

Professional Negligence and Liability - The Wind of Change

Held at - The Marriott Hotel, College Green, Bristol, BS1 5TA.

8 February 2017 – 9 to 5



Introduction: An event for those looking for a comprehensive review of current issues and developments in professional negligence and liability from those in the front line. According to Wikipedia the "Wind of Change" speech was a historically significant address made by British Prime Minister Harold Macmillan to the Parliament of South Africa, on 3 February 1960 in Cape Town. He had spent a month in Africa visiting a number of what were then British colonies. The speech signalled clearly that the Conservative-led British Government intended to grant independence to many of these territories, which indeed happened subsequently, with most of the British possessions in Africa becoming independent nations in the 1960s. This conference looks at the wind of change blowing through professional negligence and liability.

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legal protection

Speakers:

Chairman: Nicholas Davidson QC - 4 New Square
Hugh Sims QC & Holly Doyle - Guildhall Chambers
Oliver Manley - 30 Park Place Chambers
Caroline McColgann - Crown Office Chambers
Anil Virji - Civil & Commercial Costs Lawyers Ltd
Bruce Bourne - BBA Mediation
Joe Bryant - Partner, RPC
Katy Manley - Manley Turnbull Solicitors
Further Speakers to be confirmed

CIVIL & COMMERCIAL
COSTS LAWYERS LTD

Agenda:

9 – 9.30 Registration and Refreshments

9.30-9.35 PNLA Introduction

9.35-9.45 Richard Collier – Judicial Assistant – Court of Appeal

Richard will introduce himself as an observer at this event for the Fixed Recoverable Costs Review being undertaken by Lord Justice Jackson . For those that cannot attend the event the contact email address for the consultation is fixed.costs@judiciary.gsi.gov.uk.

9.45– 10.30 Chairman’s Address – Nicholas Davidson QC – 4 New Square Chambers

Nicholas is a commercial litigator and arbitrator who has been described in the Legal 500 as having “a charming manner, which puts clients at ease” (2016) and as “one of the leading trial lawyers of his generation with excellent client skills” (2015). He was a founding member, and in due course Chairman, of the Professional Negligence Bar Association. Recent cases include: Harlequin Property (SVG) Ltd v Wilkins Kennedy (A Firm) [2016] EWHC 3188 (TCC); Commodities Research Unit International (Holdings) Ltd & Or v King & Wood Mallesons LLP [2016] EWHC 727 (QB); Wright v Lewis Silkin LLP [2015] EWHC 1897 (QB); AIB Group (UK) Ltd v Mark Redler [2014] UKSC 58. He is a Deputy High Court Judge, authorised to sit in the Queen’s Bench and Chancery Divisions, including the Mercantile Court.

10.30– 11.15 Hot Topics in Professional Negligence – Hugh Sims QC and Holly Doyle – Guildhall Chambers

Hugh ‘has a highly respected, broad-ranging commercial practice that includes deep expertise in an array of areas, including chancery, company law, professional negligence and insolvency-related disputes. his work in the area of banking and finance includes acting both for and against banks and other financial institutions.’ chambers uk 2017 A few of his recent cases: Premier Motor Auctions Ltd & Anor v Pricewaterhousecoopers LLP & Anor [2016] EWHC 2610 (Ch) (24 October 2016); Evans & Anor v Jones & Anor [2016] EWCA Civ 660 (07 July 2016); Aidiniantz v The Sherlock Holmes International Society Ltd [2016] EWHC 1392 (Ch) (15 June 2016); Stevensdrake Ltd (t/a Stevensdrake Solicitors) v Hunt (as Liquidator of Sunbow Ltd) [2016] EWHC 342 (Ch) (26 February 2016); Gartell & Son (a firm) v Yeovil Town Football & Athletic Club Ltd [2016] EWCA Civ 62 (04 February 2016); Swynson Ltd v Lowick Rose LLP [2015] EWCA Civ 629 (25 June 2015) Holly’s interest in this field stems from a secondment to the Insurance and Re-Insurance Group at CMS Cameron McKenna Solicitors during her pupillage. Professional negligence and indemnity work consequently forms a substantial part of her commercial practice. She undertakes both claimant and defendant work in all areas, from relatively modest claims to those valued in excess of £1m.

