

**PROFESSIONAL NEGLIGENCE LAWYERS ASSOCIATION & THE WS
SOCIETY**

Professional Negligence & Liability, Edinburgh Conference

Conference theme: "New Horizons"

19 September 2024 | 9.00 am – 4.30 pm | The Signet Library, Edinburgh

Luskentyre, Isle of Harris, May 2024
Picture by Karen Cornwell

Programme

Time	Session	Speakers
8.30 am – 9.00 am	Registration and Refreshments	
9.00 am – 9.15 am	<i>Joint Chairs' Introduction Learning objectives</i>	Tim Edward , Partner, BTO Andrew Foyle , Partner, Shoosmiths
9.15 am – 9.55 am	<i>Keynote Address</i>	The Honourable Lord Richardson Judge of the Supreme Court
9.55 am – 10.35 am	<i>E&W Keynote Address</i>	Nicholas Davidson KC Deputy Head Hailsham Chambers
10.35 am – 10.50 am	Refreshments	
10.50 am – 11.30 am	<i>Developments in Professional Liability in the Scottish Courts</i>	Alastair Duncan KC Axiom Advocates
11.30 am – 12.10 pm	<i>Recent developments in Professional Negligence & Liability</i>	Simon Wilton KC Hailsham Chambers
12.10 pm – 12.50 pm	<i>AI Litigation Risks</i>	Rory Thomson WS CMS
12.50 pm – 1.00 pm	<i>Questions and Discussion</i>	
1.00 pm – 2.00 pm	Lunch in the upper library	
2.00 pm – 2.40 pm	<i>The advantages of Sheriff Court Commercial Procedure</i>	Sheriff Kenneth Campbell KC
2.40 pm – 3.20 pm	<i>The challenges of being a litigant</i>	Karen Cornwell Joint PNLA Scotland Representative

3.20 pm - 3.30 pm	Refreshments	
3.40 pm - 4.10 pm	<i>Developments in Forensic Accounting and Investigations</i>	Christine Rolland Director Henderson Loggie
4.10pm - 4.20 pm	<i>Questions and discussion / Joint Chair's Closing remarks</i>	Tim Edward , Partner, BTO Andrew Foyle , Partner, Shoosmiths
4.20 pm - 4.30 pm	<i>Thank You and Conference Close</i>	Katy Manley PNLA President/BPE Solicitors

Speakers



Tim Edward, Co-chair

Partner, BTO

Tim is a Solicitor Advocate and qualified mediator in Disthe BTO dispute Resolution team. An accredited specialist in Professional Negligence, and a member of The Legal 500's 'Hall of Fame' for both commercial litigation and professional negligence, Tim has over three decades of litigation experience.

In the Professional Negligence sphere, Tim has handled multiple negligence cases across a range of professions, in particular solicitors' negligence, for both defenders and pursuers.

He has also handled a wide variety of commercial disputes, including insolvency and company disputes. High profile cases handled by Tim include acting for the defenders in *Lloyds TSB Foundation for Scotland v Lloyds Banking Group* [2011] CSIH 87 and *Trustees of Rex Proctor RBS v Scottish Widows* [2015] CSOH 83, and most recently acting for the pursuer in *Gavin Loudon v Stewart Milne Group* [2022] CSIH 3].

Andrew Foyle, Co-chair

Partner, Shoosmiths



Andrew is a Partner and joint head of Shoosmiths dispute resolution and litigation team based in Edinburgh. His clients are primarily financial institutions for whom he acts in a range of litigation matters, including contractual disputes, general banking litigation, recoveries and the pursuit of professional negligence actions. Andrew also acts for a range of commercial clients and insolvency practitioners. Recent examples of his work include successfully defending a lender in a multi-million pound claim for damages raised against them by a former customer where it was claimed that they had acted negligently in their approach to realisation of securities, strategic advice to a lender in relation to a major remediation project, and a reported case which further clarified the law relating to pre-action requirements under the Home Owner & Debtor Protection (Scotland) Act 2010.

Andrew is a solicitor advocate with rights of audience in the Supreme Courts in Scotland and is a ranked lawyer for Banking Litigation in the Chambers UK Guide, where he is described as being "steady, sensible and pragmatic" as well as having "a breadth of knowledge on litigious matters". Commentators described him as "very approachable, dedicated to his client and provides very clear and concise legal advice".



