



## EMPLOYMENT LITIGATION

commencing 29 January 2009

## PUBLIC PROCUREMENT LAW

commencing 26 January 2009



**ABOUT THE COURSE:**

|                  |   |
|------------------|---|
| <b>Duration:</b> | 6 weeks   |
| <b>Day/Time:</b> | Thursdays, 5 - 7 pm. Commencing 29 January 2009 |
| <b>Venue:</b>    | The Arts Building, Trinity College Dublin       |

**AIM OF THE COURSE:**

The Extra-Mural course in Employment Litigation at Trinity College Dublin aims to provide participants with an up-to-date understanding of employment litigation in Ireland. The course integrates an analysis of substantive employment law issues with a consideration of key procedural rules, enabling participants to further appreciate how the governing doctrinal principles of employment law are applied in a practical setting, from the inception of the employment contract right through to the termination of the employment relationship.

In particular, the course aims to provide a thorough overview of the many different legal fora in which redress is sought in the employment context in Ireland, and of the nature of the litigation that is instituted in each forum. Throughout the course, attention is focused upon topical and emerging judicial and legislative developments in the area and on the effects of these developments on employment litigation in practice in a changing legal and economic climate.

The course will be delivered in weekly two-hour sessions over six evenings between January and March 2009. Detailed course materials will be provided to all participants.

Lectures are delivered by **Des Ryan BL**, Lecturer in Employment Litigation on the Masters in Law Degree Programme at Trinity College Dublin, and by leading expert practitioners in employment litigation. Through this integrated delivery of lectures, participants' learning experience is enhanced by a combination of academic and practical perspectives.

|                           |   |
|---------------------------|---|
| <b>Who should attend?</b> | Solicitors, Barristers and HR Professionals |
| <b>CPD Hours/Points:</b>  | 12 hours/points of Group Study              |

**TOPICS COVERED WILL INCLUDE:**

Employment Litigation in Context  
 Employment Litigation as Distinct from Industrial Relations Law  
 The Key Common Law and Statutory Framework  
 The Employment Contract  
 Managing claims relating to Bullying, Harassment and Stress at Work  
 Employment Equality Litigation  
 Atypical Workers' Litigation: Focus on Litigation concerning Fixed-Term and Part-Time Workers  
 Implications for Litigation of Health and Safety Law in the Workplace  
 Termination of Employment: Redundancy, Unfair Dismissal, Wrongful Dismissal  
 Remedies in Employment Litigation



**COURSE SCHEDULE:**

|                         |  |
|-------------------------|--|
| <b>29 January 2009</b>  | THE FRAMEWORK OF EMPLOYMENT LITIGATION IN IRELAND: KEY CONCEPTS, INSTITUTIONS AND PRACTICALITIES<br><br><b>Des Ryan BL</b> |
| <b>5 February 2009</b>  | EMERGING ISSUES IN EMPLOYMENT EQUALITY LITIGATION<br><br><b>Marguerite Bolger BL</b>                                       |
| <b>12 February 2009</b> | MANAGING LITIGATION CONCERNING BULLYING, HARASSMENT AND STRESS AT WORK<br><br><b>Dr. Neville Cox BL</b>                    |
| <b>19 February 2009</b> | LITIGATION RELATING TO PART-TIME AND FIXED-TERM EMPLOYEES<br><br><b>Cliona Kimber BL</b>                                   |
| <b>26 February 2009</b> | IMPLICATIONS FOR EMPLOYMENT LITIGATION OF HEALTH AND SAFETY LAW IN THE WORKPLACE<br><br><b>Geoffrey Shannon, Solr</b>      |
| <b>5 March 2009</b>     | LITIGATION ARISING FROM THE TERMINATION OF EMPLOYMENT<br><br><b>Tom Mallon BL</b>  |

**ABOUT THE LECTURERS:****COURSE DIRECTOR:**

**DES RYAN** is a Lecturer in Law at Trinity College Dublin, where he teaches Employment Litigation to Masters level students. He holds first class honours law degrees from Trinity College and from Oxford University, and was formerly a Foundation Scholar and Gold Medallist of the Law School at Trinity College Dublin. Whilst a postgraduate student at Oxford, his areas of specialisation included European Employment and Equality Law. He has published widely in a number of journals, including the Irish Employment Law Journal, and is the Employment Law correspondent for the Thomson Round Hall Annual Review of Irish Law. He is a qualified barrister and has practical experience in the area of employment litigation.

**COURSE LECTURERS:**

**MARGUERITE BOLGER** is a practising barrister specialising in employment law. She has appeared in many key bullying and harassment cases. Ms Bolger is a co-author (with Cliona Kimber) of *Sex Discrimination and the Law* (Thomson Round Hall, 2000) and a member of the Editorial Board of the Irish Employment Law Journal (Thomson Round Hall). She is an external

examiner in employment law at the Honourable Society of the Kings Inns and the University of Ireland.

**DR. NEVILLE COX** is a practising barrister and is a lecturer in Law at Trinity College Dublin. He is the author of *Blasphemy and the Law* (2000) and co-author of *Sport and the Law* (2004). He is also published on a wide variety of topics in law journals and books. He lectures in the areas of tort law, comparative law and sport and the law.

