



Professional Negligence
& Liability

Financial
Services
& Group
Litigation

Speakers:

Nicole Blakey – Penningtons Manches Cooper
– PNLA London Representative

David McIlroy – Forum Chambers (Chairman)

Michael Brown – Pennington Manches Cooper

Jamie Molloy – Ignite

Ruhi Sethi-Smith – Forum Chambers

Steve Cornmell – Kroll

Jonathan Lester – Forum Chambers

Daren Allen – Shoosmiths

Dominic Tucker – iDiscovery Solutions

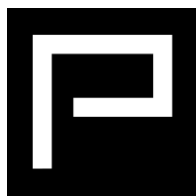
Katy Manley – President – PNLA

Live Conference
London
20th March 2023

9.00 am – 4.15 pm
@

Penningtons
Manches Cooper
125 Wood St, London EC2V
7AW

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0900-0930 Registration and Refreshments

0930-0935 PNLA Introduction

0935-0945 "Introduction"

– Nicole Blakey – Penningtons Manches Cooper – PNLA London Representative

Nicole specialises in complex and high value group claims. She frequently acts for large groups of claimants in cases against their professional advisers and also has extensive experience advising insolvency practitioners on contentious insolvency matters.

Recent cases:

- Assisting hundreds of claimants in bringing a group action for professional negligence against their solicitors in relation to failed investments in residential property, hotel and care home schemes.
- Acting for numerous office holders and creditors on a broad range of insolvency matters: for example, challenging the abuse of the IVA procedure; acting for the liquidators of Simon & Co Ltd in a £15 million wrongful trading claim brought against two former directors; and acting for joint liquidators challenging the sale by the former administrators of EPGs at an undervalue.
- Advising on a multi-million pound cross-jurisdictional partnership dispute in England, the UAE, and the BVI.
- Successfully obtaining a Norwich Pharmacal order on behalf of a property development company that was the subject of cyber fraud. <https://www.penningtonslaw.com/people/a-e/nicole-blakey>

0945-1015 "Chairman's Keynote Address"

– David McIlroy – Head of Chambers – Forum Chambers

– Visiting Professor in Banking Law at Queen Mary, University of London

David McIlroy will be covering his recent experience as *intervener for The Consumers Association in the Supreme Court in the landmark case about to change banking law and practice appealing Philipp v Barclays Bank UK Plc [2022] EWCA Civ 318 (14 March 2022)*.

David is Head of Chambers at Forum Chambers. He specialises in banking and financial services law, commercial law, and professional negligence.

His combination of experience and insight enables him to identify persuasive arguments and to see where the law might be developed in the future.

Alongside his busy practice, David is Visiting Professor in Banking Law at Queen Mary University of London and at the University of Notre Dame (USA) in England.

Specialising in the following practice areas: Banking (UK), Financial Services Regulation, Banking (EU), Commercial Litigation, Financial Mis-selling, Professional Negligence and Insolvency.

<https://forumchambers.com/our-people/david-mcilroy/>

1015-1100 "Financial Services Litigation – Opportunities and Elephant Traps"

– Michael Brown – Partner – Pennington Manches Cooper

Michael is a partner in Penningtons Manches Cooper's commercial dispute resolution team. He advises clients on a wide variety of financial services and complex commercial disputes as well as on regulatory investigations, enforcement actions, and civil fraud claims.

He has conducted group litigation for shareholder and investor claimants, and acted in international arbitrations and litigation in a number of high profile cases arising out of the last global financial crisis. His clients include funds, investor groups, banks and other financial institutions, high net worth individuals and corporates, particularly real estate investment and development businesses.

Michael is individually ranked in Chambers UK for banking litigation and is described as 'very hands on and very good with clients' and 'a very experienced litigator with an encyclopaedic knowledge of all aspects of civil fraud' in Chambers UK and The Legal 500 respectively. He is also a solicitor advocate.

Recent cases:

- Acting for the Consumers' Association (Which?) as intervener in Philipp v Barclays Bank UK Plc [2022] EWCA Civ 318, an APP fraud case in which the Court of Appeal decided unanimously that the duty of care identified in Barclays Bank Plc v Quincecare Ltd could apply to an individual customer's instructions and not just an agent's, including where they are a victim of APP fraud.
- Defeating a worldwide freezing order against an offshore business that was said to have received stolen cryptocurrency, and having the claim successfully discontinued against his client.
- Acting for the defendant bank in Playboy Club London Ltd v Banca Nazionale del Lavoro SpA [2018] UKSC 43, a negligence claim brought by the Club relating to a bank reference which was successfully defended in the Supreme Court.
- Acting for the claimant in Property Alliance Group Limited v The Royal Bank of Scotland PLC [2016] EWHC 3342 (Ch), a claim alleging the mis-selling of swaps, LIBOR manipulation and the misconduct of RBS's Global Restructuring Group.
- Representing a joint venture corporate partner in an LCIA arbitration concerning a US\$750 million investment in a Nigerian oil and gas company.

