

Edinburgh
Conference
**Challenging
Territory**



Upper Library
The Signet Library
Parliament Square
Edinburgh
EH1 1RF

3 May 2018

Picture taken by Karen Cornwell

Karen Cornwell - TLT Solicitors (Chairperson)
Alastair Duncan QC - Axiom Advocates
Chris Paterson - Axiom Advocates
Donald Reid - Mitchells Robertson
Garry Borland QC - Axiom Advocates
Paul Reid - Ampersand Advocates
Tim Edward - Dentons UKMEA LLP
Ronald Clancy QC - Ampersand Advocates
Jonathan Brown - Axiom Advocates

AGENDA

09.00 –09.30 Registration

09.30 –09.45 **Karen Cornwell – TLT Solicitors – Chairperson’s Opening Remarks**

09.45 –10.30 **Alastair Duncan QC – Axiom Advocates – Keynote speaker**
– “**NRAM v Steel: lessons from London**”

Alastair has been involved in a wide range of commercial litigation. Alastair has a particular interest in professional liability and discipline, and he regularly acts on behalf of solicitors, counsel and their professional indemnity insurers. He is also frequently instructed to act for, or sometimes to pursue, a wide range of professional people including surveyors, architects, engineers and financial professionals. Alastair has an interest in medical negligence and is regularly instructed to act on behalf of and against clinicians.

He has conducted Court of Session proceedings in relation to disciplinary cases and has represented professional bodies at disciplinary hearings and he has also acted on behalf of those facing such proceedings. Throughout his career, Alastair has regularly received instructions in public and administrative law cases. He acts for (and against) the Scottish Government since then. Alastair has acted for and advised various departments of the Scottish Government in relation to judicial review, statutory appeals and other administrative proceedings. He has represented various charitable and religious bodies in actions for damages in relation to historic child abuse

10.30 –11.10 **Chris Paterson – Axiom Advocates**

– “**Contributory negligence and professional liability**”

Chris has a broad commercial practice with a particular expertise in professional liability litigation. In the professional liability sphere, he has extensive experience in acting for solicitors, surveyors, accountants, construction professionals, dentists and clinicians. He regularly represents healthcare professionals at fatal accident inquiries.

He is ranked as a leading junior in clinical and professional negligence in Chambers and the Legal 500. Allied to his expertise in that sphere, Chris and is currently instructed as junior counsel for Johnson & Johnson in the mesh litigations.

Chris also advises in relation to professional disciplinary proceedings, and has a keen interest in public law with experience of judicial reviews, administrative law, and disciplinary and regulatory issues. He is ranked by Chambers as a leading junior in commercial dispute resolution.

11.10 –11.30 Refreshments

11.30 –12.10 **Donald Reid, Partner, Expert Witness, Mitchells Robertson**

– “**Gamekeepers and Poachers: The Lawyer as Expert Witness**”

Born, raised and educated in Glasgow Donald gained an M.A. and LLB at the University of Glasgow becoming a Partner in Mitchells Robertson in 1978.

He is a specialist in property law dealing mainly in commercial transactions, security work and property related company matters. He is listed in the Law Society of Scotland’s approved Directory of Expert Witnesses relative to professional negligence claims.

Donald gives evidence in court on instruction of both Pursuers and Defenders. In January 2005 Donald gained accreditation as a qualified mediator. Donald lectured and tutored on the Diploma in Legal Practice for 20 years.

He has been the Chairman of Mitchells Robertson since 1997.

12.10 – 12.50 Garry Borland QC – Axiom Advocates

– “Loss of opportunity claims – from their origins to the present day”

Garry Borland QC specialises in commercial law, including disputes relating to commercial contracts, commercial property, company law and insolvency, construction and engineering, and energy.

Garry is rated by Chambers UK Bar directory as a Band 1 silk for commercial litigation; for construction; and also for restructuring and insolvency work. He is recommended by The Legal 500 for company and insolvency work, and also in construction.

The 2017 edition of Chambers describes him as "Super bright"; "One of the most technically gifted advocates around"; "His eye for detail and clarity of delivery are superb"; "a standout advocate"; "he has a speed and accuracy of analysis that few can match"; "an excellent strategist"; "unrivalled in his ability to immerse himself in the complexity of cases".

