

PROFESSIONAL LIABILITY CONFERENCE: LENDERS, LIARS AND LIABILITY: PROPERTY FINANCE CLAIMS AGAINST PROFESSIONALS IN 2019

Location

One Moorgate Place
Chartered Accountants Hall,
London EC2R 6EA

Thursday 31st January 2019

8.30am – 1.00pm, followed by lunch

CPD points: 3.0

Registration fee: £75 + VAT

Timetable

8.30am Registration and breakfast refreshments

9.00am Welcome from the chairperson – Clare Stanley QC

9.05am **Quistclose trusts over money held by solicitors**
Tiffany Scott QC and Joseph Steadman

- When do solicitors hold money on trust?
- When they do hold money on trust, what are the terms?
- What is the relevance of professional standards like the Solicitors' Accounts Rules?
- Who can direct what happens to the money?

9.35am **Illegality: The modern approach**
Jack Watson

- *Patel v Mirza*
- Saad and the highwayman
- Fraud and professional negligence: *Grondona v Stoffel*

9.55am **CML Handbook issues**
Lawrence Cohen QC

- With jitters about property prices, mortgage frauds are back with us again. Lawrence blows the dust off the CML Handbook and takes a look at a miscellany of issues which are likely to arise including:
- Privilege claims by solicitors for borrowers' files
- Solicitors' investigation and reporting duties
- Duties regarding application of mortgage monies

10.15am BREAK

10.45am **Equitable compensation, reconstitution of trust funds and s. 61 Trustee Act**
Zoë Barton and Simon Atkinson

- "On a dark desert highway..." Are claimants getting an easy causation ride in equitable compensation claims?
- "Lost! My precious is lost!" How to get your trust fund reconstituted.
- "Press only in an emergency. Penalties for improper use." Getting s. 61 relief.

11.15am WORKSHOPS (PLEASE CHOOSE ONE)

W(A) **Solicitors and the rogue director – authority and attribution:**
Lexa Hilliard QC, Marcia Shekerdemian QC and Elizabeth Houghton

- Express/implied/usual/ostensible authority – is there a difference?
- Attribution – what is it?
- Can a solicitor ever not act on the instructions of a director of their corporate client?
- A solicitor suspects that instructions given by a director may not be in the best interests of the corporate client. Can or should they do anything?
- In what circumstances can a company sue its solicitor for payments made in breach of the Solicitors' Accounts Rules?

W(B) **Claims against solicitors: Dishonest assistance, knowing receipt and conspiracy**
Lawrence Cohen QC, Fenner Moeran QC, Jia Wei Lee and Cara Goldthorpe

- The risk of solicitors' liability for conspiracy and dishonestly assisting a fraudulent breach of trust
- The liability of solicitors in cases of identity fraud
- Seeking injunctive relief against solicitors in knowing receipt of the proceeds of fraud
- The impact of illegality in claims against solicitors

W(C) **Breaks in chain of causation and mitigation of loss in mortgage fraud claims**
Joanna Smith QC, Charlotte Black and Daniel Scott

- In what circumstances is break in the chain of causation a realistic defence for valuers?
- How do you establish break in the chain of causation?
- What is required by way of mitigation of loss in mortgage fraud claims?
- Consideration and discussion of practical examples

12.30pm **The '5 minute pitch'**
Chaired by Jack Watson

A group of barristers will each pick a case and will attempt to persuade you that it is the professional liability decision that the Supreme Court must be most looking forward to overturning. They will have five minutes each. Who is the most effective? You, the audience, will decide.

1.00pm Closing from the chairperson – Clare Stanley QC

1.05pm LUNCH