



# Professional Negligence and Liability Moving Towards the Precipice

**Broadway House,  
Tothill Street,  
London,  
SW1H 9NQ.**

**21<sup>st</sup> March 2013**

This seminar comes at a defining moment in the history of civil litigation. There is a feeling that after 1 April 2013 when the LJ Jackson Reforms are implemented that nothing will ever be the same again. There are a great many questions. It is unknown how clients will react and what impact the reforms will have on the practice of litigation solicitors in the future. As with any period of change there are those who see only clouds but there are also silver linings. This conference is aimed at providing knowledge and thoughts for the future to help litigation lawyers in the conduct of professional negligence claims.



### CPD ACCREDITATION

**There will be 6 hours CPD given for attendance at this Seminar under reference CXJ/PNLA.**

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**Date: 21<sup>st</sup> March 2013**

**Location: Broadway House, Tothill Street, London, SW1H 9NQ.**

**Telephone: 0207 222 7777**

**Cost: PNLA Members: £325 plus VAT (£390)  
Non-members: £400 plus VAT (£480)**

Please reserve places for the following delegate(s):

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Total Cost £

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The Professional Negligence Lawyers' Association  
PO Box 1685, Congresbury, Bristol, BS49 5WQ. England.  
Tel: 0117 905 5316, Fax: 0117 905 5001  
E-mail: [yvonne.fairbrother@pnla.org.uk](mailto:yvonne.fairbrother@pnla.org.uk)

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### PROGRAMME

#### 08.45 Registration and Refreshments

#### 09.10 Nigel Mallett

*Professional Negligence Lawyers' Association*  
**Welcome and introduction**

#### 09.15 Mr Justice Vivian Ramsey

*Queen's Bench Division*

**LASPO Part 2 - Implementing the Jackson reforms**

A view from the perspective of Mr Justice Ramsey who has taken over the implementation stage of the reforms from Lord Justice Jackson.

#### 10.15 William Featherby QC

*12 King's Bench Walk*

**A summary, with examples, of how Qualified One-Way Costs Shifting will work in practice in the field of personal injuries**

William Featherby QC is a personal injury and clinical negligence silk and has been in practice for over thirty years. He is a member of the Civil Procedure Rules Committee and a Recorder.

#### 1.15 Michael Lent

*Commercial Underwriting Director*  
*Temple Legal Protection*

**Legal expenses insurance in the new costs regime**

Temple are one of the leading providers of ATE insurance in the professional negligence sector and Michael will provide his thoughts on the key recent developments in this area. His talk will focus on how the market will develop after the implementation of the Legal Aid Sentencing and Punishment of Offenders Act 2012 Part 2 on 1 April 2013 in relation to professional negligence claims.

#### 12.00 Mark Cannon QC

*Four New Square*

**Development in professional negligence and liability against financial services professionals**

A review of recent developments and future trends, including - The impact of conduct of business rules on other legal duties - Two bites at the cherry? Can you bring a claim in the Courts after accepting an Ombudsman's award? - Lender and adviser liability for unaffordable loans – when might there be a claim?

Mark Cannon QC practices at 4 New Square, acting for claimants and defendants in the areas of professional liability, insurance and reinsurance, construction and engineering and commercial law. He has extensive experience of claims against financial services professional. Mark has been an editor of Jackson & Powell on Professional Liability for over 20 years and is co-author of Cannon & McGurk on Professional Indemnity Insurance. He is immediate past-chairman of the Professional Negligence Bar Association.

#### 13.00 Lunch

#### 14.15 Jayne Willetts

*Solicitor Advocate, Jayne Willetts & Co*  
**COLPs, COFAs and trends in legal risks**

The reforms introduced by the SRA through their Handbook - which was issued in 2011 - took full effect earlier this year. The last piece of the regulatory jigsaw involved COLPs and COFAs taking up their roles, with responsibilities to ensure the implementation of suitable compliance arrangements, to monitor for compliance and to record and report breaches. The SRA promised 'freedom in practice', but most firms seem to be bewildered by the process and still uncertain of quite what is expected of them. Many have questioned the lack of guidance provided by both the SRA and the Law Society, with the deliberate ambivalence of a Code of Conduct which is outcomes-focused adding to their woes.

- Self-regulation – for whose benefit?;
- Understanding risk management in the new regime; and
- Should firms have been offered more detailed guidance?

#### 15.00 Kenneth Hamer

*Henderson Chambers*

**Professional conduct - recent cases 2011 - 2013**

Kenneth Hamer is a practising barrister at Henderson Chambers and a Crown Court Recorder. He has substantial experience in all areas of professional discipline and regulation. He is on the prosecuting panel for the Bar Standards Board, and regularly prosecutes or defends in disciplinary cases involving barristers, solicitors and accountants. He is a legal assessor/legal adviser to the General Medical Council, the Nursing & Midwifery Council and the General Dental Council, and from 2006-2012 was chairman of the Appeal Committee of the Chartered Institute of Management Accountants. He is the joint editor of the Association of Regulatory and Disciplinary Lawyers' *Quarterly Bulletin*.

#### 16.00 Refreshments

#### 16.15 Can Yeginsu

*Four New Square*

**The Legal Ombudsman Scheme (LeO) - how it works and how firms can challenge its decisions**

The LeO has extensive powers and the freedom to depart from the law. With the limit on its jurisdiction rising soon from £30,000 to £50,000 and the prospect of further rises, professional indemnity lawyers and insurers need to understand how the LeO works and how they can challenge its decisions in the Administrative Court.

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