

“lux legis viam monstrat”

The light of the law shows the way?

Professional negligence and liability practitioners will find this conference an essential update taking account of the legal developments and general trends and issues arising in dispute resolution in this sector and more. The speakers are drawn from a diversity of backgrounds whilst all offering the benefit of many years of experience to share with us.

5 February 2020
9am to 5pm

Marriott Hotel on College Green
Bristol
BS1 5TA

Chairman - William Flenley QC, Hailsham Chambers
John Virgo, Guildhall Chambers
Oliver Manley, Guildhall Chambers
Lucy Walker, Guildhall Chambers
Andrew Burnette, Burges Salmon
Marcus Thomson, DAC Beachcroft
Klaudia Aliaj, Anexsys eDisclosure & Digital Forensics
David Chase, Temple Legal Protection



0900–0925 Registration and Refreshments

0925-0930 PNLA Introduction

0930–0950 “Chairman’s Address – Privilege in Claims against Lawyers ” - William Flenley QC, Hailsham Chambers

William specialises in professional liability, contract and insurance law. He is co-author of the leading text, Flenley & Leech, Solicitors’ Negligence and Liability, of which the fourth edition is now being prepared, and contributed the sections on causation and Saamco in Professional Negligence and Liability. For many years, he has been recommended for professional negligence by each of the main directories. From 2013-2015 he was Chairman of the Professional Negligence Bar Association, and in 2014 was elected a Bencher of the Middle Temple. ‘When it comes to professional liability, there can be few at the Bar who are as knowledgeable and as skilled as he is.’ – the Legal 500, 2020 edition.

Recent cases include: *Addlesee v Dentons Europe LLP* [2019] EWCA Civ 1600 (2 October 2019), *Group Seven Ltd v Notable Services LLP* [2019] PNLR 22 (11 April 2019); *Main v Giambrone & Law* [2019] 4 WLR 7 (31 July 2017); *Purrusing v A’Court & Co* [2016] 4 WLR 81 (01 July 2016).

0950–1035 “SIPPs – The Berkeley Burke Saga” - John Virgo, Guildhall Chambers

John is a specialist commercial barrister, with a strong practice emphasis on high-value financial product mis-selling litigation.

Fresh from victory in *Arif & Ors v Berkeley Burke Sipp Administration Ltd* John represented the claimants throughout the proceedings and secured the order in August 2019 resulting in Berkeley Burke having to pay almost £1 million as an interim payment on account of the claimants’ costs as well as the costs of the claimants’ application.

He has appeared in nearly all the leading mis-selling cases, including: lead counsel appointment in a group pension mis-selling action (*Cocking v Prudential*); acting in a 400 strong group action in the Commercial Court on behalf of Equitable Life’s trapped annuitants (*Abeles and Others v Equitable Life Assurance Society*); acting for Zurich Life to defend claims for product mis-selling arising out of the collapse of the Bahamian Imperial Consolidated Fund (*Seymour v Caroline Ockwell & Co; Zurich IFA Ltd*); acting for investors into the AIG Enhanced Variable Rate Fund who suffered substantial losses following its collapse (*Rubenstein v HSBC Bank*); acting for a number of high net worth individuals and businesses in relation to the mis-selling of interest rate hedging products (*Rowley and Green v Royal Bank of Scotland*). He has acted in a number of leading cases concerned with the manipulation of LIBOR (*Graiseley Properties Ltd v Barclays Bank Plc; Hotel de France Ltd v Lloyds (off-shore litigation in Jersey); Rhino Enterprises Ltd v Barclays Bank Plc and Longford Securities Ltd v Royal Bank of Scotland*).

He is currently acting in a multi-million pound claim against the Royal Bank of Scotland relating to an alleged expropriation of assets by the Bank’s subsidiary, West Register (*Morley v RBS*).

John is instructed nationwide in complex and substantial disputes where his advocacy and forensic skills are highly valued. He is also retained off-shore in the Isle of Man and Jersey.

1035–1045 Questions and discussion

1045–1100 Refreshments

1100–1115 “PNLA ATE SCHEME” – David Chase and Andy Lyalle – Temple Legal Protection

Update on developments in the ATE market - future implications for the PNLA ATE Scheme <https://www.temple-legal.co.uk/>

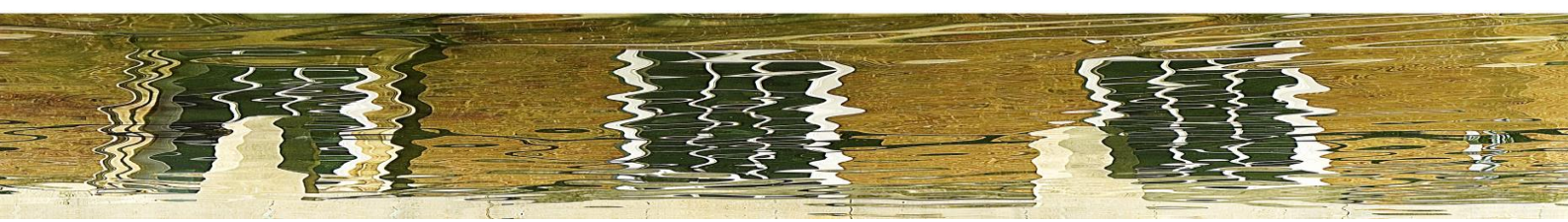
1115–1200 “Professional Negligence Update – Limitation Issues in Mortgage Claims” - Oliver Manley, Guildhall Chambers

Oliver regularly accepts instructions in professional negligence cases in banking and financial services including: mis-sold mortgages, negligence financial advice and negligent legal advice.