**CLIONA KIMBER** is a practising barrister specialising in employment and equality law and regularly appears before the EAT, Equality Tribunal, Labour Court as well as the Civil Courts. She is author (with Marguerite Bolger) of *Sex Discrimination Law* and co-author of *Disability Discrimination Law*. She is editor of the *Employment Law Reports* and the *Irish Employment Law Journal*. Ms Kimber lectures in Labour Law in Trinity College Dublin and writes and lectures extensively on the subject of employment and equality law.

**TOM MALLON** is a practicing barrister who specialises in employment law.

**GEOFFREY SHANNON**, Solicitor is the author of *Health and Safety Law and Practice* (second edition is due to be published by Thomson Round Hall in 2007). He is the Legal Editor of *A-Z of Health and Safety* (Thomson Round Hall) and also lectures extensively on the area of Health & Safety law.

The right to rearrange and substitute lecturers and lectures is reserved.

## EXTRA MURAL COURSE IN PUBLIC PROCUREMENT LAW

### ABOUT THE COURSE:

|                  |   |
|------------------|---|
| <b>Duration:</b> | 6 weeks                                       |
| <b>Day/Time:</b> | Mondays, 5 - 7 pm. Commencing 26 January 2009 |
| <b>Venue:</b>    | Aras an Phiarsaigh, Trinity College Dublin    |

### AIM OF THE COURSE:

This course will seek to provide participants with a comprehensive and detailed understanding of public procurement law. Analysis of the substantive law will be combined with practical guidance, with a particular focus on understanding: national legislation and case law; the implications of the 2004 Directives and the new Remedies Directive; and evolving ECJ case law. A wide range of public procurement issues will be discussed, reviewing the entirety of the public procurement process, the intersection between public procurement and related areas of law, and litigation strategies and remedies.

The course will be delivered in weekly two-hour sessions over six evenings between 26 January and 2 March 2008. Detailed course materials will be provided to all participants.

Lectures are delivered by Dr Catherine Donnelly BL, Lecturer in Public Procurement Law on the Masters in Law Degree Programme at Trinity College Dublin, and by leading expert practitioners from Ireland and the UK in public procurement practice and litigation. Through this



integrated delivery of lectures, participants' learning experience is enhanced by a combination of academic and practical perspectives, drawn from both Irish and UK experience.

**Who should attend?**

This course will be invaluable for public sector employees with procurement responsibilities, for those who manage procurement projects for contractors and solicitors and barristers working in the procurement law area.

**CPD Hours/Points:**

12 hours/points of Group Study

**SCHEDULE:**

**26 January 2009**

INTRODUCTION TO PUBLIC PROCUREMENT: POLICIES, RISK MANAGEMENT, AND LEGAL FRAMEWORKS

**Philip Lee**

**2 February 2009**

PUBLIC PROCUREMENT PROCEDURES AND THE NEW COMPETITIVE DIALOGUE; KEY SUCCESS FACTORS AND HOW TO AVOID THE PITFALLS

**Eoin Lonergan and Catherine Donnelly**

**9 February 2009**

INNOVATIONS OF THE 2004 DIRECTIVE: FRAMEWORK AGREEMENTS, DYNAMIC PURCHASING SYSTEMS AND E-PROCUREMENT

**Roger Bickerstaff**

**16 February 2009**

SECONDARY POLICIES IN PUBLIC PROCUREMENT: USING GOVERNMENT CONTRACTS TO PROMOTE SOCIAL INCLUSION AND PROTECT THE ENVIRONMENT

**Catherine Donnelly**

**23 February 2009**

PUBLIC PROCUREMENT, STATE AID AND COMPETITION LAW: UNDERSTANDING THE INTERSECTIONS

**Nathy Dunleavy**

**26 January 2009**

LITIGATION STRATEGIES AND REMEDIES IN PUBLIC PROCUREMENT

**Anna-Marie Curran**

## ABOUT THE LECTURERS:

### COURSE DIRECTOR:

**DR CATHERINE DONNELLY** B.L., LL.B. (Dub), LL.M. (Harv), B.C.L., D.Phil. (Oxon), Attorney at Law (New York), is a Lecturer in Law at Trinity College, Dublin, and a practising barrister (King's Inns, Gray's Inn). She is the assistant editor of *De Smith's Judicial Review* (6th edn, Sweet and Maxwell, 2007) and author of *Delegation of Governmental Power to Private Parties: A Comparative Perspective* (Oxford University Press, 2007). She has practised as a litigation attorney at Davis Polk & Wardwell in New York, taught at Columbia Law School, and was a Lecturer and Fellow of Wadham College, Oxford. She is a member of Blackstone Chambers, London, and a Legal Advisor to the Northern Ireland Human Rights Commission. She has published widely in EU Law, Public Procurement Law, Public Law, and Human Rights Law.

