

PATRICK LEONARD SC
CURRICULUM VITAE

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Senior Counsel 2013
Junior Counsel: 1997

Patrick appears regularly as counsel before the Irish Superior Courts in commercial, chancery, and public/EU law litigation. He has advised clients in arbitrations in a wide variety of sectors including construction, property and financial matters. Patrick's experience as counsel includes appearing before CAS and the CJEU, advising on disputes governed by Institutional Rules and he regularly sits as legal advisor to professional regulatory panels.

Patrick is a member of the ICSID Panel of Arbitrators, a member of the ICC Commission on Arbitration, and of the ICC Taskforce on Addressing Issues of Corruption in International Arbitration. He was a member of the Bar Council for 3 years, and is a former Chair of the Arbitration and ADR Committee of the Bar of Ireland, and former member of the Executive Committee of Arbitration Ireland. He was a member of the ICC National Committee for Ireland for 4 years. He is a member of the Chartered Institute of Arbitrators, ICCA and the LCIA. He was recently nominated by the Bar Council to be a member of the Government Implementation Group for Ireland for Law.

ARBITRATION EXPERIENCE

Patrick is currently acting as arbitrator in an insurance coverage dispute arising from the COVID-19 pandemic, with a value of approximately €1 million and as counsel in arbitrations concerning the liability of a public body to construct a museum with a value > €45 million, a building defect insurance coverage dispute with a value > €40 million, and an arbitration concerning liability under a Public Works Contract.

Recently appeared in a dispute concerning the liability of a building contractor for pyritic damage with a claim value > €5 million.

Recently appeared before CAS on behalf of the Football Association of Ireland in a match fixing dispute (CAS 2018/A/6075 Igor Labuts v. Football Association of Ireland)

Represented an international beverages company in a multi-million euro dispute with a local distributor

Represented a public body in a major dispute concerning public works with a value >€30 million

Represented a property fund in a property dispute with a major tenant

Represented the landlord of a business park in a dispute with tenants concerning dilapidations

Represented the owner of a business park in a dispute with tenants concerning the calculation of service charges

Advised a wind farm operator in a multi-million euro dispute with the turbine manufacturer governed by ICC Rules

Represented a commercial property owner in a multi-million euro construction dispute with the developer

Represented a public body in an infrastructure dispute with an international company where the value of the disputed contract was >€100 million

Represented a property fund in a multi-million euro dispute with a major international financial services company in relation to the interpretation of a rent review clause in a lease

Represented the National Governing Body of a sport in a dispute concerning the composition of the Executive Committee and registration of athletes for Olympic qualifications

PUBLIC AND EU LAW

Klohn v An Bord Pleanala (Court of Justice, 23 September, 2020) Judgment pending – Application of Lawyers Services Directive.

Friends of the Irish Environment v Legal Aid Board [2020] IEHC 454 (Application of Legal Aid Scheme to Companies – Statutory interpretation – EU Charter of Fundamental Rights – Aarhus Convention)

Right to Know CLG v Commissioner for Environmental Information [2020] IEHC 392 (Test to be applied by the Commissioner – Mootness – approach of the CJEU and the Irish Courts)

Redmond v Commissioner for Environmental Information, [2020] IECA 83 (Construction of EU Environmental Regulations)

Pharmaceutical Assistants Association v PSI, Minister for Health, Ireland and others [2019] IEHC 663 (Application to have Judicial Review points heard separately to Constitutional Issues)

Klohn v An Bord Pleanala (Supreme Court, 31 July, 2019) (Right of German lawyer to appear before Irish Supreme Court) – Now referred to the CJEU

Bebenek v Minister for Justice (High Court) [2019] IEHC 154 (Inherent Power of the High Court to discipline solicitor and barrister)

Khashaba v Medical Council [2016] IESC 10 (Application of Professional Qualification Directive to Montserrat)

Corbally v Medical Council [2015] 2 I.R. 304] Supreme Court (Medical Practitioners Act – Meaning of Poor Professional Performance)

Akpekpe v Medical Council and others (Unreported, High Court, Kearns P., 26 April, 2013) (Whether the absence of a right of an appeal from a decision of the Medical

Council to impose a sanction of advice was a breach of the applicant's constitutional or ECHR rights)

Flynn v Medical Council [2012] 3 I.R. 236 (High Court) (Amenability of decisions of a screening committee to judicial review, and obligation for such a committee to give reasons)

