

# The Construction Contracts Act 2013 – 9 years on

Wednesday 2<sup>nd</sup> July 2025

# ciarb.

## Ireland Branch



### Date

Wednesday 2<sup>nd</sup> July 2025,  
1pm (lunch)  
Conference 1.30pm

### Cost

**FREE**

Registration required  
See links below

### Delivery

Hybrid:  
Online & In-person

### Venue

McCann FitzGerald LLP,  
Riverside One, Sir John  
Rogerson's Quay, Grand  
Canal Dock, Dublin 2

**D02 X576**

**MCCANN FITZGERALD**

### CPD

3Hrs (Certificates  
available on request)

### Registration

Registration is essential  
and can be made  
via the following links:

**In-Person**

**Online**

Live streaming will  
commence at 1.30pm.

In-person numbers will  
be limited to 60

**Register early to avoid  
disappointment**

### Overview

Ciarb Ireland Branch is delighted to announce this year's Annual Conference on the **Construction Contracts Act 2013**. Following the success of previous years, we will have three panels each with their own topic and speakers from the industry, see below for more details. Níav O'Higgins will also be interviewing Sean Gallagher who was instrumental in changing the law in introducing the Construction Contracts Act 2013. The event will kindly be hosted by McCann FitzGerald LLP and will be held both in-person and online. In-person tickets are strictly limited.

### Timetable

**13.00** Light lunch

**13.30** Welcome  
Catherine Neeham BL, Chairperson Ciarb Ireland Branch

**13.45** Opening speech  
Bernard Gogarty, Chair of the Ministerial Panel of Adjudicators

**14.00** Interview  
Sean Gallagher with Níav Higgins

**14.30** Panel 1 Topic – "Experts in Adjudication: a help or hindrance?"  
Chair: Maeve MacDermott Casement  
Speakers: Siobhan Kenny, Mark Wearen, John Kelly, Jonathan FitzGerald BL

**15.10** Coffee Break

**15.30** Panel 2 Topic – "The LVDP"  
Chair: Mark Kehoe  
Speakers: Paul Sheridan, Cathal Ryan, Níav Higgins, Martin Waldron BL

**16.10** Panel 3 Topic – "Possible amendments relating to the exclusion of small domestic projects"  
Chair: Keith Kelliher  
Speakers: Claire Graydon, Maebh Gogarty, Dermot Durack

**16.50** Q+A

**17.00** Conference close followed by wine and canapés reception

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Catherine Needham  
BL



Bernard Gogarty



Sean Gallagher

### Catherine Needham BL

Catherine Needham BL holds a MSc Business and Finance, the Barrister at Law Degree (The Honourable Society in Kings Inns), a Certificate in Commercial Contracts (The Law Society of Ireland), a Post Graduate Diploma in Construction Law and Contract Law (Trinity College Dublin), a Professional Diploma in Arbitration Law (UCD) and is a PhD (Law) Candidate.

Catherine is a Junior Counsel practising in Commercial and Public Law, Media Law and Property Law, Construction Law. She has appeared before the Irish Supreme Court, the Court of Appeal and the High Court. She is a member of the Arbitration and Alternative Dispute Resolution (ADR) Committee of the Bar of Ireland, the Construction Bar of Ireland and the Negotiation Committee of the Bar of Ireland. She is a committee member of The Society of Construction Law (SCL) Astra and Co. Regional Coordinator of SCL (Ireland).

She is the current Chair of the Chartered Institute of Arbitrators (CI Arb) (Irish branch). She is a National Committee Nomination Commission Member with the International Chamber of Commerce (ICC). She is a Co-Editor of The Bar Review and Co-Editor of the Construction, Engineering and Energy Law Journal of Ireland (C.E.E.J).

In addition, she is a Tutor in the Post Graduate Diploma in Construction Law and Contract Law (Trinity College Dublin) since 2022 and recently sat on the arbitral tribunal for Mock Arbitration. She is an Accredited Commercial Mediator (CEDR), Family Law Mediator (ARC) and Accredited Fellow Arbitrator (FCI Arb).

Finally, she has been nominated by The Minister for Housing, Local Government and Heritage, Darragh O'Brien TD to be a member of the RIAI Professional Conduct Committee (The Board of the RIAI is the registration body for Architects) pursuant to section 23 of the Building Control Act 2007.

### Bernard Gogarty

Bernard Gogarty, chair of the Ministerial Panel of Adjudicators under the Construction Contracts Act 2013, qualified as a solicitor in 1979. He has been appointed by the International Court of Arbitration in Paris to several arbitrations and has been a member of the Engineers Ireland Conciliators panel. Bernard has extensive experience in dispute resolution, he has acted as consultant to several Local Authorities and has advised many of the major Civil Engineering and Building Companies operating in Ireland and abroad. He has extensive experience of all forms of alternative dispute resolution including mediation, conciliation, adjudication, and expert determination.

