the certifier. .		
2 Security and overall liability: Bonds. Types of bonds. Collateral warranties. Payment security for the contractor. Types of liability limits.		
3 Termination and suspension: Termination at common law and under contractual provisions. Statutory suspension. Default termination. Termination at will. Omissions.		

Niav O' Higgins, Head of Construction & Engineering Group, Arthur Cox
Karen Killoran, Partner, Arthur Cox

2.5hrs. Gen. CPD

SESSION 12	TIME	DELIVERY
Wednesday 31 January 2018	6:15pm – 8:45pm	Onsite & Online
1 Information: Intellectual property. Information modelling (BIM). <i>Eamonn Conlon, Partner, A& L Goodbody</i>		
2 Collaboration: Attempts to move from conflict to collaboration in construction contracting. Single-project collaboration approaches. Payment models and risk sharing. Early contractor involvement and two-stage contracting. Multi-project collaboration (alliancing). <i>Eamonn Conlon, Partner, A& L Goodbody</i>		

2.5hrs. Gen. CPD

SESSION 13	TIME	DELIVERY
Saturday 3 February 2018	9:30am – 12.15pm	Onsite only
1 Workshop 1: Onsite attendance required as workshop will not be webcast Topic 1 – <i>Lecturer, Title, Firm</i> Topic 2 – <i>Lecturer, Title, Firm</i>		

2.5hrs Gen. CPD & 1.5hr M&PD

SESSION 14	TIME	DELIVERY
Saturday 3 February 2018	1pm – 3:30pm	Onsite only
Workshop 2: Onsite attendance required as workshop will not be webcast Topic 1 – <i>Lecturer, Title, Firm</i> Topic 2 – <i>Lecturer, Title, Firm</i>		

2.5hrs Gen. CPD & 1.5hr M&PD

MODULE 4: CONSTRUCTION DISPUTE RESOLUTION

SESSION 15	TIME	DELIVERY
Wednesday 7 February 2018	6:15pm – 8:45pm	Onsite & Online
1 Multi Party Construction Litigation; Claims Management, strategic and practical considerations for the plaintiff.		
2 Damages in Construction Litigation Apportionment of Damages in Multi-party Litigation / Arbitration; Recoverability of Damages for Loss of Opportunity/Profits/Diversion of Resources.		

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3 Professional Negligence in Construction

Fiona Forde BL

2.5hrs Gen. CPD

ONLINE RELEASE

A guide to ADR and the importance of the dispute resolution clause: an overview of the different types of alternative dispute resolution mechanisms; the ADR clause

James Kinch, Specialist Solicitor, Chief State Solicitors Office

1.hr e.CPD

SESSION 16	TIME	DELIVERY
Wednesday 21 February 2018	6:15pm – 9:00pm	Onsite & Online
1 Mediation in Construction Law <i>Helen Kilroy, Partner, McCann Fitzgerald</i>		
2 Conciliation in Construction Law <i>Bernard Gogarty, Partner, Smyth & Son</i>		
3 An introduction to Arbitration : Legislative framework: pre and post-Arbitration Act, 2010; Arbitration in context –its advantages; case law <i>Bernard Gogarty, Partner, Smyth & Son</i>		

2.5hrs. Gen. CPD

SESSION 17	TIME	DELIVERY
Wednesday 28 February 2018	6:15pm – 9:00pm	Onsite & Online
1 Practice and Procedure Part 1: pre-hearing, the hearing, evidence, witnesses <i>John Madden, Solicitor/ Engineer, Madden Mediation & Arbitration</i>		
Practice and Procedure Part 2: the role of the arbitrator, the award, costs, interest, enforceability		
2 <i>John Madden, Solicitor/ Engineer, Madden Mediation & Arbitration</i>		

2.5hrs. Gen. CPD

SESSION 18	TIME	DELIVERY
Wednesday 7 March 2018	6:15pm – 8:45pm	Onsite & Online
1 Dispute resolution through adjudication 1: an overview of the adjudication process; an international perspective on adjudication ; particular issues that are likely to arise in Ireland under constitutional law <i>Anthony Hussey, Partner, Hussey Fraser</i>		
2 Dispute resolution through adjudication 1: Statutory adjudication – the Construction Contracts Act, a review of the specific provisions in the Act / Code of Practice 2013 <i>Anthony Hussey, Partner, Hussey Fraser</i>		

2.5 hrs. Gen. CPD

SESSION 16	TIME	DELIVERY
Saturday 10 March 2018	9:30am – 12:30pm	Onsite only
1 Workshop 3: Onsite attendance required as workshop will not be webcast Practical ADR workshop – <i>Lecturer, Title, Firm</i>		

2.5hrs Gen. CPD & 1.5hr M&PD

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SESSION 17	TIME	DELIVERY
Wednesday 14 March 2017	6:15pm – 8:45pm	

Workshop 4: Onsite attendance required as workshop will not be webcast

1 Exam Prep – *Lecturer, Title, Firm*

2.5hrs Gen. CPD & 1.5hr M&PD

EXAM DATE: Saturday 14 April 2018

Please note that topics & dates may be subject to change. Draft timetable as of 09 September 2017.

* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: www.lawsociety.ie/diplomacentre