

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**
Edward Sawyer

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

9.55am **CML Handbook issues**
Lawrence Cohen QC and James McCreath

- With jitters about property prices, mortgage frauds are back with us again. Lawrence and James blow the dust off the CML Handbook and take 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**
Martin Hutchings QC and Joseph Steadman

- 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'**
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