11.15-11.30 Refreshments

11.30– 12.15 Professional Negligence and Immigration Law – Oliver Manley – 30 Park Place Chambers

Oliver has a hugely successful and diverse practice including chancery and commercial as well as immigration law. Oliver has been involved as a junior in a professional negligence case which deals with the complexity of quantifying loss after the receipt of negligent immigration advice. Cases include: DA018482013 [2014] UKAITUR DA018482013 (27 February 2014) ; Lawless v. Print Plus (Debarred) [2010] UKEAT 0333_09_2704 (27 April 2010) and MW (Nationality; Art 4 QD; duty to substantiate) [2016] UKUT 453

12.15-1 Professional Negligence – Brokers and Managing Agents – Caroline McColgan – Crown Office Chambers

Caroline is regularly instructed in professional negligence matters, both as junior to leading counsel and in her own right. She has experience of dealing with a broad range of professions, including solicitors, surveyors, construction professionals, managing agents and insurance brokers. Recent instructions have included: acting for the defendant in a £multi-million accountants’ negligence action arising out of complex investment schemes (led by Ben Quiney QC); representing a provider of social housing in a claim against its broker for failing to disclose material facts to insurers, resulting in it being refused cover for a substantial property damage claim (led by Michael Curtis QC); acting for a solicitor-executor in a very complex contentious probate dispute in which it was alleged he had breached his duty to manage the estate (led by Dermot Woolgar); and as sole counsel: - acting for the claimant in proceedings against her conveyancing solicitors for failing to advise on the presence of Japanese Knotweed during a property transaction; representing several firms of managing agents said to have breached their duty to manage commercial properties, resulting in claims by third parties; acting for a firm of surveyors to defend a claim by a major UK bank, for alleged negligent valuations at the time of the financial crisis. Caroline is a very experienced advocate and is frequently instructed to appear at trial in high value matters which belie her Call.

1.00–2 Lunch

2.00-2.30 Costs and Negligence – Anil Virji – Civil and Commercial Costs Lawyers Ltd

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.

2.30-3.15 Emerging Trends in Mediations – Bruce Bourne – Mediator and Surveyor

Bruce has extensive experience (200+) of mediating commercial disputes relating not only to property matters but also insurance, contract and workplace amongst others. Bruce is an elected member of the Civil Mediation Council board and is joint chair of their Registration Committee Prior to entering the world of mediation Bruce had a career as a Chartered Surveyor and he brings to the world of mediation an extensive commercial career in property based companies. Bruce’s popular style of mediating is described in Chambers Directory as very skilled in damping down the emotions and getting people to focus on the real world, he also has a calm and collected approach to mediation.

3.15-3.45 Refreshments

3.45-4.45 The Defendant Perspective ADR – Joe Bryant – Partner – RPC

Helping solicitors, brokers and construction professionals facing claims, Joe Bryant is a seasoned insurance lawyer and his practice spans the full spectrum of firms and issues, from complex corporate and tax litigation on the one hand, to conveyancing and estate planning disputes on the other. He is routinely instructed on behalf of top 100 law firms and sole practices alike. Joe has particular expertise in relation to solicitors disciplinary and regulatory matters.

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The Claimant Perspective ADR – Katy Manley – Manley Turnbull Solicitors

Katy is President and a founder member of the Professional Negligence Lawyers Association. With the management team, Katy has been responsible for arranging seminars and events, lobbying Government and consultation with regulatory and other bodies. Katy is one of the leading names for claimant professional negligence work and is known not only for her practice but also from publishing articles and lecturing on this subject.

4.45-5 Chairman’s Closing remarks - Question and Answer Session

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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 plus VAT 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 ' not ice 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

Competence:

This course can be recorded as 6 hours to show that professional negligence and liability as a learning and development need has been addressed.

PNLA Training Ltd - Cost for the Bristol seminar:

PNLA Members: £250 plus VAT (£300)
Non-Members: £325 plus VAT (£390)

Payment Methods:

Direct into bank account or by credit or debit card.

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

Please contact by email
yvonne.fairbrother@pnla.org.uk to arrange payment and reserve your place.

Please reserve a place for the following delegate:

Full Name

Contact Name

Firm

Address

.....

.....

Telephone Email

Professional Negligence Claims in Scotland

Climbing the Mountains

Held at: The Scotsman Hotel, 20 North Bridge, Edinburgh, EH1 TR
T: 0131 556 5565

3 May 2017 – 8.30 to 5.30



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Please reserve a place for the following delegate:

Full Name

Contact Name

Firm

Address

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Telephone Email