

Archive Ticket 2022



Over the last year we have produced a collection of talks recorded online – which has created an archive of specialist areas of the professional negligence law.

We envisage firms will be able to use this unique resource for training and referral purposes

Areas of Professional Negligence Law

Accountant & Auditor	3
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USA Law and Practice	1
Wills & Probate	1
Witness statements	1

Each talk is given by a selection of specialist speakers and talks are accompanied by handout notes designed to guide you through each topic.

Speakers

Professional Mix	No of Talks
Judges	3
Silks	5
Barristers	12
Solicitors	13
Chartered Accountants	2
Insurance Brokers	3
Cost Lawyers	1

Totalling three online conferences

January 2022 - UK wide – “Discovery”
 May 2022 - UK wide - “The New Normal”
 June 2022 - Scottish Conference – “Navigation”

CPD attendance certificate upon request – please provide your feedback in an email with date of viewing and speaker review to yvonne.fairbrother@pnla.org.uk who will provide you with a certificate upon request.

38 Filmed Talks - Total CPD – 24.8 hours

INDEX: Access training on topics relating to your cases.

	Topic	Title	Speaker	Date of talk
1.	<p>The new legal roadmap MBS v GT/Khan v Meadows</p> <p>Remote hearings</p> <p>Witness statements</p> <p>Doctrine of Collateral attack</p>	<p>Big legal and practical developments of 2021</p> <p>Legal developments June 2021 Manchester Building Society -v- Grant Thornton [2021] UKSC 20 (18 June 2021) & Khan v Meadows [2021] UKSC 21 (18 June 2021)– a wholly new legal roadmap.</p> <p>Applied in</p> <ul style="list-style-type: none"> - BDW Trading Ltd V URS Corporation Ltd and Another [2021] EWHC 2796 (TCC) - Charles B Lawrence & Associates v Inter-commercial Bank Ltd (Trinidad and Tobago) [2021] UKPC 30 (22 November 2021) <p>The success of remote hearings</p> <p>Trial witness statements Business and Property Courts since April 2021 Refocussing to their core function best evidence at proportionate cost – CPR Practice Direction 57AC – much is not new – key changes - purpose only to provide evidence matters of fact that need to be proved – personal knowledge – signed by witness and legal representative that principles discussed and belief of compliance – list any documents for purpose of providing evidence – how well witness recalls certain matters and documents used to refresh recollection – benefits are statements are now shorter and enhance correlation of evidence.</p> <p>Doctrine of collateral attack of previous judgments and the different pleading without negligence – trio of 2021 cases:</p> <ul style="list-style-type: none"> - Allsop v Banner Jones Ltd (t/a Banner Jones Solicitors) [2021] EWCA Civ 7 (08 January 2021) (Matrimonial) CA applied the test in Secretary of State for Trade and Industry v Bairstow [2003] EWCA Civ 321 (11 March 2003) - Pricewaterhousecoopers LLP v BTI 2014 LLC [2021] EWCA Civ 9 (11 January 2021) (Auditors) 	<p>Anneliese Day KC</p> <p>Fountain Court Chambers</p> <p>https://www.fountaincourt.co.uk/people/anneliese-day/</p>	<p>January 2022</p>

	Topic	Title and brief description	Speaker	Date of talk
		<ul style="list-style-type: none"> - King & Ors v Stiefel & Ors [2021] EWHC 1045 (Comm) (26 April 2021) (Fraudulent Misrepresentation) CPR 38.7 applied permission required <p>Aggregation by SRA Minimum Terms a further major development 2021 – see James Hall below.</p> <p>2021 has been an incredibly active year but also brings consolidation and clarity.</p>		
2.	Accountant & Auditor – Expert Evidence	The selection and use of Experts – top tips	Moira Hindson Moore Kingston Smith https://mooreks.co.uk/people/moira-hindson/	May 2022
3.	Auditors	Audit Negligence A review of current trends by: <ul style="list-style-type: none"> - Jason Karas of Mishcon Karas from Hong Kong and - Mark Davis who acted for Assetco the successful claimant in <i>Assetco Plc v Grant Thornton UK LLP [2020] EWCA Civ 1151 (28 August 2020)</i> 	Jason Karas / Mishcon Karas & Mark Davis / Mishcon De Reya https://www.mishconkaras.com.hk/people/jason-karas https://www.mishcon.com/people/mark-davis	May 2022
4.	Auditors & Accountants	The Accountant’s Perspective – two topics: <ul style="list-style-type: none"> - Is accounting dead and is audit, therefore, also dead? - Fundamental changes taking place in the way audits are carried out. <p>For each topic highlighted factors likely to feature in claims against auditors in the future.</p>	Philippa Hill Grant Thornton https://www.grantthornton.co.uk/people/philippa-hill/	January 2022

