

Volume 18 - Issue 5

Inside this issue

From the Chairman	1-2
ADR Corner	2
Events	3
Annual General Meeting	4
Academy Diary	4

This and past editions of 'update' are available from:
members.academyofexperts.org

Member's Information

All of The Academy's information is available for Members from the Member's website.

This includes:

- Guidance
- Publications
- Reports
- The Member's Handbook
- Model Terms of Engagement

members.academyofexperts.org

Further information about any-thing contained in this publica-tion may be obtained from The Academy of Experts

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From the Chairman

Annual Report

It is a great pleasure to present this annual report on the activities of The Academy. I took over office from our Immediate Past Chairman at the enjoyable as ever Chairmen's lunch last January, and it has been a busy time for TAE ever since.

In many ways it has been another successful year. We have run a full programme of training courses for both experts and QDR's with generally good attendances, and with good feedback from those attending – for which the ARACS training team are to be congratulated. Our monthly evening technical meetings have all been fully booked (and attended). Indeed demand for places to hear Lord Justice Jackson expound on his enthusiasm for "hot-tubbing" was double the capacity of our own meeting room. We are therefore very grateful to Olswang Solicitors for allowing us to decamp a few yards down the street to their superb top floor meeting room with spectacular views of the City, and for entertaining us afterwards on their rooftop terrace.

Expert Determination

Our Expert Determination scheme is now up and running. We have run three well attended courses, and our first batch of QDR(ED)s have successfully completed the assessment, and we have a small panel of assessors in place for future candidates. Of course the detailed scrutiny which the course delegates have given to our ED Rules has identified some areas for improvement and a second edition will have to be published very soon.

Events

Socially, we have had three very successful events. The year began with last November's President's Dinner at the Oriental Club, followed by the Chairmen's Lunch at the RAF Club in January which was as superbly organised as ever, and was again a sell-out. The more construction-minded of our members also enjoyed a trip to the site of the 2012 London Olympics to see progress



there. We are indebted to Steve Arthurs for making this possible. The outing was well enjoyed by all, including the pub afterwards.

As is now becoming a tradition about 50 members and guests also attended the Gray's Inn Treasurer's Garden Party in July.

Updates

The website has, largely thanks to Dominic Stanton, been considerably improved and upgraded during the year, and a small working group is now looking at further and more extensive improvements to both its content and its usability.

The Treasurer will present the full accounts at the AGM, but our financial position is satisfactory in that we have increased our small surplus, largely as a result of efficiencies and cost savings achieved by the administrative team. We are however still running on a remarkably thin shoestring given all that we achieve and do, and are always seeking ways to increase our income – the best method is to recruit more members, both individual and corporate, and all members are urged to identify potential candidates they know and meet professionally, and introduce them to TAE.

The Future

There are, as ever, threats to experts on the horizon, and TAE does all it can to protect the interests of experts as far as possible. We are currently working with the Ministry of Justice to try and minimise the adverse effect on experts, particularly in the family and criminal arenas, of the current proposals for expert fees in publicly funded cases, and the Chief Executive and I have attended several meetings at the MoJ. There is also a possible threat to the immunity of experts from civil suit in respect of their giving of testimony, with a case due to be heard in the Supreme Court early in 2011. We are watching developments closely.

Outside Bodies

I have continued to represent TAE whenever I can, not only at meetings with the MoJ.

From the Chairman

...cont from page 1

Last November I went to Hong Kong with the training team and attended the final 21st Anniversary lecture given by The Hon Mr Justice Geoffrey Ma Tao-li. Earlier this year I attended the ILEX President's lunch on behalf of TAE and spoke to the British Veterinary Forensic & Legal Association on the subject of our recently signed MoU and the ways in which we could work together in the interests of experts. Their current chairman is Bryan Hallows, QDR MAE so our links are strong. In November I shall be addressing the Chartered Physiotherapists Association's annual conference and talking about TAE's aims and services.

In the coming months are the October technical evening meeting, the Gordon Slynn Memorial Lecture, to be delivered by the Master of the Rolls, and the President's Dinner.

None of this would have happened, or been possible, without the unstinting hard work of Nicola Cohen and her team, and as ever I am extremely grateful to them for all their assistance, always cheerfully delivered.

It only remains to wish us all a successful year ahead. I have agreed to stand as Chairman for a second term, and look forward to contributing as much as I can and to meeting as many of our members as possible.