Garry was one of just a few Scottish counsels featured in the review of the UK Bar in Who's Who Legal (2017) where he was described as "very much the star silk".

12.50 – 13.50 Lunch

13.50 – 14.30 Paul Reid – Ampersand Advocates – "Causation in 'information' claims"

Paul Reid called as an advocate in 2011. He has a particular focus on professional liability and public law matters. He has appeared before fitness to practice panels (medical profession) and the Scottish FA's judicial panel (sporting).

Paul is instructed in the two "class actions" currently pending before the Court of Session (the Watling Street litigation on behalf of the engineers and the Mesh litigation on behalf of NHS Scotland) and represented the driver of the Glasgow bin lorry in the Fatal Accident Inquiry into the December 2014 disaster.

Although predominantly instructed on behalf of defenders, Paul also has experience of pursuing both professional liability claims against solicitors, surveyors and others and personal injury claims. Paul has taught public law at the University of Edinburgh since 2004, regularly lecturing and tutoring on various aspects of public law. In February 2015 Paul was appointed as Standing Junior Counsel to the Scottish Government and in March 2017 he was appointed an ad hoc Advocate Depute.

Paul is ranked in Chambers 2016 for both professional negligence and clinical negligence. He is described as an "excellent, hard-working Junior" who is "robust and sticks to his guns".

14.30 – 15.10 Tim Edward, Partner, Dentons UKMEA LLP

– "Four years on from the Taylor Report – will the Civil Litigation (Expenses and Group Proceedings) Bill deliver? What other changes do we foresee?"

Tim is a partner and a member of Dentons Litigation and Dispute Resolution practice, specialising in insolvency and company litigation with experience of handling large-scale commercial litigations. Prior to merger with Dentons Tim was a partner with MacLay Murray & Spens for 20 years.

Tim is an accredited specialist in professional negligence by the Law Society of Scotland. Tim has been a member of both the Law Society Master Policy Defenders' Panel and (currently) the Pursuers' Advisory Panel for claims against solicitors. He is ranked in Chambers and Legal 500 as a leading individual in professional negligence.

15.10 – 15.30 Refreshments

15.30 – 16.10 Ronald Clancy QC – Ampersand Advocates – TBC

Ronnie Clancy QC qualified as an advocate in 1990. He took silk in 2002. His primary interest is in civil litigation. He has a wide-ranging practice in commercial disputes, administrative law and personal injury claims including clinical negligence.

He served as a full time Advocate-Depute from 1995 to 1998 and in criminal prosecution appearing as an ad-hoc Depute for the Crown in numerous criminal appeals. From 2007 to 2009 he was Senior Crown Counsel in the Lockerbie appeal.

He has developed an interest in professional conduct cases and has appeared in the NHS Tribunal, the GMC and the Scottish Football Association Disciplinary Appeal Board. He recently acted for the snooker player John Higgins in disciplinary proceedings brought by the World Professional Billiards and Snooker Association.

He has acted for the BBC in interdict proceedings and applications for recall of court orders prohibiting or restricting press reporting of court proceedings, most recently in the recent appeal by Nat Fraser.

16.10 – 16.50 Jonathan Brown – Axiom Advocates

– “The curious case of the solicitors’ client account: Heather Capital, trusts, equity and alternative remedies.”

Jonathan practised for two years as a qualified solicitor, having experienced a predominantly litigation traineeship. Since calling to the bar he has practised predominantly in commercial litigation, property litigation, professional discipline, professional negligence and licensing.

Areas of Expertise: Commercial Contracts, Professional Liability, Commercial Property, Insolvency, and Product Liability.

Jonathan is recommended by Chambers & Partners for both commercial dispute resolution and professional discipline, and by the Legal 500 for both commercial dispute resolution and professional negligence. He is described as thorough, sharp and tough (Legal 500 2013) as having an excellent grasp of detail (Legal 500 2014), as having a superb understanding of the law (Chambers & Partners 2013) and as being held in high regard for his work in solicitors’ disciplinary cases (Chambers & Partners 2015).

16.50 – 17.00 Questions and Chairperson’s closing remarks

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