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5.	Causation	Causation – pitfalls for Pursuers and wrinkles for Defenders	Michael Upton Themis Advocates https://www.themis-advocates.co.uk/advocates/junior/Michael+Upton	June 2022
6.	Contract and Tort	The top 5 factors for a winnable professional negligence claim The Session: Limitation - Claimant Mode -Check the contract - New Saamco - Mitigate -Part 36	Helen Swaffield Contract Law Chambers https://www.contractlawchambers.co.uk/our-people	May 2022
7.	Contractual interpretation	Contractual interpretation: where are we now? “In point of fact, if not the meat and drink, then at least staple diet, of the Commercial Court can be summed up in one word “Construction”. Commercial lawyers – Solicitors, Barristers and Judges – spend a very substantial part of their time interpreting contracts” Lord Goff, Commercial Contract and the Commercial Court (1984) LMCLQ 382	Murray Steel Axiom Advocates https://www.axiomadvocates.com/advocates/profile/murray-steel	June 2022
8.	Costs	Costs – a practical guide	Kevin Wonnacott Wonnacott Consulting Ltd https://wonnacott.co.uk/	May 2022

	Topic	Title and brief description	Speaker	Date of talk
9.	Family	<p>Forum shopping – Family Law Including the impact of Brexit and more... Alex is Counsel in the recent Supreme Court case on this topic Villiers v Villiers (Rev 1) [2020] UKSC 30 (01 July 2020) URL: http://www.bailii.org/uk/cases/UKSC/2020/30.html</p>	<p>Alex Laing Coram Chambers https://www.coramchambers.co.uk/alex-laing/</p>	January 2022
10	Financial Services	<p>Financial Services Group Litigation</p> <ul style="list-style-type: none"> - Pensions: SIPPS - Pensions: Occupation Schemes - Pensions: Liberation Schemes - Mini Bonds - Property Investment Schemes - Acting for victims of investment fraud - Choosing which route 	<p>Pradeep Oliver Cripps Pemberton Greenish LLP https://www.crippspg.co.uk/profile/pradeep-oliver/</p>	January 2022
11	Financial Services - Banking	<p>Alternative Dispute Resolution for Business Banking Complaints The Business Banking Resolution Service - BBRS</p>	<p>Chief Adjudicator Alexandra Marks CBE Deputy High Court Judge https://thebbrs.org/about-us/board/</p>	January 2022
12	Financial Services - Pensions	<p>Pensions and Financial Services update</p> <ul style="list-style-type: none"> - Adams v Options UK Personal Pensions LLP [2021] EWCA Civ 474 (01 April 2021) - Adams v Options UK Personal Pensions LLP [2021] EWCA Civ 1188 (30 July 2021) 	<p>Nicholas Hill Outer Temple Chambers https://www.outertemple.com/barrister/nicholas-hill/</p>	May 2022
13	Incapacity	<p>An Otherwise Intractable Situation - The Conundrum of Incapacity in Solicitors' Negligence Claims Howard is Counsel in the recent case on this topic Evans v Betesh Partnership & Ors [2021] EWCA Civ 1194 (30 July 2021) URL: http://www.bailii.org/ew/cases/EWCA/Civ/2021/1194.html</p>	<p>Howard Elgot Park Lane Plowden Chambers https://www.parklaneplowden.co.uk/our-barristers/howard-elgot/</p>	January 2022

