

Professional Negligence & Liability
"Bristol Conference"



Thursday, 6th March 2025 / 9am – 5pm

@ Hosted by VVW, Narrow Quay House, Narrow Quay, Bristol BS1 4QA

Host - Ben Holt - VVW

Joint Chair - Joe Bryant – Beale & Co

Joint Chair - Katy Manley – PNLA and BPE Solicitors

Speakers

Keynote - HHJ Judge Jonathan Russen KC

- Helen Evans KC – 4 New Square
- Ivor Collett – Crown Office Chambers
- Holly Doyle – Guildhall Chambers
- Nicholas Lee – Paragon Costs
- Matthew Pascall – Temple Legal Protection
- Terence Dickens – VVW
- Lloyd Maynard – Forum Chambers
- Neil Williams & Michael Bluthner Speight
- Howden Insurance Brokers

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Costs Solutions

7 hours
CPD

0900-0930 *Registration and refreshments*

0930-0935 *“Introduction”*

- *Ben Holt – VWV*

Ben specialises in advising on complex disputes for businesses and institutions. Ben has represented leading lenders in multi-claim portfolios involving fraud and professional negligence. He regularly advises on business owner disputes and warranty claims following corporate acquisitions. Ben acts for both suppliers and contracting authorities in relation to procurement disputes. He has experience obtaining urgent injunctive relief relating to transmission of data, claiming conspiracy to injure, unlawful interference and inducement to breach contract.

Ben also leads the firm's Information Law and Reputation Management teams. This usually revolves around issues with social media and the internet, negligence and data breaches and privacy issues; defamation; harassment and intellectual property infringements. He has a particular interest in tracing anonymous authors / online "trolls" and advising on removing infringing online material. His experience includes successfully challenging the jurisdiction of the Texan court in a commercial disparagement claim for \$30m relating to website content; and disputes involving the likes of the Daily Mail, the Telegraph, Channel 4 and the BBC.

Ben is a Past President of Bristol Law Society and a member of the Bristol Commercial Court Users Committee and the Association of Procurement Lawyers.

0935-0945 *“Chairs’ Joint Address”*

- *Joe Bryant – Beale & Co*

Joe specialises in defending lawyers and insurance brokers (and their London market insurers) against claims for professional negligence and has an established client base including some of the largest legal and insurance firms both in the UK and internationally.

He advises on the full spectrum of issues facing the legal and broking professions, from M&A lawyers facing complex corporate and tax litigation on the one hand, through to Lloyds brokers having to deal with disputed declinatures and Insurance Act interpretation on the other. He is routinely instructed by the insurance market to act for its policyholders in resolving their disputes, as well as providing coverage advice on policy interpretation.

Away from brokers and lawyers, Joe also acts (again predominantly through the UK insurance market) for construction professionals, having been involved in a wide range of claims both nationally and internationally over his 20 year career to date.

Joe's experience includes:

- Resolving a £55m claim against a midlands firm arising from an alleged failure to advise on the most appropriate structure for earn-out following a corporate sale.
- Succeeding at trial in defending a firm against allegations that they had failed to advise their client appropriately on the availability in divorce proceedings of a pension sharing order.
- Advising on claims arising from Bath Spa, the Olympic Stadium and the partial collapse of the M4 Brynglas Tunnels, as well as several claims under the Defective Premises Act.
- Joe is ranked in the legal directories as a leading lawyer in the field of professional indemnity, being ranked as Band 1 in Chambers 2023.

He regularly delivers risk management training to firms throughout the UK and speaks and writes widely on professional indemnity issues in the insurance market. Joe also co-wrote leading textbook “Insurance Broking Practice and the Law”.

- *Katy Manley – PNLA & BPE Solicitors*

Katy Manley trained in London and qualified as a solicitor in 1989 moving to the west country in 1991.

She was made an equity partner in a leading Bristol practice in 1995 becoming Head of the Professional Negligence team. She remained with this firm until the launch of Manley Turnbull in 2006 which, until closure in 2022, specialised in professional negligence claims.

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.

