

From the Chairman

Elections

This 'update' is the last one prior to the elections for the coming year. It also includes the Chairman's and the Treasurer's annual reports as well as a brief note from the Secretary. Obviously with so much verbiage from me in this 'update' I feel it is prudent that I keep this 'from the Chairman' short. I propose simply, therefore, to just explain the reason that I am standing for re-election;

Discussions

You may well be aware that discussions are and have been taking place with the EWI in consideration that there be only one body that represents Experts. This is generally accepted by the majority of Experts and clearly by the Judiciary as desirable.

Unfortunately, the discussions between the two bodies have sadly been less than fruitful to date - but that does not mean we should stop talking. Indeed I believe that this year more positive steps have been made than ever before.

As a result of these discussions and the important ramifications for The Academy I was asked by the Executive Committee if I would be prepared to stand for re-election in order to provide some continuity to the process.

The Executive's reasoning was that if a new Chairman is elected, he would be the fourth Chairman who would represent The Academy at these discussions. It was for this reason alone that I agreed to allow the Executive to ask Council, (as the constitution permits), to agree to extend my eligibility to serve as Chairman. Council at its meeting on 20th June decided to extend my eligibility and hence I have agreed to stand for re-election.

Roger Trett
September 2001



The Academy
2 South Square

Chairman's Report

Like me, you are probably surprised that the time has arrived for the AGM quite so quickly. What has happened in the past year, at first glance, perhaps not a lot, but then sitting down to ponder the matter quite a lot has been achieved. It is my second year as Chairman and some of the matters we discussed and considered in the first year have now come of age and others from the second year are either in their infancy or have, I trust, made members aware that the Academy is promoting their interests and seeking to provide value for money in respect of the subscriptions.

What then is there to report?

Secretary General

The establishment of the Secretary General's position has been a great success. The Academy has benefited from Nicola Cohen being very proactive in her approach and in generating new ideas. We shall see even more of the benefits over the coming months.

Code of Guidance

The Academy's Code of Guidance was updated last June to take account of the continuous experience of our Members, Judges, Lawyers and other Experts with whom we are in regular contact. Whilst the Master of the Rolls has not officially adopted any code, The Academy's code is in extensive use throughout the country and has been relied upon by Judges in several cases as the definitive guide.



2001

Diary Dates

September

Monday	10	Gray's Inn Hall Re-opens for Luncheon
Monday	10	Commercial Mediation - Module 1 (2 Days)
Monday - Tuesday	11	Into Court
Friday	14	Association of Northern Mediators Conference - Manchester
Wednesday	19	Evening Meeting - Manchester
Wednesday	19	Day in Court
Monday	24	

October

Tuesday	9	Foundation Course
- Wednesday	10	(Two Days)
Thursday	11	Annual General Meeting
Thursday	11	Evening Meeting
Saturday	13	Bar Conference
Monday	15	Commercial Mediation - Module 2
Tuesday	16	Commercial Mediation - Module 3
Wednesday	17	The Expert's Report
Monday	22	Commercial Mediation - Module 4
Tuesday	23	Commercial Mediation - Module 5
Wednesday	24	Law for Experts & Dispute Resolver
Tuesday	30	Expert Determination
Wednesday	31	Management Committee Council President's Dinner

November

Monday	5	Hong Kong Training
- Friday	16	(Two Weeks)
Wednesday	14	Into Court
Wednesday	14	Evening Meeting
Thursday	15	Evening Meeting - Hong Kong
Friday	30	EuroExpert Conference - Paris

December

Monday	10	Commercial Mediation - Module 1 (2 Days)
& Tuesday	11	The Expert's Report
Wednesday	12	CPR Compliant Expert
Thursday	13	

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

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Chairman's Report continued

We have been approached by Members who are being appointed as Assessors by the Courts and we have therefore taken the step of preparing an additional Code of Guidance for Assessors. The consultation version of the Code will be available from The Academy office and of course downloadable from the website. As ever we value your thoughts and suggestions and of course any practical experience that you have had.

The 'help line', which is available to all members, has been very busy in answering questions on a variety of topics, not least on the CPR. In fact many of the questions received have led to some of the modifications which have been incorporated in the Code which is, and should be, a 'live' document. This allows for it to be updated regularly, to take account of any changes in the Rules as they happen, but more importantly to take account of all our experiences.

Model Form of Report

The Model Form of Report has been reviewed to introduce the CPR and other modifications. Before it is finalised by the Judicial Committee we would welcome comments from you – in particular any difficulties that have been encountered.

New Schemes

The Academy has introduced several new schemes this year, some of which will see members moving into new areas for Experts. Sadly disciplinary matters for all professional bodies are playing a far more prominent role and there is a need for independent objectivity by the bodies. The Academy in response to this launched an appointment service for lay tribunal members to lend that objectivity to the proceedings. Sir Brian Neill launched the service and already appointments have been made to various institutions. The appointment of members on to tribunals has also opened the door to further co-operation with other bodies to the benefit of us all.

