



# Surveyors Negligence: The 2010 Conference

## All the Latest Developments in Law, Practice and Procedure

20 September 2010, London

*A detailed look at the hot topics. This is a conference for everyone who needs to keep up to date with all the latest developments in law, practice and procedure.*

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**9.00** Registration and Coffee

**9.30** Chair's Welcome and Introduction

*Frances Pigott, St Philips Chambers*

**9.45** The Role and Obligations of Surveyors in a Construction Project

- How your legal obligations arise
- Contractual obligations in more detail
- Tortious obligations in more detail
- Extending your contractual liabilities

*Lewis Cohen, Blake-Turner & Co*

**10.30** Putting Current Claims in Perspective

- The last time around, 1994 – 1998 key issues
- Self certification
- Buy to let
- Causes this time around
- This time around – key issues

*Nick Baxter, Baxters Business Consultants*

**11.15** Coffee

**11.30** Lenders' Claims Against Surveyors

- Causes of action
- Contributory negligence
- Mitigation
- Dishonesty
- Contribution
- Professional indemnity insurance

*Peter Dodge, Radcliffe Chambers*

**12.15** A Review of the Key Recent Cases including:

- Scope and nature of Duty - *Littlewood v Radford* and *Platform Funding v Bank of Scotland*
- Hindsight evidence - *McKinnon v Esurv*
- Alleged illegality - *K/S Lincoln v CBRE*

- Damages - *Earl of Malmesbury v Strutt & Parker*
- Contribution between defendants - *Nationwide v Dunlop Haywards*
- Limitation - *Axa v Akther & Darby* and *Pegasus v Ernst & Young*

*Mark Clinton, Thomas Eggar*

**1.00** Lunch

**2.00** Procedure and Protocols

- How can you win a professional negligence claim?
- Tactical considerations
- Funding options in the changing post LJJ Jackson Costs Review environment
- Risk assessments
- Constructing a powerful protocol compliant claim letter
- Examining the likely pitfalls and defences
- Disclosure issues and expert evidence

*Katy Manley, Manley Turnbull*

**2.50** Use of Expert Evidence in Negligence Claims

- The basic principles of expert evidence in negligence cases
- Practical issues in the use of expert evidence
- Changes to the expert witness procedure
- Recent trends and legal update

*Shy Jackson, Pinsent Masons LLP*

**3.40** Tea

**3.55** Damages and Settlements

- Measure of damages: proof of loss and scope of duty
- Limiting liability
- The importance of Part 36 offers
- Mediation, ADR and ENE

*Frances Pigott, St Philips Chambers*

**4.45** Chair's Concluding Remarks and Questions

**5.00** Conference Close

# Surveyors Negligence: The 2010 Conference

From a look at all the latest important case law to the funding options available post Jackson, this conference examines all the topical issues in law and practice and will appeal to all those who need to keep right up-to-date with all the latest developments in law, practice and procedure. The topics to be covered comprise:

- The role and obligations of surveyors in a construction project
- Putting current claims in perspective
- Lenders' claims against surveyors
- A review of the key recent cases
- Procedure and protocols
- Use of expert evidence in negligence claims
- Damages and settlements.

## Chair:

**Frances Pigott** is a barrister. She was called in 1994 and then practiced as a solicitor for 10 years. She joined St Philips Chambers in 2004 and has built up a reputation as a formidable advocate, recently being described by a client as "magnificent in court". Frances has considerable experience in the areas of construction, property and professional negligence.

## Speakers:

**Nick Baxter** worked for Building Societies from 1975 until 1993, ending up as Assistant General Manager (Mortgages) for the Cheltenham & Gloucester Building Society. In that year he set up what is now Baxters Business Consultants who are business consultants, freelance journalists and expert witnesses to the residential mortgage lending, building society and financial service industry. He is a regular speaker and trainer, a member of the Academy of Experts, and a Founding Member of the Society of Expert Witnesses.

**Mark Clinton** is a partner and head of the construction and engineering unit at Thomas Eggar. He has practised as a specialist construction lawyer for the past eighteen years and before joining Thomas Eggar was a partner at Bristows and Nicholson Graham & Jones. He handles contentious and non-contentious work in the UK and overseas. Contentious work includes disputes concerning payment issues, delay and defects. He has experience in litigation, arbitration, adjudication and mediation. He is a fellow of the Chartered Institute of Arbitrators and a TeCSA accredited adjudicator.

**Lewis Cohen** is a Consultant at Blake-Turner & Co. He qualified as a solicitor in 1995. He trained at Glovers solicitors in Mayfair and shortly after qualifying joined Nabarro Nathanson. He then moved to Speechly Bircham in 2000 and was made a partner in 2004. He joined Blake-Turner & Co in September 2009. He specialises in the field of Construction and Engineering; in particular dispute resolution and dispute avoidance. He is a member of the Chartered Institute of Arbitration, the Energy Institute and the Society of Construction Law. He obtained an MSc in Construction Law and Arbitration from Kings College London in 1998 and wrote a thesis on the enforceability of Adjudicators' awards. He has been widely published in the construction law press and lectures regularly on this area of the law.

**Peter Dodge** is a barrister at Radcliffe Chambers. He is primarily a litigator with a commercial chancery practice. He formerly worked in the City as a fund manager at a leading investment bank. He has particular experience in property and financial litigation, his clients in this field having included both mortgage lenders and borrowers. He also has extensive experience of advising and representing not only professionals and their insurers but also claimants. He has also advised and represented independent financial advisers in relation to regulatory matters.

**Shy Jackson** is a senior associate in Pinsent Masons LLP's UK Construction and Engineering group. He has extensive experience of all aspects of dispute resolution in the construction industry, including litigation, adjudication, arbitration and ADR, and regularly advises clients at all stages of construction projects on dispute avoidance. He is a Fellow of the Chartered Institute of Arbitrators and writes regularly for industry publications.

**Katy Manley** is the founder of Manley Turnbull and was previously an equity partner in a leading Bristol practice and Head of their Professional Negligence team. She deals with professional negligence claims against lawyers, surveyors and other professionals. She is a founder member of the Professional Negligence Lawyers Association and chairs their Lender Claims Group. Katy is one of the leading names in claimant professional negligence work and is known not only for her practice but also from publishing articles and lecturing on this subject.

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