

## “Navigation”



Picture by  
Karen Cornwell

### Introduced by:

Tim Edward – Partner – MBM Commercial LLP

Karen Cornwell – Legal Director – Thorntons Law LLP

### Speakers:

The Hon Lord Clark QC – Senator of the College of Justice/Judge of the Court of Session.

Sheriff GK Murray – Dundee Sheriff Court

Simon Bowie QC – Ampersand Advocates

Vinit Khurana QC – Ampersand Advocates / Whitestone Chambers

Alison Grant & Andrew McConnell – DWF LLP

Cat MacLean – MBM Commercial LLP

Murray Steel – Axiom Advocates

Michael Upton – Themis Advocates

Christopher Carroll – Kennedys

Andrew McWhirter – Axiom Advocates

Katy Manley – PNLA President

Available to book until  
**Monday 26<sup>th</sup> September**

(closing Meeting) at the  
Signet Rooms  
Parliament Square  
Edinburgh - EH1 1RF

Online

- stream or download the talks

Conference Pack download from  
website

– networking event

*This is a PNLA Online conference.*

*This conference includes speakers with accompanying notes in the  
Conference Pack downloaded at:*

[https://www.pnla.org.uk/event/navigation-scotland-2022-please-do-join-us-on-  
this-professional-negligence-liability-road-trip/](https://www.pnla.org.uk/event/navigation-scotland-2022-please-do-join-us-on-this-professional-negligence-liability-road-trip/)

- This is a recorded programme with talks accessible via a download link sent when ticket(s) are purchased
  - Join the event: send your name and practice to PNLA WhatsApp +44 7930251578
- Download your Feedback Form to complete and use as your CPD development record – send it to yvonne.fairbrother@pnla.org.uk (certificates of attendance can be provided on request)

**CPD: 8 Hours**

5 Hours – Filmed talks

1 Hour – Conference Pack Review

2 Hours – Questions & Networking @ The Signet Rooms

10 mins

### “Joint Chairs Introduction”

Tim Edward – Partner – MBM Commercial LLP

Karen Cornwell – Legal Director – Thorntons Law LLP



**Tim Edward** has over three decades of experience in litigation and dispute resolution and is listed as a leading lawyer in both Chambers and Legal 500 for Commercial Litigation and Professional Negligence (Scotland). He is Co-Chair of the Professional Negligence Lawyers Association Conference – Scotland ([www.pnla.org.uk](http://www.pnla.org.uk)). Tim is also a Law Society of Scotland Accredited Specialist in Professional Negligence.

Tim is ranked as Band 2 in Chambers for Professional Negligence – Scotland and Band 3 for Litigation – Scotland and is described as "A consistently good and reliable lawyer." He is listed in Legal 500's Hall of Fame for both commercial litigation and professional negligence. Tim is an active Solicitor-Advocate with experience of presenting cases in the Court of Session.

Prior to joining MBM, Tim spent 30 years at Dentons (previously Maclay Murray & Spens) where he was a partner and a member of their Litigation and Dispute Resolution practice, focusing on insolvency and company litigation.

He is currently a member of the Law Society of Scotland's Pursuer's Advisory Panel pursuing negligence claims against solicitors. <https://mbmcommercial.co.uk/team/tim-edward.html>

**Karen Cornwell** is a solicitor having qualified in Scotland in 1999 and England & Wales in 2010. She is a Notary Public. Karen's background has almost been exclusively in civil and commercial litigation including (but not limited to) contract disputes, property litigation, professional negligence, financial services, actions of interdict, Sheriff Court, Court of Session and UK Supreme Court. Karen is an Accredited Specialist in Professional Negligence Law by the Law Society of Scotland having initially been accredited in 2014. She acts as the Scottish representative of the Professional Negligence Lawyers Association. Karen is also currently a member of the Law Society of Scotland's Pursuer's Advisory Panel pursuing negligence claims against solicitors. Outside of work Karen enjoys, mono (water) skiing, snow skiing, hill walking, climbing, sea swimming and horse riding. She is Legal Director for Water-ski and Wakeboard Scotland and Committee Member of Loch Lomond Water Ski Club. <https://www.linkedin.com/in/karen-cornwell-337946193/?originalSubdomain=uk>

27 mins

### Keynote Address – “Remote Hearings – What have we learnt?”

The Hon Lord Clark QC - Senator of the College of Justice/Judge of the Court of Session.

Lord Clark was appointed as a judge of the Supreme Courts in May 2016.

He is a graduate of Glasgow and Strathclyde universities and has been a university lecturer.

He became an advocate in 1994 and was appointed as a Queen's Counsel in 2007. He has conducted cases in the sheriff court, High Court, Lands Tribunal, Court of Session, House of Lords and the Supreme Court.

