

Professional Negligence & Liability Update

THE SECRETS OF SUCCESS

ANNUAL CONFERENCE

Billesley Manor Hotel.
Billesley (Near Stratford upon Avon)
B49 6NF T: 01789764145

Evening 15 November

6pm -7pm Lender Claims meeting
Drinks and Dinner 7.30pm onwards
16 November 9am – 5.30pm



Grant Thornton



INTRODUCTION:

The aim of this conference is to highlight trends and topics of interest to those developing a practice in professional negligence and liability. In an era where settlements are getting harder to reach and many solicitors are dusting off their trial skills after years of disuse, this conference will look at the secrets of success.

SPEAKERS:

Sir Robin Jacob 8 New Square Chambers
Patrick Lawrence QC 4 New Square Chambers
Anneliese Day QC Fountain Court Chambers
Philip Radford BPE Solicitors
Peter O'Donnell The Mortgage Claims Bureau
Philippa Hill & Phil Crooks Grant Thornton
Chris Mayers Hugh James
Anil Virji Civil and Commercial Costs Lawyers Ltd
David Chase Temple Legal Protection

AGENDA

9.00 - 9.20

Registration and Refreshments

9.20 - 9.30

Andrea Cohen – PNLA Chief Executive Introduction

9.30 - 10.00

Chairman's address – Sir Robin Jacob – 8 New Square Chambers

Hugh Laddie Professor of Intellectual Property Law and Director of the Institute of Brand and Innovation Law, University College London, Arbitrator, mediator, expert witness and advisor

Having read Natural Sciences at Trinity College Cambridge, Sir Robin then simultaneously read for the Bar and took an LLB from the LSE. He was called to the Bar by Grays Inn in 1965. He practiced at the Intellectual Property Bar from 1967. From 1976 to 1981 he was the Junior Counsel for the Comptroller of Patents and for Government departments in intellectual property. He was appointed Queen's Counsel in 1981. His practice took him abroad often (Hong Kong, Singapore, Europe, USA, Australia). He was appointed to the Bench in 1993. From 1997 to 2001 he was Supervising Chancery Judge for Birmingham, Bristol and Cardiff. He was appointed a Lord Justice of Appeal in October 2003.

In the Court of Appeal he regularly sat on both IP and commercial cases. He formally retired from the Court of Appeal in May 2011 to take up his current appointment. He continued to sit from time to time in Court of Appeal until April 2016.

He acts as an arbitrator, mediator and expert witness both in IP and commercial cases. He is a member of the following arbitral bodies LCIA, the ICC, SIAC, KLRC and HKIAC.

He is Hon. Fellow of the LSE, an Hon. Fellow of St Peter's College, Oxford, an Hon. LID of the University of Wolverhampton, Governor of the LSE, Hon. President of the UK branch of the Licensing Executive Society, Hon. President of the Association of Law Teachers, a member of the Advisory Board of the European Law Centre of King's College London and Chairman of the Advisory Panel on the appointment and training of judges of the Unified Patent Court. He was a Governor of the Expert Witness Institute from its foundation until 2004 and is now a Governor again. He was Treasurer of Grays Inn in 2007. He was awarded the Outstanding Achievement in IP award by MIP in 2012. He was a member of the Scientific and Advisory Board of the European Patent Office during its existence. He has written extensively on all forms of intellectual property. He often lectures, mainly on IP topics, both in the UK and abroad and is regularly consulted on IP matters by the European Commission and the UK government. He is President of the Intellectual Property Judges' Association (the association of European IP, particularly patent, judges). He is Chairman of the Advisory Panel on the Selection and Training of Judges for the forthcoming Unitary Patent Court.

10.00 – 10.45

Patrick Lawrence QC – 4 New Square – Professional Negligence and Liability Update

Patrick will review significant developments in professional negligence and liability in the last year.

Chambers & Partners Professional Negligence QC of the year in 2011, Patrick has appeared in a number of leading cases at appellate level. He defended expert witness immunity in the Supreme Court in *Jones v Kaney*.