<https://www.penningtonslaw.com/people/a-e/michael-brown>



1100–1115 Refreshments

1115–1130 *“ATE Insurance and Litigation Funding”*

– Jamie Molloy – Ignite

Jamie is a Legal Expenses Insurance and Litigation Risk Transfer Underwriter with 15 years experience.

His experience includes underwriting and managing a significant volume of High Court and Tribunal disputes as well as supporting successful matters to both the Court of Appeal (Salt v Stratstone Specialist Ltd [2015] EWCA Civ 745) and Supreme Court (Braganza v BP Shipping Ltd [2015] UKSC 17).

I have created a number of bespoke hedging products for commercial and consumer litigation funders and also underwritten a number of novel insurance schemes across the areas of privacy, property and nuisance litigation.

He holds both Bachelors and Masters Degrees in Law as well as CILEX and CII qualifications.

He has a keen interest in the development of the litigation risk transfer market.

<https://igniteins.com/about/>

1130–1215 *“Contract Damages and causation, hypothetical problems.”*

– Ruhi Sethi-Smith – Forum Chambers

Ruhi has a broad commercial litigation practice which includes a wide range of commercial disputes, banking and financial services litigation, insolvency and property litigation.

Ruhi is a robust and meticulous advocate who regularly appears in the County Court, High Court and Court of Appeal.

Ruhi also has experience of obtaining and resisting urgent injunctions in the High Court.

Prior to transferring to the commercial bar, Ruhi worked for a number of well-respected City law firms where she earned a reputation as an effective and strategic litigator who leaves no stone unturned for clients. During this time, she also obtained Higher Rights of Audience and appeared as a solicitor advocate on numerous High Court and County Court applications.

<https://forumchambers.com/our-people/ruhi-sethi-smith/>

1215–1300 *“The Forensic Accountant Expert's Perspective”*

– Steve Cornmell FCA – Managing Director, Testifying Expert - Kroll

Steve has over 20 years of experience in criminal fraud investigation having assisted the UK Serious Fraud Office, amongst others, on a wide range of enquiries involving fraudulent trading, theft, share ramping and conspiracy to defraud regulatory authorities. He has also acted for numerous corporate clients in investigations of alleged fraud and accounting irregularity and breakdown, and twice been appointed as an Inspector in respect of Companies Act and Financial Services Act (Insider Dealing) enquiries. He has also acted in the defence of individuals charged with serious fraud and money laundering offences.

Steve has acted as expert in a number of cases and has provided evidence in court in criminal and commercial cases, international arbitrations and disciplinary hearings brought by professional bodies. His cases have covered a broad range of business sectors.

Before joining Kroll, Steve was a partner and head of Grant Thornton’s UK Forensic and Investigation Services department.

Steve earned a bachelor's degree in politics from University of Leicester. He is a Fellow of the Institute of Chartered Accountants in England and Wales and trained and qualified as a Chartered Accountant with a Lloyd's panel audit firm.

<https://www.kroll.com/en/our-team/steve-cornmell>

1300–1400 Lunch

1400–1445

“Getting out of the contract – penalties, undue influence, extortionate credit bargains and more”

– Jonathan Lester – Forum Chambers

Jonathan focuses on property, commercial disputes, and professional negligence, but his capability extends to all areas of Chambers’ offering. As well as in the County Court, he has represented clients in the High Court and the First-tier Property Tribunal.

Before being called to the Bar, Jonathan practised as a solicitor for over 4 years, the majority of which was spent at a leading professional negligence firm in the City where he specialised in claims for secured lenders and real estate investors. Jonathan also provided non-contentious advice on compliance with the FCA Handbook.

As well as his imaginative application of the law, Jonathan’s prior experience as a solicitor allows him an insight into the practicalities of litigation which those instructing him continue to value greatly.

