



Austin Kenny

CEDR Accreditation:	2004
CEDR Panel	2011
Languages:	English
Location:	United Kingdom, Republic of Ireland

"We were very pleased with the cool professionalism that Austin brought to this emotionally charged and bitter disagreement."

Client Feedback

Overview

Austin is a CEDR accredited mediator (2004), a Mediators Institute of Ireland Practitioner Member (2009), a member of the International Mediators Institute (IMI) and has completed his study of advanced mediation with MATA (2008). He is also an accredited Conflict Management Coach (2010) and a Master Trainer in Conflict Competence (2013). Austin has been a member of the CEDR International Panel since 2010 and is the only Irish Mediator being referred work in the UK.

Austin was on the Council of the Irish Commercial Mediation Association (ICMA) since 2007 and was Chairman for four years up to 2014. He also regularly lectures in the Law Society, Irish Universities, Professional Bodies and Business Colleges on mediation, negotiation and conflict management.

Austin Kenny is a seasoned mediator with an excellent reputation in conflict resolution and negotiation. With a career spanning four decades, Austin's journey began in the realm of accounting and business, where he honed his skills in forensic accounting, corporate finance, and navigating complex legal agreements. His entrepreneurial spirit led him to establish and successfully run his own accountancy practice for 20 years, where he provided invaluable counsel on matters ranging from financial advice, business strategy, mergers and acquisitions to succession planning for family businesses.

Professional Background

Transitioning seamlessly into the field of mediation in 2008, Austin quickly established himself as a leading figure in the industry. Accredited by CEDR and the Mediators Institute of Ireland, Austin has mediated over 350 commercial disputes across Ireland and the UK, covering a diverse spectrum of sectors including insurance, finance, construction, healthcare, aviation and more. His track record speaks volumes, with an impressive settlement rate exceeding 80%.

Austin's approach to mediation is characterized by a unique blend of commercial acumen, empathy, and unwavering positivity. He believes in fostering an environment where disputing parties can transcend adversarial dynamics and find mutually beneficial solutions. Drawing from his extensive experience, Austin employs a facilitative mediation style, skilfully navigating complex financial calculations while addressing emotional barriers that invariably impede progress. Beyond his professional accolades, Austin is deeply committed to education and community outreach. He shares his expertise through lectures and workshops at the Law Society and various universities as well as business colleges, empowering future generations of mediators and negotiators.

From his time as a practising accountant to positions held on a variety of Boards, Austin enjoys mentoring business owners and executives, guiding them in goal setting, strategic planning, and realizing their entrepreneurial visions. His dedication to fostering positive change extends beyond the boardroom, as he actively contributes to charitable endeavours and community initiatives.

With a reputation built on integrity, innovation, and a genuine passion for conflict resolution, Austin Kenny stands as a recognised proven expert in the field of mediation.

Dispute Experience

Austin has had excellent success in his mediation work with over 80% of cases settled. He offers disputing parties an opportunity to step away from the adversarial legal approach and benefit from his personal brand of commerciality, common sense, humanity and relentless positivity. He has mediated across a wide range of sectors and case types including: -

- Aviation
- Banking and finance
- Charities
- Compulsory Purchase Orders
- Construction and engineering
- Education
- Farming & Land disputes
- Family & business succession
- Employment & Workplace
- Healthcare
- Energy & Utilities
- Insurance
- Intellectual Property
- Media & entertainment
- Partnership
- Personal injury
- Shareholder agreements
- Supply of Goods & Services
- Utilities
- Waste
- Wills & Probate
- Professional negligence
- Property
- Public Sector
- Technical & IT

Austin has also mediated a significant number of bitter family business and separating couples/divorce cases. These cases require a deeper understanding and capacity to work with interpersonal conflict and often highly irrational behaviour. As a Certified Conflict Management Coach (Cinnie Noble) and a Master Trainer in Conflict Dynamic Profile (Eckerd College, Florida), Austin has become highly competent in working with disputants to help them build self-awareness with view to achieving the best possible outcomes in mediation.

Personal Style

Austin is predominantly a facilitative mediator with a keen eye for a deal. His commercial background, business acumen and high level of numeracy skills assists him sit comfortably in commercial cases involving high levels of monetary calculations.

His people skills as well as his creativity are among his big strengths. He has the capacity to build trust from early on with parties as well as recognize and work with the emotional blockages that often get in the way of settling cases.

Preparation is central to his work. Pre-mediation meetings and site meetings are a regular feature. He works with Parties and their representatives to design a mediation process that they buy into. As a mediator he believes his job is to bring creativity to the dispute resolution process. He works hard on reality testing, risk analysis, option generation and the possibilities of 'growing the cake'.

Insurance

Having worked in a business environment as an entrepreneur, accountant and business adviser for 30 years, Austin has accumulated a wealth of knowledge and experience of all types of insurance as they apply within the business community. Some examples of cases involving the insurance sector:

- Claim against a local Authority following a construction project to build a Sports Complex. The €48m claim entered mediation after a failed Arbitration process which had lasted four years and cost €8m.
- Following fire damage to a block of apartments, the Developer sought €15m through litigation against five parties for damages, loss of earnings and professional negligence.
- Flood damage to a major retail unit just outside Dublin.
- Professional Indemnity Insurance claims on a number of construction projects against architects, engineers and surveyors.
- Many cases with the Financial Services & Pensions Ombudsman dealing with claims and service issue complaints against Insurers.

