

Inside this issue

From the Chairman	1-2
ADR Corner	2
AGM Minutes	3
News & Announcements	4
Academy Diary	4

Members Information

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

This includes:

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

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

Further information about anything contained in this publication may be obtained from The Academy of Experts

3 Gray's Inn Square
London WC1R 5AH
DX: 283 London, Chancery Lane

t: 020 7430 0333
f: 020 7430 0666
e: admin@academy-experts.org
© The Academy of Experts 2011

'update'

From the Chairman



I am pleased to present my report on the year's activities to this AGM. It has been a very busy year for The Academy.

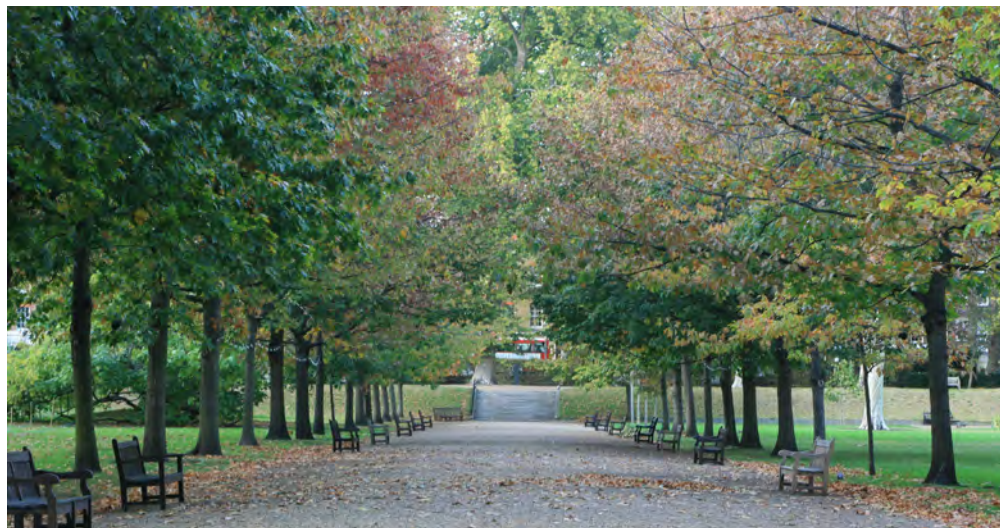
We have held a full programme of free monthly evening meetings on a wide variety of topics ranging from Costs in Relation to Experts' fees, via Use of Language in Mediation to Expert Appointments and Case Management, and a host of subjects in between. We have once again had the privilege of hearing from a range of eminent speakers in their fields all of whom have given their time freely to come and talk to members. Space does not permit me to list them all, but on behalf of us all I record my thanks to each. We have once again welcomed members of the Insurance and Reinsurance Arbitration Society, ARIAS(UK) to a joint meeting on matters of common interest to experts and arbitrators, under the leadership of Sir Anthony Colman (wearing two of his hats simultaneously – as Chairman of ARIAS (UK) and as a Vice-President of The Academy and Principal of our Faculty of Mediation & ADR). This occasion was again very popular and looks set to be an annual event. In fact I am delighted to say that all of our evening meetings have attracted full houses, and on two occasions we have had to move to bigger venues than 3 Gray's Inn Square can provide in order to accommodate demand.

This year we have begun, whenever possible,

recording our evening meetings and making them available as podcasts on the website, so if you were unable to get a place at any meeting you can, in the words of Radio 4 "listen again". And in other cases, again if possible, the text or slides of evening talks are also available on the website. I hope this new service proves useful to members, particularly those outside of London for whom attendance at evening meetings is not always convenient.

Our social programme has also been well supported. Members with a construction 'bent' have enjoyed a second tour of the (now almost complete) Olympic Park site, and we are very grateful to Steve Arthurs for arranging both. We were very pleased again to be offered an allocation of invitations from the Treasurer of the Inn to the Annual Gray's Inn Garden Party, where the sun shone, the band played and all our members present enjoyed the splendid barbecue. The annual Chairman's Lunch in January and the President's Dinner in the November before it were both sold out and were both of their usual high standard. For the President's Dinner we ventured to a new location, courtesy of Don Ives FAE – the Butcher's Hall near Smithfield Market. Everyone there was delighted with our

continued inside...