Publications: Strategy & Tactics Chapter 4 – Simpson: Professional Negligence & Liability loose leaf

0945-1015

Keynote - "The Judge's perspective"

- His Honour Judge Jonathan Russen KC (TBC)

HHJ Jonathan Russen KC became the Circuit Commercial Court Judge in the Bristol Business & Property Courts upon his appointment to the bench as a Specialist Civil Circuit Judge in October 2017. He is also the Technology & Construction Judge in the Bristol B&PC and holds a section 9 chancery ticket.

He regularly sits in the Circuit Commercial Court and TCC in London.

He was educated at his local comprehensive school in South Wales before reading law as an undergraduate at the University College of Wales, Aberystwyth followed by postgraduate study at Cambridge University.

He was called to the Bar in 1986 and practised in the fields of Chancery and Commercial litigation from London chambers between 1988 and 2017. He took silk in 2010 and was called to the bar in a number of offshore jurisdictions.

He is the co-author of Financial Services Litigation (OUP, 2020) and the contributor of a number of chapters in Civil Fraud: Law, Practice and Procedure (Sweet & Maxwell, 2019).

1015-1045

"Insecure Costs: ATE & Security for Costs – Getting it Right"

- Mathew Pascall – Temple Legal Protection

Matthew was called to the Bar in 1984 and joined Guildford Chambers two years later. Spending more than 30 years in practice there, he was listed as a Legal 500 Tier One barrister.

He joined the commercial team at Temple Legal Protection as Senior Underwriting Manager in 2017.

Matthew was appointed to Temple's Board in December 2022 as Legal Director and Head of Commercial.

His knowledge of the commercial legal sector and litigation practice is invaluable to the business and our clients, providing specialist experience to lead the commercial litigation insurance team.

1045-1100 Refreshments

1100-1140

"Is too much now expected of accountants and auditors?"

- Helen Evans KC – 4 New Square

Helen Evans KC is a leading barrister practising in professional liability, disciplinary, regulatory, insurance coverage, fraud, contempt of court and commercial work.

Helen believes in cutting through complexity and bringing a rigorous strategy to her cases. She is a clear and robust advocate, calm under pressure, and relishes working in a team.

Helen is ranked by the legal directories in the fields of professional liability, insurance and professional discipline. She has been noted as being "formidable on paper, on her feet and in cross-examination", "able to make the judge see exactly what she wants" and having a "wonderful ability to drill down to the core facts, paring away all that is irrelevant and presenting things in a clear and reasoned manner". She has also been described as "intellectually brilliant, a clear thinker who cuts to the chase" and as someone who can "unpick the most complicated of cases".

Helen regularly appears in the High Court and Court of Appeal and before the major legal and accountancy regulators. She is co-editor of the solicitors' and barristers' chapters in Jackson & Powell on Professional Liability. In 2024 she was appointed as the Chair of the Appeal Committee of the Chartered Institute of Management Accountants and also chaired COMBAR's Committee dealing with reforms to Contempt of Court law.

Prior to taking silk Helen was named Chambers and Partners Junior of the Year in the Professional Negligence category. She was also a Deputy District Judge and a member of the former BSB panel of prosecuting counsel. In 2022 Helen was named "Lawyer of the Week" in The Times for her work on a claim against lawyers and arbitrators.

1140-1220

"PNBA Adjudication Scheme v Mediation"

- Ivor Collett – Crown Office Chambers

Ivor's practice covers commercial, professional liability and insurance disputes, with a particular focus on construction professionals and lawyers. He is heavily involved in cases of impostor fraud and appeared successfully in the recent Court of Appeal case of P&P Property Ltd and Dreamvar (UK) Ltd (and at trial). Ivor's insurance work involves policy wording and coverage issues of notification, non-disclosure, aggregation, minimum terms, disputes between insurers, and Third Parties' rights. He is well known in the professional indemnity sector and is frequently instructed in cases against or co-defending with silks.

Ivor has been shortlisted as Professional Negligence – Junior of the Year at the Chambers UK Bar Awards 2023.

Ivor is a TECBAR-accredited Construction Adjudicator. He was involved in development of the Professional Negligence Adjudication Scheme. Over the last 5 years he has been the most frequently-appointed Adjudicator under the Scheme and he is the lead trainer for its accredited adjudicators.

