

CODES OF GUIDANCE FOR EXPERTS AND THOSE WHO INSTRUCT THEM

The Master of the Rolls has today authorised the publication of the Code of Guidance prepared by Sir Louis Blom-Cooper QC's Working Party alongside that of The Academy about which he drew attention to the latter's successful use for two years and recent citations in several cases. In the last few weeks The Lord Chief Justice, Lord Woolf referred to it in the Court of Appeal as 'a helpful protocol' that 'admirably summarises the position'. Lord Justice Simon Brown in his judgment said '...the one document ... which specifically addresses the point is the Code of Guidance ... published by The Academy of Experts' He then quotes from the Code and concludes 'The good sense of this is surely plain.'

Sadly there were still major deficiencies with the Final Code submitted by Sir Louis. We drew attention to some of these and note that there have been many changes introduced in the last few hours.

What is the status of the Code?

In the simplest of terms both Codes exist and after two years the second has been published. We were told by the Head of Civil Justice as far back as 14th July 2000 that "I do not ... have the authority to impose a Code of Guidance on Expert Witnesses." This means that the two Codes sit side by side for use.

What should we do?

The Academy's Code is tried and tested. It has been in use for two years. It has been used as the basis for answering a multitude of problems that barristers, solicitors and Experts have had. It has not been found lacking. It has been used in court. It has been quoted in judgments. It is user friendly. It is clear and readily understandable. Quite bluntly **it works**.

What next?

As the 'other' Code has been renamed there could be confusion. It has been decided to modify the name of The Academy's Code by adding the acronym 'CPR'. Its full name is therefore:

‘CPR Code of Guidance for Experts and those instructing them’

The latest version is dated 1st June 2001. There are a few minor amendments that we are proposing to make in the new year. If you have any suggestions that you would like considered please send them to The Academy as soon as possible (preferably by email).

and nearly finally ...

It has been decided to run a special seminar on the Codes of Guidance to explain differences, to analyse 'usability' and effectiveness in practice and to answer any questions that members may have. To make life easier for everybody, this will be held on the morning of The Chairman's Lunch on 25th January 2002. It will start promptly at 1030, which will enable out-of-town members to participate. There will be no charge for members. It is hoped that there may be space for a limited number of non-member guests. Full details are given on the attached 'flyer'.

And finally

The Academy's Office will be closed from 21st December and will reopen at 0930 on 2nd January.

We send festive greetings to all members and hopes for a peaceful, healthy and successful 2002.

PRESS RELEASE

20th December 2001



PUBLICATION OF NEW CODE OF GUIDANCE FOR EXPERT WITNESSES – ACADEMY OF EXPERTS RESPONSE

The Academy of Experts, the main representative body for expert witnesses in the UK, has today expressed concern that a new code of guidance, intended for use by its members and others, falls short of the kind of practical user-friendly guide required by expert witnesses and lawyers.

The code, produced by a working party led by the Expert Witness Institute Chair Sir Louis Blom Cooper QC, was commissioned by the former Vice-Chancellor Lord Scott, and is published today with the permission, but not the endorsement, of the Master of the Rolls Lord Phillips.

The document appears some two years after The Academy of Experts produced what is widely regarded as the definitive code of guidance for professionals working in this sphere, a guide which is in current use throughout the UK and which has been updated and improved since its introduction.

Commenting on behalf of The Academy of Experts, **Chairman Roger Trett** said:

“The Academy of Experts expressed to Sir Louis and his working party time and again that the model they were following in producing this new code was cumbersome, complex, and not the kind of practical, user-friendly guide required by experts and those who use them.

“Despite our 14 years experience of representing expert witnesses and working with lawyers here and around the world, our advice was largely ignored.

“Prompted by a clear demand for a guide from experts and those who use them, we regrettably found ourselves with no option but to develop a code which could be readily understood and used.

“Our guide, which complies with the Civil Procedure Rules, has - as acknowledged today by the Master of the Rolls - been in successful operation for some two years, has been cited positively in judgments, and has been praised by many eminent individuals, including Lord Woolf.

“The Master of the Rolls makes clear that he believes that both our code, and the one produced by Sir Louis’ working party, are worthy of publication. While he offers no view on the relative merits of the respective codes, we feel confident that all active expert witnesses and lawyers – not only our members - will prefer the Academy’s proven practical guide.”



Chairman's Lunch & Special CPR Seminar



Friday 25th January 2002

The Royal Air Force Club
128 Piccadilly
London W1

Chairman's Lunch - 12.30

The Royal Air Force Club in the heart of London is once again the venue for the Chairman's Lunch after the success of the lunch there earlier this year .

This is the opportunity with its 'formal informality' to meet the Chairman, now in his third year, and his team, fellow members and their guests, solicitors and members of the Bar.

Members are welcome to bring personal guests.

Seminar - 10.30

There are now two Codes of Guidance in existence - neither with the 'force of law'. Which one should you and those instructing you use?

During this seminar the two Codes will be compared and contrasted - both for content and also their respective ease of use and effectiveness.

Any doubts? Time has been allowed to answer your questions.

Please note that due to space restrictions preference for seminar places will be given to those attending the lunch.

Post, fax or email to: Mail: Reservations, ARACS, 2 South Square, Gray's Inn, London, WC1R 5HT
DX: 283 - London/Chancery LN Fax: 020 7637 1893 Email: reservations@aracs.co.uk

Name Membership No

Please reserve me:

___ places at the Chairman's Lunch @ £35+vat/place

One free place for myself at the CPR Seminar

___ places for my guests at the CPR Seminar @ £15+vat/guest

Payment for for lunch tickets & seminar guests

- I enclose my cheque for £_____(made payable to ARACS).
- Please debit my credit card with £_____

Card No: Expiry: __/__/__

Lunch Ticket Price Calculator

Tickets	Price inc vat
1	£41.13
2	£82.25
3	£123.38
4	£164.50

My guests for the lunch are (please remember to include Title, Full Forename and Surname):-

1 2

3 4

Notes: Please indicate with a * any guests which are also attending the seminar before the lunch
Please notify us in advance of any special dietary requirements

