



Professional Negligence & Liability Recent Changes Untangled

Professional negligence and liability has foremost been affected by the funding changes in LASPO Part 2 recently subject to review published on 7 February 2019. We also focus on fair trials and human rights. The law continues to develop with another new crop of recent judgments. Legal principles are developing not only in a linear fashion according to the type of professional or area of law, but also in ways which can be applied thinking laterally to many other situations. Conversely, it is often said that judgments clarify the law and therefore perhaps there is a way through. This conference will address changes and try to 'untangle' them for the benefit of the delegates.

Chair & Keynote:

Nicola Rushton QC – Hailsham Chambers
Michael Poole QC – Hailsham Chambers
Robert Wright – Ministry of Justice
Jago Russell – Fair Trials
Shantanu Mumjumdar – Radcliffe Chambers
Daniel Shapiro QC – Crown Office Chambers
Neil Hext QC 4 New Square Chambers
Luka Krsljanin - 2 Temple Gardens Chambers

19 June 2019

9am - 5pm
EEF Broadway House
Tothill Street
London, SW1H 9NQ



0900–0925 Registration and Refreshments

0925–0930 PNLA Introduction

0930–0950 Chair's Keynote Address Nicola Rushton QC – Hailsham Chambers

Nicola specialises in finance-related professional negligence claims. She also handles a wide range of commercial disputes and has particular experience of issues arising from secured lending.
www.hailshamchambers.com/barrister/nicola-rushton/

**0950–1035 Michael Poole QC – Hailsham Chambers
"Loss of a Chance"**

Michael is consistently ranked as a leading silk in the areas of professional negligence and costs by the leading directories and is Chambers & Partners' 2016 Silk of the Year for Professional Negligence. Michael's recent success in the Supreme Court in Perry v Raleys Solicitors [2019] UKSC 5 (13 February 2019) will change the assessment of loss of chance cases in professional negligence claims. www.hailshamchambers.com/barrister/michael-poole-qc/

1035–1110 Jago Russell – Fair Trials

Jago has been the Chief Executive of Fair Trials since September 2008. Before joining Fair Trials, he worked as a policy specialist at the human rights charity Liberty and worked as a Legal Specialist in the UK Parliament, assisting the Human Rights, Home Affairs and Constitutional Affairs Select Committees. Jago is a qualified solicitor and has published and lectured widely on a range of criminal justice and human rights issues. www.fairtrials.org/person/jago-russell

1110–1130 Refreshments

**1130–1200 Robert Wright - Head of Civil Litigation Funding and Costs at Ministry of Justice, London
"Post-Implementation Review of Part 2 of LASPO – 7 February 2019"**

Robert will speak about the recent review of Part 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) which assesses the impact of five statutory reforms implemented following Sir Rupert (then Lord Justice) Jackson's 2010 Review of Civil Litigation (civil litigation costs and funding).

1200–1215 Questions and Discussion



1215-1300 Shantanu Mumjumdar – Radcliffe Chambers
"Non Party Costs Orders against Professional Indemnity Insurers"

In his 20 years at the Bar, Shantanu has practised in most areas known to the law but for over a decade he has specialised in commercial and commercial Chancery litigation, professional negligence and some employment. He thinks very hard about his cases for, as a famous Roman once said: "Grasp the subject matter and the words will follow" Shantanu acts for the claimants in the long running Giambrone litigation and will speak about their latest triumph of 2019 - Various Claimants v Giambrone & Law (a firm) & Ors [2019] EWHC 34 (QB) (11 January 2019). www.radcliffechambers.com/barrister/shantanu-majumdar

1300-1400 Lunch

1400-1445 Daniel Shapiro QC – Crown Office Chambers
"Expert stunts"

Daniel Shapiro QC will talk about the comments of Males J (now Males LJ) in Mayr v CMS as to the consequences of unsatisfactory conduct by experts at expert meetings and in and about the agreement of expert joint statements. He will discuss the approach of Commercial and TCC Judges to expert evidence, and how Males J's approach should qualify the (apparently contrary) guidance on the role of legal representatives given by HHJ Stephen Davies QC in the recent TCC decision in BDW Trading v Integral Geotechnique. www.crownofficechambers.com/barristers/daniel-shapiro/

1445-1530 Neil Hext QC – 4 New Square Chambers
"Brokers Negligence"

Recognised in the directories as a leading Silk in Insurance and Professional Negligence, he has been described as "incredibly talented and great to work with", "ferociously bright, with an excellent eye for detail", "an excellent analyst of claims" and "a very effective advocate" who "provides clear and business-focused advice". Neil represented the winning claimant in Dalamd Ltd v. Butterworth Spengler Commercial Ltd [2018] EWHC 2558 (Comm) (claim against insurance broker arising out of fire at waste recycling facility; effect of non-disclosure on variation of composite policy; test for causation in broker's claims; whether balance of probabilities or loss of a chance). www.4newsquare.com/barristers/neil-hext-qc/

1530-1545 Questions and Discussion

1545-1600 Refreshments

1600-1645 Luka Krsljanin - 2 Temple Gardens Chambers
"The Future of Disclosure? The Pilot Regime in the Business & Property Courts"

Luka Krsljanin will analyse the key features of this new Disclosure Pilot and its ramifications for litigators, including by reference to the Judgment of the Chancellor of the High Court in UTB v Sheffield United Limited [2019] EWHC 914 (Ch) (in which Luka acted for Sheffield United Limited), one of the first major Judgments on this issue. This talk will aim to give practical guidance to lawyers tackling disclosure issues, in particular when considering whether or not to pursue applications for Extended Disclosure under the Pilot.

Luka has experience of tackling high-level disclosure issues in Business and Property disputes, and acted for the owners of Premier League football club West Ham United in a series of successful disclosure applications last year, culminating in the Court of Appeal's landmark judgment on litigation privilege in WH Holding v E20 Stadium LLP [2018] EWCA Civ 2652. <http://www.2tg.co.uk/people/luka-krsljanin/>

1645-1700 Questions and Discussion – Chair's Closing Remarks



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Members / Specialists: **£325 + Vat (£390)**
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£400 + Vat (£480)

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