Another new scheme was SJE Select. This is a service, which assists both the courts and those appointing Single Joint Experts as it moves the selection out of the arena of conflict between the opposing parties.

The introduction of the PI insurance scheme did regrettably bring some initial problems but I am glad to say that these have now settled down. This year saw the introduction of optional additional cover of up to £1 million for only £25. For those members who are retiring there is also the ability to have 'run-off' cover as liability continues. Following the recent case of *Merret v Babb* this is even more important than before. Many members continue to advise of the savings that they are making as a result of

the PI Scheme.

Another important move has been the introduction of regular meetings between 'Like Minded Professionals'. The meetings between the Academy and other professional bodies have assisted each of us to broaden the overall benefits, knowledge and services that we can offer our members. This has led to contributions to each other's magazines and more importantly the opportunity for members to participate in more meetings and events that may be of interest. It is not always possible in 'update' to publish the full list of these events but they are readily available from the office.

Management Committee

As I previously reported a Management Committee was set up to assist with the day to day running of The Academy. This has proved to be a success and has made much of the administration easier. I should like to thank Iain Tolmie for his considerable contribution to the committee. It has certainly been of great value to The Academy and has also helped to make my life as Chairman much easier.

Our Web-Site

The internet and our website are becoming increasingly important ways for us to communicate, not only with our members but more importantly, with potential users. The website is regularly viewed by people in this country, the States, Hong Kong and Europe who are either looking for an Expert or who require our assistance.

It was decided that some more development was required. I am pleased to report that Dominic Stanton is responsible for the website, which, is now regularly updated. (and for those of you, like me, who had difficulty in entering the site by clicking on 'Click to Enter' instead of the door, this has now been changed).

One of the significant changes to the website is the introduction of a 'Members only' area. This is now in the final stages of testing and should be on line very soon. This is an important facility, as it will allow the uptake of the Special Interest Groups by allowing people to talk to each other on-line. It will also give access to all current documents, such as the Model Form of Report and Terms of Engagement. I should like to reassure members who do not have access to the Internet that they have not and will not be forgotten.

Contact between Council and Members

A particular innovation this year has been the Council Telephone calls where each member of Council has telephoned a number

of members each month in order to find out their views and what they think The Academy might also be doing. Council has made approaching 1000 calls so far and the responses have generally been very positive – including some very useful suggestions. The few problems that have been drawn to our attention have been quickly resolved. As usual some Council members are more productive than others in the number of calls made!

Finances

Stephen Hiscock became Treasurer last year having taken over from Alan Tingham, who did so much to put The Academy on a sound financial basis. I am glad that Stephen's report shows that The Academy continues to be on a sound footing. It is essential that we keep sufficient reserves in case of emergency, but as the membership grows the Academy will be able to afford to increase still further its services to members.

Meetings

This year there have been more evening meetings than previously and they have been well attended. We need, and will be having, more.

The promised regional meetings start this session. We have meetings planned for Scotland, the West Country and the North. These should encourage even more member participation.

Overseas

The first overseas conference was successfully held in Hong Kong and the HK Committee is effective in promoting The Academy. The USA is not progressing so well and we will have to give further consideration as to how it is to progress.

EuroExpert is progressing, albeit slowly, and they have this year adopted their 'Code of Practice' which is I am glad to report is effectively The Academy's code.

Faculty of Mediation & ADR

The Faculty of Mediation & ADR headed by Sir Brian Neill and John Bishop is progressing and a Faculty Board of national and international luminaries is in place. The Faculty will effectively be an Academic body promoting all that is best in ADR from various sources and experiences around the world and promoting the use of ADR.

The Academy is appointing a senior officer to look after the interests of the QDR members. The promotion of ADR at the level anticipated will, we trust, bring opportunities for our QDR members. The Academy is pleased to be associated with the new schemes that are being launched and has just contributed £250 to help publicise the launch

Treasurer's Report

As I write this we are finalising the Annual Report to present to the AGM in October, at the end of my first year as Treasurer. It has not been uneventful, and my thanks go to Dominic Stanton who has done most of the work. The first decision, which had virtually been taken when I arrived, was to switch auditors. Whilst Kingston Smith had done a good job over a number of years, Council agreed that a new look at the cost of the exercise was due. PKF have taken over and are running the project from their Great Yarmouth office.



In February we introduced a direct debit scheme. If a majority of members agree to use it the difference in administrative effort at renewal time will be enormous.

Already it has had a significant impact. Even if you are not a great fan of direct debits please consider using the scheme for The Academy.

Then there was a VAT inspection. Our unusual VAT status is due to the fact that The Academy is both a publisher and a membership organisation. For those members who are not registered I am pleased to confirm that VAT will continue to be charged on only half the annual subscription.

