



# Professional Negligence Lawyers' Association

## Professional Negligence and Liability - Navigating Choppy Seas

To be held on 12/13th October 2016 at :  
**Grand Harbour Hotel,**  
**West Quay Road,**  
**Southampton,**  
**SO15 1AG.**

Venue Telephone No: 023 8063 3033

This event is sponsored by



Telephone No: 01483 577 877

### CPD ACCREDITATION

There will be 6.75 hours CPD given for attendance at this Seminar under reference CXJ/PNLA.

## Professional Negligence Lawyers' Association Professional Negligence and Liability - Navigating Choppy Seas

### Cost: Seminar only

**PNLA Members: £250 plus VAT (£300)**

**Non-members: £325 plus VAT (£390)**

### Accommodation, Dinner 12<sup>th</sup> + Seminar 13<sup>th</sup>

**PNLA Members: £500 plus VAT (£600)**

**Non-members: £575 plus VAT (£690)**

### Evening Dinner only 12<sup>th</sup> in a private room

**PNLA Members: £75 plus VAT (£90)**

**Non-members: £80 plus VAT (£96)**

Please reserve places for the following delegate(s):

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Contact Name if not a delegate		
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Please make your cheque payable to "PNLA Training Limited" and post to **The Professional Negligence Lawyers' Association PO Box 1685, Congresbury, Bristol, BS49 5WQ. England.**

Alternatively email the completed form to [yvonne.fairbrother@pnla.org.uk](mailto:yvonne.fairbrother@pnla.org.uk) and

pay by bank transfer to: **Account Number: 51367706**  
**HSBC Sort Code: 40 17 50**

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

- 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..
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- 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.
- 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.
- 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.
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- 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](mailto:yvonne.fairbrother@pnla.org.uk)

### Bank details for overseas delegates:

**HSBC, 6 Old Church Road, Clevedon, BS21 6NA**

**IBAN Number: GB73MIDL**

**Sort Code 40 17 50**

**Account Number: 51367706**

**Swift Code: MIDLGB2126J**



The Professional Negligence Lawyers' Association

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*Questions on all fronts both procedural and on the developing law abound in the current climate – are cases settling in the same way as they have historically? Are there more trials? Mediation or Adjudication? What about costs budgeting and proportionality? What impact are new statutes having now and in the future? Where is the conduct and case law going and what are the types of claim to look for in the future? This conference seeks to provide answers from those who are experts in their fields of practice.*

**Please let us know whether you have any special access or other requirements so that we may make your attendance at this event an enjoyable and comfortable experience.**

#### **CPD ACCREDITATION**

**There will be 6.75 hours CPD given for attendance at this**

### **PROGRAMME - 12<sup>th</sup> October**

**19.00 for 19.30**

**Dinner: Please e mail  
kay.bethencourt@pnla.org.uk to confirm  
attendance and complete the form overleaf**

### **PROGRAMME - 13<sup>th</sup> October Professional Negligence and Liability Navigating Choppy Seas**

**08.30 Registration and refreshments**

**08.45 Katy Manley, President**

*Professional Negligence Lawyers' Association*

#### **Introduction & Welcome**

**09.00 Mark Lomas QC**

*Independent Mediators*

#### **Chairman's Keynote Address**

Mark was called to the English Bar in 1977 and appointed Queen's Counsel in 2003; he practiced as junior and leading counsel at the Commercial and Common Law Bar for over 30 years with a particular specialisation in Professional Liability and Insurance. He became an Accredited Mediator with ADR Group in 2001; he was a Panel Member and Registered Mediator with Littleton Dispute Resolution Services Limited from 2001 to 2009; he joined Independent Mediators as a full-time mediator in June 2009 and ceased practice as an advocate to devote his full time to mediation and arbitration. He is a member of Littleton Chambers International Arbitration Group and sits as a commercial arbitrator mainly in insurance based disputes. Mark has acted as sole or lead mediator in about 1,000 mediations covering a wide variety of disputes ranging from multi-millions to tens of thousands of pounds in areas including commercial contract, insurance, common law, construction, probate and trusts, but with a particular emphasis on professional negligence disputes involving solicitors, barristers, accountants, financial advisers, insurance brokers, surveyors and architects.