**Phillippa Rowe QDR FAE
Chairman
October 2010**

Events Events Events

Autumn Programme

The Academy is heading into a very busy period with events coming thick and fast.

Whilst most of these events are Academy meetings some others are Academy Sponsored or Supported. This issue of 'update' holds details of many of these events. For further information about any or all of these please contact TAE.

Planning ahead

At the same time as the current events are taking place we are making plans for next year.

As ever our aim is to provide events that **you** want. So if you have any suggestions for an event topic or a

particular location please let us know.

Leeds will be our next UK regional destination and we hope to give full details of the programme in the next couple of weeks.



EuroExpert Symposium - Vienna Friday 22nd October 2010

The next EuroExpert Symposium takes place later this month in the Austrian Capital Vienna.

As well as an interesting programme this is an excellent opportunity to meet other experts from around Europe and see how other jurisdictions differ from England & Wales.

The symposium will be hosted by the Austrian Expert Association - Hauptverband der allgemein beeideten und gerichtlich zertifizierten Sachverständigen Österreichs.

The cost of the Symposium is just €90 not including transport and accommodation.

Contact the TAE office if you would like further information.



ADR Corner

Coalition Government Supporting Mediation

Although there has not yet been any specific declarations by the new government regarding mediation members will be very interested to note the recent statement made in Parliament by Jonathan Djanogly, the Parliamentary Under Secretary of State (pictured opposite). The excerpt from Hansard reads as follows:

Mr Jonathan Djanogly: *People often find themselves involved in court actions when their disagreements might be better resolved between themselves at a much earlier stage and with a more satisfactory outcome, through processes such as*



mediation, rather than the 'winner takes all' approach offered by litigation. The intervention of the court should only be sought when a genuine point of law exists or when people or businesses are at risk. As a Government, we are keen for people to take a less adversarial and a more



collaborative approach to solving their problems and encourage greater use of mediation in both civil and family issues.

(Hansard 14.09.10)

We certainly support all of what the minister has said and look forward to hearing more along these lines from the government combined with some firm action to increase the profile of mediation and ADR in general.

Gordon Slynn Memorial Lecture

Gordon Slynn Memorial Lecture

The first Gordon Slynn Memorial Lecture, in honour of The Academy's former President will be taking place on Wednesday 10th November.

Lord Neuberger, The Master of the Rolls, will be giving the lecture - the title of which will be 'Has Mediation had its day?'

We are very grateful to Hogan Lovell's for supporting the lecture and allowing us the use of their auditorium for the event.

A distinguished guest list for the lecture already includes such names as Rt Hon Lord Howe of Aberavon (a former Academy President) Lord Justice Jackson and Rt Hon Lord Clarke of Stone-cum-Ebony (former Master of the Rolls).

There are a limited number of places available to Academy members for the lecture. Please do register as soon as possible for the best chance of securing a place.



Gordon Slynn

The passing of Past President Lord Slynn of Hadley last year was a sad loss to The Academy and its members.

He became The Academy's President in 1992 on leaving the European Court of Justice, where he had been Advocate General.

His energy and foresight were such that he helped to shape the future for the fledgling Academy. He appeared to know 'everyone' around the world and unlocked doors to enable Academy growth.

He was one of the farsighted judges who saw that mediation was going to become an established necessity.

As a result he was instrumental in the establishment of The Faculty of Mediation & ADR through which The Academy still operates its ADR services. We all owe him a huge debt for the way he opened our eyes to just what could be done.



Hogan Lovells became a top 10 global legal services provider on 1 May 2010 through an unprecedented merger of two firms with international credentials, US based firm Hogan & Hartson and UK based firm Lovells.

Building on the foundations of their previous success as two firms, Hogan Lovells is deeply rooted in the largest and most developed markets in the United States and Europe and has an established presence in the fastest growing regions of the world, including Asia, Latin America, and the Middle East.

Modern-day Hogan Lovells carries on the tradition of excellence established by their founders and further builds on their legacy.

Hong Kong International Arbitration Centre

The Hong Kong International Arbitration Centre (the "HKIAC") will be celebrating its 25th Anniversary later this year. It is holding a series of events from 17-20 November in Hong Kong which The Academy is supporting.

The festivities will commence with the Kaplan Lecture 2010 (to be delivered by Toby Landau QC) and an Opening Reception.

