

From the Chairman



Time flies

Today, 21st June is the longest day, yet where has the time gone. I think modern communications make the time go even quicker. This is because you can be contacted with ease wherever you are in the world. One is now on call 24 hours per day. The first thing when arriving in a foreign country is to check the e-mails - they fly across time zones with no thought for the individual and of course require to be answered immediately. One could say that the lap-top should not be taken but then we are all generally in service organisations so have to keep our clients happy. It is this continued requirement that really makes the time fly. The fact that we are all so busy is, I am sure, one of the reasons why it takes so long to actually achieve anything on a voluntary basis and also why I always have to be pressurised to write 'update'. It seems to me that the pressure of work actually goes against achieving things in regard to The Academy as quickly as we would like. All Executive and Council members give their time unpaid and therefore it is necessary for them to earn their living in their primary profession. This can be frustrating at times when trying to move various initiatives along. However, I must give my personal thanks to those officers of The Academy who do make a concerted effort to help.

I am pleased to say that The Academy is on a sound footing financially and we have now



The Academy
2 South Square

achieved the 'buffer' of reserve that we set out to when I became Chairman and which I felt was prudent to achieve to secure The Academy's future. I hasten to add though that it was not achieved by me but by the prudent work of our Secretary General and her team. This will allow us hopefully to continue to improve the benefits to our members provided that our volunteers keep up their good work.

There has been a lot of talk recently relating to the CRFP and other expert organisations and it is The Academy's wish that we can all work together to achieve the best standards for all those acting as Expert Witnesses. The CRFP is a government supported organisation and obviously is uppermost in the mind of Lord Justice Auld in relation to the 'registration' of Expert Witnesses. At the moment however it is perceived as a registration organisation and not necessarily a 'standards' organisation. I do believe it is possible for there to be an understanding where The Academy of Experts and other organisations work hand in hand with the CRFP and each other to maintain the 'training' aspects of experts and to increase and enhance the standards and standing of Experts. This should mean that the 'Expert' organisations should seek to work together for a common good. If they will then the thoughts of Lord Justice Auld may yet be achievable. The Academy is ready and willing to work with the other organisations and look forward to doing so.

June

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Diary Dates

June

Wednesday 12 Council Meeting
Wednesday 26 TAE Assessors Meeting

July

Wednesday 17 Mediation Training
Tuesday 23 Mediation Training
Friday 26 Gray's Inn Garden Party

August

Monday 12 The Expert & Dispute Resolver - Copy Deadline
Wednesday 14 Executive Meeting

September

Tuesday 3 Evening Meeting - Scotland
Tuesday 3 Foundation Course - Scotland
& Wednesday 4 (2 Days)
Monday 9 Law for Experts & Dispute Resolvers
Tuesday 10 Commercial Mediation -
& Wednesday 11 Module 1 (2 Days)
Wednesday 18 CPR for Experts
Friday 20 Day in Court (*provisional*)
Wednesday 25 Role & Responsibilities of the Expert
Saturday 28 Bar Conference 2002

October

Tuesday 3 Evening Meeting - South West
Tuesday 3 Foundation Course - (2 Days)
& Wednesday 4 South West
Monday 7 Commercial Mediation - Module 2
Tuesday 8 Annual General Meeting
Tuesday 8 Commercial Mediation - Module 3
Tuesday 8 Evening Meeting
Monday 14 Commercial Mediation - Module 4
Tuesday 15 Commercial Mediation - Module 5 Assessment
Wednesday 16 Foundation Course
& Thursday 17 (2 Days)
Friday 18 Into Court - Scotland
Wednesday 23 The Expert's Report - for Medics - **NEW COURSE**
Thursday 24 The Expert's Report

Further dates are available from
www.academy-experts.org/members

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

INSIDE this issue

From the Chairman	1	ADR Providers	3
Cases	2	Announcements	4

Cases

R (Morgan Grenfell G Co LA) v Inland Revenue

A high profile attempt to water down legal professional privilege failed recently as the House of Lords overturned a Court of Appeal ruling giving the Inland Revenue the right for access to legally privileged documents.