An Bord Altranais v A. O'C (Unreported, Supreme Court, Denham C.J., 21 December, 2011) (Factors to be considered in suspending a professional pending an inquiry, notice required before a decision to initiate proceedings)

Hemat v Medical Council [2010] 3 I.R. 122 (Supreme Court) (Whether defendant an association of undertakings for the purpose of competition law)

Shine v Medical Council [2009] 1 I.R. 283 (Supreme Court) (Whether grounds upon which leave granted can be expanded – principles – double jeopardy)

Prendiville v Medical Council [2008] 3 I.R. 122 (High Court) (Statutory construction – obligation to give reasons – composition of the Council considering sanction – whether legal advice should be given in public – appropriate test to be applied to the applicant's conduct)

COMMERCIAL / CONTRACT / CHANCERY LITIGATION

Heanue v Mayo Co. Co and others (Court of Appeal) [2019] IECA 9 (Indemnity claim in a maritime dispute)

KBC Bank Ireland Ltd. V Bruce Blake (High Court) [2019] IEHC 252 (rectification of a multi million euro guarantee)

Campshire and North Wall Quay Partnerships v Clarion Quay Management Company Ltd. (High Court – Commercial) (4 February, 2019) (Application to join directors of defendant as personal co-defendants)

Blue Diamond Sports Limited v Bank of Ireland (High Court) [2018] IEHC 655 (Injunction to restrain termination of banking relationship – Money Laundering – Payment Services Directive)

National Asset Loan Management DAC v Thomas Anderson (High Court) [2018] IEHC 593 (Construction of a guarantee)

In the Matter of Irish Asphalt Ltd. (High Court) [2017] IEHC 524 (Winding up petition – ulterior motive – abuse of process)

Carpenter v Stoneavon and Deloitte and Touche (High Court) [2016] IEHC 304 (Entitlement to make a lodgement after mediation in an accountant's professional negligence action)

In re a Bankrupt, Anthony Casey (Unreported, High Court, McGovern J., 10 July, 2014) (Application to set aside an adjudication in bankruptcy)

Danske Bank A/S v Walsh and others (Unreported, High Court, Herbert J., 26 April, 2013) (Guarantee – Non Est Factum – Undue Influence)

O'Neill v McDonald and others (Unreported, High Court, Bermingham J., 22 March, 2013) (Claim against solicitor for opposing party in proceedings – Extent of absolute privilege afforded by Defamation Act, 2009 – Duty of care to opposing side in litigation)

Moran v Allied Irish Banks plc (Unreported, High Court, Commercial, McGovern J., July, 2012) (Construction of mortgage deeds, and applicability of the Land and Conveyancing Law Reform Act 2009)

John McAuley v Aer Lingus plc. (Unreported, High Court, Hedigan J., 24 March, 2011) (Whether Montreal Convention precludes an action outside the relief envisaged in the Convention itself)

Bank of Scotland v James Mansfield (Unreported, High Court, Commercial, Kelly J., 21 December, 2011) (Application for summary judgment for liability as guarantor in excess of €200 million – legal issues raised as to set off, the statute of frauds, ingredients required for a contract of loan)

Moore v Moore [2011] 1 I.R. 623 (High Court) (whether registration of title conclusive evidence of title, adverse possession, mistake or fraud in registration)

Mulvaney v Betfair [2011] 1 I.R. 85 (High Court) (Liability of defendant for material posted on website – immunity from suit under the e-commerce directive)

Kane Motors Ltd. v. Opel Ireland Ltd. (Unreported, High Court, Laffoy J., 21 February, 2011) (Commercial Agency - whether proceedings ought to be dismissed for delay)

Anglo Irish Bank Corporation plc v Brendan McGrath (Unreported, High Court, Commercial, Kelly J., 21 December, 2005) (Guarantee – Rule in *Holme v Brunskill* – Factual matrix)

Cooper-Flynn v RTE [2004] 2 I.R. 72 (Supreme Court) (Direction to a civil jury on majority required on an issue paper – admission of hearsay evidence – whether a retrial ought be ordered)

Harrisrange Ltd. v Duncan [2003] 4 I.R. 1 (High Court) (Construction of the Landlord and Tenant Act, 1980)

MEMBERSHIP OF PROFESSIONAL BODIES / OTHER QUALIFICATIONS

- Member of the Government Implementation Group for Ireland for Law
- Member of ICCA, the LCIA, the Chartered Institute of Arbitrators, Arbitration Ireland, the Commercial Litigation Association of Ireland, Construction Bar Association of Ireland, the Irish Centre for European Law and the EU Bar Association.
- Former member of the Bar Council (2016 - 2018, 2019 – 2020)
- Called to the Bar of England and Wales (2000)
- Formerly member of the Editorial Committee of the Bar Review, and the Council of Kings Inns, 2010 to 2014.