Autumn comes to 'The Walks' in Gray's Inn

From the Chairman

...continued from page 1

welcome, and we will be returning there this November. (On which note, there are still a few tickets available, so those of you who haven't applied, hurry!)

We have produced three issues of our Journal, TEDR, under the careful and hardworking editorship of Michael Cohen, and several issues of "update", our newsletter intended to do just that. On the morning of the Chairman's lunch, Michael also presented – again – his annual seminar, "That Was the Year That Was" with his usual round-up of developments in Expert and ADR affairs during the preceding year. At the time I remarked that it had seemed a quiet year, but that an awful lot appeared to have happened.

This year has not even seemed quiet, and has had its very special moments and major events as well. Also last November we were extremely honoured that the Master of the Rolls, Lord Neuberger of Abbotsbury, agreed to give the first Gordon Slynn Memorial Lecture and took as his subject "Has ADR had its Day?" It was a very thoughtful and thought provoking lecture which set a high standard for the future and was well received by all present. The audience included many senior members of the judiciary and other supporters of The Academy, and I would like, again, to record our thanks to Hogan Lovells for making their excellent auditorium available for the Lecture and for their generous hospitality afterwards. The full text of the lecture has been printed in TEDR.

This review of the year cannot omit the most important development to affect expert witnesses for a long time – some

say 400 years. I refer of course to the Supreme Court judgement in **Jones v Kaney**, handed down in March. This decision has removed the previous immunity for expert witnesses from civil suit in respect of their testimony. The full implications of the decision have yet to become apparent, but it is obvious that all experts must be careful in ensuring full and proper compliance with their duties to the court and the standards of professional conduct required of them. Proper adherence to the Protocol accompanying CPR Part 35 for experts in civil cases, and compliance with Academy Codes and Guidance, including our three "Is", should go a long way towards avoidance of criticism or attack. We have published new guidance on dealing with this possible new liability, and are working with a leading firm of solicitors in updating our Model Terms of Engagement to fit this brave new world. I hope to see the results early next year.

Meanwhile, in the background, both Council and the Executive Committee have been working hard on planning for the continued success of The Academy, and in drawing up both a Strategy for the next few years and an accompanying Business Plan. This has entailed many hours of extra work, and the result should position us well for the near and medium term future. Allied with this has been extensive work specifying a new website and negotiating with possible providers. I hope, again, that we will see the results early next year. On the ADR front, The Academy was this year successfully elected as a providing body to the Board of the Civil Mediation Council, and Dominic Stanton has been representing us on the National Mediation Providers Association, co-chairing it. The National

Mediation Helpline closed last month, and the Ministry of Justice is replacing it with an online Civil Mediation Directory. We wait to see how the new arrangement will affect the demand for mediations. A full programme of training courses, both here and in Hong Kong, and for experts, mediators and expert determiners, has again been provided by ARACS and well supported, and it is notable that demand for training for experts has increased since **Jones v Kaney**. Our training courses, as well as keeping you, the members, up to date, provide a regular source of recruitment. Our finances remain healthy, but our surplus remains thin. Details are provided in the Treasurer's Report, and I will not labour them further.

In conclusion I repeat my enormous gratitude to all those who have this year contributed to the work of the Officers, Executive and Council, and all those outside individuals and organisations who have supported us in a multitude of ways, not all of whom I have been able to mention here. In particular I want to thank Richard Swan who has for the past two years been shadowing me in his position of Deputy Chairman. He is poised today to succeed me as Chairman in January, and I know he is ideally equipped to take up the job of translating our strategic thinking and business plan into effective action and taking The Academy forward to its approaching 25th Anniversary and beyond.

It has been a pleasure to act as Chairman for the last two years.

Phillippa Rowe
Chairman
October 2011

ADR Corner

National Mediation Helpline

Last month the National Mediation Helpline took its last call. It has now been replaced by a new MoJ Civil Mediation Directory from 1st October.