If you believe the Directories: "he is very good at carrying vulnerable clients through a difficult process", "a wonderful advocate", "extremely bright and very personable - a formidable opponent" [Chambers 2016]. "A Rolls-Royce silk ... able and approachable in equal measure, one of the most in demand professional indemnity barristers ... first port of call, particularly when it comes to large surveyors' and valuers' claims ... a towering courtroom presence ... superb in complex heavyweight cases, known for razor-sharp mind and ability to take a witness apart." [Chambers; 2014] "very charismatic and good with clients; he is able and approachable in equal measure" [Chambers 2015]. "He has a fantastic manner and outstanding judgement", "Inspires great confidence and tackles problems with the minimum of stress" [Legal 500, 2015].

Recent cases include: *ORB A.R.L & Anor v Fiddler & Anor* [2016] EWHC 361 (Comm) (26 February 2016); *Titan Europe 2006-3 Plc v Colliers International UK Plc* [2015] EWCA Civ 1083 (03 November 2015); *Mortgage Express v Countrywide Surveyors Ltd* [2015] EWCA Civ 1110 (29 October 2015); *Breyer Group Plc & Ors v Department of Energy and Climate Change* [2014] EWHC 2257 (QB) (09 July 2014)

10.45 - 11.00

Refreshments

11.00 - 11.45

Anneliese Day QC – Fountain Court Chambers – [TOPIC TO BE CONFIRMED]

Anneliese is an "outstanding lawyer of her generation" who specialises in commercial disputes focused around professional liability, energy and natural resources, construction, and insurance, acting in very high-value cases both domestic and international. The "truly exceptional" nature of her work led her to win the prestigious "Barrister of the Year" at The Lawyer 2014 Awards in light of her string of "impressive achievements", the judges noting that "there's evidence of a fighter here – her versatility in both witness and expert handling really comes across. That is what we need in this profession". Anneliese was also named as Construction Silk of the Year at the 2014 Chambers Bar Awards and is listed in *Debretts* as a leader in her field and one of Britain's 500 most influential people due to her "extraordinary talent", eloquence, and ability to explain complex issues to lay clients.

She is variously described in recent directories as: "tough, tenacious and impressive on her feet... a supremely intelligent litigator with the perfect balance between charm and incisiveness." "Instructing her is like sending your opponent a battering ram with a first-class stamp. She is frighteningly bright, superb on her feet, completely unflappable, has an exceptional work ethic and is blessed with an incredible memory for detail. "a charming, intelligent and ruthlessly brilliant advocate."

In addition to her extensive domestic practice she is called to the Bar of Northern Ireland and is a registered advocate with the SICC and the DIFC. Anneliese has also advised and appeared in courts and tribunals in Singapore, the Middle East, Cayman Islands, Trinidad & Tobago, Hong Kong, Thailand, France, Germany, Ireland, USA and Turkey.

11.45 – 12.30

Philip Radford – Equity Partner, Litigation – BPE Solicitors – Tips and Tales from the Supreme Court

At the front line as winners in this year's most high-profile case: *BPE Solicitors & Anor v Hughes-Holland* (in substitution for Gabriel) (Rev 1) [2017] UKSC 21 (22 March 2017). Philip is the Head of Commercial Litigation and a specialist litigator with over 30 years of experience advising on all types of disputes between businesses and business owners. He also advises on complex disputes ranging from professional negligence claims to intellectual property disputes. His typical client is any business with a turnover of £2million or more. He is also an accredited mediator with an ability to think outside the box where commercial litigation is concerned resulting in resolving disputes quickly and effectively.

