

From the Chairman

Extract from an address by the Chairman at the Chairman's Lunch on 26th January 2001.

I must first of all thank you for all making the effort to turn up. I know that it is more difficult to travel nowadays with the state of our infrastructure. The RAF Club has again provided a super venue and lunch. I must thank Norman Royce for being the conduit for us to be here.

I am aware that my business commitments have not allowed me to spend as much time on Academy's affairs as I would have liked, but I think that has been overcome by the measures we have taken this year to put the Administration of The Academy on a footing which will see it into the future. As I have said before it is not possible for a Chairman to take over the day to day running of an organisation such as the Academy, (unless you are Michael of course), and therefore it has to run itself. The appointment of Nicola as Secretary General provided the first step to putting The Academy on a basis similar to other organisations and we have also established a small management committee which can assist in being on hand to make quick decisions if Nicola needs to refer something.. I am very impressed with Nicolas organisation and ideas and she has really got to grips with the new position. I see her and The Academy going from strength to strength. In addition of course she has the support team around her.

What has happened this year! The biggest issue this year has been the CPR Guidance notes, which I am sorry to say has not progressed as we would have wished. The Working party set up by the Lord Chancellors department produced a document which we, The Academy, that is felt was not suitable for the purpose that it was intended we sought to make constructive comments but were really thwarted at every turn. In the end we felt that we could not adopt the Working party's final position, as it did not represent the best available.

Lord Justice May has followed Lord Scott's stance that he will not adopt any Expert Code without consensus. As you will be aware our 'Code of Guidance for Experts and those instructing them' is in widespread use across the country. We have already started a further process of co-operation and consultation which we are hoping to complete by the 2nd Birthday of CPR. Your input will as always be welcome. We believe that Sir Anthony will then have a first class document supported by the professions. In the meantime our Code will continue to be used by Experts and Solicitors alike.

We have had very positive feedback from it and we do believe that it is widely accepted as a useful tool in the field. I must thank all of those people who have been involved in the drafting they have given a great commitment.

The Insurance scheme which we introduced last year went was not universally well received but the various

February

2001

February

Wednesday	7	RSA & British Association meeting - Leeds
Thursday & Friday	8	Commercial Mediation - Module 1 (2 Days)
Tuesday	13	The Expert's Report
Thursday	15	CPR Compliant Expert

March

Thursday	1	Commercial Mediation - Module 2
Friday	2	Commercial Mediation - Module3
Wednesday	14	Running an Expert Practice
Thursday	15	Commercial Mediation - Module 4
Friday	16	Commercial Mediation - Module 5
Wednesday	21	Society of Construction Law - Manchester
Friday	23	Into Court...
Monday	19	Expert Witness Training
- Thursday	29	Hong Kong (Two weeks)

April

Tuesday	3	The Expert Conference - Hong Kong
Monday	23	Day In Court
Tuesday	24	Law for Experts and Dispute Resolvers
Monday	30	Expert Determination

May

Tuesday & Wednesday	1	Commercial Mediation - Module 1 (2 Days)
Tuesday	15	Role & Responsibilities of the Expert

June

Wednesday	4	Expert Appointment Course (Day 1)
Friday	15	The Expert's Report
Wednesday	20	Executive Committee Council President's Reception

July

Monday	2	Expert Appointment Course (Day 2)
Thursday	5	CPR Compliant Expert
Monday	16	Into Court...

Unless otherwise shown all courses/ meetings will be held in London

INSIDE this issue

From the Chairman	1	PI Insurance Scheme	3
Direct Debit	2	Announcements	4
Expert's Tail	2		

From the Chairman (cont...)

explanations and consultations throughout the year seem to have allayed general fears and we are now getting many people advising us as to how much they have saved.

We have introduced the 'phone a friend' scheme this year where every member of Council will telephone up to 5 members per month to solicit their views. This will hopefully make us all more 'user friendly' and allow us to keep abreast of the views of members. This should help us to determine what other benefits we can provide.

The Faculty of Mediation and ADR has progressed this year with the establishment of an impressive number of board members although this now has to be turned into a presence that moves the Faculty forward. I trust that this year will see the Faculty really come into its own.

Regional Meetings have been on our wish list for some time. I am pleased to tell you they are about to become a reality. The Officers and Members of the Executive who are based outside London will each arrange a meeting in their locale which will mean regional meetings will be held in 2001 from the South West to the North East of the country. In addition we are discussing joint meetings with other appropriate organisations.

At The Academy on Tuesday we had an evening meeting which was very positive – it was effectively a discussion forum with an Expert, Solicitor and Barrister on the panel posing and answering questions on the CPR. It was very informative. We are hoping to have more of these types of meetings in the future and in areas other than London.

I am pleased to say that the Hong Kong committee is well established and Daniel Fung has become its Chairman. We believe that its impact will now be greatly enhanced. The American side of

the Academy is taking somewhat longer to establish, probably because the vast distances between potential members but we hope to see it expand this year.

