

PROFESSIONAL LIABILITY CONFERENCE 2020

Thursday 13 February 2020

£75 + VAT

12.30pm – 5.00pm, followed by a drinks reception
at One Moorgate Place, Chartered Accountants Hall
London EC2R 6EA

Timetable

3.0 CPD

12.30pm	Registration and lunch	3.10pm	Workshop session (please select one from the box below)
1.15pm	Welcome from the chair Clare Stanley QC	4.15pm	The '5 minute pitch' Moderated by Joanna Smith QC
1.20pm	XYZ: easy as ABC? (XYZ v Travelers Insurance Co Ltd [2019] UKSC 48) Jonathan Seidler QC <ul style="list-style-type: none"> • What's the scoop under section 51 SCA 1981 following <i>Willers v Joyce</i> and <i>Davey v Money</i>? • How and why are insurers treated differently to other third party funders, when it comes to non-party costs liability? • How and when do insurers become exposed under section 51 SCA 1981? • How in practice do you take steps either to ramp up or to minimise that exposure (depending who you are)? 	4.55pm	Closing remarks from the chair Clare Stanley QC
1.40pm	"What are my odds of winning this case?" Emily Campbell <ul style="list-style-type: none"> • What do we mean by % prospects of success? • AND/OR operators and combining probabilities • Statistical independence and evaluating evidence • Winner's luck and the "credibility gap" for losers 	5.00pm	Drinks reception
2.00pm	The valuation alphabet Joanne Wicks QC and Harriet Holmes <ul style="list-style-type: none"> • The methodologies: comparison v. residual v. profits v. investment • The bracket of non-negligent valuation: how wide in which contexts? • The assessment of damages: lessons from <i>Tuita</i> 	<div style="border: 1px solid black; padding: 10px;"> <p>Workshop 1 - Limiting the damage when things go wrong for trustees Gilead Cooper QC and Sebastian Allen</p> <ul style="list-style-type: none"> • Growing pressure on professional trustees? <i>M v St Anne's Trustees Ltd</i> (2018) • Measure of damages: applying <i>AIB v Mark Redler</i> (2014) • Exoneration and anti-Bartlett provisions: <i>Zhang v DBS Trustees</i> (2019) • Liability to account • Limitation defences <p>Workshop 2 - Claims against office holders Lexa Hilliard QC, Marcia Shekerdemian QC and Iain Pester</p> <ul style="list-style-type: none"> • The nature of the duties of office holders • Negligence, misfeasance and conflict of interest • Responsibility for the shortcoming of an office-holder's advisers and sale at an undervalue • Procedural issues <p>Workshop 3 - Traps for the unwary: problems with costs, interests and tax Emily Campbell, Simon Atkinson and Michael Ashdown</p> <ul style="list-style-type: none"> • Costs problems when acting for professionals • When will the Court disallow professionals' fees for the unreasonable conduct? • Interest – investment returns, tax, and claiming interest as an independent head of loss • Tax on damages – the "underlying asset" trap </div>	
2.25pm	Break		
2.50pm	Singularis v Daiwa and the Quincecare duty of banks: professional liability in the fraud and insolvency context Jamie Holmes <ul style="list-style-type: none"> • Attribution of fraud of controlling director and sole shareholder, where 6 other "innocent but inactive" directors: <i>Stone & Rolls</i> overruled? • Illegality defence revisited (again)? • When is the loss the customer's own (dishonest) fault? When might there be a counterclaim in deceit? 		

For further information, please email seminars@wilberforce.co.uk
or alternatively you can telephone on +44 (0)207 306 0102