AGENDA

12.30 - 1.00

Anil Virji and Colin Carr – Civil and Commercial Costs Lawyers Ltd – Costs and Negligence

Anil is Head of Costs at Civil & Commercial Costs Lawyers. He is responsible for the operational running of the business. Anil has over 20 years' experience in dealing with all aspects of contentious costs. He was the first Costs Lawyer to be made Partner in a law firm Anil has been instructed in all areas of civil litigation ranging from group actions, libel, commercial disputes professional negligence, clinical negligence and matrimonial cases. He is an experienced advocate and as a Costs Lawyer has rights of audience.

1.00 - 2.00

Lunch

2.00 - 2.45

Peter O'Donnell – The Mortgage Claims Bureau – Claims against the FSCS arising from off-plan foreign property scams

Business consultant and senior manager for complex financial services claims management in UK.. Mortgage Claims Bureau provides a service helping clients who lost money from negligent advice by FCA regulated persons and IFA broker networks. This is a no win no fee service for clients who lost money from investing in unregulated products, generally through offshore off-plan property. Peter was a victim of a major Ponzi scheme perpetrated by a firm of chartered accountants in Leicester and referred by a senior bank manager in Manchester. He is now dedicated to helping fellow victims recover their financial lives. Members of the PNLA will understand how these financial "crimes" are perpetrated and what can be done to get their money back.

claims.

2.45 - 3.30

Chris Mayers – Partner – Hugh James – The Claimant Perspective

Chris has a wealth of experience acting for both claimants and defendant insurers across many of the key areas for professional negligence. As a successful practitioner in personal injury, clinical negligence and employment Chris is ideally placed to consider whether the standard of care provided by solicitors fell short of what clients reasonably ought to expect. Chris spent the first five years of his career acting for claimants, most notably for the majority of claimants in respect of the outbreak of Legionnaires Disease at Stafford District General Hospital in 1985. He spent the next five years acting exclusively for insurance companies. He defended claims against Local Authorities ranging from routine claims of tripping and slipping to those that were novel and unprecedented, including some of the first claims against Social Services Departments of Local Authorities by victims of sexual abuse. He was also involved in claims against large industrial and engineering concerns such as British Steel in south Wales.

Chris, during his time in the Welsh Office Legal Services department, on behalf of the NHS in Wales, defended a substantial caseload of personal injury and medical negligence claims. Personal injury claims included employers' liability and public liability, covering all manner of claims from lifting, repetitive strain injury, industrial diseases and occupational stress. In clinical negligence matters, he has acted for nearly every NHS Trust in Wales at some stage during his career. Many of the claims involved catastrophic brain damage and other high-profile cases.

In employment matters, Chris has advised on many complex and unprecedented issues and is a regular advocate before the Employment Tribunal and in the Coroner's Courts.

Formerly the Law Society's Intervention Agent in Wales, this involved Chris acting on behalf of the Law Society to close down firms of solicitors as instructed due to the negligence or dishonesty of the firms involved.

3.30 - 3.45

Refreshments

3.45 - 4.30

Auditors and Accountants Negligence

• Phil Crooks – Partner – Grant Thornton

With more than 30 years' experience in accounting, auditing and investigations, Phil leads Grant Thornton's team specialising in Accounting integrity and conduct matters, investigating potential audit negligence and regulatory matters across all sectors. He is instructed by lawyers, insurance companies, receivers or directly by corporates as expert on forensic cases involving accounting and auditing issues. He has given evidence several times in the last few months.

Having been national head of assurance at Grant Thornton and retaining a portfolio of audit clients, he is uniquely positioned to undertake auditor negligence expert and investigation work. He is a non-executive director and chairs the audit committee of a listed company.

Key issues he regularly deals with include the role of auditors in failed organisations, claims regarding illegal dividends or balance sheet 'black holes', inappropriate intercompany transactions and fraud.

• Philippa Hill – Director – Grant Thornton

Philippa Hill is a Fellow of the Institute of Chartered Accountants in England and Wales (FCA) specialising in forensic and investigation services since 2001, prior to which she spent four years as a statutory auditor.