Specialising in the following practice areas: Commercial Disputes and Insolvency, Professional Negligence and Property Litigation

<https://forumchambers.com/our-people/jonathan-lester/>



1445–1530 “Consumer Duty”

– Daren Allen – Partner – Shoosmiths

Daren is a Partner in the Dispute Resolution and Litigation team and has over 30 years experience in acting for financial institutions, large corporations, Governments and individuals in relation to complex investigations, litigation, regulatory enforcement proceedings and legal and regulatory compliance.

Daren regularly advises clients on matters relating to fraud, bribery, corruption and money laundering. He assisted the Ministry of Justice in drafting the Guidance on the Bribery Act 2010. He has also advised the Joint Money Laundering Steering Group on the Guidance Notes for the financial services sector.

Notable cases/matters include:

- acting for the Bank in *N v The Royal Bank of Scotland PLC* [2019] EWHC 1770 (Comm) and in *NCA v N and The Royal Bank of Scotland PLC* [2017] EWCA Civ 253;
- acting for the Bank in *Property Alliance Group Limited v The Royal Bank of Scotland PLC* in the first major Court of Appeal decision on LIBOR manipulation and Interest rate hedging products [2018] EWCA Civ 355;
- acting as a Section 166 skilled person in connection with the widely publicised mis-selling of Interest Rate Hedging products to non-sophisticated customers, including designing the methodology of the file reviews, designing customer communications, recruiting and training a team of file reviewers, reviewing customer files, attending skilled persons forums at the FCA and determining redress for customers;
- advising a large international Bank on anti-money laundering compliance across 22 jurisdictions;
- advising on proposed deferred Prosecution agreements;
- advising over 60 individuals in relation to a complex FCA investigation into a firm's anti-money laundering systems and controls;
- advising a payment services firm on its anti-money laundering systems and controls following an FCA visit and advising on subsequent VREQ;
- acting for the bank in the seminal case of *Jayesh Shah & Another v HSBC Private Bank* [2009] EWHC 79 (QB), and [2010] EWCA Civ 31, [2011] EWCA Civ 1154, [2012] EWHC 1283(QB) in a US\$300 million claim brought by two former customers. The claim arose out of the Bank's alleged wrongful delay in processing four payment instructions and refusal to provide information, due to (1) its making of authorised disclosures to the relevant authorities under the Proceeds of Crime Act 2002 when it suspected money laundering and (2) the tipping off provisions in the Act. This is the leading case in relation to Banks and their obligations to file Suspicious Activity Reports and the outcome received a significant amount of commentary; and
- acting for the bank in *Stone and Another v National Westminster Bank and Paul Aplin* [2013] EWCH 208 (CH). This case was a claim against the Bank arising out of a significant Ponzi scheme and has been widely reported.

<https://www.shoosmiths.co.uk/people/cvdetails/daren-allen>

1530–1540 Refreshments

1540–1610 “IDisclosure preservation, processing & authenticity”

Dominic Tucker – Associate Director – iDiscovery Solutions Ltd

Before joining iDS, Dominic developed his consultative expertise in eDiscovery over the course of 15 years, consulting on the use of technology in support of a range of significant investigations, High Court litigations, and arbitration matters across public and private sectors. In his previous role, Dominic led EMEA operations and eDiscovery consulting for another leading eDiscovery provider.

At iDS, Dominic's role is focused on the application of technology across all phases of disclosure, including the use of analytics and predictive coding, and he has a particular interest in the Disclosure Pilot Scheme currently proceeding in the English courts. Since the introduction of the GDPR, Dominic has also assisted various law firms and corporations to manage their responses to high volumes of Data Subject Access Requests (DSARS).

https://idsinc.com/en_gb/Array/dominic-tucker/

1610–1625 Questions and discussion session and Chair's closing remarks

1625–1630 Katy Manley – President – PNLA

Katy started practice as a commercial litigator in London moving to Bristol in the early 1990's just as the surge in professional negligence claims began. She acted for mortgage lenders and a wide range of clients until she retired from Manley Turnbull Limited in 2022. Alongside other innovators from the Bar and the PNLA network of solicitors she formed the Professional Negligence Lawyers Association in 2004 and has remained a member of the Management Team and PNLA President.

<https://www.pnla.org.uk/members/mrs-katherine-susan-manley-13521/>

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

PNLA Training Ltd - Costs

Cost for conference

PNLA Members: £300 plus VAT

Non-members: £375 plus VAT

Bank Details: HSBC

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

Please contact by email yvonne.fairbrother@pnla.org.uk to arrange payment and reserve your place.

or via our website: tbc