Ivor was appointed to the part-time judicial role as an Assistant Coroner in 2018 and he sits in two London jurisdictions. In this role he carries out all of the varied judicial tasks of a coroner, including hearing jury and non-jury inquests.

Recent work includes:

- Extensive involvement in multiple identity/imposter fraud claims against professionals (with a one-week Court of Appeal hearing in 2018)
- High Court trial defending a recent loss of a chance solicitors' claim
- High Court trial defending LPA receivers
- Involvement in post-Grenfell cladding claims in construction disputes, acting for designers and architects
- Successful defence of multi-party construction / professional negligence claim in the TCC and Court of Appeal
- Asbestos-related industrial injury litigation
- Sitting as Adjudicator in professional negligence adjudication disputes

1220-1300

"Claims involving Property Developers"

- Lloyd Maynard – Forum Chambers

Lloyd practices in all areas of commercial law. He has particular expertise in disputes arising from distribution agreements, manufacture, sale and supply of goods and services and banking and financial services litigation.

Lloyd is a fearless advocate who presents cases strongly yet courteously. Lloyd's advocacy has proven successful at first instance and appellate level, with members of the senior judiciary identifying Lloyd's oral and written advocacy as being elegant and persuasive.

Professional Negligence - Lloyd has experience of advising in respect of claims against IFAs, solicitors and the Citizens Advice Bureau. Lloyd has advised numerous clients on the law on limitation and its application in a professional negligence context, as well as the merits and quantum of claims.

Lloyd is currently instructed as junior counsel together with David McIlroy on 3 group actions arising from failed developments in Liverpool and Manchester.

Recent issues Lloyd has addressed include:

- The extent of conveyancing solicitor's duty to advise their client of the full terms, meaning and effect of agreements for sale.
- Whether professional negligence proceedings in England were appropriate where the claimant received negligent pensions advice whilst situated in Hong Kong, from an IFA operating from England and Switzerland.
- Whether a barrister was negligent for advising a litigant to settle employment tribunal proceedings.
- The duties upon IFAs when advising upon Defined Benefit Pension Transfers.
- Whether SIPP providers were liable for allowing an IFA to invest funds in an Unregulated Collective Investment Scheme.
- The duties and liability of a conveyancing solicitor acting as stakeholder when releasing funds outside the terms of agreements for sale.
- The limitation periods for claims to the Pensions Ombudsman.
- The limitation period for negligence claims against solicitors for allowing a claim to be struck out for want of prosecution.
- Whether the Financial Services Compensation Scheme should construe a trust deed subject to foreign law as though the foreign law applies or according to the English law position.
- Whether a solicitor who advised a client (without formal retainer) of a limitation period had a duty to remind the person of the pending expiry of that limitation period 2 years later.
- Whether a Citizens Advice Bureau was liable to its client for failure to issue an employment claim within the limitation period.

1300-1400 *Lunch*

1400-1440

"Claims against Insolvency Practitioners"

- Holly Doyle - Guildhall Chambers

Holly (2008 call) has a broad range of experience in all areas of Commercial and Insolvency law.

She is a go to name for Professional Negligence work, which forms a substantial part of her commercial practice. She has acted for both Claimants and Defendants across the full range of such claims, including in respect of IFAs, accountants, insurance brokers, surveyors and architects, IT professionals, legal professionals, professional Court of Protection Deputies. She also regularly deals with claims against Receivers for breach of their duty of care in respect of the management and sale of property over which they are appointed.

Holly has a particular niche interest in the liability of insolvency practitioners and co-authored the leading practitioner text in this area: "Insolvency Practitioners: Appointments, Duties, Powers and Liability" , now in its second edition (Elgar, 2024).

Examples of her work in this area include acting over the past decade in the multi million pound Altala litigation (arising out of the collapse of the predecessor to the Health Lottery), which has included claims brought by Altala's liquidators against its former solicitors, directors and joint administrators. Notable judgments arising include on the correct test for "gateway applications" for permission to proceed against a discharged administrator (under para 75(6) of Schedule B1 of the Insolvency Act 1986).

Holly is recommended by Chambers and Partners 2025 for Professional Negligence ("Holly is very on top of it and puts a huge amount of work in"), as well as Banking and Finance ("Holly is an extremely bright barrister") and Restructuring/Insolvency ("Holly consistently performs at a high level").

