

**Professional Liability:**

# BACK TO THE FUTURE:

emerging issues in a changing market



**Location:**

The Royal Society of Medicine  
1 Wimpole Street  
London, W1G 0AE

9.00am – 5.00pm | CPD: 5.5 Hours | £150 + VAT  
Tuesday 30 September 2014

This is our 6th annual Professional Liability Conference and we are focusing on new trends and emerging issues in the field. Our speakers showcase the strength and depth of the expertise at Wilberforce Chambers, whilst the workshops will provide a forum for in depth discussion about topical strategic and procedural problems.

## Timetable

9.00am	Registration		
9.20am	Welcome and Introduction		
9.30am	<b>Clare Stanley</b> <b>The ever expanding circle of liability</b>		<ul style="list-style-type: none"> <li>· Duties of care owed to non-clients</li> <li>· Fiduciary / trust duties assumed to non-clients</li> </ul>
10.00am	<b>James Ayliffe QC</b> <b>Ignore the witnesses?</b>		<ul style="list-style-type: none"> <li>· What is the value of witness evidence in modern professional negligence cases?</li> <li>· Recent judicial guidance: <i>Gestmin</i> and other cases</li> <li>· That old chestnut: recollection vs reconstruction</li> <li>· Tips for preparation of witness statements</li> <li>· Professional duties of litigation lawyers</li> </ul>
10.30am	<b>James Walmsley</b> <b>Information, advice and scope of duty.</b>		<ul style="list-style-type: none"> <li>· Applying the "information/advice" distinction</li> <li>· Identifying the loss "attributable to the inaccuracy of the information"</li> <li>· Where are we now with SAAMCO?</li> </ul>
11.00am	Break		
11.20am	<b>Robert Ham QC and Emily Campbell</b> <b>Taxing damages</b>	 	<ul style="list-style-type: none"> <li>· When are damages taxed?</li> <li>· Employment and trading income</li> <li>· CGT</li> <li>· Zim Properties <ul style="list-style-type: none"> <li>- Gourley principle: grossing up of damages</li> <li>- Changes to SP D33: A new approach?</li> <li>- Practical considerations for professional negligence claims</li> </ul> </li> </ul>
11.50am	<b>Workshop</b>		
	1. Litigation privilege		
	2. Remedies and enforcement		
	3. <i>Mitchell</i> – where are we now?		
	4. Costs		
12.50pm	Lunch		
2.00pm			<p><b>Graeme Halkerston</b> <b>The liability of officers of offshore entities – the good, the bad and the tricky ones in between</b></p> <ul style="list-style-type: none"> <li>· Offshore firms report that the next stage of downturn litigation will be actions against officers, primarily directors and auditors.</li> <li>· How effective are provisions in the articles, bye-laws and engagement letters in limiting the liability of officers?</li> </ul>
2.30pm			<p><b>Nick Medcroft</b> <b>Claims against financial professionals – recent developments</b></p> <ul style="list-style-type: none"> <li>· Liability of independent financial advisers at common law</li> <li>· Liability under FSMA</li> <li>· Issues arising in regulatory/disciplinary proceedings</li> <li>· Recovery of damages/compensation</li> <li>· The Financial Ombudsman Service</li> </ul>
3.00pm	<b>Workshop</b>		
	1. Litigation privilege		
	2. Remedies and enforcement		
	3. <i>Mitchell</i> – where are we now?		
	4. Costs		
4.00pm	Break		
4.20pm			<p><b>Jonathan Seidler QC</b> <b>Different rules for different professionals or the same rules for different settings?</b></p> <ul style="list-style-type: none"> <li>· To what extent can a rule of law relating to one professional's liability transfer over to another's?</li> <li>· What use is authority concerning a health professional if your case relates to an actuary?</li> <li>· Is it different in relation to liability, causation and quantum?</li> <li>· Why do the rules relating to losses arising from land transactions seem different and complex? What are they anyway?</li> <li>· What other professionals have rules applying to them only?</li> <li>· If you are going to think outside the box, how sturdy must the dividers be?</li> </ul>
4.50pm	Chairman's closing remarks		
5.00pm	Drinks Reception		

# Registration Instructions

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## Registration

Registration Fee £180 (£150 + (VAT))

Registration fee includes attendance at the seminar, workshops, seminar documentation, refreshments, lunch and evening drinks reception. The registration fee must be paid in advance of the seminar to guarantee your place. We regret that no refunds will be made in the event that delegates are unable to attend.

## CPD Hours

Recognised by The Law Society. Full attendance of the seminar qualifies for 5.5 CPD Points

## Two easy ways to book your place:

By email to: [seminars@wilberforce.co.uk](mailto:seminars@wilberforce.co.uk)

By post to: Wilberforce Chambers, 8 New Square, Lincoln's Inn, London WC2A 3QP

## PLEASE COMPLETE AND RETURN THE REGISTRATION FORM, CLEARLY STATING WHICH WORKSHOP SESSIONS YOU WOULD LIKE TO ATTEND

Send your cheque made payable to 'Wilberforce Chambers' with your registration form.

I enclose a cheque for	£	to reserve	place(s)
Name(s)			
Position(s)			
Company			
Email			
Contact number			
Address			

## Workshops

Please select your choices for the morning and afternoon workshops, full details of the workshops are listed in the timetable on the previous page. Please note that the workshops in the morning are being repeated in the afternoon, therefore alternative choices are recommended.

MORNING WORKSHOP (Please tick one)

1  2  3  4

AFTERNOON WORKSHOP (Please tick one)

1  2  3  4

WORKSHOPS:

1. Litigation privilege
2. Remedies and enforcement
3. *Mitchell* – where are we now?
4. Costs

For further seminar and registration information, please contact Naomi Shogbola or Christine Nicholls via email on [seminars@wilberforce.co.uk](mailto:seminars@wilberforce.co.uk)