

# 12

King's Bench Walk



## Annual Personal Injury Conference

Thursday 17th July 2008, 2-6pm  
Tower of London

12 King's Bench Walk's Annual Personal Injury Conference is an excellent learning and development opportunity for all those with an interest or practice in this area. The event will focus on recent developments in personal injury law and will cover a diverse range of issues relevant to you and your organisation, enabling you to stay at the leading edge of your profession. Our events are friendly and participative and are a valuable opportunity to network with colleagues and to speak with leading barristers who have a wealth of expertise and knowledge in these areas. The conference is supplemented with an in-depth information pack - a useful resource for post-conference reference. Delegates will also have the chance to sign up for an exclusive private tour of the crown jewels!

### Key Themes

- Emerging trends in asbestos litigation
- Insurance issues facing solicitors
- Employers' liability
- New statutory duties
- Abuse claims and the parameters of vicarious liability
- Harassment claims
- Schools and personal injury claims

### Venue

The conference will take place in the New Armouries Banqueting and Meeting Suite at The Tower of London. For more information about how to find the Tower of London please visit: <http://www.hrp.org.uk/TowerOfLondon/plan-yourvisit/gettinghere.aspx>

### CPD

The conference will provide 3.5 CPD points. Please quote CPD ref:AVV/CHRW

### Price

For every 2 places booked, receive a third free!

- Private firms - £95 & VAT per delegate (£95 + £16.63 = £111.63)
- Public sector bodies including academic institutions - £75 plus VAT per delegate (£75 + £13.13 = £88.13)

### Further Information

For further information about the conference please contact:

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2.00 – 2.15 Introduction by chair

Andrew Hogarth QC, Head of Chambers

2.15 – 2.45 Plenary Session 1 – Insurance issues facing solicitors in PI actions

Ronald Walker QC

There seems to be an increasing tendency for EL and PL insurers to take policy points, or to assert entitlement to avoid the policy, to justify refusing indemnity. Yet the insurers usually still want to retain some control over the underlying action, lest at some later date they are held liable to indemnify. This presents problems for them, and their nominated solicitors, who may be conflicted. There are also difficult decisions for the Claimant's solicitors to take. How can they test the strength of the grounds for repudiation? Is it worth proceeding with the action at all?

2.45 – 3.30 \*Workshop sessions, a choice of 3 from:

W1 – Workplace accidents – the new Construction Regulations and Work at Height

Freya Newbery and Gemma Scott

The Construction (Design and Management) Regulations 2007 came into force on 6th April 2007 and entirely replace both the Construction (Health Safety and Welfare Regulations) 1996 and The Construction (Design and Management) Regulations 1994. The work to which they relate is very widely defined and this workshop will review the application of these Regulations to employers and other contractors on site. In addition the workshop will consider the application of the Work at Height Regulations 2005 and some of the employers' duties hidden within.

W2 – Harassment claims by employees

Andrew Hogarth QC and Sarah Beslee

The growth in the popularity of harassment claims against employers and others will be looked at with particular reference to the circumstances in which such a claim will succeed when a negligence claim may fail. The impact of the Court of Appeal's decision in *Conn v Sunderland Council* and other recent decisions will be examined. The overlap between employment law claims for harassment and claims for damages for personal injuries will be explored.

W3 – Schools and personal injury claims

Tim Petts and Angela Frost

The session will look at injury claims by pupils and teachers. If part of growing up is learning to deal with risks, what guidance is there on how to draw the line between "reasonable" and "unreasonable" risks? How far do schools have to go to protect children from injury at school during lessons, on the sports field or on school trips? When might a school be liable for bullying outside school? Where teachers are concerned, when might schools be liable for assaults by pupils? And what particular factors can arise in work-related stress claims from school staff?

W4 – Employers' liability – an update

Joel Kendall and Mary Newnham

This workshop will look at the important developments in the case law relating to employers' liability generally over the last 12-18 months. The higher courts have continued to grapple with the key issue of "control" under the Workplace and Work Equipment Regulations, and the session will explore the ways in which that issue has been resolved. There will also be an update on the significant cases on manual handling, noise at work and some aspects of industrial disease.

W5 – Intentional Torts – Where are We Now?

Andy Roy and Patrick Kerr

Defences to battery after the House of Lords decision in *Ashley*, what needs to be proved? The limitation position after House of Lords decision in *Hoare*, when can a claim be brought, when will a limitation defence succeed, and what is the wider effect on dealing with abuse claims? The parameters of vicarious liability, when is a defendant liable and when is an insurer liable? Protection from Harassment: where is the threshold in light of *Conn v Sunderland CC*? The rule in *Wilkinson v Downton*, does it have any modern application?

3.30 – 3.45 Break

3.45 – 4.30 \*Workshop Sessions - 3 workshops from the list above

4.30 – 5.15 \*Workshop Sessions - 3 workshops from the list above

5.15 – 5.45 Plenary session 2 – Emerging trends in asbestos litigation

Allan Gore QC

This session will cover recent developments in asbestos disease litigation, focusing on lung cancer claims for claimants without asbestosis, the Helsinki criteria, symptomless asbestos related conditions, and the insurance trigger cases being heard by the High Court. In particular the session will consider liability, insurance, damages and legislative issues currently affecting this class of case including liability for symptomless disease, liability for lung cancer, damages for pain and suffering, legislation regarding sufferers of mesothelioma, and proposals concerning pleural plaques.

5.45 – 6.00 Summary and close of conference

Andrew Hogarth QC, Head of Chambers

6.00 – 8.00 Drinks reception and canapés

Tour of crown jewels

*\*Please note that while only 3 workshops will run at each workshop session, it is hoped that all 5 workshops will take place at least once, with the most popular workshops running twice. Places will therefore be limited and will be allocated on a first come first served basis.*

Due to the popularity of this event, places will be restricted initially to 3 delegates from one organisation/branch. You may place other delegates on a reserve list and we will contact you if additional places become available. Please complete the form below. Each delegate should choose 3 workshops from the list of 5 provided on the previous page. Workshop places will be allocated on a first come first served basis and cannot be guaranteed:

Delegate Name	Email address	Choose 3 Workshops (W1, W2, W3, W4, W5)	Cost	VAT @ 17.5%	Total
1					
2					
3			Free	Free	Free
TOTAL					

**Reserve List:** Please provide contact details of delegates you would like to place on the reserve list \_\_\_\_\_

**Payment:**  I enclose a cheque for the total amount (please make cheques payable to 12 King's Bench Walk)  Please invoice my organisation.

Organisation Name: \_\_\_\_\_ Organisation Type: \_\_\_\_\_

Contact Name \_\_\_\_\_ Address: \_\_\_\_\_

Email address: \_\_\_\_\_ Contact Number: \_\_\_\_\_