The civil mediation directory which TAE is taking part in will help individuals and businesses to find a civil and commercial mediation provider anywhere in England and Wales.

The mediation directory is an online

tool and lists local and national civil and commercial mediation providers, all of whom are accredited by the Civil Mediation Council in the same way as for the NMH.

Individuals can search the directory for a mediation provider that is local to them; and the cost of mediation is based on a fixed fee, depending on the value of the dispute.

Access to the online directory will be via



the Justice website, together with access points via the Directgov and Businesslink websites.

www.civilmediation.justice.gov.uk

Annual General Meeting - Minutes

Minutes of The Annual General Meeting held at 3 Gray's Inn Square, Gray's Inn, London, WC1 on Wednesday 12th October 2011

Present: P Rowe – Chairman, in the Chair and Members

Apologies: The President, Vice Presidents, Messrs Allen, Bayram, Britten, Djanogly, Hannaford, Johnson, Gardner, Mainz, and O'Neill.

The Chairman welcomed and thanked everyone for attending the meeting.

1 Minutes of AGM held on Monday 13th October 2010

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's report was circulated at the meeting. The Chairman stated that since the report was prepared The Academy had agreed a partnership arrangement with ICAEW to run their Expert Witness Accreditation Scheme. She read the announcement from the ICAEW website to the meeting.

The Chairman thanked also those involved for achieving this.

The Chairman thanked the Chief Executive, Dominic Stanton and David Wilton for all the work they undertake and the professional manner in which it is done.

There being no questions the report was adopted at the meeting. The full report will be published in the next edition of 'update'

4 Treasurer's Report

The Chairman presented the accounts to the meeting on behalf of the Treasurer who had been delayed.

The Chairman and Chief Executive then answered questions on the accounts. It was noted that the £15 in legal fees referred to the fee for the annual return for the dormant company. It was noted that the decline in mediation fee income came largely as a result of a reduction in the number of referrals from the National Mediation Helpline as there had been a considerable increase in the number of providers in the scheme. The Executive hoped in the coming months to establish some meditations schemes.

It was noted that marketing had increased during the year and this was partly due to participating in a campaign by the Guardian Newspaper.

The accounts were adopted by the meeting nem con.

5 To appoint the Auditors for the year 2011-2012

The Chairman stated that the Executive would like to propose Greenaways as the auditors for the coming year.

They had completed the last few audits for the Academy. These had been done efficiently and at less cost than in previous years. It was agreed by the meeting that Greenaways be reappointed as auditors.

6 Election of Officers

The Chief Executive stated that nominations had been received as follows:

<input type="checkbox"/>	Chairman	Richard Swan
<input type="checkbox"/>	Deputy Chairman	Sam Narula
<input type="checkbox"/>	Vice Chairman	Lorna Thomas
<input type="checkbox"/>	Treasurer	Ben Johnson
<input type="checkbox"/>	Secretary	Charles Gardner

They were declared elected unopposed.

Note: At the close of nominations 2 nominations had been received for the position of Treasurer but one was withdrawn as the candidate has also stood for Deputy Chairman for which only one nomination had been received.

The Executive recommends that the following be appointed as Vice Chairman with specific responsibilities:

<input type="checkbox"/>	Mark Roe	Faculty of Mediation & ADR
--------------------------	----------	----------------------------

7 Election of Council Members

The Secretary declared that there were five vacancies for Council and 9 nominations had been received. A postal ballot had been held and in alphabetical order the following were duly elected.

<input type="checkbox"/>	Mike Allen
<input type="checkbox"/>	Daniel Djanogly
<input type="checkbox"/>	Steve Hannaford
<input type="checkbox"/>	Roger Levitt
<input type="checkbox"/>	Francesca Quint

8 Subscriptions

Council had considered the matter of subscriptions and were mindful of the current economic climate and it was their recommendation that they should now be increased by not more than 5% rounded. In addition those paying by direct debit will continue to be offered a discount. This was agreed.

9 Any Other Business

The Chairman thanked all retiring members of Council for their contribution.

The meeting closed.