The Honourable Lord Richardson

Judge of the Supreme Court

Lord Richardson was appointed as a judge of the Supreme Courts in February, 2021. He studied at Edinburgh University (LL.B) and Universiteit Leiden (LL.M). He practised as a solicitor from 2000 and, following a stage at the European Commission, became an advocate in 2003. During his career as an advocate, he specialised in commercial law and was Standing Junior to the Scottish Government and to the Office of the Advocate General. He was appointed as a Queen's Counsel in 2017. Between 2016 and 2018, he served as an advocate depute



Nicholas Davidson KC

Deputy Head, Hailsham Chambers

Nicholas is a commercial litigator, mediator and arbitrator (arbitrator especially in professional indemnity insurance matters). One of the most experienced practitioners at the London Bar, Chambers and Partners 2004 reports that he is "excellent and a leading expert in the field" of professional negligence, and that he "is precise and commercial". Legal 500 2022 described him as "the very definition of a legal eagle." He is best known for cases on lawyers' liability, an area in which he has been in many leading cases all the way up to the House of Lords / Supreme Court. He has a particular interest in, and flair for, claims involving financial services professionals. (Among various external interests, he has been a trustee of a DB pension scheme for more than 20 years.) He was a founder member, and in due course Chair, of the Professional Negligence Bar Association. He also served for 20 years as a Deputy High Court Judge, is a Directions Judge for Bar disciplinary proceedings, and is a Decision Taker to an overseas financial services regulator.



Alastair Duncan KC

Axiom Advocates

Alastair Duncan KC called to the Bar in 1999. He is extensively instructed in commercial and public law matters. He has a particular interest in commercial contracts and in professional liability and discipline. Alastair is instructed in a wide range of commercial disputes, with banking, partnership and IT contracts being areas in which he works frequently. As regards professional liability and discipline, Alastair regularly acts for solicitors, counsel, clinicians and other professionals. He has prosecuted and defended disciplinary proceedings and has conducted appeals to the Court of Session in relation to such proceedings. Alastair has an interest in and has undertaken cases in relation to sports law. As regards public and administrative law, Alastair was a Standing Junior to the Scottish Government from 2006 until he took silk in 2012. Since then, he has continued to receive instructions in public and administrative law

cases. Alastair has conducted a variety of judicial review, statutory appeal, extradition appeal and other such cases

Simon Wilton KC

Hailsham Chambers

Simon is a highly experienced barrister specialising in professional liability, professional regulation, and commercial and insurance disputes. He has wide experience of interlocutory, trial and appellate advocacy, arbitration work, and all kinds of alternative dispute resolution including acting as an adjudicator under the PNBA adjudication scheme (which he was partly responsible for developing). Simon was short-listed (one of three) by Chambers & Partners as professional negligence junior of the year in 2014, 2016 and 2021. Simon was head of the Professional Liability Group at Hailsham Chambers from 2016-2021 and has since acted as deputy to William Flenley KC.

Rory Thomson WS

CMS

Rory is a senior associate in the Insurance & Reinsurance Group. Rory advises on a wide range of commercial and financial disputes, with extensive experience acting for professionals, financial institutions and their insurers in the defence of complex and high-value professional negligence claims, and particular expertise representing solicitors. He has represented clients in the UK Supreme Court and courts in Scotland and England. Rory is qualified in Scotland and in England and Wales.

Sheriff Kenneth Campbell KC

Sheriff Kenneth Campbell KC was appointed as a Sheriff on 14th September 2020. Prior to calling to the Bar in 1996, Mr Campbell trained with Dickson Minto before working as a civil litigation solicitor with Brodies. He took silk in 2011 and is a practising member of the English Bar.

Kenneth Campbell appeared in courts and tribunals at all levels across Scotland as well as on a number of occasions before the UK Supreme Court. His varied practice covered a range of areas of civil work. Amongst his many appointments Kenneth served as the Director of Training and Education at the Faculty of Advocates from 2002 to 2005. More recently he served as a legal member of the Mental Health Tribunal for Scotland and the First Tier Tribunal for Scotland (Tax Chamber).



Karen Cornwell

Joint PNLA Scotland Representative

Karen Cornwell is a solicitor having qualified in Scotland in 1999 and England & Wales in 2010. She is a Notary Public. Karen's background has almost been exclusively in civil and commercial litigation including (but not limited to) contract disputes, property litigation, professional negligence, financial services, actions of interdict, Sheriff Court, Court of Session and UK Supreme Court. Karen is an Accredited Specialist in Professional Negligence Law by the Law Society of Scotland having initially been accredited in 2014. She acts as the Scottish representative of the Professional Negligence Lawyers Association. Karen is also currently a member of the Law Society of Scotland's Pursuer's Advisory Panel pursuing negligence claims against solicitors.