### Sean Gallagher

Sean Gallagher is an experienced entrepreneur, an inspiring speaker and best selling author of *'SECRETS TO SUCCESS – Inspiring Stories From Leading Entrepreneurs'*.

A former investor on the popular TV series 'Dragons' Den' (Shark Tank in the US), Sean's passion for business and entrepreneurship has fuelled his own diverse range of entrepreneurial experiences in sectors from technology and pharma to commercial real estate.



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Níav O'Higgins



Maeve MacDermot  
Casement



Siobhan Kenny

### Níav O'Higgins

Níav is widely regarded as one of the leading construction lawyers in Ireland and has some 30 years' experience of advising various parties across a broad range of construction and infrastructure projects, in both the private and public sectors, and has advised state and semi-state bodies, and various stakeholders including developers, tenants, contractors, consultants, as well as institutional and other investors and funders. Níav's breadth of experience, across different sectors, gives Níav a real understanding of the imperatives driving the different players involved in construction, allowing her to unlock solutions in the drafting and negotiation of construction contracts, professional appointments, and related transactional documentation. She also provides solution-driven advice on dispute avoidance and resolution, and has experience in advising clients involved in adjudications, conciliations, mediation, and arbitration. Níav is a CEDR Accredited Mediator (2007). She also completed the RICS Diploma in Adjudication in 2014 and since 2021, has been an adjudicator on the Ministerial panel of adjudicators, and has acted as both adjudicator and party representative on numerous statutory adjudications under the Construction Contracts Act 2013

### Maeve MacDermott Casement

Maeve has specialist knowledge and expertise in all aspects of Construction and Health and Safety law. Maeve advises on a range of matters through dispute resolution, contract drafting and negotiations. Maeve deals with a wide range of construction contracts and related documents, including building agreements, development agreements, forward funding agreements, fit-out works contracts, professional appointments and

collateral warranties. Maeve has experience with all the commonly used forms of building agreements, in particular the RIAI, JCT and FIDIC forms of contract. Maeve also has experience in drafting commercial contracts on behalf of private and public sector clients, with a particular experience in connection with agreements involving the sale and licensing of telecommunications infrastructure. Maeve provides advice on Health and Safety law including in particular, all aspects of the Health, Safety and Welfare at Work Act 2005, the Building Control Acts 1990-2014 and all relevant health and safety regulations and codes of practice. She was elected to the Health and Safety Lawyers Association of Ireland Committee in 2017.

### Siobhan Kenny

Siobhan Kenny is senior member of the Construction & Engineering team at Addleshaw Goddard Ireland. She acts on behalf of a broad spectrum of clients involved in building projects, providing advice on a full range of issues both contentious and non-contentious. Siobhan's non-contentious practice involves the drafting, review and analysis of complex contracts and all associated and ancillary documents, and the provision of advice to clients involved in intricate contractual arrangements on projects of every scale.

On the contentious side, Siobhan is an experienced seasoned litigator in the construction field and is practiced in all of the commonly used dispute resolution processes. She advises clients on negotiation strategy and dispute avoidance measures at all stages of the construction process and acts as advisor and sometimes as advocate in all dispute resolution fora both informal and formal.



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Mark Wearen



John Kelly



Johnathan FitzGerald  
BL

With over 20 years of experience dealing with the legal issues arising in construction projects, Siobhán brings a wealth of experience to her advice to clients on strategy, on procedure and on engagement with all counterparties.

### Mark Wearen

Mark is a Managing Director and leads the Expert Services team within Kroll Ireland. He is a Chartered Quantity Surveyor (FSCSI/FRICS) and Chartered Civil Engineering Surveyor (MCInstCES) with over 37 years' experience working in Engineering and Building. He holds Post Graduate Diplomas in Project Management, Construction Law and Administration and a Masters' Degree with Distinction in Construction Law and Practice. He has also achieved the Advanced Professional Award in Expert Witness Evidence (APAEWE) and is an accredited NEC4 ECC Project Manager. He has worked for Contractors and Employers on both public and private sector projects procured using various procurement options including traditional employer design; design and build; target cost; turnkey and PPP projects and has experience of various standard form contracts including the Irish Public Works Contract suite and those published by the RIAI; NEC; ICE/IEI; FIDIC and JCT.

