

Article Summaries

Professional Negligence in 2020: The Year in Review

Andrew J Bell and Joanna McCunn

This article provides an overview of legal developments relating to professional negligence during 2020. It focuses on four issues of particular interest. Firstly, it surveys new guidance on the application of the common law illegality defence following *Patel v Mirza* (2016). Secondly, it reviews recent developments in the area of vicarious liability, noting a marked change in tone from previous case law. Thirdly, it considers the impact of the Covid-19 pandemic on litigation, discussing some early judgments and identifying potential future points of contention. Finally, it remarks on the growing divide between two different approaches to good faith implied terms in the High Court. The article closes with a look ahead to law reforms on the near horizon.

The Role of Disciplinary Cases in Effecting Changes to Professional Ethical Guidance: A Case Study of Informed Consent and the Veterinary Profession

Carol Gray

Changes to professional ethical guidance are often achieved through a combination of findings from relevant judicial decisions and evidence from concerns and complaints about the profession. For the veterinary profession, input from the legal arena is minimal due to the paucity of veterinary negligence case law. Using informed consent as a case study, Royal College of Veterinary Surgeons (RCVS) disciplinary hearings from 2018–2020 were analysed to unpack aspects of consent that led to charges of professional misconduct. Case findings were evaluated to determine their effects on subsequent changes to professional ethical guidance, specifically changes to the RCVS's 'Supporting Guidance' on consent. The Disciplinary Committee interpreted informed consent as a means of protecting the interests of the parties involved, with emphasis on protection of the client's interests. Case reasoning that focused on protection of the animal patient's 'best interests' could in turn influence professional ethical guidance in regarding these interests as pivotal.