	Topic	Title and brief description	Speaker	Date of talk
14	Insolvency Practitioner Negligence	<p>Insolvency Practitioner Negligence</p> <p>'Professional negligence claims against insolvency practitioners have, to my mind, been much neglected by the commentators'.</p> <p>Case law reviewed:</p> <ul style="list-style-type: none"> - Pitt v Mond [2001] BPIR 624 - A&J Fabrications Ltd v Grant Thornton - Hague v Nam Tai Electronics Inc [2008] UKPC 13 - Pulsford v Devenish [1903] 2 Ch 625 - Kyrris v Oldham [2003] EWCA Civ 1506 - Oraki v Bramston [2018] Ch 469 - Prosser v Castle Sanderson Solicitors (a firm) [2002] EWCA Civ 1140 - Fraser Turner Ltd v PricewaterhouseCoopers LLP [2018] EWH 1743 (Ch) - A liquidator can be sued under section 212 of the Insolvency Act. - Centralcrest Engineering Ltd [2000] BCC 727 - Re Windsor Steam Coal Co [1929] 1 Ch 151 - Re Home & Colonial Insurance Co [1930] 1 Ch 102 - Re One Blackfriars Ltd [2021] EWHC 684 (Ch) 	<p>Helen Pugh</p> <p>Outer Temple</p> <p>https://www.outertemple.com/barrister/helen-pugh/</p>	May 2022
15	Insurance Broker – Expert Evidence	<p>Changing roles and responsibilities of brokers</p>	<p>Roger Flaxman</p> <p>Flaxman Partners</p> <p>https://www.flaxmanpartners.co.uk/team/roger-flaxman/</p>	May 2022
16	Insurers	<p>Third party rights against insurers'</p>	<p>Rachel Auld</p> <p>Indemnity Legal</p> <p>https://www.indemnitylegal.co.uk/</p>	May 2022

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17	Lender Claims	Impact of Manchester Building Society v Grant Thornton on negligence claims by lenders	Nick Curling TLT https://www.tlt solicitors.com/find-a-lawyer/nick-curling/	May 2022
18	Limitation	Some thoughts on Limitation: Knowledge and Concealment -s14A and s32 of the Limitation Act 1980 - Section 14A of the Limitation Act 1980 - Howard v Fawcetts [2006] UKHL 9, [2006] 1 W.L.R. 682 - Nobu Su v Clarksons Platou Futures Ltd [2018] EWCA Civ 1115 - Graham v Entec Europe Ltd [2003] EWCA Civ 1177 - Section 32(1)(b) of the Limitation Act 1980 - Sheldon v RHM Outhwaite (Underwriting Agencies) Ltd [1996] AC 102 - Canada Square Operations Ltd v Potter [2021] EWCA Civ 339 - OT Computers Ltd (In Liquidation) v Infineon Technologies AG [2021] EWCA Civ 501	Richard Hitchcock KC Outer Temple Chambers https://www.outertemple.com/barrister/richard-hitchcock-qc/	May 2022
19	Litigation Funding & ATE Insurance	Improving your chances of obtaining funding and ATE	Harbour Underwriting Rocco Pirozzolo https://harbourunderwriting.com/team/rocco-pirozzolo/	May 2022
20	Medical Negligence	Apportionment in Medical Negligence How does the court determine what portion of the liability to the pursuer each wrongdoer has to bear? The answer lies in the well-known provision, section 3(1) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940. Cases reviewed: - Brian Warwicker Partnership PLC v Hok International Ltd [2006] P.N.L.R. 5 at [42] and [45] - Downs v Chappell [1997] 1 W.L.R. 426)	Simon Bowie KC Ampersand Advocates https://ampersandadvocates.com/people/simon-bowie-qc/	June 2022