The Academy has an annual subscription income of about a £¼ million a year which provides all the basic services to members. Then the courses, special events and additional services (such as insurance) are charged at cost. Whichever aspect matters most to you - the basic membership or additional services, the aim is to provide the best

possible service and representation whilst remaining a non profit making organisation. Thanks to the careful stewardship of my predecessor a good surplus has been built up, and we have added a small amount this year. It means The Academy can continue to promote the skills and experience of its members with confidence, expand the range of services and activities, and (for next year at least!) hold the subscription rates at their current level.

The Accounts will be available at the AGM. If you find you are unable to be there do give the office a call afterwards to ask for a copy.

Stephen Hiscock
Treasurer
September 2001

Secretary's Report

Chairman's Report continued

of the Birmingham Court Mediation Initiative. This scheme is largely based upon the Central London County Court Scheme in which The Academy has been fully involved since its inception.

The Faculty is also in the process of organising a high level conference to promote itself and ADR and I hope in the coming year to report further on this.

Lighter Matters

To slightly lighter matters. The Academy has been granted lunching rights in Gray's Inn. This is a unique privilege that allows members to lunch in the Hall and of course to be able to take guests. The President's Reception, for which the weather held and the Chairman's lunch were well attended and gave Council Members and me an opportunity to meet many members

These are just some of our positive achievements from the last 12 months, sadly not everything goes to plan and whilst we have had an increase in our promotional activities it has not been enough. We do not seem to get the publicity that other organisations get and we must do better next year. Even in the last few months we have improved with articles in many journals including The Assessor, Synergy, Graya and Barrister. We also have a regular column in the New Law Journal and the District Judges

Magazine. In the coming months publicising our work will be one of several key priorities.

Contributions by some members of Council have sadly fallen short of what is expected, although I am particularly aware of the time constraints upon people, in particular those who give their time for free. The ongoing debate between The Academy and the EWI has so far been counterproductive although we all recognise that one body would be beneficial and more cost effective, especially for those members who belong to both. I hope that this position will change in the coming months.

Finally, although I have 'whinged' about some lack of support I must thank all of those members of Council and Officers who have given their time and support to The Academy. Without their assistance The Academy would not be functioning as well as it is. I should however like to thank most of all those of you who have taken the trouble to introduce new members and for bringing the interesting questions to the 'helpline' for, without them, the learning process for all experts would be much slower.

Thank-you.

Roger Trett
Chairman
September 2001

When the Secretary is asked to provide a report on his activities in the past year it causes a period of intense angst - rather like reflecting on the weather and certainly less interesting.



I can report that there have been periods when correspondence appears to have been more like rain with very large inundations at times. Infrequent but very welcome periods of sunshine have also occurred, rather in the manner of an English summer with your Secretary basking in small, probably justifiably small, quantities of thanks.

My own grateful thanks however must go to Nicola Cohen and her team at 2 South Square who have made my task much easier than it should have been. As I have moved from full time work into semi-retirement, the disruption which might have resulted from moving papers from office to home has been entirely minimised.

Charles Gardner
Secretary
September 2001

ANNOUNCEMENTS

Sadly

Professor Choyce MAE has passed away. Our thoughts go out to his wife and family.

Ballot

Please note that the closing date for returning your ballot paper is midday on 4th October. Your signed ballot paper should be returned in the enclosed envelope.

Please do not enclose anything else with your ballot paper.

Erratum

On page two of the last 'update' (Vol 5 Issue No 4) there was an error in the last paragraph of column 1 (Questions). An incorrect quote has been provided. The section should read as follows:

When I do not believe that the Questions are proper or are served out of time what should I do?

The advice given in The Code sums up the position at 17.7:

"Where an expert believes that a question put to him is not properly directed to the contents of the report, or is disproportionate, or has been asked out of time, he should refer the question to those instructing him with the reason for not answering the question(s). The instructing party should endeavour to resolve the problem with the other party before it makes an application to the court for directions. The procedure for making such an application is given in CPR/23."

ADR Conference

On Wednesday 19th September the Association of Northern Mediators is holding a conference in Manchester which The Academy will be attending. The conference is entitled "Promoting Mediation".

The Conference is taking place at:

Eversheds House
70 Great Bridgewater Street
Manchester M1 5ES

4.30pm-7.00pm

If you would like to attend the conference please contact Anthony Glaister on (0113) 3993430 or email him at anthonyglaister@keblehawson.co.uk.

Manchester Meeting

Following the Association of Northern Mediators' Conference we will be holding an informal dinner for local members.

By the time you read this you should already have received notice (and decided to attend!) but if not please contact the office for details.

President's Dinner 31st October

With our wonderful summer weather it is difficult to think of the winter but the President's Dinner will be a sparkling affair.

Book now to ensure your places for the dinner on 31st October. We are fortunate in being able to hold the Dinner in the Hall at Gray's Inn. The dinner is an excellent opportunity for new members to meet the President and Chairman and indeed for all to enjoy an evening where good food and drink lubricate sophisticated networking.

The dinner is also an opportunity for inexpensive business entertaining as a part of your marketing strategy.

Academy enclosures in this mailing

- Ballot Papers
- Candidates Statements
- Course Booking Forms
- The Expert & Dispute Resolver

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