



Professional negligence and liability practitioners will find this conference an essential update taking account of the legal developments, the introduction of the Business and Property Courts, trial tactics and general trends and issues arising in dispute resolution in this sector and more. The speakers are drawn from a diversity of backgrounds and regions whilst all offering the benefit of many years of experience to share with us.

The Marriott Hotel, College Green, Bristol, BS1 5TA  
7 February 2018 – 9am to 5pm

Mr Justice Norris

Nicholas Davidson QC

James Counsell QC

Andrew Burnette

Marcus Thomson

Holly Doyle

Gareth Jones

Bill Holohan

Chairman - 4 New Square Chambers

Outer Temple Chambers

Burges Salmon

DAC Beachcroft

Guildhall Chambers

Civitas Chambers

Holohan Law

## MORNING AGENDA

### 09.00 – 09.25 Registration and Refreshments

### 09.30 – 09.45 PNLA Introduction

### 09.45 – 10.30 Chairman's Address – Nicholas Davidson QC – 4 New Square Chambers

Nicholas' address will include warning about the danger of Falling Over While Standing Still, a risk shown by recent cases about standstill agreements

Nicholas is a commercial litigator and arbitrator who has been described in Chambers & Partners this year as an "expert in his field who knows the law back to front. He is a very responsive team player." "He is able to get to grips with the most complex issues and his particular strength is as a court advocate. He is a master of cross-examination." The Legal 500 has described him 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 & Ors 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 [Topic Title TBC] – James Counsell QC – Outer Temple Chambers

James Counsell QC is widely recognised in the fields of Clinical and Professional Negligence and in Personal Injury, acting both for claimants and for defendants. He also specialises in acting for victims of historic sexual abuse, having recently acted as lead counsel in the first successful claim against the Jehovah's Witness organisation. James's professional negligence practice regularly involves him in claims for and against solicitors, barristers, accountants, surveyors, financial advisers. He is currently lead counsel in a series of claims against solicitors arising out of the alleged under-settlement of a historic abuse claim against a school near Leeds. His claims work fits well with a busy disciplinary and regulatory practice, regularly representing doctors, dentists, solicitors, accountants and those in the financial services sector in their respective disciplinary tribunals. Besides defence regulatory work, he represents the Council of Lloyd's in enforcement proceedings brought against its members by the Society of Lloyd's and conducted an extensive and high profile inquiry leading to successful enforcement proceedings against a Lloyd's managing agency and its senior officers. James is also an active member of the BSB Prosecuting Panel and has represented BSB in a number of high profile cases against well-known barristers in the last couple of years.

### 11.15 – 11.30 Refreshments

### 11.30 – 12.15 Professional Negligence Update – Holly Doyle – Guildhall Chambers

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.

### 12.15 – 13.00 Professional Negligence claims: Litigation & ADR in Ireland – Bill Holohan – Holohan Law

Senior partner of Holohan law. Specialising, amongst other areas, in professional negligence and insurance. He is the co-author of the only textbook on the subject in Ireland: "Lawyers' Professional Negligence & Insurance", published by Thomson Reuters. A member of the Professional Indemnity Insurance Committee of the Law Society in Ireland.

He has acted on the instruction of professional indemnity insurers, in the defence of professional lines negligence claims for over a decade. Claims have included claims not only against solicitors, but also as against accountants, auditors, architects, engineers, insolvency practitioners, insurance brokers, tax advisers, et cetera. In addition to this he has advised on coverage issues.

### 13.00 – 14.00 Lunch

## AFTERNOON AGENDA

### 14.00 – 14.30 The Business and Property Courts

#### Mr Justice Norris – High Court Judge (Chancery Division)

Sir Alastair Norris was called to the bar by Lincoln's Inn in 1973 (becoming a Bencher in 2004). He was appointed a QC in 1997. He was a Recorder of the Crown Court before a Senior Circuit Judge (Chancery) at Birmingham where he sat from 2001 until 2007.

In October 2007 he was appointed to the High Court (Chancery Division).

### 14.30 – 15.30

#### The Claimant Perspective

##### Andrew Burnette - Partner - Burges Salmon

Head of Professional Negligence at Burges Salmon LLP, Andrew acts predominantly for claimants against solicitors, surveyors, financial advisors, brokers, actuaries, auditors, accountants and engineers. Much of his work since qualifying in 2003 has been on behalf of lenders, including a leading role in the Britannia/Co-op Bank/Platform portfolio of cases which was managed through Bristol Mercantile Court, building on Burges Salmon's involvement in the Nationwide and Bristol & West managed litigation in the 1990s. Andrew also undertakes advisory work for lenders, including new challenger banks and peer-to-peer lenders, on reducing their exposure to risks which have historically led to claims.

Andrew is "known for being an excellent litigator" (Chambers 2018) and as "clear-headed, practical and committed" (Legal 500, 2017).

#### The Defendant Perspective

##### Marcus Thomson - Partner - DAC Beachcroft

Marcus has been dealing with professional indemnity claims since 1993, both in private practice and in-house. He has extensive experience of solicitors negligence claims having worked for SIF Ltd and St Paul Travelers.

He also deals with claims against surveyors, accountants, insurance brokers and the new professions. Marcus' recent experience includes defending group litigation on behalf a firm of solicitors and their insurers. He has a particular interest in the law of insurance and regularly advises insurers on coverage. Marcus joined the firm from St Paul Travelers in 2002, and was made a partner in 2004.

Marcus Thomson is "a standout on solicitors' professional negligence," according to sources. Chambers UK, 2011 Edition, Professional Negligence, The Regions.

- See more at:

<http://www.dacbeachcroft.com/people/directory/marcus-thomson#sthash.WjOFReKi.dpuf>

### 15.30 – 15.45 Refreshments

### 15.45 – 16.30 Professional Negligence and Wills & Probate – Gareth Jones – Civitas Chambers

With over 25 years' experience in the law Gareth maintains a highly focussed Chancery practice. He deals mostly with Wills, Probate, Contentious Probate, Trusts and also Land and Property disputes. This includes relief under the Trusts of Land and Appointment of Trustees Act 1996 and the Inheritance Act 1975. He has an extensive practice in Proprietary Estoppel. He also focuses on the Elder Client and gives advice on Inheritance Tax and setting aside improvident transactions. He drafts wills and settlements for high net worth clients. His practice encompasses Rectification, Undue Influence, the Removal of Executors and Trustees, Charities and Unincorporated Associations.

### 16.30 – 17.00 Chairman's closing remarks, questions and discussion session.

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