

Solicitors Risks In Brief June 2016

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A Cautionary Reminder: Be Clear who your Client is

The recent decision of *Caliendo and Another v Mishcon de Reya (a Firm)* examined important issues as to whether a solicitor had assumed a duty of care, even if a retainer was not in place.

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Annual Law Society Survey of Solicitors PI - The Headlines

In its recent annual survey of solicitors' professional indemnity insurance (PII), the Law Society found that premiums reduced by 8% from last year.

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End of an Era: The Future of the SIF

A recent High Court decision has examined the extent to which Claimants will be penalised by the courts for the underpayment of court fees.

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Breach of Trust, s.61 of the Trustee Act 1925 and Due Diligence

This claim arose out of the purported purchase by the Claimant of a residential property in Wimbledon from a fraudster. By the time the fraud was discovered the purchase price had been paid by the fraudster's solicitors to a bank in Dubai on the fraudster's instructions. The money was not recovered and the solicitors applied for relief under s.61 of the Trustee Act.

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Wellesley Partners LLP v Withers LLP - Remoteness of Damage

The Court of Appeal has recently confirmed in *Wellesley Partners LLP v Withers LLP* (2015) EWCA that, where concurrent duties are owed in contract and tort, the remoteness test that applies to both duties is the more restrictive, contractual "reasonable contemplation" test rather than the tortious "reasonable foreseeability" test.

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Evading a Cyber Attack

Cyber risk and incidents remain a regular feature in news headlines around the world, most recently illustrated by the colossal breach of Panamanian law firm Mossack Fonseca. The threat is so wide ranging that tackling the subject and deciding how to mitigate the risk can be a real challenge for solicitors.

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