The case, R (Morgan Grenfell G Co LA) v Inland Revenue, concerned the investment bank's refusal to reveal confidential legal documents concerning a property transaction to the Revenue's tax inspectors. The House of Lords ruled on 16 May that the bank's action had been justified.

Both the divisional court in 2000 and the Court of Appeal in 2001 had ruled that tax inspectors were entitled to require parties to produce documents subject to legal professional privilege. The verdicts were seen as a major threat to a client's right to confidentiality in their legal affairs.

Professional privilege has long been a cornerstone of the UK legal system, but the principle can be overridden by the Inland Revenue's powers under the Taxes Management Act 1970 and the Finance Act 1976.

"People want to deal with lawyers in confidence, and lawyers want their clients to speak to them fully and frankly when they are giving advice. Privilege is a vital component in achieving that." said Charles Evans, a litigation partner at Norton Rose.

"This may result in many clients choosing to use lawyers to provide tax advice rather than accountants, whose documents are not subject to legal professional privilege."

Source Legal Week
23rd May 2002

All Tied Up

A replacement 'Sundries Order Form' is enclosed with this edition of 'update'. It includes the new addition of a binder for storing your copies of 'The Expert & Dispute Resolver'.

The binders make an attractive addition to any bookshelf and are a good way of looking after the journal which is an essential resource.

Each binder costs £10 inc p&p and holds 12 editions.

MN Hamilton -v- Mohamed Al Fayed:

Court of Appeal - 17 May 2002

A recent Court of Appeal judgment held that the individuals who helped fund Neil Hamilton's unsuccessful libel action against Mohamed Al Fayed should not have to pay Mr Al Fayed's legal costs. The Court had to balance access to justice against possible injustice to defendants.

The decision means that defendants may be exposed to irrecoverable costs where cases are advanced by impecunious litigants supported by private funders or on the basis of a conditional fee agreement unsupported by insurance. It may mean that modest claims are settled regardless of merit to avoid greater irrecoverable legal costs.

Who are you?

It seems to be a full time job simply trying to keep up to date with members and their changing details.



If we do not know where you are you will not be able to receive the information which we send to you. So please if you are changing jobs or moving let us know.

Self Help

You can now check the details we hold by using the the Members Section of the Web-site at:

www.academy-experts.org/members

If you have not yet logged onto the site and checked your details please do so now. In addition to this you will find many other valuable resources to help in your expert work.

Access

If you have not received or lost your password please contact the Academy and we will reissue it to you.

Photos

In addition to keeping your cv up to date it would be very helpful if you could supply The Academy with a passport sized photo of yourself.

AGM/Council

The date for this year's Annual General Meeting has now been set as the 8th October. This means that nomination papers for Council will be going out shortly.

A council Member writes

Being a member of Council of The Academy of Experts is both an honour and a responsibility.

Council memberships will naturally be viewed by the general membership of The Academy (and by others) as recognition of the person elected as being someone of high standard with his or her primary profession, who can contribute effectively to the thinking, strategy and initiatives of The Academy and have a real influence on its future development.

However, membership of the council is also a significant responsibility, that a member should adopt an active rather than passive role. To that end Council members will increasingly be given, either individually, or in small groups allotted tasks for the overall benefit of The Academy and the furtherance of the best interests of experts and expert witnesses.

Especially at this time, membership of Council brings with it the opportunity to play an important part in the field of experts and expert witnesses – as well as in commercial mediation, which is another area in which The Academy is a key player. This is particularly significant when experts, expert witnesses (and indeed, mediators) are so much in the public eye (and represent a major talking point in the legal profession and the judiciary) following the Woolf Reforms and the introduction of the Civil Procedure Rules.

Time Gentlemen Please!

Have you an experience or a viewpoint you would like to share? The Expert offers the opportunity for publication.



A short synopsis of proposed articles (up to 1,500 words) should be sent to the Academy office.

The copy date for the Autumn edition is 12th August.