1440-1510

"Claims involving Costs"

Nicholas Lee – Paragon Costs Solutions

Nick began his career in costs in 2001. He qualified as an Associate of the Association of Law Costs Draftsmen in January 2009 and became a Fellow in January 2011. Following the Association being granted Reserved Legal activities under the Legal Services Act in 2007, he was admitted as a Costs Lawyer in 2011.

Nick worked in-house from 2001, initially attaining Associate status, and thereafter becoming Director of Costs and a fixed share partner for a Top 100 law firm.

In 2011, Nick created Paragon Costs Solutions which now has offices in London and Bristol. Clients have included many top 100 law firms, niche commercial practices, local authorities, insurers and international banks.

Advocacy, technical support, business development and client management are his primary responsibilities. Known for always being commercial and practical, colleagues and clients appreciate how thoroughly Nick assesses the merits in any claims, before giving his experienced and realistic advice.

Nick was President of Bristol Law Society (2018/19). He currently sits on the UWE Law advisory board, Bristol City Council's Economic advisory board, is an Enterprise Advisor through WECA and a Trustee for Quartet Community Foundation.

Nick is a frequent public speaker having arranged and spoken at numerous costs seminars. He is a member of Lexis PSL's Dispute Resolution Expert Panel. He has also written articles for numerous publications.

1510-1545

"Claims against Financial Services Professionals"

- Terence Dickens – VWV

Terence is an experienced disputes lawyer and Partner in the commercial litigation team at our Bristol office. He is also a key member of our fraud team, specialising in financial services litigation, fraud claims and investigations, contentious regulatory matters and related insurance coverage advice and claims (including D&O defence) and procurement disputes.

Terence frequently acts for IFAs and investment managers in contentious matters (on both an insured and uninsured basis), including defending claims and complaints of mis-selling/breach of mandate before both the Courts and the FOS, as well as FCA investigations and disciplinary proceedings and in respect of restrictive covenant and breach of confidentiality issues arising upon the exit of senior personnel/advisors.

Terence has been an insurance partner at a leading international insurance law firm and has advised numerous financial institutions/retail financial services firms, corporates, private individuals and public sector clients, including local authorities, central government departments and insurers/reinsurers, on a wide range of financial and commercial disputes.

Taking a risk-based approach, with cost-benefit firmly in mind, Terence is a keen advocate of ADR. He seeks to keep relationships on track by focussing upon both dispute avoidance and the resolution of disputes at an early stage, with commercial considerations front and centre in his advice.

Conference Agenda

1545-1555 Refreshments

1555-1635 *"The Insurance Broker's Perspective"*
- Neil Williams & Michael Bluthner Speight - Howden Group, with Joe Bryant of Beale & Co

Neil Williams is a Divisional Director dealing with claims and risk management in the Professional Indemnity division of Howden. Neil has a Law Degree and is ACII qualified.

Neil has more than 20 years experience dealing with a wide variety of professions with a particular emphasis on accountants, actuaries, lawyers and insurance brokers.

As part of his role, Neil regularly gives risk management guidance and presentations to clients as well as writing articles on relevant topics.

Finally, Neil also sits on the ICAEW Professional Indemnity Committee which gives him a real insight into issues affecting the accountancy profession.

Michael Bluthner Speight is a Divisional Director in the Legal Practices Group at Howden Insurance Brokers. He is a qualified solicitor and was previously a partner in a top 40 law firm specialising in defending lawyers against professional negligence claims.

Since moving into the insurance industry in 2012, Michael has held roles in claims, risk management and underwriting with insurers including Zurich and Travelers, before joining Howden in August 2024 to lead the delivery of Howden's thought leadership in the solicitors' PII market.

1635-1655 *"Panel discussion session - Improving the protocol - disclosure - ADR and more!"*

1655-1700 *"Chair's closing remarks"*

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

PNLA Training Ltd - Costs

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Non-members : £150 plus VAT

Please contact by email

yvonne.fairbrother@pnla.org.uk to arrange payment and reserve your place.

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<https://www.pnla.org.uk/event/bristol-conference-6-march-2025/>