Oral Hearings & Inquiries
Conference
23 November 2013

Clontarf Castle Hotel, Dublin 3

€235.00 (early bird, before 18th of October 2013)
€275.00 full fee

Who should attend?
Statutory & non-statutory bodies involved in conducting inquiries, tribunals and oral hearings of all types including professional disciplinary investigations, public inquiries, disciplinary and employment investigations, planning inquiries, mental health hearings, asylum related hearings, lawyers, union representatives and other interested parties

Overview
This one day conference will include presentations from leading experts including decision makers, lawyers and journalists who will examine important public interest issues relating to oral hearings and inquiries. A conference not to be missed by those who have an interest in the areas of administrative, constitutional and human rights law.
Oral Hearings & Inquiries Conference

Over the last two decades we have seen a greater demand from the public for accountability in both public and professional life. The Tribunals of Evidence of Inquiry Act, 1921 has been amended five times since 1998. In the area of professional disciplinary matters we have seen sweeping legislative changes introduced for many of the professions. This public hunger for answers has been coupled with a strong desire for transparency where “justice can be seen to be done.” A parallel development has been the expansion of natural justice principles by the High Court as it fulfils its supervisory role. The continued tension between these two developments is evidenced by the expanding Judicial Review cases listed for the High Court. The media has also played a role as society has become more demanding. This trend raises important questions for those who set up, conduct, appear at or report on oral hearings and public inquiries including:

- Is there a need for an oral hearing at all?
- If so, does it require to be conducted in public?
- What is the appropriate standard of proof?
- Are the public’s right to answers and the right to fair procedures inconsistent?
- What rights does the alleged wrongdoer have?
- Do these rights ultimately frustrate the inquiry process and render it ineffective?
- What about media coverage - does it prejudice the rights of the alleged wrongdoer?
- What is the case law in this area?

Programme

8.45 Registration

9.25 Welcome & housekeeping
Caroline Conroy, La Touche Training

9.30 Opening address & Chairperson
The Honourable Mr. Justice Moriarty

9.40 Oral Hearings - A Natural Justice Requirement?
James O’Callaghan SC
- The legal basis for and entitlement to an oral hearing
- The rights of a party before an oral hearing

10.10 Oral Hearings - At What Cost?
William Prasifka, Financial Services Ombudsman
- A review of the case law on the requirement for the FSO to hold an oral hearing
- A comparison with the law of other jurisdictions
- The impact of the intervention of the Irish courts on the work of the FSO
- The future of the FSO: can it achieve its statutory remit during a time of unprecedented financial distress?

10.40 Q & A

10.55 Refreshments Break

11.15 Legal Updates
David Holland SC
- Key case law
- Recent High Court decisions

11.45 Are You Biased?
Leslie Cuthbert BL
- Identifying where bias influences decision makers
- Biases and the assessment of a person’s credibility
- Biased perceptions in relation to memory

12.15 Q & A

12.30 Lunch

13.40 The Reason for Reasons
Aideen Ryan, Partner McDowell Purcell Solicitors
- The necessity to provide reasons
- Recent case law in Ireland and other jurisdictions

14.00 Public V Private Hearings - The Great Debate
Seamus Woulfe SC
- Criteria to be Applied when Determining Whether to Hold Hearings in Public or in Private in Statutory Disciplinary Hearings
- Modern trend of regulatory legislation re public hearings
- Reasons for the reversal of the traditional practice of conducting private hearings
- The discretion given to Disciplinary Committees to depart from the default position
- The criteria for the exercise of the Committee’s discretion
- Relevant factors in determining whether to hold all or part of the hearing in private
- Publicity including media coverage implications

14.30 Media Coverage - A Matter of Public Interest?
Dearbhail McDonald, Legal Editor, Irish Independent
- The evolution of transparency in respect of oral hearings and public inquiries
- The balance to be struck between privacy and the public interest in modern day tribunals and hearings
- The increasing importance of press coverage of judicial and quasi-judicial processes

15.00 Q & A with Panel Discussion

15.25 Chairs Closing Remarks
Chair
The Honourable Mr. Justice Michael Moriarty

Speakers

James O’Callaghan, Senior Counsel
James O’Callaghan is a Senior Counsel who has been involved in many oral hearings, including those conducted by Tribunals of Inquiry, statutory bodies and non-statutory disciplinary inquiries. His paper will address the legal basis for and entitlement to an oral hearing, and the rights of a party before an oral hearing.

