

Article Summaries

Professional Negligence Review 2019

Simeon Maskrey QC and Ashley Pratt

This article considers the cases of note that were decided in 2019. It concludes that the application of *SAAMCO* and *Hughes-Holland*, particularly as it affects health professionals, will continue to be debated. It discusses two recent cases that reached the Supreme Court concerning the obligations of solicitors when dealing with miners' claims, as well as those relating to a myriad of different professionals concerning scope of duty, breach of duty, causation, summary judgment/strikeout, loss of chance, pleadings, confidentiality, fiduciary duties, limitation, *res judicata*, and the ingredients necessary to establish dishonesty. The article concludes that 2019 has been a year for guidance as to the application of established principles rather than a year of radical change and considers what professional negligence lawyers can expect in 2020.

A Sterile and Semantic Debate About Negligence

Christopher J Arnull

Contractual limitations on liability for loss caused by negligence are often accommodated if liability for loss caused by 'gross negligence' is unlimited. In English law contracts, the concept of 'gross negligence' can give rise to a 'sterile and semantic' debate. In this article, Christopher Arnull explores why this term presents challenges in English law, looks at what 'gross' conveys when applied to negligence, and what might be learned from criminal law and US judicial approaches. The article concludes with a suggested definition, derived from the different approaches discussed.