



In conjunction with

ORPEN FRANKS

Professional Negligence Update

Annual Dublin Conference

Held at: Radisson Blu Royal Hotel, 8 Golden Lane, Dublin

T: +353 1 898 2900

29th September 2017 – 9.00am to 5.00pm

Speakers:

Rossa Fanning SC

Ben Patten QC – 4 New Square

Alan Keating BL

Paul Sachs & David Jackson – Netmaster Solutions

Tim Constable – Partner – Dentons UKMEA LLP

Mark Leiser – University of Leicester

Michael Lent – Lakehouse Risk

Eimear Lane ACII, BBS – McGivern Flynn

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Agenda

09.00 Registration and refreshments

09.30 PNLA Management Team introduction – Katy Manley – PNLA President and Kay Bethencourt – PNLA Operations Manager.

09.35 Chairman's Keynote Address

10.00 Principles Underlying The Awarding Of Damages In Professional Liability Actions In Ireland – Rossa Fanning SC

Rossa Fanning is a Senior Counsel practising in Dublin in the field of civil and commercial litigation. He has extensive experience of advising and acting in professional negligence claims against solicitors, barristers, auditors, insurance brokers, financial advisers and construction professionals.

10.45 Solicitors' liability and the law of trusts (The state of the law in England after *Dreamvar v Mishcon de Reya*)

– Ben Patten QC – 4 New Square

Ben is the author of "*Professional Negligence in Construction*" [Spon] 2003, a co-editor of the Construction Professionals Chapter in "*Jackson & Powell*" and a co-editor of the Solicitors' Chapter in the *Professional Negligence and Liability Looseleaf*. He is also a frequent lecturer and author of legal articles. Ben is a member of TECBAR, COMBAR, the Professional Negligence Bar Association and the London Common Law & Commercial Bar Association. He has also been called to the Bar in the Republic of Ireland and Northern Ireland and has acted as an arbitrator. Recent cases include: *Dreamvar (UK) Ltd v (1) Mischon de Reya (a firm) and (2) Mary Monson Solicitors Ltd* [2016] EWHC 3316 (Ch); *P&P Property Ltd v Owen White & Catlin LLP & Anor* [2016] EWHC 2276 (Ch) (30 September 2016); *Allen Tod Architecture Ltd v Capita Property And Infrastructure Ltd* [2016] EWHC 2171 (TCC) (26 August 2016); *Bloomberg LP v Sandberg (a firm) & Ors* [2016] EWHC 488 (TCC) (11 March 2016); *Hunt v Optima (Cambridge) Ltd & Ors* [2014] EWCA Civ 714 (31 July 2014) and more

11.30 Refreshments

11.45 Hot Topics – Alan Keating BL

Alan Keating is junior counsel since 2002 practising in a number of specialised areas. In the area of professional liability, Alan has represented both plaintiffs and defendants. In medical negligence cases, Alan has represented Plaintiffs, achieving some of the highest awards in the history of the State. Alan also practises in commercial law, local government law (including environmental law and arbitration arising from land acquisition), landlord and tenant law and banking law. Alan has written articles on waste management law, principles of environmental law, the separation of powers, claims for damages arising from psychiatric injuries and periodic payment orders. Alan was the co-author of the Report Discriminatory Planning Conditions: The Case for Reform published by the Law Society of Ireland in February 2005. Alan has also been involved with certain activities of the Bar Council, on a voluntary basis (including the Legislation Committee, the Internal Relations Committee and the International Moot Court Exhibition, The Hague, 2005) and was a delegate on the Irish Programme of the United States International Academy of Trial Lawyers in 2009. Alan is currently a committee member of the Medical Injuries Alliance.

12.30 Electronic Court Bundles – Paul Sachs and David Jackson – Netmaster Solutions

Revolutionary technology from CaseLines to take the costs and pain out of evidence bundles and courtroom presentation. David and Paul (brother of prominent PNLA member Jonathan Sachs of Irwin Mitchell) will explain how it works.

