



Myerson Dispute Resolution

Our guide to
Professional Negligence

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Welcome

We understand that if you have put your faith in a professional adviser (solicitor, accountant, architect etc) and something has gone wrong, you will want to ensure that the problem is dealt with in the best possible way, and you will want to receive clear, independent, and commercially sensible advice. We are able to see your side of the problem and advise on the best way to resolve it.

Why Myerson?

At Myerson, we recognise that a professional negligence claim can be stressful. It often comes after years of dealing with your trusted professional adviser in connection with a legal matter or other project. Our specialist team of lawyers are experts in professional negligence and will investigate what has gone wrong and advise on the best way to deal with the problem.

The Professional Negligence Litigation Team is ranked in the prestigious international directory, **The Legal 500**, and the firm is commended by The Times '**Best Law Firms 2019**'. Members of the team are also members of the Professional Negligence Lawyers Association. This means you can be certain that you will be receiving the highest quality legal advice from some of the best lawyers in the country.

Our specialist professional negligence lawyers can also draw upon the knowledge of other specialist lawyers in the firm. This enables us to advise on a wide range of professional negligence matters such as those arising from corporate and commercial deals, residential conveyancing, commercial property transactions, construction projects, family proceedings, probate matters and litigation claims. Our departments work together to ensure that we approach the dispute in the best possible way.

We also have a wealth of expertise in advising on professional claims against other types of professionals such as accountants and surveyors and we have a wide network of connections with experts in those fields who can assist to provide their expert opinion on your claim if needed.

How We Work.

Every client and every case is different, and we are here to support you every step of the way.

Personal, Partner-led Service. Our experienced solicitors get to know you and your business inside out, so we can best advise you. We know that dealing with litigation can be stressful and we aim to take that stress away from you. We strive to become your trusted advisers, providing value and most of all, a genuine, personal service.

The Highest Level of Expertise. Combining commerciality and practicality, our team's breadth of experience means Myerson can provide expert legal advice and assistance on all litigation matters. We also have developed excellent links with specialist barristers so that you are provided with a complete team of experts for your case.

A Team You Can Trust. We help clients nationwide and internationally with complex disputes. You can therefore rest assured that our expert team knows its stuff!



Your Solicitors



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The solicitors that will be working with you are specialists.

We are happy to discuss your situation in a no-obligation telephone call. You can find out more about our Professional Negligence Team by clicking [here](#).

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Professional Negligence Claims

To bring a claim for professional negligence there are three fundamental requirements:

1. A legal relationship between you and the professional as a result of which the professional owes you a duty of care;
2. A breach of that duty of care by the professional; and
3. A loss which has been caused by the breach which is not too remote.

The duty of care

The legal relationship between you and the professional will often, but not always, arise out of a contract. There will either be an express or implied term in the contract which places an obligation on the professional to act with a duty of care.

The professional has a duty to act with the care and skill to be expected from a reasonably competent professional in that field. The standard required is not one of perfection. We will examine what the professional has done or ought to have done and assess whether the professional has breached their duty of care to you.

Where the claim involves the negligence of a professional such as an accountant or surveyor, we may need to seek an opinion from an expert in that industry to understand whether the professional has breached their duty of care.

Breach

The professional will be in breach of the duty of care where he or she has failed to meet the standard of skill and care which is expected. Sometimes it is very clear that the professional has not met the standard of care required. For example, in conducting litigation, solicitors are required to ensure that if a claim is going to be issued it must be issued within the specified time period (called limitation) for that claim. Failure to issue a claim within the limitation period is likely to be a breach of the duty of care. In some cases, the breach is not so clear, and in those cases, we are able to use our vast experience to assess and advise whether what the professional has done or ought to have done is a breach of their duty of care to you.

Causation and loss

You must be able to show that the loss you have suffered has been caused by the professional's negligence. Not only must there be a link between the professional's negligence and the loss, but the loss suffered must not be too remote. The test is not the same in all circumstances, but generally it can be said that the claimant can only recover losses arising naturally from the breach, or losses which are of a type of damage which was reasonably foreseeable. We can advise you as to whether the losses you are claiming, even where the professional has been negligent, are likely to be considered too remote.

How does the claim proceed?

For claims in professional negligence the claimant should have regard to the Pre-Action Protocol for Professional Negligence. This is a specialist Court guide which sets out the procedure that should be followed, as well as the information the parties must exchange. It also sets a timetable which the parties must adhere to. Under the Protocol, a Letter of Claim has to be sent to the professional who has to acknowledge receipt within 21 days, and then provide a Letter of Response within three months. You may also need to send a Preliminary Notice of Claim depending on the circumstances of your claim. Claims against professionals are often dealt with by their professional indemnity insurers.

Limitation


There are crucial rules relating to when court proceedings must be commenced to avoid a claim being statute barred by the Limitation Act 1980. Failure to issue proceedings within the limitation period will generally be fatal to the claim. Calculating the limitation period is a crucial part of dealing with a professional negligence claim.

How much does it cost?

Like all pieces of litigation legal work, the cost depends upon various factors. One of those is the complexity of the case. Claims may be more complicated if there are several professionals involved as defendants, if the breach of duty is not straightforward, or if there are difficult legal arguments relating to the recoverability of losses. We will discuss costs with you prior to undertaking any work on your behalf and keep you updated as to costs as the matter progresses. In certain cases, we will undertake work under a Conditional Fee Arrangement (no win no fee).

In the majority of cases, a negotiated settlement is agreed. Sometimes this is following mediation which saves substantial costs of litigation and can enable an agreement to be reached more quickly and with greater certainty.





Don't just take our word for it...

"Myerson does good work in this area, and their experience shows in their litigation technique."

"Tim Norman is a real heavy-hitter in professional negligence work."

"The team has an excellent way of dealing with clients and managing cases generally, as well as good judgment – they know when to push and when to take the victory".

"I have used Myerson Solicitors twice now and, both times, I cannot fault the level of service I have received. The whole team are incredible and thorough, very thorough."

"My legal situation was resolved efficiently and to my satisfaction. All along the way, I was kept well informed without a barrage of legal speak".

"Suzanne Carr dealt with our case very professionally and used her extensive experience and superior knowledge to gain a great result. I would have no hesitation in using Suzanne again and recommending her."

"The matter is now concluded to my total satisfaction. In one word Myerson was amazing. From evaluating expectations to giving good direction and magnificent advice, I was and am impressed. That leaves me to thank Gemma Symons, an excellent solicitor. It is with pleasure that I give this review. I would certainly use them again".

To view more Myerson reviews visit our Review Solicitors page by [clicking here](#).

You're in safe hands!

If you would like further information about how we can help you, or if you have any questions, please don't hesitate to contact a member of our Dispute Resolution Team today.

Call: 0161 941 4000

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 SCAN ME



Because
life is rarely
**black and
white.**



myerson



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