



*Professional Negligence & Liability*

# Dublin Conference



## HOLMES

6 June 2024

830am – 445pm

@

Stephens Green Club  
9 St Stephen's Green  
Dublin

### Chaired by

- Michael Peart  
- Mediator, Arbitrator, and former judge at the Court of Appeal

### Speakers

- Mark Connaughton SC
- Andrew Butler KC - Tanfield Chambers
- Helen Kilroy - McCann FitzGerald LLP
- Harry Fehily & Michael Murphy - Holmes Solicitors
- James Burke BL
- Donal Friel FRIAI - Friel Architects
- Denis Herlihy - Managing Director - Interpath Advisory
- Daragh O'Sullivan - Managing Partner - Lowes Legal Costs Accountants
- Kieran McHugh ACII - Expert Witness in Insurance Disputes
- Katy Manley – BPE Solicitors/PNLA President

Talk time 6hrs 15 mins + 1 hour conference pack review

# 7hrs 15mins CPD Available

0830-0900 Registration and Refreshments

0900-0910



### *"Introduction"*

- *Harry Fehily – Managing Partner - Holmes Solicitors - PNLA Ireland Representative*

Harry is the Managing Partner of Holmes. He has a broad range of experience having worked supporting clients across multiple practice areas. He is an experienced Commercial Litigation Solicitor and a CEDR (Centre for Effective Dispute Resolution) Accredited Mediator.

Having extensive experience of advising clients across a range of contentious and non-contentious matters, Harry practices with an emphasis on commercial litigation and financial lines claims, including professional negligence litigation, cyber claims and claims against directors and officers. He also has extensive experience of resolving property related disputes and shareholders' disputes. He practices extensively in the Commercial Court (a commercial division of the High Court) and is vastly experienced in dealing with cases in this venue.

Harry practises in the area of dispute resolution and has been involved in many mediations. <https://holmeslaw.ie/people/harry-fehily>



0910-0930

### *"Keynote Address"*

- *Michael Peart - Mediator, Arbitrator, and former judge at the Court of Appeal*

*Michael Peart was appointed a High Court judge in 2002. He was the first Solicitor appointed to the High Court. He presided over cases in the High Court involving criminal law, judicial review, personal injuries, immigration law and commercial law.*

*Peart became a Judge of the Court of Appeal in October 2014 upon its establishment. In the Court of Appeal, he delivered judgments on appeals involving defamation, judicial review, land law, criminal law, discovery, and professional misconduct. He chaired a committee to reform legal education of solicitors in Ireland through the Law Society of Ireland, which presented its findings in 2018.*

*After retiring from the bench, he has set up his own practice as a highly experienced arbitrator and mediator.*



0930-1000

### *"20 years on: Some observations on the success of the Commercial Court"*

- *Mark Connaughton SC*

- Senior Counsel: 2002 / CEDR Accredited Mediator, Accredited Advocacy Trainer (IATC)
- Areas of Practice: Commercial/Chancery General Common Law General Practice

1000-1010

*Questions and discussion*





1010-1040

*"Jurisdiction comparison England & Wales - Developments covering the statute of limitations, professionals' duty of care to third parties and proximity"*

- Andrew Butler KC – Tanfield Chambers

Andrew Butler KC 'Incredibly impressive on the detail – commercial in his approach, with superb drafting skills. He gets on very well with clients. Robust and calls it as he sees it – he doesn't sit on the fence but gives clear, definitive and reasoned advice.' – Legal 500 2022.

Andrew Butler KC is Joint Head of Chambers and took silk in 2018. He practises in the areas of Property and Business & Commercial and is Head of Chambers' Business & Commercial Group. While he accepts instructions across the full spectrum of commercial and property work, he particularly specialises in development disputes and professional negligence matters, with company law issues also forming an increasing part of his caseload.

Andrew is a qualified mediator and a member of both the Chartered Institute of Arbitrators and the London Court of International Arbitration. He is an adjudicator on the panel of the Professional Negligence Bar Association. He was appointed Queen's Counsel in 2018 and his silk practice has gone from strength to strength, involving an appearance in the Supreme Court, and regular appearances in the Court of Appeal, as well as the Commercial and Business and Property Courts.

Andrew was short-listed for Barrister of the Year in the Lawyer Awards 2020.

- Areas of Practice: Real Property, Commercial Disputes, Professional Negligence, Mediation

<https://www.tanfieldchambers.co.uk/person/andrew-butler-kc/>

1040-1050

*Questions and discussion*

1050-1105

*Refreshments*

1105-1135

*"General Update on Professional Negligence"*

- James Burke BL

- Junior Counsel: 2005
- Qualifications: BCL (Law & French), Chartered Tax Advisor (CTA), Advanced Diploma Public Procurement Law.
- Areas of Practice: Commercial/Chancery General Common Law Tort & Personal Injury Law.
- Specialisation: Construction, Defamation, Medical, Professional Negligence, Public Procurement, Tax Law.

1135-1145

*Questions and discussion*

1145-1215

*"Trends in the Architectural profession and the Construction sector in general"*

- Donal Friel FRIAI - Friel Architects

Graduated from DIT (now TU Dublin) School of Architecture in 1977. Following a period post-graduation in the UK and France, has worked in Ireland with several major architectural and multi-disciplinary practices. Established his own consultancy in 2008. Responsible for the design delivery of significant civic and public sector projects such as Croke Park, Fingal County Hall and the National Maritime College of Ireland, in addition to masterplans for third level institutions such as UCC. Donal is a former Council member of the RIAI and served as a Director and Honorary Treasurer of the Institute from 2017 – 2020. He continues to serve on several RIAI Committees. Has acted as an expert witness in construction disputes since 2008. <http://frielarchitects.ie/>

1215-1225

*Questions and discussion*



1225-1255

*"How Artificial Intelligence may start to Impact upon Professional Practice Risks and Claims"*

*- Harry Fehily & Michael Murphy - Holmes Solicitors*



**Harry Fehily** is the Managing Partner. He has a broad range of experience having worked supporting clients across multiple practice areas. He is an experienced Commercial Litigation Solicitor and a CEDR (Centre for Effective Dispute Resolution) Accredited Mediator.