**09.45 Thomas Grant QC**

*Maitland Chambers*

#### **Professional Negligence Update**

Thomas practises in the commercial chancery, professional negligence, property, and art and entertainment fields, as well as being instructed in a wide range of general chancery and commercial litigation. He practises mainly in the Chancery Division and Commercial Court and has particular experience in heavy multi-party disputes. Thomas is particularly highly regarded as a trial and appellate advocate. His advocacy has been commended by the Court of Appeal in two recent leading cases as "lucid and compelling" (*Zinda v BOS*) and as "engaging and very able" (*Platform Home Loans v BOS*). He is well known for his expertise in obtaining and defending freezing and related interim orders. In recent years he has been involved in a number of large scale and high profile cases, including *Santander v R A Legal* [2014] PNLR 20 (breach of trust, section 61 of the Trustee Act), *Aeroflot v Berezovsky* [2014] 1 CLC 53 (enforcement of foreign judgments), *In Re the Estate of Platon Elenin (Aka Boris Berezovsky)* [2014] EWCA Civ 431 (confidential information)

**10.45 Refreshments**

**11.00 James Watthey**

*4 Pump Court Chambers*

#### **Shipping and Marine Negligence**

James has a leading marine and non-marine insurance practice, acting for and against members of the London Market, P&I Clubs and the international insurance and reinsurance community. He deals with the full range of coverage disputes: non-disclosure, misrepresentation, fraud / scuttling, breaches of warranty / condition precedent, and policy construction. James has been instructed in actions against a wide range of professionals over the years, including: solicitors, engineers, architects

and other construction professionals, barristers, insurance brokers, chartered surveyors, and marine surveyors.

#### 11.45 Ryan Perkins

##### 3 - 4 South Square Chambers

##### Third Party Rights Against Insurers Act 2010 – in force 1 August 2016

In May 2016, Ryan was appointed as specialist legal adviser (together with Gabriel Moss QC and Hannah Thornley) to the Work and Pensions and Business Innovation and Skills House of Commons Select Committees in relation to the BHS inquiry. During his pupillage, Ryan assisted in a number of significant cases, in all tribunals up to the Supreme Court - including the Lehman Brothers *Waterfall II* application, the Madoff fraud (*Primeo Fund v HSBC*), derivatives litigation arising from the insolvency of Landsbanki and other Icelandic credit institutions the Saad litigation in the Cayman Islands, and transactional work on a securitisation programme originated by Northern Rock. Ryan was recently selected as a contributor to the forthcoming editions and supplements of *Dicey, Morris & Collins on the Conflict of Laws*, and has written for several other practitioners' textbooks and journals on cross-border insolvency and structured finance. Ryan enjoys technical work, and has a close familiarity with most forms of derivatives (OTC and exchange-traded), syndicated lending structures, securitisation programmes, dematerialised securities and collective investment schemes.

#### 12.30 Mark Osgood, Rob Evans & Natasha Diffey

##### The Claimant Perspective

Mark is a partner and head of the professional negligence team, dealing with more general professional negligence claims. He also heads

the firm's business recovery and insolvency team, and has an interest in marine legal matters. He deals with negligence claims against professional practices such as solicitors, surveyors, architects and accountants as well as all aspects of contentious insolvency, acting for insolvency practitioners and company directors. His marine clients are businesses such as boatyards or marinas, and individual boat owners.

Rob is a partner in the firm's professional negligence team, running the day to day operation of the professional negligence team for lender services. He works mainly on behalf of lender clients, dealing with professional negligence actions, complex/title rectification claims, and mortgage fraud.

Natasha is a solicitor in the firm's professional negligence team, working with individuals, partnerships and businesses who have lost money due to professional negligence.

#### 13.15 Lunch

#### 14.15 Sanjay Desai

*Sales director - Temple Legal Protection*

##### Funding Update

Update on the pre-LASPO cases and costs decisions with specific comments about *BNM v MGN Limited [2016] EWHC B13 (Costs) (03 June 2016)*

ATE funding for adjudications under the Professional Negligence Pilot procedure.

Comment on current funding options and predictions for trends in the future.

#### 14.45 Andrew Kelcher

*Solicitor, Financial Lines Complex Claims, AIG*

##### The Defendant Perspective

Andrew is a specialist in the varied and challenging field of professional negligence. He has acted for professionals in claims made against them, usually by former clients. He has advised solicitors, accountants, surveyors, architects, insurance brokers and engineers. He worked for many years at Mills & Reeve in

Birmingham moving in house to leading professional indemnity insurers AIG in February 2015.

#### 15.30 Refreshments

#### 15.45 Carol Davies

*Deputy Head of College Chambers*

##### Wills & Probate and Financial Provision – Key risk areas for professional negligence

Carol concentrates on matrimonial financial provision cases with particular ability in dealing with cases involving trusts, companies and business interests and interveners and regularly advises and represents parties involved in trusts of land and cohabitation disputes, which may also include Children Act 1989 Schedule 1 applications. Her wills and probate practice includes probate claims and cases involving issues as to the construction or interpretation of wills and the administration of estates. She deals extensively with cases under the Inheritance (Provision for Family and Dependents) Act 1975.

#### 16.45 Chairman's closing remarks and questions

#### 17.00 Conference Ends

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