It just leaves me to again thank all of you for coming, to thank all those who give their time to the Academy and for all the support that I have been given in my first year, I would also like to thank Lord Howe for his particular support to The Academy and to me personally and for agreeing to stay for a further year.

Expert's Tail

a member writes...

"I refer to one of the letters on the second page of the last issue of "*update*" which was concerned primarily with the taking and keeping of "notes". I am, however, not concerned with that aspect of the letter that you quoted, but with the manner in which the Member states that he (or she) prepares reports.

The Member refers to the use of a Dictaphone, and goes on to say:

"The claimant is instructed that this (i.e. the dictated matter) is going to be the report, and that if they don't like it they should say so and I will correct it".

I am astounded that a Member is prepared to correct, or amend, or change, a report simply because the claimant does not like it. I assume that when the Member is acting for a Respondent he applies the same "procedure". I am of the view that changing a report simply because the party to the issue does not like it is contrary to "Guide Notes for Experts", to part 35 of CPR and to the Academy's Code of Practice."

The original letter certainly raises the above points.

If the writer meant what he wrote he is clearly as stated in the above, in breach of both CPR and the Code of Practice. If, as we hope, his practice is not as seems to be described by his words, it is a good example of how an expert discredits himself, lets down the client and The Academy.

Direct Debit

UK members should by now have received a letter regarding Direct Debits. Inevitably questions have been thrown up by the letter - a few of which we try to answer here. If you have a question which is not answered please contact the office.

Why did the letter not give the details of this year's subscription:

The letter which you received was not a request for payment. As the Direct Debit Instruction is ongoing and not just for this year, the letter was merely an administrative note accompanying the form rather than a demand for payment.

If I pay by Direct Debit will I receive advance notice of what I am due to pay:

Subscription notices will be sent out in the second week of February to all members however they pay. The Academy will give 10 days notice of any sums to be paid by Direct Debit in accordance with the Direct Debit Guarantee – a copy of which was attached to the Direct Debit Instruction.

What can I pay via Direct Debit:

Currently Direct Debit may only be used to pay Membership Subscriptions and any items which are due at the same time (eg PI Insurance Premiums). It is intended that this will be extended to include other services such as Register Retention Fees and the provision of certain products.

What do I do if I think I have been charged the wrong amount:

In the first instance contact The Academy immediately and explain what you believe the problem to be. In the event that an error has been made The Academy will rectify it immediately.

Can I pay via Direct Debit if I live outside the UK:

Yes - If you live abroad and have a UK bank account contact the office for a Direct Debit Instruction form. The Direct Debit Scheme is, however, limited to UK banks so we are unable to accept instructions for non-UK banks.

Professional Indemnity Insurance Scheme

The renewal date for the special PI insurance scheme for Academy members is 1st March 2001 and is due to be paid with your membership subscription. The object of these notes, which are not comprehensive, is both to update you on some of the changes and to remind you of your obligations in order to properly protect yourself.

First and foremost is your need to comply with disclosure. BEFORE 1st March you should notify the insurers of any incident of which you are aware that might give rise to a claim. By so doing you will ensure that should matters develop they will be dealt with as a claim already notified in the present insurance year. You should also ensure that you declare it for renewal purposes as an incident already notified. If you follow this apparently cumbersome procedure you will ensure that not only will the incident be covered under the present year but that underwriters will not be able to avoid next year's insurance because of non disclosure.

Note that the insurance covers your work as an Expert or Dispute Resolver. It does NOT cover other work. In particular it does not cover advice or consultancy on how to avoid claims. Cover can be made available alongside the scheme.

If you are ceasing to undertake 'expert' work you may not need to purchase another year's insurance but you will need what is called 'run off' cover. For a single payment of £100(+ tax) you will have protection for the next three years for work undertaken prior to 1st March 2001 **providing** you remain a member of The Academy. If you have retired you can of course transfer to 'retired membership' with the attendant cost saving.

Are you a Corporate Provider of Expert Services? If you are you could also participate in The Academy's Scheme. Full details are available on request. Last year at least one member's company became a corporate member in order to take advantage of the scheme. They replaced previous insurance with the Academy's policy, doubled their cover and still saved £150.

Many members have told us of their satisfaction with the protection against the ever-increasing threat of being sued. Additionally many have saved money either by replacing their previous insurance or excluding their expert work from their other policy. Some examples are shown in the case studies opposite.

Further details regarding the scheme and any changes which there may be are available from The Academy office.

GOOD NEWS

Premiums are frozen for another year. There will be no increase in premiums for the year 2001 – 2002. They remain at the low level of £50 for £500,000 cover.

Even better news is that underwriters have agreed to offer increased cover to £1million for only £25 extra (in other words £75 all in). All premia are of course subject to the appropriate tax.