EDUCATION

- *B.A. (Hons.) in English and Philosophy, University College Dublin, 1993. Awarded Professor Patrick Semple Prize for Distinguished Student of the Year in English, 1992.*
- *Graduate Diploma in Business Studies, Graduate School of Business, University College Dublin, 1994.*
- *Diploma in Legal Studies, The Honorable Society of Kings Inns, 1995*
- *Degree of Barrister-at-Law, The Honorable Society of Kings Inns, 1997.*
- *Graduate Diploma in International Arbitration, University College Dublin, 1999.*
- *Certificat de Français Juridique/Diploma in Legal French, Law Society/Alliance Francaise, 2001.*

ARTICLES, CONFERENCES AND PAPERS

Panellist, New York State Bar Association Webinar, Ireland for Law : Corporate Restructuring, IP/Data Protection, and Derivatives in Europe after Brexit, 19 November, 2020.

Co-Arbitrator, Dublin FDI Pre-Moot, 30 October, 2020.

Chair of Webinar on Conduct of an International Arbitration, organised by Arbitration Ireland and the Arbitration Committee of the Bar of Ireland, 30 June, 2020

Chair of the Young Practitioners Seminar at Dublin International Arbitration Day, 15 November, 2019.

Speaker at the Joint Conference of the EU Bar Association and the Barreau de Paris, Commercial Dispute Resolution in Europe after Brexit, Maison du Barreau, Paris, 9 November, 2019.

Panel Moderator, Choice of law in commercial contracts: the perspective of corporate counsel, Dublin International Arbitration Day, 16 November, 2018.

Promoting Irish Law, Opportunities and Challenges post Brexit, Law Reform Commission Annual Conference, Dublin, 14 November, 2018.

Vues comparées sur la composition des tribunaux arbitraux, Société de Législation Comparée/FBLS, Paris, 28 May, 2018.

Impact of Brexit on Attorneys, their practices and their clients. Where are the likely winners? New York State Bar Association, International Section, Spring Meeting, 2017, Dublin, 21 April, 2017.

Arbitration – Which seat to choose? Franco-British Lawyers Association/ CIArb (London Branch), London, 13 March, 2017.

Chair, Asia-Pacific Forum for International Arbitration session on Guerrilla Tactics, Dublin, 17 October, 2016.

“Medical Ethics in End of Life Care”, Paper delivered to Conference on Legalities in End of Life Care, 5 March, 2015, Royal Marine Hotel, Dun Laoghaire, Co. Dublin.

“Practical Matters for Plaintiffs in Multiparty Construction Disputes”, Paper Delivered to the Construction Bar Association, 10 December, 2014.

“Good Practice – Structuring Reports and Evidence”, Paper Delivered to Expert Witness Conference, 12 November, 2014, Royal Marine Hotel, Dun Laoghaire, Co. Dublin.

Chair of Clinical Negligence Conference, Medico Legal Management, 15 May, 2014, Conrad Dublin.

Chair of Fitness to Practice Conference, CMG Events, Royal Marine Hotel, 27 June, 2013.

“Professional Regulation in 2012 and Beyond”, Paper Delivered to Conference on Professional Regulation in Ireland, Burlington Hotel, 23 June, 2012.

“Ecoswiss: Weakening the UNCITRAL Model Law?” (with Sarah Daly BL), (2006) Irish Journal of European Law 259.

“Independent News and Media v Ireland. The Judgment of the European Court of Human Rights”, Bar Review, (2005) 10 (4) BR 117

“Recent developments in Privacy and Breach of Confidence”, Bar Review, (2001) 7 (2) BR 102

“Restoring Companies to the Register”, Bar Review, (2000) 6 (3) BR 182

“Irish Libel Law and the European Convention on Human Rights”, Bar Review, (2000) 5 (8) BR 410