Association of ADR Providers

An open letter to members

As part of a new initiative to try to boost ADR in the UK a working party has been set up to consider the possibility of an Association of ADR providers. The Secretary General, Nicola Cohen, is a member of the

working party. The letter below is a part of the consultation process. Please do participate - your responses should be sent to the Working Party care of the Secretary General.

Send your response to:

SecretaryGeneral@academy-experts.org

Dear Colleague,

An Association of ADR Providers?

I write as Secretary to Sir Brian Neill's working party which is considering, on behalf of ADR providers in this country, whether there should be established an association or some other body to promote and assist the development of alternative dispute resolution in this country.

The particular focus at this stage is on civil, commercial and employment disputes. Community mediation and family mediation is not being considered. As part of its process the working party is keen to secure the views of all sections of the community who may use or be involved in some way in alternative dispute resolution. I am therefore asked to invite you to contribute your views.

Without in any way wishing to be prescriptive, some issues which you may wish to consider (either in bullet form, or in full) are:

- a. What are the barriers to the greater use of mediation and ADR?
- b. Is there sufficient information in the public domain and/or your area of interest readily accessible about ADR?
- c. Would an appropriate association or body representing the ADR community be useful as a focal point for the advancement of mediation?

I am asked to call for input to be submitted ideally by 5th July 2002 ahead of the first of our consultation meetings on 15th July 2002.

The process will then continue for the next two to three months at the end of which the working party will publish a report.

I am most grateful.

Yours sincerely,

Jonathan Dingle

Barrister-at-Law

Secretary to the ADR Providers' Working Party

TAE...TV

The Academy has encouraged the making of "Mediation - or else!" by Legal Network TV. It's aim is to help solicitors understand more about mediation and more receptive to ADR.

The Academy has co-operated with LNTV on a number of other projects including one on the 'CPR Code of Guidance for Experts & those instructing them'

Training

There are new courses - a booking form is enclosed - further details are available on request or from The Academy website.

ANNOUNCEMENTS

Sadly

The Rt Hon Sir Michael Kerr died 14 April 2002 at the age of 81. A great friend of The Academy and one of the first members of The Judicial Committee he will be greatly missed.

Congratulations to...

Anthony Canham QDR FAE who has been appointed as the President of the Chartered Institute of Arbitrators.

Doug Wardale FAE who is the new Chairman of the Construction Law Society, Hong Kong.

The Secretary General **Nicola Cohen** who on May 18th successfully completed the Playtex Moonwalk Half Moon. Nicola's thanks go to all those who supported and sponsored her.

Imitation is the sincerest form of flattery...

A story in the American Bar Association's journal illustrates just how seriously consumer issues are taken across the water.

Iowa lawyer William J. Lane's license to practice law was suspended for six months and his bill to his client cut by \$75,000 after it was discovered that his brief had been partly plagiarised from a textbook. He had billed 80 hours time for copying the relevant part of the book.

The Court had doubled the ban proposed by the local Bar Association.

Mediator Immunity

Illinois Supreme Court Rule 99 was amended on 10th October 2001 to provide immunity for mediators in court approved programmes in the same manner and to the same extent as a judge.

President's Dinner

Please put Wednesday 6th November in your diary for The President's Dinner. Full details and a booking form for this event will be sent shortly.

Gray's Inn Garden Party The Walks, Gray's Inn - 26th July

Each year the Treasurer of Gray's Inn holds a Garden Party for Members of the Inn.

This year for the very first time he has extended an invitation to Academy members to participate. A booking form is enclosed with this mailing.

Please note that number of tickets available are very limited so an early application is essential to ensure that you are not disappointed.

Chambers & Partners

Guide to the Legal Profession

The Academy has again been able to secure a supply of 'Chambers Guide to the Legal Profession'. This excellent book is a comprehensive resource giving detailed information regarding firms of Solicitors and the members of the Bar and chambers alphabetically, by region and by area of specialisation.

Normally retailing at £65 this book is available free to members who wish to collect in person from the office or for £10p&p if you would like us to send it to you.

Numbers are limited and are on a first come first served basis.

Academy enclosures in this mailing

- Course Registration Form
- Garden Party Booking Form
- Sundries Order Form
- The Expert & Dispute Resolver

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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 2002