

## From the Chairman



Now that Stephen Magnus-Hannaford has been elected as your new Chairman you will soon be relieved of my three years of writing for *'update'* how Michael did it for twelve years I do not know. Although someone advised me recently that I was only just getting the 'hang of it'. I shall be quite pleased not to receive the e-mail from Dominic saying that we need your contribution a.s.a.p, particularly when involved in a difficult case or in the middle of a hearing or as this time when we have been without electricity at home for a week following the storms of last weekend.

A week of total disruption where not only my business activities were disrupted but my 'out of office' activities such as writing this column could not be done because of the lack of power and light at home. In reality things were frustrating but not all bad. Sunday to Wednesday evening were quite pleasant sitting in front of the wood burner with candles and a bottle of wine (or two) talking to my wife. Perhaps it was a bottle or two as my grammar seems to say that the wine was talking to my wife. Come Thursday I decided that we needed a generator, having great difficulty in finding one and also relaying the story of the pleasant evenings to the manager of the



The Academy  
2 South Square

supplier from where I purchased their last generator he said 'you must have a good relationship to last as long as Thursday most of the other fellows came in on Monday!

It is amazing how beneficial 'talk' is. As experts I am sure that you will find talking to your opposite number in a civilised manner will reap benefits for both clients. So often, unfortunately, there is so much money wasted on being adversarial, for adversarial sake, rather than being constructive. As an Expert there is a duty to assist the Court or the Tribunal in resolving disputes. Some experts, who act as advocates of their client's case compromise both their, and Experts in general, position in the eyes of the Judiciary. In my opinion it is these Experts, most probably under pressure from their instructing lawyers, which give the Judiciary the impression, on occasions, that experts are still 'hired guns'. The problem is that some Experts are bullied by their lawyers and possibly clients into this position or alternatively, are too arrogant to recognise that they are experts and not barristers or Judges. These 'Experts' are not good for the resolution of disputes. Having the strength to 'talk' and discuss openly and freely with all parties to a dispute will provide a more cost effective outcome. Discuss.

Roger Trett  
November 2002

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**2002-3**

# Diary Dates

### November

Wednesday	6	Executive Meeting Council President's Dinner
Wednesday	13	Into Court
Thursday - Friday	14 30	Training Courses in Hong Kong (2 weeks)

### December

Tuesday	3	The Criminal Expert
Wednesday	4	CPR for Experts
Thursday	5	Joint Meeting - North Western Branch Chartered Institute of Arbitrators - Warrington
Wednesday	11	Law update - Leeds
Thursday & Friday	12 13	Commercial Mediation - Module 1 (2 days)
Friday	20	Gray's Inn Hall closes for Christmas.

### January

Thursday	2	Gray's Inn Hall reopens
Tuesday	14	Commercial Mediation Training - Module 2
Wednesday	15	Commercial Mediation Training - Module 3
Wednesday	22	Commercial Mediation Training - Module 4
Thursday	23	Commercial Mediation Training - Module 5
Friday	24	Seminar
Friday	24	Chairman's Lunch

### February

Thursday	13	Into Court
Friday	14	EuroExpert Council Meeting - <b>Lisbon</b>
Saturday	15	EuroExpert Symposium - <b>Lisbon</b>
Monday	17	CPR update - Taunton
Thursday	20	The Expert's Report

### March

Tuesday	4	Foundation Course
& Wednesday	5	(2 Days)
End of March	-	<b>Hong Kong Training Programme</b>

Further dates are available from  
[www.academy-experts.org/members](http://www.academy-experts.org/members)

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

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This and past editions of *'update'* are available from:  
[www.academy-experts.org/members/](http://www.academy-experts.org/members/)

## An Expert's Tail

### A member writes...

"I refer to the libel victory of the nursery nurses in Newcastle-upon-Tyne reported in The Times on 31st July last. I am sure that you must have read about this scandal which I believe has implications for the Academy and other bodies of experts. It was reported that an appeal was possible although I believe that to be unlikely, given the strength of the judge's extraordinarily fierce condemnation of the council review team.

The two former nursery nurses were awarded the maximum (£200,000) damages for libel over the "devastating and ruinous" accusation that they had sexually abused children in their care. Mr Justice Eady, in the High Court in London, concluded that the allegations against them, including procuring children for rape and being members of a paedophile ring, were untrue and without basis. My view is that it is difficult to think of worse accusations that could be made against anyone's reputation.

