



Professional Negligence Lawyers' Association

Professional Negligence and Liability - Crossing The Line

To be held on 3rd November 2016 at :-

Broadway House,
Tothill Street,
London,
SW1H 9NQ.

Venue Telephone No: 0207 222 7777

Seminar sponsored by:



Tel: 0207 842 5950

CPD ACCREDITATION

There will be 7 hours CPD given for attendance at this Seminar under reference CXJ/PNLA.

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The Rt Hon Sir Stanley Burnton has kindly agreed to chair this event. Many recall the successful appeal in the case of Levicom International Holdings BV & Anor v Linklaters (a firm) [2010] EWCA Civ 494 (11 May 2010) in which he gave the leading judgment. This case was all about whether the negligence of Linklaters was worth £5 to the claimants as the first instance Judge determined or a lot more. This 'line' between the negligence of the professional and the aspects of causation and loss is of key importance now and in the future especially when the client concerned is regarded as 'sophisticated'. This event will examine the 'line' from the different perspectives of the eminent speakers.

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.

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PROGRAMME - 3rd November

Professional Negligence and Liability

Crossing The Line

08.30 Registration and refreshments

08.45 Katy Manley, President

Professional Negligence Lawyers' Association

Welcome

09.00 The Rt. Hon Sir Stanley Burnton

Chairman's Address

Stanley Burnton retired from the Court of Appeal in 2012. Called in 1965, he practised as a commercial lawyer, and took Silk in 1982. He was a Recorder and sat as a Deputy High Court Judge in the Chancery Division from 1994 until his appointment to the High Court Bench in July 2000. From 2007-2009 he was the Judge in charge of Modernisation, IT and the Court Estate. On his retirement he returned to his former chambers, One Essex Court, to practise as an arbitrator. In November 2015 he was appointed as the Interception of Communications Commissioner. He is chairman of the British and Irish Legal Information Institute (BAILII), a trustee of the British Institute of International and Comparative Law, and a member of its audit committee. He is also the President of the Slynn Foundation (slynn-foundation.org), which provides support and judicial training internationally on the Rule of Law and Human Rights and he is an Honorary Fellow of St Edmund Hall, Oxford, and a Visiting Professor of Queen Mary College, London.

09.45 Master Colum Leonard

Senior Courts Cost Office

Professional Negligence – Recovering Costs in the 21st Century

For 20 years Colum Leonard practiced as a partner at Stewarts Law, specialising in professional negligence claims. Stewarts Law started in 1990 as a 5-partner practice in Lincoln's Inn Fields. 25 years later, they have more than 50 partners and have exceeded £50 million in turnover.

A judge of the First Tier Tribunal Property Chamber, a Deputy District Judge and a CEDR - accredited mediator, Master Leonard was appointed as a full time Costs Judge on 1 October 2010, just before the radical changes arising from the Jackson reforms. He has served as a member of the Hutton Committee, tasked with the creation of a self-generating, self-calculating electronic bill of costs, and can speak first-hand about the continuing impact of the Jackson reforms on the recovery of costs for professionals and their clients.

10.30 Refreshments

10.45 Ben Quiney QC

Crown Office Chambers

The Impact of the Insurance Act 2015 and Third Party (Rights Against Insurers) Act 2010 on Professional Indemnity Policies.

Ben will identify and analyse the key points and effects of the Insurance Act 2015 on professionals and their insurance cover as well as the long awaited Third Party (Rights Against Insurers) Act 2010 which comes into force on 1 August 2016.

He has practised at Crown Office Chambers since its formation, and 1 Paper Buildings before that. Before coming to the Bar he was awarded a first class degree in law and went onto take the BCL postgraduate degree. After University he worked for a year as a tax trainee with Ernst Young. During this period he received intensive training and experience in accounting, finance and corporate tax matters and techniques. Ben practises in all areas of common law and commercial litigation. He specialises in commercial and insurance disputes, construction, and professional negligence.

11.45 Jim Oulton and William Glassey

Partners - Meyer Brown International LLP

The Defendant Perspective

Jim Oulton is a partner in the Litigation practice of the London office. He is well known for his work in the Professional Liability field, where he defends claims and handles insurance coverage disputes. He regularly advises in claims in the English Courts concerning accountants and auditors, insolvency practitioners, lawyers, trustees, tax professionals and many other professions.