Mark worked for Contractors and in Professional practice in equal measure before focusing on specialist consultancy work primarily in the areas of Construction Claims and Independent Expert & Expert Witness work. In recent years, and particularly since Joining Kroll in 2021, he has predominantly taking instructions as an Expert Witness. Commissions to date include providing independent expert reports on construction quantum, claims risk and quantity surveying related matters for public and private

sector clients. This can be for Clients faced with either the risk of disputes arising on projects or dealing with live disputes. He has extensive experience of Mediation, Conciliation, Adjudication, Arbitration and Litigation both as an advocate and claims advisor and also as a Testifying Expert Witness.

Mark is included in 'Lexology Index' (previously 'Who's Who Legal') and is listed as a 'Thought Leader - Construction' in the area of 'Construction Experts' and is 'Recommended' under 'Construction Expert Witnesses' and 'Construction Consulting - Quantum, Delay and Technical'.

### John Kelly

John is CEO with overall responsibility for shaping Suir's strategic direction, driving operational excellence and ensuring sustainable growth across all key markets and sectors.

### Jonathan S. FitzGerald BL

Jonathan S. FitzGerald was called to the Bar in 2005 and practices in Civil, Commercial and Chancery matters. A founding member and former chair of the Construction Bar Association of Ireland, Jonathan is an experienced practitioner in construction law and construction dispute resolution.

### Mark Kehoe

Mark is a Chartered Quantity Surveyor (SCSI/RICS) with a Master's degree in Construction Law from the University of Melbourne. He is also an accredited mediator and a registered expert witness. Mark has been selected as an expert in quantum and quantity surveying disputes for projects in building, civil engineering, and utility infrastructure in Ireland, the UK, and abroad. He has prepared many independent quantum reports that include



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Mark Kehoe



Paul Sheridan



Cathal Ryan

referrals to mediation, conciliation, arbitration, statutory adjudication, and litigation. Commissions include providing independent expert reports on proceedings including the New South Wales and Queensland Supreme Court. More locally in Ireland, Mark is nominated expert in a substantial arbitration where he is scheduled to provide testified evidence and numerous other matters which include conclave between experts for a matter within the Ireland Court. Additionally, Mark is often involved early in projects to help allocate risk between parties.

### Paul Sheridan

Paul Sheridan is a Chartered Chemical Engineer graduating from UCD and holds a Master's in Business Practice and Strategy from the IMI/UCC alongside a postgraduate diploma in Construction Law and Contract Administration from TCD.

Paul is currently the Director of Main Contracting and Civil Engineering Services in the CIF. As part of his brief, Paul represents the Master Builders, General and Civil Engineering Contractors and Water Services Operators; all of whom are essential to constructing Ireland's built environment. Paul is also responsible for both public and private Procurement, Tendering and Contractual Policy in the CIF; in particular, commercial risk and the reform of how Public Infrastructure and Housing under the NDP is procured and constructed.

Paul began his career as a Senior Contracts Manager in the Water and Waste-Water Industry with Earth Tech and Veolia. He previously worked in the Tendering and Contracting Department in the CIF where he represented Mechanical and Electrical Contractors.

He then took on the role as Senior Development Executive with Rohan Holdings in the Property Development sector. Paul was also the Deputy Registrar/Associate Director with Engineers Ireland responsible for professional membership, third level engineering education policy and accreditation, STEM Outreach, ICT and Facilities. Before re-joining the CIF in 2020 he was the Business Excellence Manager with the Royals College of Surgeons responsible for coordinating and facilitating the strategic analysis and business transformation of how Surgical Training and Practice is provided in Ireland.

### Cathal Ryan

Cathal Ryan is a PhD Candidate at the University of Limerick, where his doctoral research examines the successes and failures of the Construction Contracts Act 2013, with a particular focus on the utilisation of statutory adjudication within the Irish construction industry. He is affiliated with the Irish Construction Management Research Centre (ICMRC), through which he has published a range of peer-reviewed academic papers on construction law and dispute resolution. Cathal has also contributed to the Adjudication Ireland: Low Value Dispute Procedure (LVDP), where he independently assessed and advised on the appropriate levels for each of the following:

The rates of the capped fees, fee for "Meeting the Parties", and fee to "Visit the site" under Schedule B. The rates of the capped hours, the hours for "Meeting the Parties", and the hours to "Visit the site" under Schedule C. The nomination fee to be charged by the Designated Organisations for the administrative costs associated with appointing an adjudicator from their respective LVDP panels.



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**Martin Waldron**  
BL



**Keith Kelliher**



**Claire Graydon**

Cathal holds a BSc (Hons) Degree in Construction Management and Engineering from the University of Limerick and continues to engage in applied research that supports the evolving landscape of dispute resolution within the Irish construction sector.

### **Martin Waldron** BL

Martin has built a career spanning 30 years as a Barrister and Chartered Quantity Surveyor, specialising in construction and property disputes. His experience includes working on some of the largest disputes in the state in roles as counsel, arbitrator, mediator and adjudicator. Currently, he chairs the SCSl Dispute Resolution Standing Committee and serves as Treasurer for the Construction Bar Association. He is the past Chairperson of CIARB's Irish Branch.

