



NEWSLETTER – JULY 2016

Professional Negligence & Liability 'Hitting Maturity'

Justin Fenwick QC recently reminded us that he first reviewed a surveyor's negligence claim for a lender in 1991 and that professional negligence is a new area of developing law – 'about to hit maturity'. One example he gave was the rather rough and ready approach by the Judges to percentage apportionments which Justin considers needs more judicial guidance (speaking at the PNLA joint event with Grant Thornton on 11 May 2016)

Not only do we need to take on board the Insurance Act 2015 and also the Third Party (Rights Against Insurers) Act 2010 coming into force (at last) on 1 August 2016 but also the proposed new Solicitors Code of Conduct. The flood of recent trials affectionately called the 'rump end' of the recession based lender claims and also developing law in other core areas makes life no easier for the professional negligence specialists – we remain required to keep on our toes as emerging case law has the scope radically to change our assessments of the merits in our ongoing cases with the resultant risks if we miss something.

Professional negligence is going on all the time and new areas are arising – this Autumn we feature Investment Negligence being pursued by PNLA members in largescale group actions and also Marine and Shipping Negligence.

Areas to watch currently:

Auditors and Accountants Negligence and Liability: Grant Thornton – contacts Philippa Hill and Phil Crooks – worked with the PNLA to produce an event on 11 May 2016 of enormous interest looking at the current trends from different perspectives. PNLA members can receive a 15% discount on the new book by Simon Salzedo QC and Tony Singla of Brick Court Chambers being published by Bloomsbury in the Autumn.

Sophisticated clients generally: On the same theme there has been judicial attention starting from *Levicom International Holdings BV & Anor v Linklaters (a firm)* [2010] EWCA Civ 494 (11 May 2010) and beyond focusing on this difficult area for example in the retainer context recently in *Minkin v Lesley Landsberg (Practising As Barnett Family Law)* [2015] EWCA Civ 1152 (17 November 2015) where the claimant, a chartered accountant, failed in her claim against her solicitor.

The PNLA International Network

PNLA members include those in England & Wales, Scotland, Northern Ireland and the Republic of Ireland. PNLA member Karen Cornwell of TLT in Glasgow worked with us to arrange our second Edinburgh conference in April 2016. The PNLA is delighted to be able to bring about closer relationships and Brexit will inevitably make such links increasingly useful. Notably PNLA member firm Mishcon De Reya act for the applicant in high profile Judicial Review proceedings against the UK Government which is reported to be on the basis that only Parliament and not the Prime Minister alone can trigger article 50 of the Lisbon treaty which begins the official process of withdrawal from the EU - preliminary hearing on 19 July 2016.

Civil Courts Structure Review – Lord Justice Briggs

The PNLA has been involved in consultations with Lord Justice Briggs who spoke at the PNLA Conference in London on 17 March 2016 and the Adjudication Pilot event on 25 May 2016 arranged by PNLA member Tim Constable of Dentons LLP. We await his Final Report due to be published this month. Please contact Dr Masood Ahmed of Leicester University if adjudications are made or received to gather data for the Adjudication Pilot in this context: email: ma600@leicester.ac.uk

Forthcoming Events – please note 'dinner only' tickets are available:

Dinner 12 October – Conference 13 October 2016– PNLA Conference Southampton – sponsored by Temple Legal Protection **Chairman and Keynote address Mark Lomas QC**, Tom Grant QC, AIG, Moore Blatch, James Watthey, Ryan Perkins, Carol Davies brochure available on website at: http://www.pnla.org.uk/images/news/PNLA%20%20Southampton%20Seminar%20Brochure%2012-13.10.16_2.pdf

Dinner 2 November – Conference 3 November 2016 – PNLA Conference London - **Chairman and Keynote address The Rt Hon Sir Stanley Burnton**, Master Leonard of the SCCO, Ben Quiney QC, Robert Stokell, Meyer Brown International LLP, NIFA, SRA, Anthony Gold and Paul Marshall on their case: *Purrusing v A'Court & Co (a firm) & Anor* [2016] EWHC 789 (Ch) (14 April 2016)

Dinner 30 November – conference 1 December 2016 – PNLA Annual Conference Billesley Manor, Stratford upon Avon – sponsored by Temple Legal Protection - **Keynote Address Mrs Justice Carr Dame Commander of The Most Excellent Order of the British Empire**, Patrick Lawrence QC, Mark Cannon QC, Simon Salzedo QC, Sarah Clover Clyde & Co., Jonathan Sachs Irwin Mitchell, Tim Wixted of Tim Wixted & Co. and Roger Isaacs of NIFA.

Membership

Existing claimant lawyer members can be found on the PNLA website Find a Lawyer section. Defendant lawyer and insurer members naturally choose not to be included on the website. New members are very welcome please contact: yvonne.fairbrother@pnla.org.uk or andrea.cohen@arclegalconsulting.co.uk – Tel: 0117 905 5316

Wishing you all a very happy summer holidays from the PNLA!

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