The judge also found that the four members of the council review team who undertook the inquiry had been lacking "not only in fairness, but humanity". He concluded that they had acted with malice and that they had consciously set out to "misrepresent the state of the evidence available to support their joint belief that Mr Lillie and Miss Reid and other local residents were child abusers and indeed abusers on a massive scale

This is a shocking case and must be one of the worst miscarriages of justice. I find it difficult to understand how any expert worth the name could behave in such an abominable partisan way with such cruel and wicked consequences.

If any of the above are members then, in my view, they should be subject to disciplinary procedures. If they are not members but seek to gain admission in the future I trust that none of them would be admitted."

**This report does raise a number of important points both regarding the propriety of evidence given by Experts - members or otherwise - and the need for proper 'regulation' backed by disciplinary sanctions such as provided by The Academy of Experts.**

## The Academy of Experts Executive Officers & Members of Council

	Telephone	Fax	Field
<b>Chairman</b> Steve Hannaford	01978 790390	01978 790490	Fire Engineer
<b>Deputy Chairman</b> Gordon Stirrat	0117 928 5291	0117 927 2792	Medicine
<b>Vice Chairmen</b> John Bishop	020 7490 4000	020 7490 2545	Solicitor
Philip Newman	020 7637 0333	020 7637 1893	Barrister
<b>Secretary</b> Charles Gardner	01525 261412	01525 261512	Solicitor
<b>Treasurer</b> Andrew Mainz	020 7427 0016	020 7427 0035	Accountancy
<b>Immediate Past Chairman</b> Roger Trett	020 7253 8877	020 7253 8866	Construction
<b>Chairman Emeritus</b> Michael Cohen	020 7637 0333	020 7637 1893	Insurance
<b>Council Members</b> John Brailsford	0115 966 3101	0115 966 4456	Surveyor
Rodney Broom	01626 202202	01626 202203	Engineering
Noel Burne	01892 664055	01892 665755	Engineering
Kenneth Cumming	0161 428 1072	0161 428 3421	Medicine
Stephen Davison	0800 294 4646	0870 130 7442	Medicine
Tony Farrow	0161 928 9004	0161 928 8699	Surveyor
Don Ives	01480 462350	01480 466770	Engineering
Robert Jackson	0161 295 3712	0161 295 4043	Engineering
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
Alan Sutton	01792 460049	01792 465600	Surveyor
James Torr	01753 888023	01753 888033	Civil Engineering
Augustus Ullstein QC†	020 7832 1130	020 7353 3978	Barrister
Christina Williams*	020 7435 4030	020 7435 5636	Medicine
Veronica Wood	01483 453955	01483 302391	Employment
Ian Wright	020 7797 8100	020 7353 2144	Barrister
Nigel Zoltie	0113 237 1010	0113 237 0336	Medicine

Note: The office of Chairman is assumed at the Chairman's Lunch.  
Until that time the new Chairman is the 'Chairman-Elect'.

Key: \* Co-opted

† *ex-officio*

# Annual General Meeting

Minutes of The Annual General Meeting held at  
2 South Square, Gray's Inn, London, WC1 on Tuesday 8th October 2002.

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

Apologies: The President, Vice Presidents, Ruth Allington, John Brailsford, Dennis Mossman, Paul Murrells, Derek O'Brien, Derek Parry, Andrew Shepherd, Christina Williams, Paddy Sheen, Gordon Stirrat, Douglas Treacher, Nigel Zoltie

The Chairman welcomed and thanked everyone for attending the meeting.

## 1 Minutes of AGM held on Thursday 11th October 2001

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

## 2 Matters Arising

The Chairman announced that sadly Norman Royce OBE who was one of the founder members had passed away. He would be sadly missed, as he had been great supporter of The Academy not least of all in hosting the Chairman's Lunch at the RAF Club. He asked that members stand for a minute's silence as a mark of respect.

## 3 Chairman's Report

The Chairman stated that his report was published in 'update' Volume 10 Issue No 5. The report was adopted.

## 4 Treasurer's Report

The Treasurer presented the accounts. He stated that for the first time the accounts had been posted in the members' area on the web site to allow members to view the accounts prior to the meeting. He reported that subscription income had increased by approximately 6% whilst at the same time there had been a fall in expenditure. This had meant that a small surplus had been made and ensured that The Academy now had reserves of around £78,000. He stressed that whilst The Academy is non profit making organisation it was important that reserves were built up to ensure that subscription levels

could be maintained without adversely effecting the services offered. He reported that he was standing down and that he would like to express his thanks in particular to Dominic Stanton for his assistance during his two years in office.

The Treasurer then answered questions and the accounts were adopted by the meeting nem com.