Having extensive experience of advising clients across a range of contentious and non-contentious matters, Harry practices with an emphasis on commercial litigation and financial lines claims, including professional negligence litigation, cyber claims and claims against directors and officers. He also has extensive experience of resolving property related disputes and shareholders' disputes. He practices extensively in the Commercial Court (a commercial division of the High Court) and is vastly experienced in dealing with cases in this venue.

Harry practises in the area of dispute resolution and has been involved in many mediations. <https://holmeslaw.ie/people/harry-fehily>



**Michael Murphy**, Partner, specialises in professional negligence litigation and dispute resolution. He leads our Healthcare, Pharma and Life science group.

Practising in the non-jury area, Michael works with particular emphasis on professional indemnity, having experience in negligence cases involving architects, engineers, solicitors, barristers and insurance brokers, as well as claims against directors and officers. He has considerable experience of assessing liability and quantum issues, including the 'no transaction' principle. He advises insurers on coverage matters, particularly for regulated professions, advising on the solicitors' Minimum Terms and Conditions, surveyors' RICS Minimum Terms and accountants' CARB Minimum Approved Policy Wording. <https://holmeslaw.ie/people/michael-murphy>

1255-1300

*Questions and discussion*

1300-1400    *Lunch*



1400-1430

*"Effectively Navigating The Legal Costs Adjudication Process"*

*- Daragh O'Sullivan - Managing Partner - Lowes Legal Costs Accountants*

Daragh is a fellow of the Institute of Chartered Certified Accountants and a Legal Costs Accountant. He advises his clients on all aspects of legal costs, from client engagement letters to recovery or opposition of costs claims, and has extensive experience in negotiation, mediation and advocating for his clients before the Legal Costs Adjudicator. <https://lowes.ie/>

1430-1435

*Questions and discussion*



1435-1505

*"The value of a second look - a 24-year journey through the highs and lows of Tax Cases."*

*Denis Herlihy - Managing Director - Interpath Advisory (Ireland)*

Denis Herlihy who was formerly Managing Partner at BDO Limerick. With more than 30 years' experience in supporting clients with tax services, he is one of the most respected professionals in the Irish tax advisory market. Denis is a Fellow of the Irish Taxation Institute and former council member. He is co-author of the Bloomsbury Tax Guide and is editor of the leading annual commentary on the Finance Act in Ireland, The Professional's Guide.

<https://interpath.com/media-hub/articles/interpath-launches-tax-practice-in-ireland-with-denis-herlihy-appointment/>

1505-1510

*Questions and discussion*

1510-1525      *Refreshments*

1525-1555

*“An Overview of the Risks in Broker’s Negligence Claims”  
Kieran McHugh ACII - Expert Witness in Insurance Disputes*

Kieran is an independent consultant, who previously held senior positions within the insurance industry including:

- CEO of Lockton Ireland
- Marsh Ireland 1986 to 2005 (various roles, including Deputy CEO); and

Kieran is a Chartered Insurance Broker and a Fellow of Chartered Insurance Institute. He is a non-executive director of Lockton Insurance Brokers (Ireland) Limited, Arkema Insurance and Inscecom. He is on the General Insurance Committee of Brokers Ireland.

1555-1600

*Questions and discussion*

1600-1630

*“Mediation – tips and traps”*

*- Helen Kilroy – Partner - McCann FitzGerald LLP*

Helen has 30 years' experience in the field of commercial litigation, effectively managing complex and commercially sensitive and critical disputes to meet clients' overall objectives. She has wide ranging experience in corporate disputes, advising boards on their duties including boards created by statute, prosecuting and defending shareholder claims and breach of warranty claims. She has comparable experience handling insurance disputes, in particular coverage and professional negligence claims and property disputes. She also advises on partnership disputes, planning disputes, compulsory purchases and statutory investigations and enforcement.

Helen is an accredited CEDR mediator (Centre for Effective Dispute Resolution, London) and has very significant experience in mediating commercial disputes covering a broad range of subject matter. She is the former Group Head and was also a Council member and a past Chairperson of the Irish Commercial Mediation Association. She is a member of the Irish Sports Council's Disciplinary Appeals Board and the Law Society ADR Committee. Helen also lectures on the Law Society Professional Practice course.

<https://www.mccannfitzgerald.com/people/helen-kilroy>

1630-1640

*Questions and discussion / Chair's Closing remarks*

1640-1645

*Thank you from Katy Manley – PNLA President/BPE Solicitors*

Katy is a founder member of the PNLA. The primary objective of the PNLA is to improve the process of dispute resolution for those involved in professional negligence and liability. Since formation in 2004 over many conferences and many years a network of friends and colleagues has developed throughout the UK and Ireland amongst solicitors, barristers, experts and other specialists with a common interest in this objective. <https://www.pnla.org.uk/management-team/>

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

PNLA Members: 330 Euros

Non-members : 400 Euros

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

or via our website:

<https://www.pnla.org.uk/event/pnla-conference-dublin-professional-negligence-liability-update-6-june-2024/>