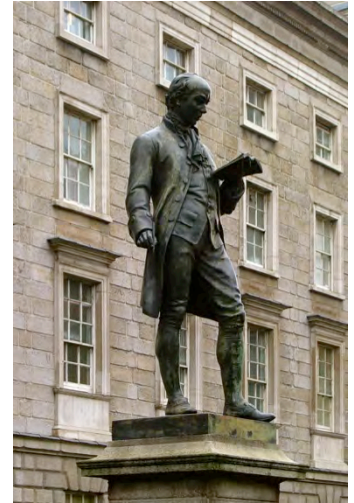


# TORTS LITIGATION

JULY 2015

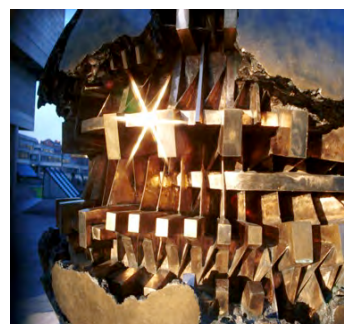
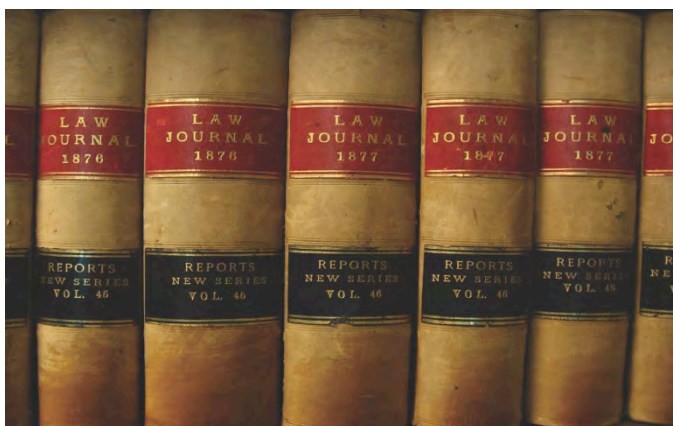


**Trinity College Dublin**  
Coláiste na Tríonóide, Baile Átha Cliath  
The University of Dublin

Scoil | School  
an Dlí | of Law

There has been an explosion of judgments on key aspects of tort litigation in recent months. The Law School of Trinity College Dublin is holding a conference, ***Tort Litigation: All the Key Recent Developments***, in the Long Room Hub, Trinity College Dublin, which will address these developments in detail. The speakers are experts in their areas.

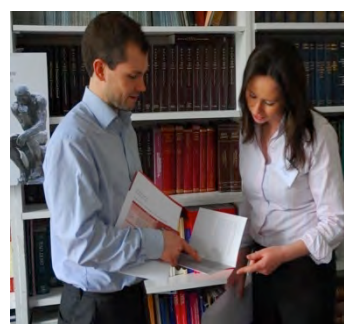
**Saturday,  
4<sup>th</sup> of July 2015**



9:45 am – 1:00 pm

CPD Hours: 2.5

**TRINITY**  
**Long Room**  
**HUB** | Arts & Humanities  
Research Institute



## Torts Litigation 2015: All the Recent Developments

### Questions to be addressed include the following:

What did the Supreme Court decide on the issue of strict liability in an action by an employee for breach of statutory duty in **Thompson v Dublin Bus** [2015] IESC 22?

In **Fitzgerald v South Dublin County Council** [2015] IEHC 343, how did Barton J interpret the expression "reckless disregard" in section 4 of the Occupiers' Liability Act 1995?

In **Kelly v Commissioner of An Garda Siochana** [2015] IEHC 15, what did Kearns P have to say about the limits of the duty of care in negligence?

What approach did Barton J take in **O'Neill (a Minor) v National Maternity Hospital** [2015] IEHC 160 to the entitlement of a parent to insist on the making of a final lump sum award for a severely injured child?

In **Feeney v Andreucetti** [2015] IEHC 63, what did Noonan J decide on the question whether an occupier should be liable for the negligence of an independent contractor for the spread of fire?



What effect did the **Glencar** principle have on the decision of the Court of Appeal in regard to the duty of care in **Ennis v Child and Family Agency** [2015] IECA 105?

In **McGarr v Dublin Bus/Bus Atha Cliath** [2015] IEHC 277, what did White J hold to be the duty of a driver to passengers on the upper storey of a bus?

In **Lennon v Health Service Executive** [2015] IECA 92, what did the Court of Appeal hold in relation to a plaintiff's right to jury trial in defamation proceedings?

How did Faherty J in **Murphy v DePuy International Ltd** [2015] IEHC 153 and McDermott J in **Dignam v Health Service Executive** [2015] IEHC 295 determine the scope of paragraph (d) of section 3 of the Personal Injuries Assessment Board Act 2003?

How broadly was the scope of an occupier's "common duty of care" held to apply in **McNamara v University College Dublin** [2015] IEHC 90?

How was the issue of alleged negligence by a public health nurse resolved in **Kiernan (a minor) v Health Service Executive** [2015] IEHC 141?