## 5 To appoint the Auditors for the year 2001-2002

The Treasurer proposed that PKF our existing auditors be re-appointed 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 the nominations had been received as follows:

### Chairman

Stephen Magnus-Hannaford

### Deputy Chairman

Gordon Stirrat

### Vice Chairman

Philip Newman

### Secretary

Charles Gardner

They were declared elected unopposed.

## Treasurer

The Secretary stated that no nomination for Treasurer had been received before the closing of nominations. However Andrew Mainz had indicated his willingness to stand and he was then proposed from the floor by Stephen Hiscock and seconded by Stephen Magnus-

Hannaford. There being no other nominations the Secretary declared Andrew Mainz duly elected.

## 7 Election of Council Members

The Secretary declared the following elected: Messrs Ives, Wood. The Secretary stated that three nominations had been received after the close of nominations but that as there were vacancies he would like to propose that they be elected if there were no other nominations from the floor. There were no other nominations from the floor and he declared Messrs Davison, Farrow and Sutton duly elected.

## 8 Subscriptions

The Chairman stated that the Executive recommended that there be no subscription increase for year 2003–2004. This was adopted by the meeting.


## 9 Any Other Business

The Chairman thanked everyone for their contributions during the previous year. He stated that he had been privileged to serve as Chairman for three years and would continue to work for and support The Academy. He congratulated Stephen Magnus-Hannaford on his election to the Chair.


Michael Cohen proposed a vote of thanks on behalf of the Members for the outgoing Chairman, Roger Trett and the outgoing Treasurer, Stephen Hiscock for all their hard work during their period in office. Charles Gardner seconded this and it was carried unanimously.

# ANNOUNCEMENTS

## Sadly

 It is with great sorrow that we mark the passing of **Norman Royce FAE OBE**. As a Fellow of the Academy and a Vice-President and a founder member he was instrumental in the Academy's early years and will be missed by us all. A full obituary can be found in the latest edition of *The Expert & Dispute Resolver* (vol 7 iss 2)

**Graham Courtney QDR MAE** passed away in October.

 Graham will be sadly missed. Our thoughts go out to his family.

## President's Dinner

The Academy celebrated its fifteenth birthday in fine style at the President's Dinner held on 6th November at the National Liberal Club.


More than one hundred Members, their Guests and the President's Guests attended the dinner. Those who were there said it was one of the most enjoyable that they had attended.



The National Liberal Club  
Whitehall Place


## Chairman's Lunch

Enclosed with this edition of 'update'

 you will find details of the Chairman's Lunch being held on Friday 24th January. Once again we are returning to the RAF Club in Piccadilly. This year's lunch was full many weeks in advance so book early to ensure your place.

As with last year we are following the format of a seminar before the lunch details of which are enclosed.

## Direct Debit

 It is coming around to that time of the year again when subscriptions are due. To make life easier for you the Academy has a Direct Debit Scheme. 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<sup>o</sup>: 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).

## Expert Registers

We have received a number of queries regarding the recent announcement by the RICS of the establishment of an Expert Register.

Council Member John Brailsford (a surveyor) is dealing with RICS members' queries (see page two for contact details).

Keeping order of *The Expert & Dispute Resolver*



Binders for  
*The Expert & Dispute Resolver*  
now available

Just £10.00 inc p+p



Each Binder will hold 12 Copies of *The Expert & Dispute Resolver*.  
Contact The Academy's office for details on 020 7637 0333 or email [admin@academy-experts.org](mailto:admin@academy-experts.org)

## Academy enclosures in this mailing

- **The Expert & Dispute Resolver**
- **Course Registration Form**
- **Meeting Notices**
- **Chairman's Lunch Form**

### OFFICERS of THE ACADEMY OF EXPERTS

#### Patron

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#### President

The Rt Hon The Lord Howe of Aberavon CH QC

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Prof Pierre Lalive Lic.jur Lic.Litt(Geneva) Ph.D(Cantab)  
HH Esyr Lewis QC  
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Rodger Pannone MAE  
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#### Immediate Past Chairman

Richard Freeman MA FCA FCI Arb DipIC Arb QDR FAE

#### Chairman

Roger Trett M.InstCES MACostE ACI Arb QDR FAE

#### Chairman Elect

Stephen Magnus-Hannaford MIFireE QDR FAE

#### Deputy Chairman

Professor Gordon Stirrat MA MD FRCOG MAE

#### Vice Chairmen

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

#### Treasurer

Andrew Mainz MA FCA MAE

#### Secretary

Charles Gardner LLB MSc DCI Arb QDR CAE

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