13.00 Lunch

14.00 Professional negligence trials – The developing approach of the English Court towards Witnesses and Scope of duty

– Tim Constable – Partner – Dentons UKMEA LLP

Tim specialises in professional negligence and liability and is a partner in the Commercial Dispute Resolution practice and is based in the Watford office. As a commercial litigator, Tim resolves complex commercial disputes by negotiation, mediation, arbitration or litigation. He focuses on disputes involving commercial contracts, professional indemnity, commercial fraud and corruption, product liability, corporate disputes and commercial agency related matters. He also has extensive experience in freezing injunctions and search and seizure orders. Many of his cases involve an international element. Recent cases include: *Barclays Bank Plc v Christie Owen & Davies Ltd (t/a Christie & Co)* [2016] EWHC 2351 (Ch) (30 September 2016); *Santander UK Plc v. RA Legal Solicitors* [2014] EWCA Civ 183; *Capita Trust Company Ltd v. Optical Service (UK) Ltd* [2014] EWHC 991 (Ch) (13 March 2014).

14.45 Mitigating the threat: how law firms can protect themselves from cyber hacking and other forms of criminality

– Mark Leiser – University of Leicester

Mark Leiser is a Lecturer in Law at the University of Leicester and has lectured Internet Governance, Intellectual Property, and Privacy/Crime/Security on the Masters Programme, and Intellectual Property, Company and Commercial Law to the undergraduates at the University of Strathclyde and has assisted with the teaching of Information Technology Law and Digital Rights at the London School of Economics and SciencesPo in Paris. His research area focuses on analysing human behaviour in order to develop more effective regulation and governance of the online environment. He was awarded a BSc in the US before completing an LLB at the University of Strathclyde and waiting to defend his PhD. He has written submissions for the Leveson Inquiry on the prevalence of phone hacking in Scotland and submitted evidence to the Parliamentary Committee for Culture, Media and Sport on 'fake news'. He has also spoken to the Advocate General's office in Scotland on the topic.

Previously he wrote the tech law column for the Drum Magazine and has appeared on various media programmes discussing various Cyber-Law related issues. In addition to serving on the Scottish Advisory Board of the Open Rights Group, he is a member of the Non-Commercial constituency at Internet Corporation for Assignment of Names and Numbers (ICANN). He won the BILETA award for Best Paper in 2014 and again in 2017.

15.30 Refreshments

15.45 After the Event Insurance in Ireland – Allowable and essential funding – Michael Lent – Lakehouse Risk

Michael practiced for many years as a solicitor, (since 1978) having been a partner in firms such as Bond Pearce & Hammond Suddards, as they then were, and spent most of his time acting for professional indemnity insurers, defending a wide range of professionals. He also advised insurers on policy drafting and policy disputes. In July 2008, he joined Temple Legal Protection, to head up their commercial litigation ATE underwriting insurance division. In May 2016, he set up his own ATE underwriting agency, Lakehouse Risk Services Limited which specialises in insuring commercial litigation in the UK and Ireland. He continues to manage a law firm, Lextent Partners, in Manchester.

16.15 Professional Indemnity Insurance Update – Eimear Lane ACII, BBS – McGivern Flynn

Eimear has been working in the Insurance Industry for over 12 years, during this time Eimear completed a Bachelor of Business Degree part time over 4 years and then went on to finish the ACII. Eimear's role as a New Business Executive for McGivern Flynn & Co. Ltd. involves the development of new commercial clients. Eimear specialise's in assisting companies with niche insurance requirements, companies that are pioneers in their industries and who require bespoke tailored insurance covers and expert advice. Eimear has identified key industries having difficulties finding the right insurance and with this in mind Eimear has built strong relationships with key Underwriters and created tailored policies for these clients at affordable rates.

16.45 Questions and discussion and Chairman's closing remarks

17.00 End of Conference

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