

From the Chairman



The pressure of modern communications!

I thought that I should check my e-mails before leaving Hong Kong, bearing in mind that there was a full days work in the UK after I had finished on Friday, and I find an e-mail from our Secretary General saying that Dominic Stanton needs something for *'update'*. Obviously sent because she thought that I would have nothing to do on the flight back. Does she not realise that sleep is needed to claw back some of the sleep lost whilst being entertained every night? All that eating and drinking takes a lot of hard work!

Nevertheless I am doing as instructed...

I managed to time my visit to the Trett Far East offices so that I would be in HK at the end of the two week period of The Academy's training visit. It was the first time that I had been to HK since I became Chairman. I managed to visit, albeit very late, one of the training sessions on Mediation and met some of the delegates. I was very pleased to hear that they were all impressed with the high standards of the training being given. This goes a long way towards further enhancing The Academy's reputation.

Meet the Chairmen

On Friday night a 'meet the Chairman' reception was hosted by Daniel Fung QC SC, a Vice-President of The Academy, and also Chairman of the HK



The Academy
2 South Square

Committee, in the impressive China Club in the old China Bank Building. This brought back some memories as I had an office there when working on the construction of the New Bank of China in 1989.

We were honoured to have The Hon Mr Justice Bokhary PJ (Permanent Judge, Court of Final Appeal) give us a short talk on 'The evolving role of the Expert in Dispute Resolution'. He also strongly hinted that the Woolf reforms, or similar, would be introduced in HK in the future. Also attending were a number of Senior Hong Kong Judges, including a law lord The Rt Hon The Lord Millet NPJ and The Hon Mr Justice Gall, together with other guests and members of The Academy. It was good to catch up with some old faces and, of course, meet some new ones.

I was impressed with the high esteem in which The Academy is clearly held in Hong Kong. This is probably assisted by the fact that the political machinations that exist in the UK do not apply in HK.

Thank you

May I just thank members for re-electing me as Chairman for a further year.

To those who wished for change I trust that I will not disappoint you and I look forward to receiving your continued support for the Academy.

Roger Trett
November 2001

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2001

Diary Dates

November

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

December

Friday	7	Birmingham Court Mediation Scheme - Launch
Monday	10	Commercial Mediation -
& Tuesday	11	Module 1 (2 Days)
Wednesday	12	The Expert's Report
Thursday	13	CPR Compliant Expert

2002

January

Tuesday	8	Nottinghamshire Medico-Legal Society Talk 'Woolf revisited' - Nottingham
Thursday	10	Commercial Mediation - Module 2
Friday	11	Commercial Mediation - Module 3
Thursday	17	Commercial Mediation - Module 4
Friday	18	Commercial Mediation - Module 5 (Assessment)

February

Tuesday	12	Joint Meeting with Southern Branch CI Arb - Winchester
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March

Friday	1	EuroExpert Conference - Paris (formerly November 2001)
Friday & Saturday	8 & 9	ILEX Conference - Stratford upon Avon

Course dates for Spring 2002 will appear in the next issue

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

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Web Site

www.academy-experts.org/members

For those of you who have not yet visited the Academy's Members' area there is a growing source of day to day information on it designed to help you in your Expert work.

Perhaps most importantly of all, though, the Special Interest Groups, which have been mentioned before in 'update' are now a reality.

Members can now communicate with each other to:

- discuss topics within a discipline
- seek and give advice to and from fellow members
- provide comment on issues of concern
- discuss consultation papers

If you've not looked at the site you are urged to - it is there for **you**.

Mediation Schemes

On Friday 7th December the Lord Chancellor, The Rt Hon Lord Irvine of Lairg will be opening "The Birmingham Civil Justice Centre - Mediation Scheme" at a launch reception.

The Academy is not only taking part in the scheme through the provision of Mediators to the court but as part of its policy of encouraging such schemes it is a sponsor as well.

The number of court pilots and full schemes in the country is growing rapidly with the new focus on ADR from the government and the success that the pilots have provided. Only recently the Central London Courty Court pilot became a fully fledged (and funded) scheme - we look forward to seeing similar pilots gaining such acceptance.

The net result of the schemes is of course that there are more and more mediations taking place. This means more opportunities both for our QDRs to gain experience and to 'educate' parties and solicitors of the benefits of Mediation.