What did Hogan J decide in regard to the distinction between misfeasance and nonfeasance in **McCabe v South Dublin County Council** [2014] IEHC 529?

How did Cross J resolve a claim for alleged negligence regarding symphysiotomy in **Farrell v Ryan** [2015] IEHC 275?

How did the court determine the scope of a receiver's duty of care in **Farrelly v Kavanagh** [2015] IEHC 714?

## Torts Litigation 2015: All the Recent Developments

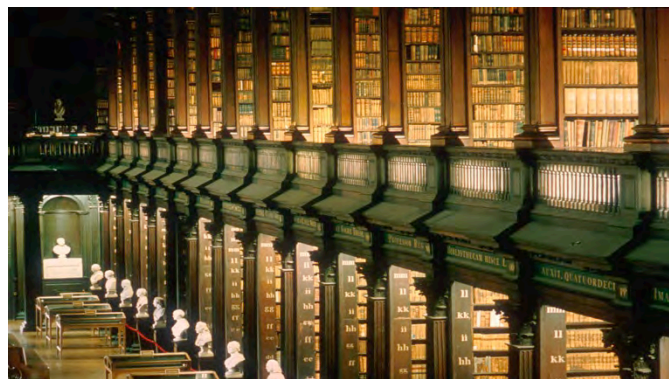
How was the question of banks' duty of care to borrowers resolved in *Delaney v Allied Irish Banks Plc* [2015] IEHC 52, *Allied Irish Bank v O'Brien* [2015] IEHC 260, *Harrold v Nua Mortgages Ltd* [2015] IEHC 15 and *Allied Irish Banks Plc v Pierse* [2015] IEHC 136 ?

Why did Cregan J in *O'Connor v Bank of Scotland* [2015] IEHC 274 dismiss a claim alleging negligence against solicitors?

What did the Court of Appeal have to say on the question of dismissal for delay in *Tanner v O'Donovan* [2015] IECA 24, *Gorman v Minister for Justice, Equality and Law Reform* [2015] IECA 41, *Collins v Minister for Justice, Equality and Law Reform* [2015] IECA 27 and *Cassidy v The Provincialate* [2015] IECA 74?

How did the Supreme Court in *Renehan v T & S Taverns Ltd t/a The Red Cow Inn* [2015] IESC 8 interpret section 50 of the Personal Injuries Assessment Board Act 2003 in respect of the limitation period?

Why was the plaintiff's claim for occupiers' liability unsuccessful in *Altman v Blackrock Clinic* [2015] IEHC 35?



What did Barton J decide on the issue relating to section 26 of the Civil Liability and Courts Act 2004 in *Waliszewski v McArthur and Company (Steel and Metal) Ltd* [2015] IEHC 264?

In *Moorefield v Governor of Wheatfield Prison* [2015] IESC 21, what did the Supreme Court hold on the question whether the High Court's discretion under Order 28.1 to amend pleadings in personal injury actions had been altered by section 13(1)(a) of the Civil Liability and Courts Act 2004 and Order 1A?

In *DF (Desmond) v Commissioner of An Garda Síochána* [2015] IESC 44, what did the Supreme Court hold as to a plaintiff's entitlement to trial by jury where multiple torts are pleaded in respect of an arrest incident?





### Reservations and Fees

Please complete the attached booking form and return it to:

**CPD Events  
School of Law  
House 39, New Square,  
Trinity College Dublin  
Dublin 2**

**T: (01) 896 2367;  
E: lawevent@tcd.ie;  
W: tcd.ie/law/events**

**FEES:**  
€150 euro per person

Group and member rates are available. See booking form for details.

Cheques should be made payable to TCD No. 1 Account.

Fees inclusive of tea/coffee and lecture materials.

### 9:15 Registration,

*The Long Room Hub, Trinity College Dublin*

### 9:45 Professional Negligence Claims Against Doctors and Lawyers

**Dr. Ciaran Craven** is a Senior Counsel. He is co-editor of *Medical Negligence Litigation: Emerging Issues* and *The Civil Liability and Courts Act 2004: Implications for Personal Injury Litigation* and co-author of *Psychiatry and the Law* (2<sup>nd</sup> ed. 2010).

### 10:25 Employers' Liability, Vicarious Liability and Breach of Statutory Duty: Recent Developments

**Dr. Desmond Ryan** is a practising barrister specialising in employment law and an assistant Professor at Trinity College Dublin, where he lectures in employment law and torts. He is co-author of *Employment Law in Ireland* (2009) and has published widely on the subject in a number of journals, including the Irish Employment Law Journal.

### 11:05 Coffee/Tea

### 11:30 PIAB, Limitations and Other Developments in Practice and Procedure in Tort Litigation

**Ray Ryan** is a practising barrister. A graduate of Trinity College Dublin, he has published widely on a range of aspects of tort law.

### 12:10 Occupiers' Liability, the Duty of Care, Damages and Defamation

**William Binchy** is a practising Barrister and co-author of *McMahon and Binchy's Law of Torts* (4<sup>th</sup> ed., 2013).

### 12:50 Questions and Discussion