Most recently Oliver has appeared in the High Court in a complex mortgage mis-selling case where a summary judgment was avoided on limitation. The case raises issues of subrogation, equitable set off and section 32 of the Limitation Act 1980.

Oliver has also recently been led in a case involving the provision of negligent immigration advice by solicitors. The case threw up novel legal issues particularly in the quantification of damages and whether the loss of employment due to the Claimant’s loss of immigration status should be quantified by using recognised methods from the personal injury jurisdiction.

Recent Cases Include: *Healys LLP v Partridge and anor* [2019] EWHC 2471 (Ch) – Led in a case where successfully obtained proprietary injunction in order to aid recovery of in excess of £800,000 of solicitor’s fees. *DGD & ALD v Abbey National Plc (Santander UK Plc)* (2019)- Professional negligence/breach of contract claim in respect of mis-sold mortgage involving subrogation and misrepresentation. *Landmark Entertainment Ltd v Evergreat Ltd* (2019) - Debt case involving historic intra-company loans worth in excess of half a million. *Forklift Truck Ltd v Mollertech Ltd* (2018) - MT trial involving novation and subrogation arising from bulk hire contracts. *Freefoam Plastics UK Ltd v J* (2018) - MT contract trial. Involves validity of personal guarantee. *M & 14 others v Freightliner Heavy Haul Ltd* (2018) - High Court breach of contract claims where successfully represented 15 train drivers. *Wardell & Standish (joint trustees in bankruptcy) v AMJ & Anor* - Case involving defending multiple claims from trustees in bankruptcy against former director of the Company. Resulted in successful split of equity in the property.



1200-1245 “Cryptocurrencies: growth area for claims in the 2020s?” - Lucy Walker, Guildhall Chambers

Lucy is a specialist in consumer credit and in the financial services regulatory regime. Lucy undertakes contentious work and non contentious advisory work in relation to all aspects of financial services regulation, including consumer credit, the mortgage and home finance regulatory regime, payment services, cryptocurrencies and cryptoassets, financial promotion, crowd funding, peer to peer lending and general banking and commercial matters, including data protection and the General Data Protection Regulation

1245-1300 Questions and discussion

1300-1400 Lunch

1400-1445 “Disclosure Update including the Business and Property Courts Pilot”

- Klaudia Aliaj, Director, Anexsys eDisclosure and Digital Forensics

Klaudia leads Anexsys' eDisclosure and Digital Forensics department in London. Klaudia is an experienced eDisclosure professional and was the first hire within the litigation support team in EMEA for Gibson Dunn & Crutcher LLP. Klaudia has handled complex cross-border litigation using a variety of eDisclosure techniques and analytics. Klaudia provides consultancy to litigators on the use of eDisclosure technology and supports firms with their disclosure strategy.

1445-1500 Questions and discussion

1500-1515 Refreshments

1515-1615

“The Claimant Perspective”

Andrew Burnette
Partner
Burgess Salmon

Andrew is a Partner in the Dispute Resolution department of Burgess Salmon LLP and heads the firm's predominantly claimant professional negligence practice, which was described by sources quoted in Chambers 2019 as "extremely well-regarded" and "formidable".

His focus is high value and/or complex claims, particularly against solicitors, surveyors/valuers, financial advisors and brokers, actuaries, auditors, accountants and engineers. He has particular experience acting for both traditional and specialist lenders to recover contributions towards distressed loans secured against property, having had a leading role in the Co-operative Bank / Platform portfolio of claims which worked their way through the Courts between 2009 and 2017. Legal 500 2020 ranks both Burgess Salmon LLP's professional negligence practice and Andrew as Band 1 in the South West, noting that: "Andrew Burnette combines great commercial awareness with excellent legal instincts".

- See more at:
<http://www.burgess-salmon.com/our-people/Andrew-Burnette>

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“The Defendant Perspective”

Marcus Thomson
Partner
DAC Beachcroft

Marcus has been dealing with professional indemnity work since 1993, both in private practice and in-house. He specialises in defending claims against solicitors and deals with cases arising from all areas of private practice. He has over twenty years' experience in this area and has acted for a number of national and international law firms.

Marcus also deals with claims against surveyors, valuers and accountants has a particular interest in the law of insurance, regularly advising insurers on coverage.

Marcus joined the firm from Travelers Insurance Company in 2002 and was made a partner in 2004.

- See more at :
<http://www.dacbeachcroft.com/people/directory/marcus-thomson#sthash.Wj0FRReKi.dpuf>

1615-1630 Chairman's closing remarks, questions and discussion session



Terms and conditions in relation to courses, seminars and conferences ('events') provided by The Professional Negligence Lawyers' Association (PNLA) and organised by PNLA Training Ltd. (PNLA Training)

1. The full fee invoice for the event 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 administration charge. Substitutions are welcome at any time subject to any variation in price that might be payable if the substitute is not entitled to a discount as a PNLA member or specialist.
2. The booking constitutes a legally binding contract. The delegate and/or employer are jointly and severally liable for payment of all the fees due.
3. The PNLA and PNLA Training reserve the right to vary or cancel an event where the occasion necessitates.
4. The PNLA and PNLA Training accept no liability if, for whatever reason, the event does not take place.
5. Large print versions of the hand outs can be made available by prior request. If sufficient notice is not received, it will be provided as soon as possible after the event.
6. 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. Any additional cost will be invoiced to the delegate.
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PNLA Training Ltd

Cost for the Bristol seminar

Members / Specialists: £280 plus VAT (£336)

Non Members : £340 plus VAT (£408)

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Please contact by email

yvonne.fairbrother@pnla.org.uk to arrange payment and reserve your place.

Please reserve a place for the following delegate:

Full Name: _____

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Firm: _____

Address: _____

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Email: _____