He was convenor of the International Committee of the Faculty of Advocates, and is the author of the book 'Product Liability'. He has also contributed to the Stair Memorial Encyclopaedia of Scots Law, and a number of articles in legal journals.

23 mins

### “Remote Proofs and Affidavit Evidence Post Covid 19”

Sheriff GK Murray - Dundee Sheriff Court

Admitted as a solicitor in 1987, a partner at what are now Blackadders and Lindsays from 1990, an Accredited Specialist in Insolvency Law, a member of the Rules Council and the Law Society Civil Justice Committee, Course Leader and Lecturer in Civil Procedure at the University of Dundee; appointed as a Sheriff in 2011, in Aberdeen then Peterhead 2011 – 13, Arbroath and Forfar from 2013 to 2021 and Dundee since. I mainly practised in commercial litigation and have been a Commercial Sheriff in Tayside Central and Fife since the court was established.

20 mins

### “Apportionment in Medical Negligence”

Simon Bowie QC – Ampersand Advocates

Simon Bowie QC undertakes a wide range of civil litigation. He has “an impressive and broadranging practice which covers a wide range of civil and commercial work.” (Chambers 2014) He has over 19 years experience; he has appeared at most levels of the Scottish criminal and civil court systems.

He has extensive experience of oral advocacy. “He is very calm, self assured, reasonable and a very smooth advocate”. “He has excellent attention to detail”. His “ability to swiftly grasp vast amounts of information is superb.” (Chambers 2015) He has appeared in proofs and reclaiming motions in the Court of Session, and prosecuted serious crime in the High Court and the Appeal Court. He has acted in high profile cases involving complex and novel points of law: shipping/oil and gas law (The “Braer” Oil tanker litigations), construction law (Costain Engineering v Scottish Rugby Union arbitration), negligence/scope of duty of care of police (Gibson v Chief Constable of Strathclyde); corporate insolvency (Geddes Petitioner). Between 2005 to 2008 he was appointed standing junior to the Department for Work and Pensions (social security) and the Home Department (immigration).

Recent high profile instructions/cases: Retained to act for the Scottish Football Association – 2018 onwards; UK Infected Blood Inquiry – 2018 onwards – acting for Scottish National Blood Transfusion Service and Health Boards; Mesh litigation “class action” – principal senior counsel acting for NHS Scotland – defending around five hundred cases – largest medical litigation in Scottish legal history. <https://ampersandadvocates.com/people/simon-bowie-qc/>

25 mins

**“The Scope of the Convicted Mind”**  
**Vinit Khurana QC - Ampersand Advocates**

Vinit is the only practising member of the Scottish Bar dually qualified in law and medicine. He has the unique distinction of having practised as a medical General Practitioner for over a decade as well as being an Advocate since 1999. He took silk in 2018.

Vinit has a wide ranging practice involving both appearance and advisory work. He has experience of acting for and against private individuals and corporations. He also has experience of acting for and against public bodies. He regularly acts for and against health boards in professional negligence and personal injury cases.

Vinit specialises in all aspects of Medical Law including clinical negligence, judicial review, professional disciplinary matters, regulatory work and mental health. He is one of the most experienced practitioners at the Scottish Bar in relation to Fatal Accident Inquiries having appeared at over 20 such Inquiries since 2000. Since calling in 1999 his medical knowledge has proven to be a valuable asset in a wide variety of cases. His instructions have encompassed both civil and criminal work. Examples of the breadth of his instructions include: fraud cases brought by Health Boards against Optometrists before the NHS Tribunal; the chairing of the NHS Classification Appeal Committee in respect of disciplinary matters; appearances on behalf of the National Appeal Panel in judicial review petitions for entry to the pharmaceutical list; and advisory work in connection with many other matters related to the provision of healthcare including competition law issues in the provision of dispensing services by pharmacists and GPs, optometric and pharmaceutical services regulation, contractual arrangements between Health Boards and GP primary care providers, mental health matters and ECHR issues in the areas of organ donation and treatment refusal.

Vinit was the Chair of the Faculty of Advocates Sub-Committee which responded to the Scottish Government’s consultation on the reform of mental health legislation. He has also responded on behalf of the Faculty of Advocates to Scottish Government consultations on organ donation and transplant. He is currently a member of the Faculty Committee that oversees all of the Faculty’s responses to Scottish Government consultations.

Throughout his career Vinit has been prepared to work in new areas. He enjoys new challenges. He is a conscientious and hard worker. This has allowed him to gain an understanding of the particular circumstances of and the legal background to the cases in which he has been instructed. As well as appearing in court in complex, high profile and urgent matters, he regularly provides written advice on a wide variety of matters.

