

## INTRODUCTION AND OVERVIEW BY CHAIR

### HAMISH LAL

- 1 As required by our constitution the Executive Committee shall present to each annual general meeting a report and accounts for the preceding year.
- 2 This is my second year as Chair of this important Society. The Society has had a successful twelve months but there is a lot to do in 2023. I am delighted that we have a strong team dedicated and determined to achieve success for the Society across many areas. The Executive Committee is working really well and everyone is committed to making sure that Members are respected, rewarded and thanked for participating in the various initiatives.
- 3 The Treasurer is Martin Ewen. Happily, the Treasurer's Report continues to demonstrate that the Society is in good financial health. However, we cannot be complacent – a number of Societies compete for members and whilst our subscription is relatively modest we are keen to and must now more actively promote the Society and thus attract new members from QS Firms, Claims Consultants, Law Firms, Chambers, In-House Legal Departments and Industry. As the King's College London and The Adjudication Society Report on Construction Adjudication shows, adjudication is the primary form of dispute resolution and in the vast majority of cases the 'final and binding' form of dispute resolution in the construction sector. The Adjudication Society *must* take all the opportunities and continue to be the primary Society dealing with all aspects of adjudication.
- 4 The objects of the Society remain

“to promote for the public and the individual member benefit, education, training, study and research (and the publication of the useful results of such research) in the field of adjudication practice and procedure and related subjects worldwide).”

To meet these objectives in 2022 we reinvigorated various activities and I will touch upon some of them below.
- 5 The Quarterly Case law Updates have been a huge success. James Pickavance and Claire King must be congratulated. Members have heard from excellent speakers and we have sought to make sure that all Members are informed about all the key developments in the Courts. The feedback from Members has been very positive and our speakers have been praised for delivering information and legal analysis in a way that is readily understood also by non-lawyers. One never knows what case law will emanate from the Courts but we will continue in 2023 to give excellent speakers an opportunity to present to our Members.
- 6 Our Committee is active. Firstly, my thanks to the conference sub-committee who have brought together an excellent programme of topics and speakers for this year's conference in Edinburgh. Arran Dowling-Hussey, Richard Booth, Theresa Mohammed and have done an excellent job and I am delighted that Arran has also agreed to be the Conference Convener for 2023. The list of attendees evidences the need and excellent support from Members for an Annual Conference. Sean Gibbs, Dean Sayers and Susan Francombe have developed a series of Practical Workshops designed to look at the practical issues involved in Statutory Adjudication – thus far the Workshops have looked Adjudicators' Terms and Conditions and the complex area of jurisdictional challenges during and post an adjudication. Our newsletter, case notes and the resources on our website provide a source of valuable reference materials. They also provide a hub for discussion and sharing of expertise within the adjudication community on the topics that challenge us. We very much encourage Members to continue to provide articles or papers. We must thank Tim Willis who leads on the Newsletter.
- 7 In 2021 we decided to fund research and reporting on adjudication. Of course, for many years we were fortunate to have Janey Milligan's Reports but 2021 saw us collaborate directly and closely with Kings College London. Today Professor Nazzini of King's College London led a

presentation about the research and *2022 Construction Adjudication in the United Kingdom: Tracing Trends and Guiding Reform* was formally launched. In his foreword Lord Justice Coulson concludes:

I enthusiastically commend this Report to anyone involved or interested in construction adjudication. I suspect that its publication will come to be seen as a seminal moment in the story of this unique dispute resolution process.

The Committee is pleased with the Report and it is apprehended that the Report will now become the central reference point for data on statutory adjudication. Members should be equally pleased with the Report and with the fact that The Adjudication Society is at the centre of the debate.

8. The nominating bodies sub-committee is working on providing better guidance on, and understanding of, the legal basis and practices of the appointment of adjudicators by parties or nominating bodies. An ambition remains to become better established and represented in the regions. The Regional Co-Ordinator's Report by Dean Sayers demonstrates the range of activity and the task for 2023. *2022 Construction Adjudication in the United Kingdom: Tracing Trends and Guiding Reform* highlighted a fundamental problem in adjudication – lack of diversity. The Report highlighted one comment – a powerful comment:

*[There is] No clear path to becoming an adjudicator especially for non-legally qualified (...) There doesn't appear to be a positive drive to ensure diverse practitioners are making their way through. I have, for example, never come across a female adjudicator on an adjudication which I have been involved in.*

The Society is of course already looking at how diversity will be improved. More on this specific topic in 2023.

- 9 I thank the whole Committee for all their hard work and continued support. We must look forward to 2023.

Hamish Lal

3 November 2022