### COURSE LECTURERS:

**ROGER BICKERSTAFF** is Joint Head of the IT Sector Group of Bird and Bird, an international commercial law firm with offices throughout Europe and in Beijing. Roger advises on all aspects of IT law to public and private sector clients, and has a significant level of expertise in public procurement law. He specialises particularly in advising on large-scale IT projects in both the public and private sector and has published widely on aspects of public procurement law. He is a Trustee of the Society for Computers and Law and a member of the Editorial Board of the Public Procurement Law Review.

**ANNA-MARIE CURRAN** is a Partner in the Corporate Department of A & L Goodbody, specialising in EU law. She holds a BCL (International) from University College Dublin, a Barrister at Law degree from the Honourable Society of the Kings Inns and has studied competition law at DePaul Faculty of Law, Chicago. Anna-Marie has extensive experience in procurement, competition, regulatory law and merger control and advises a wide range of clients both in the public and private sector. As well as having written and spoken widely on procurement law both nationally and internationally, Anna-Marie has also participated in the production of a DVD and website on tendering in Ireland and is recommended by a number of leading legal directories for procurement and competition law including, the International Who's Who of Competition Lawyers 2008, Chambers Global 2007, Chambers Europe 2007 and 2008, and PLC Which Lawyer? 2007 and 2008. Anna-Marie lectures on EU and competition law at the Law Society of Ireland and is the Chairperson of the Irish Society for European Law.

**NATHY DUNLEAVY**, LL.B. (Dub), LL.M. (Maastricht), BL, Attorney-at-Law (New York), is a practising barrister. Previously, he spent seven years as an attorney with the Wall Street law firms, Shearman & Sterling LLP and more recently Sullivan & Cromwell LLP, where he was a member of the Litigation Practice. He has also been called to the Bar of England & Wales. Nathy has wide experience of representing clients in competition, regulatory and procurement matters, particularly in proceedings before the Irish Competition Authority, the European Commission and the Federal Trade Commission and Department of Justice in Washington DC. He has also represented clients in private antitrust actions in the US and before the Competition Appeal Tribunal in London. Nathy has published widely on competition and commercial law in journals including the European Competition Law Review and the Law Quarterly Review (forthcoming article).

**PHILIP LEE** is the founding and managing partner of Philip Lee Solicitors, which has offices in Dublin and Brussels. He is an expert in the area of procurement law, and his extensive PPP experience includes roads, waste, waste water and electricity PPP projects where he acts for both public and private bodies. As a litigator, Philip was the first private lawyer to represent countries before the WTO appellate body. He acts as an advocate in construction arbitration and has appeared before the ECJ representing clients on matters of European law. Philip is author of 'Public Procurement' published by Butterworths, 1992 and is an associate of the Chartered Institute of Arbitrators. He lectures extensively in areas of European and international trade law. Philip is also the Chairman of Connect Ethiopia, an Irish business charity which seeks to change the way poverty is tackled in the developing world.

**EOIN LONERGAN** B.B.S. (Hons), MA, M.Sc, DipM, FCIPS is a Manager in Deloitte Consulting (UK) where he works within the Supply Chain practice aligned to public sector. Eoin is a Trinity graduate and has a wide and deep knowledge of procurement matters having worked in a variety of commercial, consulting, and academic roles, before joining Deloitte in 2006. His professional focus is now supporting public sector clients drive maximum value from strategic sourcing and procurement projects, in both central and local government.

The right to rearrange and substitute lecturers and lectures is reserved.

### INFORMATION:

#### CONTACTS:

|                  |  |                |                       |
|------------------|--|----------------|-----------------------|
| <b>Postal</b>    | Catherine Finnegan, School of Law, House 39, Trinity College, Dublin 2 |                |                       |
| <b>Telephone</b> | (01) 896 2367  | <b>Fax</b>     | (01) 677 0449         |
| <b>Email</b>     | lawevent@tcd.ie  | <b>http://</b> | www.tcd.ie/Law/Events |

#### FEES:

|                     |  |                    |   |
|---------------------|--|--------------------|---|
| <b>Regular Fee*</b> | 1,300 per course                                   | <b>Reduced Fee</b> | 1,000 for trainee solicitors and barristers of 5 years standing or less |
| <b>Group Rates</b>  | 2,340 for 2; 3,300 for 3; 4,160 for 4; 6,175 for 5 | <b>Payment</b>     | Cheques should be made payable to TCD Number 1 Account                  |

Fees are inclusive of course materials.

The fee to attend individual lectures is 250 per lecture. Please contact the Law School in respect of same.

#### RESERVATIONS:

Complete and return the booking form on the back page. Please note that places are limited, early booking is advisable.

\* delegates attending both courses may avail of the group rate for 2.



## BOOKING FORM

Please select the relevant course:

|                           | All                      | Wks | 1                        | 2                        | 3                        | 4                        | 5                        | 6                        |
|---------------------------|--------------------------|-----|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| A. EMPLOYMENT LITIGATION  | <input type="checkbox"/> |     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| B. PUBLIC PROCUREMENT LAW | <input type="checkbox"/> |     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Name(s):

Company:

Address:

Telephone:

Fax:

Email:

Mobile:

Please invoice\*:

P.O.  
Number:Contact details  
for invoice if  
different from  
above:Cheque  
Enclosed:

All cheques should be made payable to TCD No. 1 Account.