



International Mediation in Construction Conference

Thursday 9th September, 2010

29 Royal Exchange Square, Glasgow, 9.30am - 4.45pm

The International Mediation in Construction Conference will explore the use of mediation in construction and examine current practices in Scotland, the UK and within the wider international context. The aim of the conference is to promote mediation and maximise its use.

Particular themes to be discussed will include:

- UK and Overseas perspectives
- Mediation Simulation
- Evidence Based Case Study for a Scottish Building Company

Speakers at the conference will include:

- Dr. John Sturrock QC - Growth of Mediation with Mediation Simulation
- Dr. SO Cheung - Exploration of Mandatory Mediation in Hong Kong
- Lord Glennie - Mediation & Court's Handling of Construction Contracts
- Dr. Penny Brooker - International Perspective in Mediation
- Gerard Khoshnaw, Nabarro LLP - Growth and Use of Mediation in England & Wales
- Andrew Mickel, McTaggart & Mickel - Case Study
- Prof. Brandon Nolan - McGrigors LLP
- Peter Kennedy, Dean, School of the Built and Natural Environment
- Dr. Bryan Clark - University of Strathclyde

The cost of this event is £95 +VAT.

To find out more please email Audrey Meikle or call 0141 331 8458 or to book a place please enter your details below and email to Audrey.Meikle@gcu.ac.uk

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Conference timetable

9.00am - 9.30am Registration - Coffee/Tea

9.30am - 9.45am **Welcome: Peter Kennedy, Dean of the School of the Built and Natural Environment (GCU)**
Peter joined the university in 1990 as a Senior Lecturer, with responsibility for Construction Management within the School of the Built and Natural Environment. He is now Dean of School. Peter is past Chairman of the Scottish Branch of the Chartered Institute of Building and has served on the National Council and Membership Board of the CIOB. His research interests include construction conflict and dispute resolution. He established the Adjudication Reporting Centre in 1998 to monitor trends within the field of construction adjudication following the Housing Grants, Regeneration and Construction Act coming into force. The centre is highly regarded as the UK's only authoritative research centre for adjudication.

9.45am - 10.30am **Growth of Mediation with Construction Mediation Simulation: Dr John Sturrock QC, Core**
Dr. John Sturrock QC is the founder and chief executive of Core Solutions Group, and has pioneered mediation and high quality training in business, the professions and commerce in Scotland and elsewhere. Described in Legal 500 as "universally regarded as Scotland's finest mediator" and in Band 1 in Best of the UK Mediators in Chambers Guide, John has been involved in a broad range of disputes in the public and private sectors in the UK, Europe and elsewhere, including many in the construction field. He is an internationally recognised coach and facilitator in negotiation, mediation and communication and has worked with senior executives, judges, top athletes and parliamentarians. He is described as "one of the best teachers of mediation". He became a Queen's Counsel in 1999, is a Visiting Professor at Strathclyde University and, as the first Director of Training and Education in the Faculty of Advocates from 1994 to 2002, designed and led the Scottish Bar's award-winning advocacy skills programme. He was named Specialist of the Year at the Scottish Legal Awards in 2003 and Mediator of the Year at the Law Awards of Scotland in 2009. John received the honorary degree of Doctor of Laws from Edinburgh Napier University in June 2010.

10.30am - 11.00am **Case Study: Andrew Mickel, McTaggart & Mickel**
Andrew Mickel is a Director with homebuilder and contractor Mactaggart & Mickel Group Limited, and the former Chairman and Vice Chairman of Homes for Scotland (the industry body for the new build residential sector in Scotland). Mactaggart & Mickel Group is a private company with a rich heritage, founded in 1925, but also at the forefront of award-winning, quality modern homes; engaging with communities and, in February 2009, developing the most sustainable commercial house in Scotland. The company is part of the consortium building the Athletes' Village for the 2014 Commonwealth Games, and won the Small Housebuilder of the Year award at the Scottish Home Awards 2010. Having worked with consultants Caws & Morris in London on commercial, transport and residential projects during the 1990s, Andrew currently works with the CBI Planning Group, the Planning Improvement Service for Scottish Government, and holds a non-executive directorship with an investment trust. He also sits on the Board of a community development project in the East End of Glasgow, an advisory body for Planning Aid and a Charity associated with the Glasgow Royal Infirmary.