### **Keith Kelliher**

Keith is a Chartered Quantity Surveyor and is a past Chair of the CIARB Ireland. He also sat on the executive council of the MII until 2019 and is the incoming chair of the ADR committee in the SCSl. Keith has advocated for parties in over 200 adjudication cases in Ireland. Keith has sat as adjudicator in both Ireland the UK and is appointed to the Ministers panel of Adjudicators under the Construction Contracts Act 2013. Keith was the first to apply and receive an appointment from the Ministers Panel of Adjudicators under the Act, he was involved in the first enforcement of an adjudicator's decision (Gravity V THM), he was involved in the first refusal to enforce case (Tenderbids V EWM) and he was also involved in the O'Donovan V Bunni and

Ministers Panel of Adjudicators under the Act, he was involved in the first enforcement of an adjudicator's decision (Gravity V THM), he was involved in the first refusal to enforce case (Tenderbids V EWM) and he was also involved in the O'Donovan V Bunni and others Judicial Review proceedings.

### **Claire Graydon**

Following law studies at the University of the West of England, University College Dublin and the Michael Smurfit Graduate Business School, Claire began her legal career working for a boutique law firm in Dublin. Claire developed a keen interest in procurement during her masters and completed a dissertation on the social values in public procurement.

Claire regularly provides advice on both contentious and non-contentious procurement issues and works on behalf of contracting authorities to draft, implement and manage entire procurement processes. This experience has included every stage from advising on strategy, market engagement, publishing notices, drafting PQQ and ITT documents, managing clarifications, marking tender submissions and drafting Regulation 6 notices.

Claire has experience in the management of PWC, FIDIC and NEC contracts. Claire's understanding of technical issues associated with the construction industry, coupled with her practical knowledge of the law and dispute resolution, ensures that she is ideally placed to evaluate and advise upon contractual issues faced by both client and contractor. Claire regularly reviews contracts on behalf of clients to assist them in mitigating their risk and exposure.



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Maebh Gogarty



Dermot Durack

Claire has also been involved in a number of contentious disputes. Claire recently advised a large utility client on a final account dispute with a total contract value of €9m. The dispute proceeded to adjudication and Claire played a key role in drafting the adjudication documents and managing the process.

As a member of Quigg Golden's training department, Claire also develops and delivers training programmes for clients and lectures on our in-house Law and Contract Management course and the Public Affairs Ireland Certificate in Public Procurement course.

Claire's legal expertise coupled with her hands-on experience of procurement and construction law issues brings a practical and commercially focused approach to all matters she is involved in.

### **Maebh Gogarty**

Maebh is a graduate of National University of Ireland Galway (BA.Int, LLB), University of College Dublin (LLM in Commercial Law) and Trinity College Dublin (HDip in Construction Law and Contract Administration) and qualified as a Solicitor in Ireland in 2013. Having carried out her training with the firm Maebh spent a number of years working in two of the Top Five tier commercial firms in Dublin specialising in non-contentious construction law before returning to join the firm as a Senior Solicitor in May 2018.

Maebh has extensive experience in Construction Law (both contentious and non-contentious matters), procurement, employment law, Conveyancing, litigation including Personal Injuries, Commercial Litigation and Family Law.

Maebh is experienced in reviewing, drafting and negotiating Construction Contracts to include Bespoke form Construction Contracts (build only and design and build Contracts) PWC, RIAI, FIDIC, NEC and IEI. Maebh also has experience in drafting and negotiating Consultant Appointments, Collateral Warranties and Facility Agreements in respect of major construction projects.

Maebh is a Member of the Chartered Institute of Arbitrators and is a course tutor for the Higher Diploma in Construction Law and Contract Administration in Trinity College Dublin.

### **Dermot Durack**

Dermot Durack is a Director with Quigg Golden (Part of the HF Law Group) and a Past Chair of Ciarb Ireland Branch, a Chartered Quantity Surveyor and qualified as a Barrister at Law. Dermot is a Fellow of the Chartered Institute of Arbitrators and the Society of Chartered Surveyors. Dermot has acted as an Expert Witness, Arbitrator, Adjudicator, Mediator, Conciliator and Standing Conciliator in Construction related Disputes. Over his 30 years in the Construction Industry Dermot has worked with Contractors, Clients and Sub-contractors and has Irish and International Experiences of Pharmaceutical, Food, Medical Technology, Data Centres, High Tech, Education, Residential and Commercial Projects. Dermot is a member of a number of Dispute Resolution Panels including the Ministerial Panel of Adjudicators.