Our hope is that as a result of this increased contact and experience of ADR the numbers of commercial mediation appointments will continue to increase.

The Academy of Experts Executive Officers & Members of Council for the year 2000-2001

	Telephone	Fax	Field
Chairman			
Roger Trett*	020 7600 2211	020 7600 3818	Construction
Deputy Chairman			
Gordon Stirrat*	0117 928 5291	0117 927 2792	Medicine
Vice Chairmen			
John Bishop*	020 7490 4000	020 7490 2545	Solicitor
Philip Newman*	020 7831 0222	020 7831 2239	Barrister
Secretary			
Charles Gardner*	020 7242 2877	020 7242 1431	Solicitor
Treasurer			
Stephen Hiscock*	07020 900014	01689 811693	Banking
Immediate Past Chairman			
Richard Freeman*	020 7353 1577	020 7353 6435	Accountancy
Chairman Emeritus			
Michael Cohen*	020 7637 0333	020 7637 1893	Insurance
Council Members			
John Brailsford	0115 966 3101	0115 966 4456	Surveyor
Rodney Broom	01626 202202	01626 202203	Engineering
Noel Burne	01892 664055	01892 665755	Engineering
Guy Cottam	01225 723364	01225 723377	Engineering
Kenneth Cumming	0161 428 1072	0161 428 3421	Medicine
Roberta Dowding	+34 952 430045	+34 952 430045	Medicine
Tony Farrow	0161 928 9004	0161 928 8699	Surveyor
Steve Hannaford*	01978 790390	01978 790490	Fire Engineer
Don Ives	01480 462350	01480 462350	Engineering
Robert Jackson	0161 295 3712	0161 295 4043	Engineering
Owen Keane	020 7224 0451	020 7486 1470	Barrister
Dr Roger Maddrell*	01793 812479	01793 812089	Civil Engineering
Derek Parry	01395 578141	01395 512775	Finance
Colin Passmore	020 7628 2020	020 7628 2070	Solicitor
Antony Sober	020 7490 7766	020 7490 5102	Accountancy
Iain Tolmie	0191 213 5144	0191 284 5079	IT
James Torr	01753 888022	01753 888033	Civil Engineering
Augustus Ullstein QC	020 7831 2626	020 7831 0626	Barrister
Veronica Wood*	01483 453955	01483 302391	Employment
Ian Wright	020 7583 7355	020 7353 2144	Barrister
Nigel Zoltie*	0113 237 1010	0113 237 0336	Medicine

* Denotes Member of Executive

Annual General Meeting - Minutes

Minutes of The Annual General Meeting held at 2 South Square, Gray's Inn, London, WC1 on Thursday 11th October 2001

Present: R Trett – Chairman, in the Chair And Members

Apologies: The President, Vice Presidents, S Arthurs, M Bacon, J Bishop, J Brailsford, J Mackie, P Newman, P Sheen, V Wood

The Chairman welcomed and thanked everyone for attending the meeting

1 Minutes of AGM held on Tuesday 10th October 2000.

The minutes of the AGM were adopted and signed by the Chairman

2 Matters Arising

There were no matters arising.

3 Chairman's Report

The Chairman stated that his report was published in 'update' Volume 9 Issue No 5 and that he would be happy to take any questions on it. There were no questions and his report was adopted.

4 Treasurer's Report

The Treasurer presented the accounts. He stated that the drop in income was not as large as it would appear. This was due to a number of factors such as the fact that there had been an additional function in the previous year. He was pleased that The Academy had made a small surplus to add to the accumulated surplus. This surplus protects The Academy and ensures that The Academy is better placed to provide member services.

The Treasurer then answered questions. The matters raised related to the increase in the Academy's own insurance premiums. The Secretary General

advised that this was partly due to The Academy taking out increased insurance cover and also to the fact that insurance premiums across the board had risen. The definition of the use of facilities was requested. The Treasurer explained that this item related to rent and rates for our premises. The sum payable under the management fee was for the provision of staffing and other facilities by ARACS. The meeting asked that in future consideration be given to sending out the accounts to all members prior to the AGM. The Chairman stated this was not done due to the costs but that the accounts are available from the office. The Secretary General stated that perhaps in future years it would be possible to post the accounts on the members only section of the website.

The adoption of the accounts was proposed by Richard Freeman and seconded by Gordon Stirrat. They were adopted nem com.