Case Studies

In each of the following examples (which are representative of our experience as a whole) the cost saving exceeded the membership fee.

1: Medical Expert.

Excluded medico-legal work from his Medical Protection insurance as the work was covered by the TAE policy.

Cost saving to member £400.

2: Insurance Expert

Replaced his previous policy with his competitively negotiated premium, with TAE policy.

Cost saving to member £500.

3: Surveyor

Obtained consent of his professional body to use TAE insurance as his work came within its remit.

Cost saving to member £800.

4: Engineer

"As a result.....I have saved myself about £1,000 in premiums this year"

Cost saving to member £1,000

ANNOUNCEMENTS

Sadly

In January **Tony Fletcher MAE** of Trett Consulting passed away in Singapore. Tony was well known to many members of The Academy and the Academy's office and will be greatly missed.

Our deepest sympathies are with his wife and family.

Very Sadly

Our very first President, **Sir Jack Jacob QC**, died in December. We extend our condolences to his sons family. An obituary will be included in 'The Expert & Dispute Resolver'

Lunching Rights

The Hon Society of Gray's Inn has just offered Academy members the unique benefit of 'lunching rights' including a limited facility to take a guest. This right is normally reserved to members of the Inn and we are delighted with the opportunities that members will now have. Many members, whilst attending Academy Training, have already experienced 'lunch in Hall' which is (in legal terms) an informal working facility for the bar and judiciary.

Lunch is served from 1230 to 1400 Monday to Friday in the legal terms. (There are exceptions so you need to check). Dress is 'business suits'. In order to use the facility you will need to collect a 'luncheon ticket' from The Academy's office on the day you are lunching.

It is important that members observe the etiquette of the Inn and do not abuse the privilege. The facility commences on 1st March 2001.

Please note that if you have any questions please contact The Academy Office. DO NOT contact Gray's Inn.

Society of Construction Law - ADR Meeting

On 21st March the Society of Construction Law is holding a meeting to which Academy members are invited.

'ADR - the Judicial Perspective'

HH Judge Richard Holman
Designated Civil Judge Manchester

Court Mediation Schemes:

Anthony Glaister
The Association of Northern Mediators

The location of the Meeting will be:

Room G/19 Pariser Building UMIST
UMIST Campus
Manchester

Contact:

Peter Fenn 0161 200 4233
peter.fenn@umist.ac.uk

President's Reception - change of date

Members should note that the date of the event in June - the President's Reception has been moved back a week to Wednesday 20th June.

Full details of the Reception will be circulated with 'update' nearer to the time.

The Expert & Dispute Resolver

Details are enclosed with this issue of 'update' of an exciting new opportunity for members to Market themselves in The Academy's journal - 'The Expert & Dispute Resolver'.

If you are interested in contributing to the the journal the copy deadline for the next edition is 23rd February. Contact the Editor, Dominic Deeson, for further details on 01795 535468 or sdeeson@worldscope.co.uk.

Academy enclosures in this mailing

- Sundries Order Form
- Mediation Training Booking Form
- The Expert and Dispute Resolver advertising form

OFFICERS of THE ACADEMY OF EXPERTS

Patron

The Rt Hon The Lord Woolf

President

The Rt Hon The Lord Howe of Aberavon CH QC

Vice Presidents

Prof Dr jur Karl-Heinz Böckstiegel
Daniel R Fung QC SC
Sir Donald Harrison MD MS PhD FRCS FRSM
Prof Pierre Lalive Lic.jur Lic.Litt(Geneva) Ph.D(Cantab)
HH Esyr Lewis QC
Sir Francis McWilliams GBE BSc(Eng) F.Eng DCL
Rt Hon Sir Brian Neill
Rodger Pannone MAE
Norman Royce OBE FRIBA PPCI Arb FAE
HE Judge Stephen Schwebel
Anthony Scrivener QC

Chairman Emeritus

Michael Cohen LLB FIBA FCI Arb QDR FAE Barrister

Immediate Past Chairman

Richard Freeman MA FCA FCI Arb Dipl CA Arb QDR FAE

Chairman

Roger Trett M.InstCES MACostE ACI Arb QDR FAE

Deputy Chairman

Dr Roger Maddrell BSc PhD Dipl.Delft FGS FICE FAE

Vice Chairmen

John Bishop LLB(Hons)
Eurling Patrick Sheen BSc CEng FIEE PPI FireE FRSA FAE

Treasurer

Stephen Hiscock BSc ACIB MAE

Secretary

Charles Gardner LLB MSc DCI Arb QDR CAE

Further information about anything contained in this publication may be obtained from The Academy Office

2 South Square, Gray's Inn, London WC1R 5HT

DX: 283 London, Chancery Lane

Tel: 020 7637 0333 Fax: 020 7637 1893 e-mail: admin@academy-experts.org

<http://www.academy-experts.org/>

©The Academy of Experts 2001