	Topic	Title and brief description	Speaker	Date of talk
		<ul style="list-style-type: none"> - Widdowson Executrix v Liberty Insurance Ltd (OH) 2021 SLT 539 at 553C citing Webb v Barclays Bank Plc [2001] EWCA Civ 1141 - Almond-Roots v Eljamel and NHS Tayside [2021] CSOH 130 		
21	Overview 2022	Chairman's Address - The New Normal	<p>Jayna Patel</p> <p>PNLA South of England</p> <p>Dutton Gregory Solicitors</p> <p>https://www.duttongregory.co.uk/site/people/profile/jayna.patel</p>	May 2022
22	Practice	<p>The Defender Perspective</p> <ul style="list-style-type: none"> - Consequences of Remote Working - Conveyancing Claims - Will drafting - Under-settled or Mismanaged Litigation - Virtual Mediations - Cyber 	<p>Alison Grant</p> <p>Partner</p> <p>https://dwfgroup.com/en/people/a/alison-grant</p> <p>& Andrew McConnell</p> <p>Director</p> <p>DWF LLP</p> <p>https://dwfgroup.com/en/people/a/andrew-mcconnell</p>	June 2022
23	Practice	<p>The Pursuer Perspective</p> <p>There are a number of issues to consider when acting for Pursuers, and I'm going to cover these under 6 main chapters.</p> <ul style="list-style-type: none"> - Valuing the claim - The need for an expert report - File Recovery - SLCC claims - Dealing with insurers and the Law Society's Pursuer's Panel - Funding litigation. 	<p>Cat Maclean</p> <p>MBM Commercial LLP</p> <p>https://mbmcommercial.co.uk/team/cat-maclean.html</p>	June 2022

	Topic	Title and brief description	Speaker	Date of talk
24	Practice and procedure	<p>Litigation Roundup Recent developments in general litigation practice dealing with practical considerations and recent case law covering pre action matters notably the CJC Interim Report (Final Report due in Spring 2023), the choice of Court in which to issue a professional negligence claim, also ADR and moving through the stages from Disclosure, Witness Statements and Expert Evidence and the differences which now apply in the Business & Property Courts, to Judgments and Post Judgment issues.</p> <p>Cases referred to:</p> <ul style="list-style-type: none"> - Resisting early disclosure: Patisserie Holdings PLC & Ors v Grant Thornton UK LLP [2021] EWHC 3022 (Comm) (10 November 2021) (Auditor) - Witness statements: Greencastle MM LLP v Payne & Ors [2022] EWHC 438 (IPEC) (13 January 2022) – five options: ‘The options for the court are the following. First, to withdraw permission for Mr Quinlan's two witness statements, in whole or in part, leaving the Claimant to apply for permission to adduce a further witness statement, which of course would have to be on the basis of an application for relief against sanctions. Second, to withdraw permission for the existing statements but order that the witness statement(s) be re-drafted in accordance with PD 57AC; third, to do surgery to the existing witness statements, by excising those passages that I agree are non-compliant and, possibly, the further paragraphs that I have identified; fourth, to require Mr Quinlan's evidence to be given orally in chief at the trial; and the fifth option is to do nothing and let the matter go on to trial and make an adverse costs order.’ - Disclosure Expert evidence: Kyla Shipping Co Ltd & Anor v Freight Trading Ltd & Ors 	<p>Tiffany Scott KC</p> <p>Wilberforce Chambers</p> <p>https://www.wilberforce.co.uk/people/tiffany-scott-qc/</p>	May 2022

	Topic	Title and brief description	Speaker	Date of talk
		<p>[2022] EWHC 376 (Comm) (22 February 2022)</p> <ul style="list-style-type: none"> - Expert negligence: Radia v Marks [2022] EWHC 145 (QB) (26 January 2022) applies MBS v GT. - Post trial matters draft judgments CPR PD 40E essential reading – the embargo: - The Counsel General for Wales, R (On the Application Of) v The Secretary of State for Business, Energy and Industrial Strategy [2022] EWCA Civ 181 (16 February 2022) - The Public Institution for Social Security v Banque Pictet & Cie SA & Ors [2022] EWCA Civ 368 (22 March 2022) - Costs and the time for filing an appellant's notice Preston v Beaumont [2022] EWHC 440 (Ch) (01 March 2022) 		
25	Practice Scotland	<p>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.</p>	<p>Sheriff GK Murray</p> <p>Dundee Sheriff Court</p>	June 2022
26	Rectification and Aggregation	<p>Solicitors' liability: rectification and aggregation; two recent sources of aggravation In his talk James will review Ralph v Ralph [2021] EWCA Civ 1106 (22 July 2021) URL: http://www.bailii.org/ew/cases/EWCA/Civ/2021/1106.html and Baines & Anor v Dixon Coles & Gill (A firm) & Ors [2021] EWCA Civ 1211 (06 August 2021) URL: http://www.bailii.org/ew/cases/EWCA/Civ/2021/1211.html</p>	<p>James Hall</p> <p>Gatehouse Chambers</p> <p>https://gatehouselaw.co.uk/barrister/james-hall/</p>	January 2022