Jim's work includes managing and supervising overseas claims – particularly in offshore jurisdictions where he has very broad experience. Recent work includes defending claims made against Insolvency Practitioners alleging they had colluded with RBS in the dishonest sale of a hotel, advising a top 6 firm of accountants in relation to requests for documents and information from the SFO and defending claims arising from allegedly negligent audits, tax planning and tax mitigation schemes. Will Glassey is a partner and litigator whose practice deals principally with the defence of professional negligence claims. He has a particular emphasis on defending claims against solicitors, barristers, pensions actuaries and property professionals. He also conducts insurance coverage disputes, under both direct and reinsurance contracts.

12.30 Simon Denton
Tax Partner - Milsted Langdon

And

Fiona Hotston Moore
Ensors Chartered Accountants

The alleged mis-selling of tax avoidance schemes, and film schemes in particular. NIFA

Simon Denton is a tax practitioner, experienced in corporation tax, business and capital taxes. After training as a general practice accountant with a small firm in Exeter, Simon specialised in tax with Coopers and Lybrand in 1996. After obtaining his Chartered Tax Advisor qualification, Simon moved to Ernst & Young where he specialised in advising clients on tax planning strategies. He joined Milsted Langdon in 2000, becoming a Partner in 2005. Since becoming a partner, Simon has obtained the Society of Trust and Estate Practitioners Diploma where he received distinctions for Tax and Accounting papers.

Fiona is a chartered accountant and tax adviser with a distinguished career history in forensic accountancy. She leads the Forensics team at Ensors Chartered Accountants – a member of The Network of Independent Forensic Accountants (NIFA).

As a Practising Member of The Academy of Experts Fiona has provided valuable expertise in a variety of professional negligence, commercial, tax, matrimonial and criminal disputes and litigation cases as well as advising on a number of aspects relating to film tax schemes.

13.15 Lunch

14.15 Juliet Oliver

General Counsel - SRA

The SRA's Looking to the Future consultation

Juliet Oliver joined the SRA as General Counsel in January 2015. She leads the Legal Policy team to provide advice and support to the organisation in the development of strategic and policy initiatives and changes to its legislation and Handbook. She also provides high level advice on matters of governance and compliance. Juliet is a solicitor with a wealth of experience and expertise advising on high profile regulatory reform programmes: Previously she was a partner at Field Fisher acting for a range of regulatory bodies, primarily in the health, social care and legal sectors. This built on experience in house at the General Medical Council where her responsibilities included advising on high profile disciplinary cases and matters, including the Shipman and Mid Staffordshire public inquiries; the transfer and merger of regulatory functions; legislative developments and policy initiatives such as medical revalidation; and continuous improvement and quality audit of decision-making.

15.15 Refreshments

15.30 Robert Stokell

Crown Office Chambers

Professional Negligence in Construction Disputes

Robert specialises in substantial construction and engineering disputes, professional negligence and insurance. Current and recent cases include a claim against an engineer concerning the design of a retaining wall for a warehouse development; acting for surveyors/ valuers in a claim brought by a lender in respect of alleged negligent/ fraudulent valuation of

residential properties; a claim against an architect, a structural engineer and a building contractor for defects and damage in the basement and roof of a substantial London property; and a claim against solicitors for failure to issue contribution proceedings in a product liability case before the expiry of the 'longstop' under the Consumer Protection Act 1987.

16.15 Beth Holden – Anthony Gold Solicitors and Paul Marshall - Cornerstone Chambers

Reasonable conduct in the absence of a duty to act reasonably The interface between regulation and the common law

They are the winning team behind *Purrusing v A'Court & Co (a firm) & Anor* [2016] EWHC 789 (Ch) (14 April 2016)

Beth advises companies and individuals. Her case work includes debt recovery, corporate fraud, insolvency disputes, directors' misfeasance, contract disputes, professional negligence, breach of trust, contentious probate, and claims under the Inheritance (Provision for Family and Dependents) Act 1975. Recently she has also won a bitter contentious probate debate between two brothers *McCabe v McCabe* [2015] EWHC 1591.

Paul's practice is predominantly focussed on domestic and international business litigation and, in particular, financial law, money laundering and commercial fraud. He has a special interest in the difficult and uncertain boundary between the common law and financial regulation and related issues of good faith in commercial contracts.

17.15 Questions and discussion – Chairman's closing remarks

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