

TORT LITIGATION

JULY 2016



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

Scoil an | School of
Dlí | Law

On **Saturday, 16 July, from 9.30am to 1pm**, the Law School of Trinity College Dublin is organising a conference on **Key Recent Developments in Tort Litigation**.

The courts have handed down a huge number of highly important decisions, on such matters as the duty of care of public authorities, the use of certificates by architects and engineers in construction projects, the calculation of damages in wrongful death claims, professional negligence claims against lawyers and doctors, the role of juries in defamation proceedings and the obligations of employers at common law and under the Safety, Health and Welfare at Work Act 2005.

The speakers have special expertise in their areas.

**Saturday,
16th July 2016**

9:30 am – 1:00 pm

CPD Hours: 3.5



TRINITY
Long
Room
HUB

Arts & Humanities
Research Institute



KEY RECENT DEVELOPMENTS IN TORT LITIGATION



Questions to be addressed include the following:

In *Rosbeg Partners Ltd v LK Shields (A Firm)* [2016] IECA 161, what did the Court of Appeal have to say on the issues of professional negligence, causation and the duty to mitigate damage?

In *Watson v Campos and MGN Ltd t/a Irish Sunday Mirror* [2016] IEHC 18, how did Barrett J resolve the question of extending the one-year limitation period for a defamation action under section 38(1)(a) of the Defamation Act 2009?

In *McGee v Alcom* [2016] IEHC 59, what did O'Malley J have to say on the duty of care to purchasers of engineers and architects who provide certificates to builders?

How did Noonan J deal with issues of vicarious liability and negligence, in the light of the decision of the European Court of Human Rights in *O'Keefe v Hickey* 59 EHRR 15 (2014), in *Wallace v Creevey* [2016] IEHC 294, *Naughton v Dummond* [2016] IEHC 290 and *Kennedy v Murray* [2016] IEHC 291?

In *Martin v Dunnes Stores (Dundalk)* [2016] IECA 85, what did the Court of Appeal hold in relation to a store's duty of care and statutory duty to a checkout operator?

In *Shaughnessy v Shaughnessy* [2016] IEHC 303, why did Gilligan J hold that an executor was guilty of a breach of duty of care?

Why did a claim against a bank for negligent misrepresentation in respect of pre-contractual negotiations with its customers fail in *AIB Mortgage Bank v Hayes* [2016] IEHC 280?

Why did Gilligan J, in *Mooney v Commissioner for An Garda Siochana* [2016] IEHC 252, dismiss the plaintiff's claim that the Gardai had owed and breached a duty of care to him under the Witness Protection Programme?

How did claims for professional negligence (or related claims) fare in *Healy v Buckley* [2015] IECA 251, *O'Leary v Health Service Executive* [2016] IECA 25 and *Hegarty v Mercy University Hospital Cork Ltd* [2016] IECA 24?

What principles were applied in calculating damages in a wrongful death claim in *Davoren v Health Service Executive* [2016] IECA 39?

In *Allied Irish Banks plc v Casey* [2016] IEHC 192, what did Barr J have to say on a bank's duty to advise customers before entering into a contract of guarantee to obtain legal advice?

In *Spes v Windcanton Ireland Ltd* [2016] IEHC 194, why did Barr J hold an employer liable for negligence and breach of section 8(2)(b) of the Safety, Health and Welfare at Work Act 2005?

How did the defence under section 26 of the Civil Liability and Courts Act 2004 fare in *Plonka v Norviss* [2016] IEHC 137, *Maloney v White* [2016] IEHC 44 and *McLoughlin v McDaid* [2015] IEHC 810?

KEY RECENT DEVELOPMENTS IN TORT LITIGATION

In *Ruffley v Ryan* [2016] IEHC 45, what level of reduction was made on the basis of the *Reddy v Bates* principle?

In *Philpott v Irish Examiner Ltd* [2016] IEHC 62, what guidance did Barrett J give as to the operation of section 33 of the Defamation Act 2009?

What guidance did the Supreme Court give in *Treacy t/a Engineering Design and Management v Burton* [2016] IESC 16 on when proceedings should be characterised as defamation proceedings?

What was the holding in *Higgins v Irish Aviation Authority* [2016] IEHC 245 on whether a jury should decide the quantum of damages in defamation proceedings where an offer of amends has been accepted but the parties cannot agree on quantum?

Reservations and Fees:

€150 euro per person

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

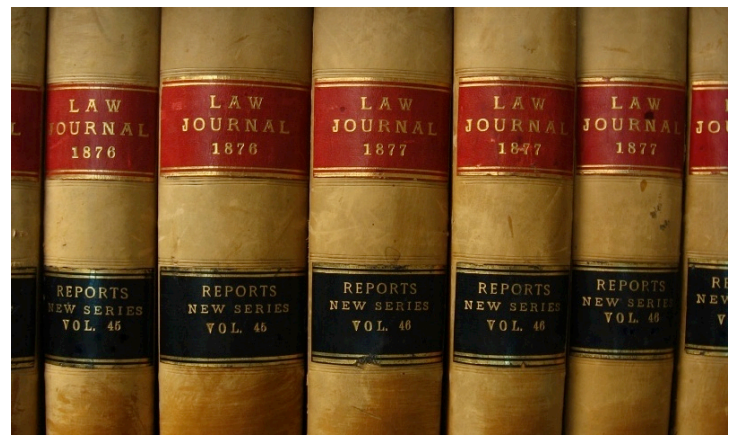
Cheques should be made payable to TCD No. 1 Account.

Fees inclusive of tea/coffee and lecture materials.



In *Cromane Foods Ltd v Minister for Agriculture, Fisheries and Food* [2016] IESC 6, what did the Supreme Court decide in relation to the duty of care of public authorities?

In *O'Brien v Revenue Commissioners* [2016] IEHC 138, how did the plaintiff's application for discovery fare in a claim for damages for misfeasance of public office, breach of duty (including statutory duty), breach of confidence and breach of the plaintiff's constitutional right to privacy arising out of the alleged disclosure of information concerning his private tax affairs to a number of persons in the media?



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





9:15 **Registration,**
The Long Room Hub, Trinity College Dublin

9:30 **Recent Decisions on Professional Negligence Litigation
Against Lawyers and Health Service Providers**

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* (2nd ed., 2010).

10:05 **Damages, Limitation of Actions and other aspects of Practice and Procedure**

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

10:40 **Key Developments in Defamation Litigation**

Dr. Neville Cox, BL is Associate Professor, Dean of Graduate Studies and a Fellow of Trinity College Dublin. He is author, with Eoin McCullough SC, of *Defamation: Law and Practice* (June, 2014), and co-author of *Employment Law in Ireland* (2009).

11:15 **Tea / Coffee Break**

11:35 **Tort Litigation Against Employers: 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.

12:10 **Occupiers' Liability, Negligence Claims against Public Authorities, the Duty of Care and Damages**

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

12:45 **Questions and Discussion**