	Topic	Title and brief description	Speaker	Date of talk
27	Remote hearings - Scotland	Keynote Address - Remote Hearings – What have we learnt?	The Hon Lord Clark (Alistair Clark) https://www.judiciary.scot/home/judiciary/judicial-office-holders/senators-of-the-college-of-justice/lord-clark	June 2022
28	Scope of the duty	The Scope of the Convicted Mind Cases reviewed: - South Australia Asset Management Corpn v York Montague Ltd [1997] AC 191 - Gray v Thames Trains [2009] 1 AC 1339 - Patel v Mirza [2017] AC 467 - Stoffel & Co v Grondona [2020] UKSC 42 - Meadows v Khan [2021] UKSC 21 - Henderson v Dorset Healthcare [2021] AC 563 - RO v Gray and Motor Insurers' Bureau [2022] 1 WLR 1484	Vinit Khurana KC Ampersand Advocates & 2 Temple Gardens https://ampersandadvocates.com/people/vinit-khurana/	June 2022
29	Scope of the duty – Lender Claims	Lender claims - scope of duty and the end of SAAMCO? - The approach to lender claims following Manchester Building Society v Grant Thornton 2021 UKSC - What has changed? - What has not changed? - What can be done? - Two recent examples of the application of MBS	Andrew McWhirter Axiom Advocates	June 2022
30	Scotland Professional Negligence & Liability	PNLA Scotland Introduction	Joint Chair Tim Edward MBM Commercial https://mbmcommercial.co.uk/team/tim-edward.html#:~:text=Tim%20joined%20MBM%20Commercial%20as,and%20Professional%20Negl	June 2022

	Topic	Title and brief description	Speaker	Date of talk
			igence%20(Scotland) Joint Chair – Karen Cornwell Legal Director Thorntons Law https://www.linkedin.com/in/karen-cornwell-337946193/?originalSubdomain=uk	
31	Solicitors – Group Litigation	Claimant Group Claims	Jonathan Sachs Partner BDP Pitmans https://www.bdbpitmans.com/our-people/jonathan-sachs/	May 2022
32	Surveyor & Valuer	The loss recoverable by a lender consequent on a valuer's negligent valuation Charles B Lawrence & Associates v Intercommercial Bank Ltd [2021] UKPC 30	Robert Strang 3 Hare Court https://www.3harecourt.com/barrister/robert-strang/	May 2022
33	Surveyors	Surveyors Negligence – <i>Hart v Large</i> Simon was Counsel in the landmark surveyor's negligence case: Large v Hart & Anor [2021] EWCA Civ 24 (15 January 2021)	Simon Wilton Hailsham Chambers https://www.hailshamchambers.com/barrister/simon-wilton/	May 2022

	Topic	Title and brief description	Speaker	Date of talk
34	The outlook for 2022	Covid-19, economic downturns and the market outlook for professional negligence lawyers	Andrew Foyle Partner Shoosmiths LLP https://www.shoosmiths.co.uk/people/cvdetails/matthew-howarth	January 2022
35	USA Law and Practice	The USA Perspective The U.S. Bankruptcy System Purdue Pharma Bankruptcy & Settlement Talc Litigation and Johnson & Johnson's Texas	Christopher Carroll Partner Kennedys https://kennedyslaw.com/our-people/profiles/basking-ridge/christopher-carroll/	June 2022
36	Wills & Probate	Professional Negligence and Will Drafting The following cases and more.. White v Jones [1995] AC 207 Marley v Rawlings [2015] AC 129; Marley v Rawlings (No 2) [2015] AC 157 Gibbons v Nelson [1999] Ch 326 Carr-Glynn v Frearsons [1999] Ch 326 Shah v Forsters [2017] EWHC 2433 (Ch).	Charles Holbech Radcliffe Chambers https://radcliffechambers.com/profile/charles-holbech/	January 2022

	Conference	Filmed Question & Answer sessions
37	Discovery	6 April 2022
38	The New Normal	1 November 2022

On behalf of the PNLA and all the speakers we hope that you enjoy this archive and we welcome keeping in touch with you.

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