NEWS & ANNOUNCEMENTS

The Criminal Procedure Rules 2011

The Criminal Procedure Rules 2011 came into force on Monday, 3 October 2011. This is the second annual consolidation and consequently, they replace The Criminal Procedure Rules 2010. The Criminal Procedure Rules' pages have now been updated.

Please note that the Criminal Procedure Rules' What's New? Archive on the MoJ website is now up and running. This additional page includes the news about Criminal Procedure Rule changes, the 2011 Criminal Procedure Rule Committee Recruitment Campaign, amendments of the Consolidated Criminal Practice Direction and changes to forms.

TAE working with ICAEW

It was announced at the Institute of Chartered Accountants Forensic Group Conference on Monday 10th October and TAE is happy to confirm that TAE and ICAEW will be working together to provide the ICAEW's Expert Witness accreditation.

On 31st December 2011, the existing Expert Witness element of the ICAEW's Forensic Accountant and Expert Witness Accreditation will close to be replaced by the new accreditation scheme.

TAE believes that this partnership will be of great value not only to existing accountant members but to the membership as a whole. This scheme joins those already in existence (in particular SocEnv and CIWEM) where TAE is working with other bodies to provide expert witness accreditation of their own members.

Alternative Commissioning of Experts

The Legal Services Commission has recently published their Evaluation of the 'Alternative Commissioning of Experts Pilot'. The project evaluated a pilot engaging six multi-disciplinary teams commissioned by the LSC to provide expert witness services in proceedings under section 31 Children Act 1989 which came from the 'Bearing Good Witness' Consultation by the Chief Medical Officer a few years ago.

It was noted that "the research took place against a background of considerable negativity in the field of legal aid funding, as well as a number of judicial reviews – one specific to family law – all of which contributed to an atmosphere that made securing voluntary participation in the research extremely difficult."

Lord Phillips to retire

Lord Phillips, President of the Supreme Court has announced that he will retire as President of the Supreme Court at the end of the current legal year (September 2012).

The process to appoint his successor will begin in the New Year.



Scottish Consultation

The Scottish Government has launched a consultation on proposals to replace the existing civil rules councils with a Civil Justice Council as suggested by Lord Gill's review of the Scottish Civil Courts Review in 2009. The findings of the consultation will inform legislation which is likely to be introduced to the Scottish Parliament in the next year.

The consultation closes on 22nd December and can be found at www.scotland.gov.uk

The Expert Witness In Court

Belfast - 9th November - £100

Being run in association with SLS Legal Publications in Northern Ireland this is a one day seminar which will raise awareness around some of the current issues facing Expert Witnesses and those instructing them. It will introduce the work of TAE and the valuable role it plays in setting standards and the provision of training for Experts.

The conference will also discuss the role of Mediation in Civil Litigation and the benefits both to the legal profession as well as society.

Diary Dates

November

Wednesday	2	↗ Council Meeting
Wednesday	2	↗ President's Dinner
Tuesday - Wednesday	8-9	↗ Foundation Course
Wednesday	9	↗ The Expert Witness in Court - Belfast
Monday	21	↗ Role & Responsibilities - Hong Kong
Tuesday	22	↗ The Expert's Report - Hong Kong
Thursday - Friday	24-25	↗ Expert Determination - Hong Kong
Tuesday	29	↗ Into Court
Tuesday	29	↗ Going Into Court - Hong Kong
Tuesday	29	↗ Evening Meeting - Hong Kong
Wednesday	30	↗ Deadline for applications for December ED Assessments

December

Wednesday	7	↗ Evening Meeting
Tuesday - Wednesday	13-14	↗ Law & Procedure
Thursday	15	↗ Mediation CPD Day
Sunday	25	Christmas Day

January

Wednesday	18	↗ Into Court
Friday	27	↗ Seminar - 'That was the year that was'
Friday	27	↗ Chairmen's Lunch
Tuesday	31	↗ Foundation Course - Day 1

See members.academyofexperts.org for more dates

Key to events:

- ↗ Academy Courses
- ↗ Academy Events & Meetings
- ↗ External/Joint/Supported Events

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