Philippa has particular experience of accounting disputes and investigations including alleged accounting irregularities and misstatement, and associated audit and accounting negligence claims and professional misconduct inquiries. She also regularly advises on claims involving financial misrepresentation, breach of accounting warranties, completion accounts and other accounting disputes.

Philippa has many years of commercial disputes experience and recently acted as expert witness on quantum in a middle eastern joint venture dispute.

She also has significant experience in regulatory and corporate investigations including fraud, and has given oral testimony and been cross-examined in both criminal and regulatory matters.

4.30 - 5.00

David Chase - Temple Legal Protection – PNLA ATE SCHEME

- Update on developments in the ATE market
- Future implications for the PNLA ATE Scheme

5.00 - 5.15

Chairman's Closing Questions and Discussion

5.15 - 5.30

PNLA – Annual General Meeting

Professional Negligence

Annual Conference

Held at: Billesley Manor Hotel, Billesley,
(Near Stratford upon Avon) B49 6NF Tel: 01789764145

Evening 15 November 6pm – 9pm

16 November 9am – 5.30pm



Terms and conditions in relation to courses, seminars and conferences provided by and on behalf of
The Professional Negligence Lawyers' Association (PNLA).

1. The full fee invoice for the course, seminar or conference is payable unless a cancellation is received in writing at least 21 working days before the event, when the fee will be credited less a £75 administration charge. Substitutions are welcome at any time subject to any variation in price that might be payable if the substitute is not a member of The Professional Negligence Lawyers' Association..
2. The Professional Negligence Lawyers ' Association and PNLA Training Limited reserve the right to vary or cancel a course, seminar or conference where the occasion necessitates.
3. The Professional Negligence Lawyers ' Association and PNLA Training Limited accept no liability if, for whatever reason, the course, seminar or conference does not take place.
4. Large print versions of the handouts can be made available at the event provided at least ten days ' notice is given to the organisers prior to the event.
5. If there are insufficient rooms in the hotel to accommodate all delegates who require one when an overnight stay is involved, we will try to arrange for rooms of a similar quality in a nearby hotel, but the organisers cannot be held responsible if such rooms are not available.
6. The booking constitutes a legally binding contract. The delegate and/or employer are jointly and severally liable for payment of all the fees due. To the extent permitted by law, neither The Professional Negligence Lawyers Association, PNLA Training Limited or the presenters will be liable by reason of breach of contract, negligence or otherwise for any loss or consequential loss occasioned to any person acting, omitting to act or refraining from acting in reliance upon the course material or presentation of the course, or, except to the extent that any such loss does not exceed the price of the course, arising from or connected with any error or omission in the course material or presentation of the course. Consequential loss shall be deemed to include, but not limited to, any loss of profits or anticipated profits, damage to reputation or goodwill, loss of business or anticipated business, damages, costs, expenses incurred or payable to any third party or any other indirect or consequential losses.
7. The personal information shown and/or provided by you will be held on a database and you may be contacted from time to time by The Professional Negligence Lawyers' Association and PNLA Training Limited with details of programmes and services that may be of interest to you. Sometimes your details may be obtained from or made available to external organisations for marketing purposes. If you do not wish your details to be used for this purpose, please write to: The Database Manager, PNLA, PO Box 1685, Congresbury, Bristol, BS 49 5WQ or email: yvonne.fairbrother@pnla.org.uk



PNLA Training Ltd

Costs for Annual Conference

Cost for the whole conference inc. overnight stay & dinner:

PNLA Members: £600 inc VAT

Non-members: £690 inc VAT

Cost for the 16 November only:

PNLA Members: £420 inc VAT

Non-members: £510 inc VAT

To book send completed form by email

to: yvonne.fairbrother@pnla.org.uk

Preferred payment method - Direct payment to Bank Account

Bank Details: HSBC S/C 40 17 50 - A/C: 51367706

Or by credit or debit card.

Please reserve a place for the following delegate:

Full Name

Contact Name

Firm

Address

.....

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Telephone Email