Vinit was called to the Bar of England & Wales in 2019 and joined 2 Temple Gardens in November. He can accept instructions in England and Wales via his clerks at 2TG. <https://ampersandadvocates.com/people/vinit-khurana/>

26 mins

**“The Defender Perspective”**  
**Alison Grant – Partner & Andrew McConnell – Director - DWF LLP**

Alison Grant is a Band 1 ranked lawyer with Chambers and Partners and a Leading Individual with Legal 500. She heads up the Professional Negligence team in Glasgow assisted by Director Lindsay Ogunyemi and Senior Associate Andrew McConnell. For over 20 years, Alison has been one of a select panel of solicitors appointed by Insurers for the Law Society of Scotland Master Policy to handle professional negligence claims often of high value and a complex nature against solicitors. Alison has been described as 'one of the best and most experienced lawyers in the field of professional negligence in Scotland'.

Following the expansion of DWF into global markets the team's caseload has expanded significantly and with regular instructions from London Market Insurers. These include a wide variety of claims involving not only solicitors but also accountants, surveyors, architects, IFA's and construction professionals. <https://dwfgroup.com/en/people/a/alison-grant>

**Andrew McConnell** is recognised as a "Rising Star" in the Legal 500 in the field of professional negligence. Andrew acts exclusively for professional indemnity insurance clients and regularly handles high value, complex claims giving succinct advice on all matters concerning liability, causation and quantum.

Andrew now specialises in the PI construction for all professional indemnity construction matters. Andrew continues to significantly expand his knowledge of the PI construction market as he works regularly from our London office, assisting the PI Construction team with highly complex claims including multi-jurisdictional cases together with high value coverage declinature claims. <https://dwfgroup.com/en/people/a/andrew-mcconnell>

23 mins

**“The Pursuer Perspective”**  
**Cat MacLean – Partner – MBM Commercial LLP**

Cat is the only solicitor to have won the prestigious title of “Solicitor of the Year” twice, at the Law Awards of Scotland in 2015 and 2012, having previously been short-listed for the award in 2010, and in 2016 led her team to victory in the Scott & Co Legal Awards, winning “Litigation Team of the Year”. She has law degrees in English and French Law from Leicester, and in Scots Law from Edinburgh, and holds a Diplome d'Etudes Juridiques Francaises from the Universite Robert Schumann in Strasbourg.

Prior to joining MBM in 2008, she spent several years in a large litigation practice in Edinburgh, before becoming an Advocate at the Scottish Bar in 1998. She spent 10 years in busy practice as an advocate before joining MBM, and having undertaken cases in the Sheriff Court, the Court of Session and the Appeal Court, she has been able to apply her extensive litigation and courtroom experience to the work she now undertakes for her clients. She sits on the Lord President’s Consultative Committee on Commercial Actions, chaired by Lord Doherty, and has also been appointed to the Law Society of Scotland’s Professional Conduct Committee, which sits every month. Additionally, she is also a Writer to the Signet (WS) and has been appointed to the Council of the WS Society. With effect from 1 May 2020 she has been appointed to the Law Society’s Pursuer’s Panel, a Panel of 8 solicitors with expertise in dealing with professional negligence claims against other solicitors, who advise the public on claims for negligence. <https://mbmcommercial.co.uk/team/cat-maclean.html>



54 mins

## “Contractual interpretation: where are we now?”

Murray Steel – Axiom Advocates

Murray called to the Bar in 2019 after 10 years as a solicitor in private practice. He was the 2018 – 2019 Faculty Scholar. He has a background in accountancy and an LLM in Construction Law.

Murray’s principal area of practice is in commercial law. He has a particular interest in construction disputes. He also acts for clients in relation to contractual actions, clinical and professional liability cases, and insurance matters.

Murray appears regularly in the Court of Session (including the Commercial Court) and in the Sheriff Court. He represents clients in adjudications, arbitrations, and mediations. <https://www.axiomadvocates.com/advocates/profile/murray-steel>

35 mins

## “Causation – pitfalls for Pursuers and wrinkles for Defenders”

Michael Upton – Themis Advocates

Michael has extensive experience and expertise in most areas of civil litigation. His main interest lies within the planning law field where he has experience of the whole palette of planning work including appeals, inquiries, enforcement and CPOs. Michael is a strong and technically gifted junior who works effectively with developers, local authorities and individuals. <https://www.themis-advocates.co.uk/advocates/junior/Michael+Upton>

23 mins

## “The USA Perspective”

Christopher Carroll – Partner – Kennedys

Chris is a Partner in the New York and Basking Ridge offices and is a member of Kennedys’ Global Strategy Board. He has extensive experience in handling and resolving— through litigation and alternative dispute resolution mechanisms— insurance coverage disputes, including those involving environmental, toxic tort, asbestos, construction, advertising liability, products, cyber, technology, property, automobile, and employment issues.