William Prasifka, Financial Services Ombudsman
William Prasifka took up his position as Financial Services Ombudsman in March 2010. William has extensive experience as a public servant and as a lawyer in private practice. Prior to taking up the post of Financial Services Ombudsman, William held the position of Chairperson of the Competition Authority, from 2006 to 2010, and was Commissioner for Aviation Regulation, from 1999 to 2006. Before entering the public sector, William worked as a lawyer in the private sector, in both Dublin and New York, where his work was predominantly in the areas of competition law, antitrust law, corporate finance, mergers and acquisitions. During his term as Chairperson of the Competition Authority William was also a member of the board of the National Consumer Agency and the National Competitiveness Council. Away from his public roles William is President of the Irish Czech and Slovak Society.

David Holland, Senior Counsel
David Holland is a senior counsel with extensive expertise in oral hearings before statutory bodies. He has advocated for developers and local authorities in oral hearings before An Bord Pleanála and also in oral hearings and arbitrations in relation to Social and Affordable Housing and Compulsory Purchase. He has both represented employees and sat as decision-maker in private sector disciplinary processes. He regularly sits as Legal Assessor to the Medical Council in fitness to practise matters.

Leslie Cuthbert, Barrister-at-law UK
Starting out as a solicitor, Leslie worked for 12 years as a solicitor and subsequently partner with McCormacks Solicitors LLP, a criminal defence orientated firm based in London. Leslie gained considerable experience in the healthcare field including five and half years as a Vice-Chairman and Senior Independent Director of South Essex Partnership NHS Foundation Trust and another 6 years as a Tribunal Judge for Mental Health Tribunals. He regularly provide training to Tribunal and Committee Panel members who sit at oral hearings. Leslie is currently a Panel Chair of Conduct & Competence Committee with the Nursing Midwifery Council in the UK.

Aideen Ryan, Partner, McDowell Purcell Solicitors
A partner in the Public and Regulatory Law Department in McDowell Purcell, Aideen has wide-ranging experience in regulation and litigation. Aideen advises clients on issues such as registration, education and training, fitness to practise, oral hearings and professional competence. As an experienced litigator and advocate, Aideen investigates and prepares cases for hearing before statutory bodies and the High Court. Aideen regularly contributes articles to professional publications and is a co-author of the legal textbook “Disciplinary Procedures in the Statutory Professions.”

Seamus Woulfe, Senior Counsel
Seamus Woulfe SC obtained a BA (Mod) (Legal Science) from Trinity College Dublin in 1984. He then obtained an LLM Degree from Dalhousie University in Canada in 1986 and the BL degree from the Honourable Society of King’s Inns in 1987. Seamus began practising at the Bar in October 1987 and was called to the Inner Bar in March 2005. He has continued to practise as a Senior Counsel thereafter. His practice is of a very general nature, mainly in the area of civil, commercial and administrative law. He acts as Legal Assessor to the Fitness to Practice Committees of the Medical Council and the Nursing & Midwifery Board of Ireland.

Dearbhail McDonald, Journalist, Legal Editor, Irish Independent
Dearbhail McDonald is the Legal Editor for the Irish Independent, an Eisenhower Fellow, author and TV presenter. Dearbhail sits on the board of Fighting Words, the national creative writing centre and is a member of the Law Council of the National University of Ireland, Maynooth. She published her first book Bust: How the Courts Have Exposed the Rotten Heart of the Irish Economy (Penguin Ireland) in 2010. Dearbhail holds an LLB (Law) from Trinity College Dublin as well as a Masters Degree in Journalism from Dublin City University. A former news correspondent with The Sunday Times, Dearbhail has won a series of awards for her legal affairs coverage and is a former Young Irish Medical Journalist of the Year.

Early Bird: Save €40 by booking before 18th October
Please use a photocopy of this form for each additional delegate.

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Date: Saturday, 23rd November 2013
Time: 9.25am to 3.30pm,
Registration from 8.45am
Fee: €235.00 Early Bird - save €40
by booking before 18th October 2013
Full conference rate: €275.00
Additional 10% group discount for 3 or more delegates from one organisation
Cancellations must be received in writing by the 15th November 2013 and will be subject to a 20% administration fee. Cancellations received after the 15th November 2013 and those not received in writing, will not be accepted and the delegate will be liable for the full fee. Delegate’s names may be substituted although late bookings/substitutions may not necessarily be included on the delegate list.

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McDowell Purcell Solicitors
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