



# International Mediation in Construction Conference

Thursday 9th September, 2010

29 Royal Exchange Square, Glasgow, 9.30am - 4.00pm

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
- Gregory Hunt, CEDR - Growth and Use of Mediation in England and Wales
- Alan Mickel, McTaggart & Mickel - Case Study
- Prof. Brandon Nolan - McGrigors LLP
- Peter Kennedy, Dean, School of the Built and Natural Environment
- Brian 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](mailto:Audrey.Meikle@gcu.ac.uk)

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# International Mediation in Construction Conference

## 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 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: Gregory Hunt, Director, CEDR**  
A CEDR Accredited Mediator and Chartered Marketer and holder of a BA (Hons) in Business Administration, the Diploma in Marketing and the Advanced Certificate in Administrative Management, Gregory is responsible for leading CEDR Solve, Europe's largest commercial dispute resolution service. With 15 years experience in ADR (having spent 13 years at the Chartered Institute of Arbitrators before joining CEDR), Gregory has worked across the ADR spectrum in the UK and overseas and has designed, launched and managed more than 120 ADR services resulting in more than 30,000 claims in a wide range of sectors. Gregory has been an EU Expert on Online Dispute Resolution and has spoken on behalf of the CI Arb, CEDR and the UK government at conferences and seminars in major cities across Europe, North Africa and the United States. Working with governments, NGO's and regulators in the UK, Europe, the United States and the Middle East, Gregory has helped to develop arbitration, adjudication, neutral evaluation, mediation and tribunal systems used for a range of dispute disputes in different sectors, including freedom of expression claims and for disputes in financial services, communications and the media. As an accredited mediator with both CEDR and the CI Arb, Gregory has mediated more than 30 cases and, having received training from the International Ombudsman Association, is an adjudicator under the Independent Complaints Adjudication Service for Ofsted. Gregory is a Member of the Chartered Institute of Arbitrators, a Member of the Chartered Institute of Marketing and a member of the British & Irish Ombudsman Association.

**2.15pm - 3.00pm      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.

**3.00pm - 4.00pm      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. Brian 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**