Chris has represented clients in insurance coverage disputes in virtually every state in the United States, on both the state and federal level, as well as in Bermuda, Canada, Puerto Rico, and throughout Europe. He also is experienced in resolution of reinsurance disputes and the drafting of reinsurance contracts. Chris often provides counsel to corporate clients on general business matters, contract negotiation, environmental litigation and compliance, and all types of commercial disputes.

Chris is a frequent lecturer on a myriad of insurance and litigation topics, including mediation and negotiation, bad faith, construction defect, toxic tort, hazardous waste and advertising liability. He is on the the Advisory Board for The Center for the Study of Insurance Regulation at St. John’s University in New York, as well as the Editorial Advisory Board of Insurance Law & Litigation Week. Chris also is a Fellow of the Litigation Counsel of America, a Fellow of the American College of Coverage Counsel (ACCC), and a Fellow of the American Bar Association, an honor only given to one percent of the lawyers admitted to practice in the US. Chris is Chairman of the Board of Trustees of St. Joseph's College in New York. He is also a board member of the Mayo Performing Arts Center in Morristown, New Jersey.

<https://kennedyslaw.com/our-people/profiles/basking-ridge/christopher-carroll/>

30 mins

## “Lender Claims”

Andrew McWhirter - Axiom Advocates

Andrew’s practice focuses on commercial disputes including contractual, intellectual property, construction and professional negligence disputes. He is frequently involved in high value cases with complex legal, scientific and technical subject matter. He is particularly adept at handling large scale and document heavy litigations and arbitrations, including international arbitration.

Andrew has particular expertise in intellectual property, technology and media law. He has built up a substantial knowledge of the law in relation to intellectual property rights and has advised many well-known brands on infringement, validity and ownership of intellectual property. He lectures and tutors on the Intellectual Property in Business course at the University of Edinburgh and has written a number of articles on intellectual property law.

Andrew called to the Bar in 2021 as Faculty Scholar. Prior to joining the Bar, Andrew gained over 6 years’ experience as a commercial litigator. He was qualified as a solicitor in both Scotland and in England & Wales.

<https://www.axiomadvocates.com/advocates/profile/andrew-mcwhirter>

2 mins

## “Closing Remarks”

Katy Manley  
PNLA President

**Monday 26th September - “Live” questions and discussion with speakers @ The Signet Rooms**

**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 conference ticket is payable.
2. For conferences taking place at a venue on a fixed date, if cancellation is received in writing at least 21 working days before the event 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.
3. For virtual conferences the ticket(s) purchased are for the individual delegate(s) named in the booking. If a delegate gives access to the recorded speaker programme to others then they agree to pay for a ticket at the full fee for all those delegates who watch the programme deriving from such access.
4. The booking constitutes a legally binding contract. The delegate and their employer/partnership/other practice entity are jointly and severally liable for payment of all the fees due.
5. The PNLA and PNLA Training reserve the right without prior notice to vary or cancel an event where the occasion necessitates including changing the password for virtual conference programmes.
6. The PNLA and PNLA Training accept no liability if, for whatever reason, the event does not take place or access online is not possible.
7. 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.
8. 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.
9. To the extent permitted by law, it is agreed that the PNLA, PNLA Training Limited presenters and speakers will not be liable by reason of breach of contract, negligence or otherwise for any loss or consequential loss occasioned to any person acting, omitting to act or refraining from acting in reliance upon the course material or presentation of the event, or, except to the extent that any such loss does not exceed the price of the event, arising from or connected with any error or omission in the material or presentation of the event. Consequential loss shall be deemed to include, but not limited to, any loss of profits or anticipated profits, damage to reputation or goodwill, loss of business or anticipated business, damages, costs, expenses incurred or payable to any third party or any other indirect or consequential losses.
10. The personal information provided by you will be held on a database and you may be contacted from time to time by The PNLA and PNLA Training with details of events and services that may be of interest to you. 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)

### **PNLA Training Ltd – Costs for Scottish Online Conference**

#### **Cost**

**PNLA Members/Specialists: £225 plus VAT**

**Non-members: £275 plus VAT**

Bank Details: HSBC

**S/C 40 17 50 -A/C: 51367706**

Please contact by email [yvonne.fairbrother@pnla.org.uk](mailto:yvonne.fairbrother@pnla.org.uk) to arrange payment and reserve your place.

or via our website: <https://www.pnla.org.uk/event/navigation-scotland-2022-please-do-join-us-on-this-professional-negligence-liabilityroad-trip/>