Christine Rolland

Director, Henderson Loggie

Christine has specialised in forensic accounting since 2009 spending seven years at BDO, before working for four years as a forensic accountant for HMRC. She joined Henderson Loggie as director of forensic accounting in 2020.

She has extensive experience in both civil and criminal litigation, with a focus now on civil litigation. She has worked on a range of forensic accounting assignments such as contentious share and business valuations, including matrimonial valuation; business interruption and consequential loss claims, particularly those arising from professional negligence; breach of contract and personal injury claims; analysis of incomplete records; and providing accounting advice and opinion to investigators in tax-related criminal investigations and to insolvency practitioners in contentious insolvency situations.

She has prepared over 100 expert witness reports and has given evidence as an expert witness in the Court of Session and Sheriff Court.



Katy Manley

PNLA President/BPE Solicitors

Katy is a founder member and President of the Professional Negligence Lawyers Association ('PNLA') launched in 2004. With the management team, Katy has been responsible for arranging seminars and events, lobbying Government and consultation with regulatory and other bodies. Through the PNLA seminars Katy has developed a very strong network of relationships with members of the Bar, experts and solicitors throughout the UK and Ireland with an identity of interest in this niche practice area. Katy is one of the leading names for claimant professional negligence work and is known not only for her practice but also for publishing articles and lecturing on the subject.

Terms and conditions

Terms and conditions in relation to courses, seminars and conferences ('events') provided by The Professional Negligence Lawyers' Association (PNLA) and organised by PNLA Training Ltd. (PNLA Training)

1. The full fee invoice for the conference ticket is payable.
2. For conferences taking place at a venue on a fixed date, if cancellation is received in writing at least 21 working days before the event the fee will be credited less a £75 administration charge. Substitutions are welcome at any time subject to any variation in price that might be payable if the substitute is not entitled to a discount as a PNLA member or specialist.
3. For virtual conferences the ticket(s) purchased are for the individual delegate(s) named in the booking. If a delegate gives access to the recorded speaker programme to others, then they agree to pay for a ticket at the full fee for all those delegates who watch the programme deriving from such access.
4. The booking constitutes a legally binding contract. The delegate and their employer/partnership/other practice entity are jointly and severally liable for payment of all the fees due.
5. The PNLA and PNLA Training reserve the right without prior notice to vary or cancel an event where the occasion necessitates including changing the password for virtual conference programmes.
6. The PNLA and PNLA Training accept no liability if, for whatever reason, the event does not take place or access online is not possible.
7. Large print versions of the handouts can be made available by prior request. If sufficient notice is not received, it will be provided as soon as possible after the event.
8. If there are insufficient rooms in the hotel to accommodate all delegates who require one when an overnight stay is involved, we will try to arrange for rooms of a similar quality in a nearby hotel, but the organisers cannot be held responsible if such rooms are not available. Any additional cost will be invoiced to the delegate.
9. To the extent permitted by law, it is agreed that the PNLA, PNLA Training Limited presenters and speakers will not be liable by reason of breach of contract, negligence or otherwise for any loss or consequential loss occasioned to any person acting, omitting to act or refraining from acting in reliance upon the course material or presentation of the event, or, except to the extent that any such loss does not exceed the price of the event, arising from or connected with any error or omission in the material or presentation of the event. Consequential loss shall be deemed to include, but not limited to, any loss of profits or anticipated profits, damage to reputation or goodwill, loss of business or anticipated business, damages, costs, expenses incurred or payable to any third party or any other indirect or consequential losses.
10. The personal information provided by you will be held on a database and you may be contacted from time to time by The PNLA and PNLA Training with details of events and services that may be of interest to you. If you do not wish your details to be used for this purpose, please write to: The Database Manager, PNLA, PO Box 1685, Congresbury, Bristol, BS 49 5WQ or email: yvonne.fairbrother@pnla.org.uk.

Pricing & Booking

Delegate rates:

Writer to the Signet/PNLA members: £250 plus VAT

Standard rate: £300 plus VAT

Trainee solicitors/law students: £120 plus VAT

All rates include breakfast, lunch and refreshments at the Signet Library

Tickets are available [here](#).

For more information contact: Sophie Mills: smills@wssociety.co.uk