11.00am - 11.15am Tea/Coffee

11.15am - 12.00pm **Exploration of Mandatory Mediation in Hong Kong: Dr. SO Cheung, City University of Hong Kong**
Dr Cheung Sai On is the programme leader of the BSc(Hons) Surveying programme, full time self-financing mode. Before joining the Department in 1989, Dr. Cheung had had experience in both consultancy office and contracting organisations specialising on contractual matters. The research interests of Dr. Cheung include construction law and construction dispute resolution. Dr. Cheung is the Director of the Construction Dispute Resolution Research Unit (CDRRU).

12.00pm - 12.45pm **International Perspective in Mediation: Dr. Penny Brooker, University of Wolverhampton**
Dr Penny Brooker is a Reader in Alternative Dispute Resolution and Mediation. She has extensive experience in researching ADR in the legal environment and has published in international and national referred journals on mediation in the built environment field. Recent work has included a UK survey of the experience of specialist construction and commercial lawyers with mediation.

12.45pm - 1.00pm Questions and answers

1.00pm - 1.45pm Buffet lunch and networking

1.45pm - 2.15pm The Growth and Use of Mediation in England and Wales: Gerard Khoshnaw, Nabarro LLP
Gerard is an experienced Mediator handling over 110 mediations in England and Wales since he qualified as an accredited Mediator in 2000 with CEDR. He was appointed to the Court of Appeal Civil Division Panel of Mediators four years ago and was recently appointed to handle the first mediation ever held by the OIA (Office of the Independent Adjudicator for Higher Education) last year. He is experienced in construction matters and heads up the Commercial Disputes team at Nabarro LLP. Gerard acts for many UK developers as a Dispute Resolution Lawyer. He will be speaking about the use of mediation in England and Wales, why it has developed rapidly over the last decade and the main advantages he has seen parties gain from the process over the years.

2.15pm - 3.15pm Construction Mediation Simulation: Dr John Sturrock QC

3.15pm - 3.30pm Break

3.30pm - 4.15pm Mediation and its Role in the Context of the Court's Handling of Construction Contracts as a Whole: Lord Glennie

Lord Glennie was appointed a Judge of the Supreme Court in 2005. He is a graduate of Cambridge University (Trinity Hall) (MA Hons). He was admitted to the Faculty of Advocates in 1992, and appointed Queen's Counsel in 1998. He has also been a member of the English Bar (Lincoln's Inn) since 1974, and Queen's Counsel in England since 1991. Lord Glennie was one of the designated Intellectual Property Judges between 2005 and 2007. In 2007 he was appointed a Commercial Judge and is currently the Principal Commercial Judge, a position to which he was appointed in January 2008.

4.15pm - 4.45pm Panel - Questions and answers

Panel Members

Prof. Brandon Nolan, Partner, McGrigors LLP

Brandon became a partner in 1987 and is senior partner in the contentious construction and engineering team as well as being involved in the management of the firm's Risk Advisory Solutions Business Group in the UK. His expertise takes in all aspects of construction law including contract drafting, appointment documentation, consultancy, advisory, and disputes work in the construction, engineering and oil and gas sectors. Brandon has acted in numerous litigations in the Court of Session in Edinburgh and the Technology and Construction Court and its predecessor in London including appeals to both the Court of Appeal and to the House of Lords. Brandon has substantial arbitration experience and has conducted the advocacy in a number of major arbitrations. Most of these arbitrations have been concerned with claims under UK standard form conditions of contract such as JCT, ICE, the various forms used in process systems and the New Engineering form. Brandon has also been involved with FIDIC and CRINE/Logic and has experience of ICC arbitrations. Increasingly, Brandon is also involved in alternative dispute resolution techniques such as mediation. Brandon has lectured frequently on construction law, policy and dispute avoidance and resolution and is a Visiting Professor in the Law School at Strathclyde University in relation to its Construction LLM Postgraduate Course.

Dr. Bryan Clark, University of Strathclyde

Dr. Bryan Clark, BA (Robert Gordon), LLM (Dundee), PhD (Glasgow) joined the Law School in September 2004 and is currently a Reader. Before joining Strathclyde, he was a Lecturer at Heriot Watt University in Edinburgh from 1998 and has had previous stints as a tutor and/or lecturer at the University of Dundee, The Robert Gordon University and Aberdeen College. He is also an Adjunct Professor at John Marshall Law School in Chicago. His current research interests include civil dispute resolution, mediation and the role of lawyers and the court therein as well as company law, particularly corporate governance issues. He is happy to consider requests for PhD supervision in these broad areas.

Peter Kennedy, Dean of the School of the Built and Natural Environment, Glasgow Caledonian University