Banking & Finance

Because of his accountancy and finance background Austin is chosen for many mediations where the mediator skills required include skill and proficiency in numeracy, accounting knowledge, tax knowledge, understanding of banking and standard banking contracts, familiarity with funds, insurance contracts and many elements of financial transactions. Examples of mediations in this area are

- A well-known charity with a large employee pension fund in dispute with the managers of the pension fund over the performance and administration of the fund
- Over 50 cases appointed as mediator by the Financial Services & Pensions Ombudsman of Ireland involving complaints against Banks, Insurance Companies and pension Funds ranging from non-financial settlements up to claims of €1,000,000

- A large state owned Irish bank and a very large Irish retail company went into a bitter legal dispute over the appointment of a Bank Receiver to a shopping centre.
- Several loan restructures between banks and commercial customers with loans ranging
- from €1m to €25m
- Legal costs disputes

Commercial Contracts

Having worked in a business environment as an entrepreneur, accountant and business adviser for 30 years, Austin has accumulated a wealth of knowledge and experience in commercial contracts – both from a commercial and legal context. He has built a very strong business acumen. Examples of mediations in which his business acumen were a defining factor in the outcome of a successful deal are:

- A southern hemisphere owner of a large number of private hospitals in the UK contracted certain medical services from a UK service provider. The contract and the relationship had fallen apart over pricing and delivery issues and resulted in a claim of £12m by the service provider.
- A contract for the supply of food produce by a very large Irish manufacturer to a distributor ceased after a dispute over discounts, credit returns and the geographic spread of the territory.
- Professional Sports Team dispute with a sports clothing supplier

Construction & Engineering

Austin has wide experience in the Construction sector. He was Chairman of a UK property which masterminded a three million square foot mixed use development in Manchester City. During the property boom in Dublin in the nineties and noughties he acted for many clients in the construction sector including developers, contractors, sub-contractors and construction professionals. He set up numerous property-backed investment vehicles and oversaw many construction projects. Because of his construction experience and dealings with contractors, financiers, architects, engineers, chartered and quantity surveyors, he gets appointed as mediator on many types of cases involving construction and engineering. Here are some examples of cases which concluded successfully in mediation:

- A large Spanish Construction Corporation built a sports facility for an Irish Local Authority.
- While the contract sum was initially €14m, five years later the claim mounted to €58m over
- €8m was spent in dispute resolution costs and the matter was stuck in a badly managed highly expensive arbitration process. The Spanish Construction firm were suing the Local Authority for payment.

- A stunning exclusive home set on the beautiful scenic coastline of Connemara in the West of Ireland was built two metres above its permitted height and of timber structure which was not water resistant. The home owner was in litigation with the engineer, an explosives expert, the contractor and others to have the house demolished and re-built.
- A hospitality sector business sought €10m from a State Transport Operator due to water ingress over many years at one of its top class facilities.
- Debt due by an Irish Specialist Engineering Design Company and US owned Port Company

Energy & Natural Resources

As with all nations Ireland and UK have become hotbeds of activity in the attempts to reduce the carbon footprint - generating energy from wind, water, waste, geothermal, electrification of cars and designing energy saving buildings. Examples of these types of cases are:

- A US wind turbine manufacturer supplied and fitted several wind turbines to an operator in the midlands in Ireland. The contract was worth over €5m. The contract collapsed over the failure of the turbines to deliver the energy savings promised.
- A large Irish waste contractor entered into long term arrangements with a land owner for the installation and management of a landfill site as well as the production of electricity from the waste. The contract fell apart over the land rental charges and the profit share from the electricity generated.
- A public sector electricity utility company in Ireland fell out with several landowners over damaged caused to lands during laying of pipes for a large scale interconnector project.
- A wind turbine manufacturer from the US entered into a distribution contract in Scotland with a local distributor. The contract fell apart over charging, payments and product quality issues.

Information, Communication & Technology

Ireland has become home to almost 700 US Companies many of whom are household names in the ICT, Pharmaceutical and Medical Devices sectors. During his career as a Business Consultant and Accountant he advised many new 'High Potential' start-up companies many in the ICT sector providing him with knowledge and experience in these sectors. Some examples of mediation work in this area are:

- The break-up of an owner-run business that had developed a Financial Advisory Services website with Central Bank Regulatory and other issues.
- The second round funding stage of a new Mobile Phone Platform which was based on location connectivity
- An Irish Bank engaged a UK mobile software design house to design a Mobile Phone Application. The deal fell apart over design, time deadlines and delivery issues.

- A group of Irish computer scientists invented a highly technical device that started life as a gaming tool and became a highly valuable stress management tool for the mental health sector. A consortium of parties including the inventors, venture capital investors, state grant agencies and banks fell out over ownership and future planning matters.
- Dispute over the Intellectual Property of a crowd funding website.

Partnership & Shareholder

As a partner and shareholder in a number of businesses over 30 years Austin learned the challenges of important interpersonal relationships in the workplace particularly when there is money and reputation at stake. The poor ability of people to deal with conflict invariably leads to a breakdown in communication and trust and inevitably leads to vitriolic disputes. These types of disputes require a mediator with extremely well-defined conflict management and coaching skills. Examples of these type of disputes that Austin has mediated are:

- The Board of a large successful Irish Civil Engineering Company fell into disarray over succession planning and exit mechanisms for retiring board members.
- A highly successful four partner specialist medical practice in Dublin became divided over the introduction of a new partner.
- A three partner law firm in southern Ireland got embroiled in a divisive dispute over ownership and consultancy arrangements for one retiring partner.
- A two partner accounting and audit firm became divided over professional indemnity issues and client advisory practices.
- Shareholder minority oppression allegations in a very successful restaurant chain which led to dividing up the business.
- Many family business disputes in lots of different sectors including farming, retail, fashion and construction. Land disputes in particular can be highly vitriolic because they often involve many generations of conflict.

Workplace Disputes

- Many cases involving termination agreements
- Disputes within a number of different Political Parties

Community Disputes (Pro Bono)

- Neighbour disputes over noise, boundaries, anti-social behaviour