5 To appoint the Auditors for the year 2001-2002

The Treasurer reported that although there had been some teething problems with the audit it had gone very well. He proposed that PKF be appointed as auditors for the coming year. This was seconded by James Torr. PKF were appointed as auditors nem com.

6 Election of Officers

The Secretary took the chair. He stated that two nominations for Chairman had been received and that a postal ballot had taken place. He stated that both he and the Secretary General had counted the votes independently. The Secretary then announced the result.

Chairman Roger Trett

Mr Geoffrey Lloyd asked the

Secretary to reveal the voting figures. The Secretary stated in accordance with The Academy's previous practice that he would not reveal the number of votes cast. Mr Lloyd expressed his dissatisfaction and asked that it be noted in the minutes. The only comments from floor supported The Academy's policy.

The Secretary stated that nominations had been received for the following positions:

Deputy Chairman Gordon Stirrat

Vice Chairman Philip Newman

Secretary Charles Gardner

Treasurer Stephen Hiscock

They were declared elected unopposed.

7 Election of Council Members

The Chairman resumed the chair and declared the following elected: Messrs Cumming, Jackson, Parry and Torr. The Chairman stated that one nomination had been received after the close of nominations but that as there was a vacancy he would like to propose John Brailsford. The Secretary read Mr Brailsford's election statement to the meeting and James Torr seconded the Chairman's proposal. Mr Brailsford was elected to Council.

8 Subscriptions

The Treasurer reported that in light of the accounts the Executive recommended that there be no subscription increase for year 2002–2003. This was adopted by the meeting.

9 Any Other Business

The Chairman thanked everyone for their contributions during the previous year and promised that during the coming year promoting The Academy would be a priority.

ANNOUNCEMENTS

Members Area Web Site - it's alive!

You should by now have received an email giving you access to the Member's Area Website. If you have not done so it is because we do not have the correct email address for you. If this is the case please contact us and let us have your address so that we might send you your password.

Details regarding the Members area can be found inside.

Direct Debit

Earlier this year the Academy successfully instituted payment of Membership Subscriptions via Direct Debit. If you would prefer to pay in this way but have not yet completed the Direct Debit mandate could you please let the office know so that the appropriate forms may be sent to you.

For those members who prefer to use BACS or direct credit transfers the Academy's bank the details are as follows:

Bank: HSBC
Account: The Academy of Experts
Account N^o: 71246550
Sort Code: 40-02-07

Please note that for all credit transfers the reference you provide should be your membership number (If in doubt your number is shown on the top right hand corner of the address label of this mailing).

Comments Please

The Academy has been invited to make submissions on the following consultation papers. Members are requested to send their comments to the Vice Chairman (Legal Affairs) at the office.

Preliminary Report from Lord Justice Auld on reform of the Criminal Justice System - submissions required for the end of January.

Clinical Disputes Forum - consultation paper on SJE's - submissions required for the end of November

Lord Chancellor's Department - General Pre-action Protocol - submissions required by the end of December

Copies of all of these papers or links to them are available from the Member's Web site.

We were there

The Academy is continuing to spread its name far and wide:

- A one day conference for Government Lawyers on ADR was attended by Sir Brian Neill and an Academy team.
- The Academy exhibited again at the Bar Conference.
- Articles involving the Academy appeared in various journals including the District Judges Journal, Barrister and the New Law Journal.

Cases

Peet v Mid-Kent Healthcare Trust,
The Times 19 November 2001

Reported in the Times, this case in the Court of Appeal involved the question of an SJE attending a conference with one party alone.

Observant members will already have noticed that this question is covered by the Academy's 'Code of Guidance for Experts and Those Instructing Them':

19.9 A single joint expert should not attend any meeting or conference that is not a joint one, unless all parties have first agreed in writing.

This point was picked up by Lord Woolf in his judgement where he said the code 'admirably summarised the position'.

Academy enclosures in this mailing

- None
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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 CArb QDR FAE

Chairman

Roger Trett M.InstCES MACostE ACI Arb QDR FAE

Deputy Chairman

Professor Gordon Stirrat MA MD FRCOG MAE

Vice Chairmen

John Bishop LLB(Hons)
Philip Newman LLB FCI Arb QDR Barrister

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

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The Academy of Experts 2001