The HKIAC 25th Anniversary Conference will then be held from 18-19 November 2010. The theme is "Rethinking International Arbitration" and the Opening Keynote Speaker will be Jan Paulsson.

The Conference will include many distinguished practitioners from around the world who will serve as presenters or moderators of the various sessions. These include Lord Hoffmann, Lord Goldsmith QC, Professor Dr Gabrielle Kaufmann-Kohler, Arthur Marriott QC and others.

On 20 November 2010, the HKIAC will organise a mock arbitration co-supported by the ICC Court of International Arbitration and the Chartered Institute of Arbitrators, East Asia Branch. Eminent practitioners including Louise Barrington, Anthony Canham, Dr Sabine Stricker-Kellerer, Christopher Lau SC, Prof Jingzhou Tao, Prof Doug Jones, Karen Mills and others will role-play an ICC arbitration seated in Hong Kong.

For more details, see www.hkiac.org/25th

17 - 20 November 2010, Hong Kong

NEWS & ANNOUNCEMENTS

Legal Executive - District Judge

Ian Ashley-Smith has become the first Legal Executive to be appointed by the Lord Chancellor as a Deputy District Judge on the South Eastern Circuit. This appointment has become possible as a result of changes in the Tribunals Courts & Enforcement Act 2007 which made Legal Executives eligible to apply for selective judicial roles.



Legal Aid

A reminder that the new 2010 Standard Civil Contract will come into force on 14 October 2010. The changes to funding of experts in Civil cases can be found at:

www.legalservices.gov.uk/civil/8758.asp

Annual General Meeting 13th October

Members are reminded that the AGM will take place at The Academy on 13th October at 1300.

For full details and the agenda see 'update' volume 18 issue 4 p3.

President's Dinner Tuesday 2nd November 2010

As we go to press the President's Dinner is all but sold out.

There are still some places left but only a few. If you would like to attend please call TAE on 020 7430 0333.

Chairman's Lunch Friday 28th January 2011

Preparations for next year's Chairman's Lunch and Seminar are now well underway. The date has been fixed for Friday 28th January and will once again be held at the RAF Club in Piccadilly.

Last year both the Lunch and Seminar were already full by Christmas so please do book early to avoid disappointment.

Registration forms will be sent to all members shortly but in the meantime we will be taking enquiries for group bookings.

Evening Meeting - Wednesday 13th October A problem is just a solution waiting to be found

The next evening meeting will be a panel session focusing on problems encountered by experts in their practice.

The session will commence with a focus on the issues facing the Single Joint Expert with a spotlight on a number of cases that have been through The Academy's helpline over the past year.

This meeting is a must for any expert no matter how experienced they are. Our experience is that the pitfalls awaiting an expert pop up when they are least expected.

Evening Meeting - Wednesday 8th December Experts' Reports – a view from the Bench

Monty Trent, President of the Association of District Judges, will be speaking to Members in December giving his personal perspective of reading Reports and dealing with case management issues regarding experts.

TEDR

Articles & Adverts

The closing date for submissions to The Expert & Dispute Resolver is 15th October.

If you would like to submit an article or take advantage of the advertising opportunities it presents please either call the office or send an email to:

tedr@academy-experts.org



October		
Tuesday - Wednesday	5-6	Law & Procedure - new course
Friday	8	ICAEW Forensic Conference
Monday	11	Mediation Training - Module 2
Tuesday	12	Mediation Training - Module 3
Wednesday	13	Annual General Meeting
Wednesday	13	Evening Meeting
Thursday - Friday	14-15	Expert Determination Course - (2 Days)
Friday	22	EuroExpert Symposium - Vienna
November		
Monday - Tuesday	1-2	Commercial Mediation Assessment (2 Days)
Tuesday	2	President's Dinner
Wednesday	3	TAE Council
Monday - Tuesday	8-9	Foundation Course (2 Days)
Wednesday	10	Gordon Slynn Memorial Lecture
Wednesday	17	Role & Responsibilities - Hong Kong
Thursday	18	Into Court
Thursday	18	The Expert's Report - Hong Kong
Tuesday	23	Into Court - Hong Kong
Friday	26	Expert Determination - Hong Kong
December		
Wednesday	8	Evening Meeting
See members.academyofexperts.org for more dates		

Diary Dates

- Key to events:
- Academy Courses
 - Academy Events & Meetings
 - External/Joint/Supported Events

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