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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
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'update'

From the Chairman



This will be my last "From the Chairman" before I hand over to Richard Swan at the Chairmen's lunch at the end of January, so it seems appropriate to look back over my time in office. I have already presented my formal report on the events of this year to the AGM, and it was printed in the previous edition of 'update'. So, rather than simply re-run that, I thought I would remind us all of some highlights and important developments of the last two years.

Academy stars

2010 opened, of course, with the previous Chairmen's lunch at which I took over from Nigel Young. At that lunch we were

delighted to present Colin Passmore with his award of CAE, which had been unanimously approved by Council. Colin has done an enormous amount for The Academy, not least as Chairman of the Members' Vetting Committee, and is a very popular speaker at evening meetings. It is a well deserved honour.

During 2010 our Chief Executive was elected President of EuroExpert, where she has for two years been capably steering that body in its role of providing the voice for Experts' organisations throughout Europe. And all in addition to continuing to run TAE with no apparent reduction in her attention to us. In the meantime, Dominic Stanton has been acting as co-chairman of the National Mediation Providers Association, and keeping a keen eye on our mediator members' interests.

In 2011 we were delighted to announce the election of member number 3000 - Richard Hardingham MAE. As it happens, Richard's primary profession is reinsurance and he was already a colleague of mine elsewhere so I was

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Christmas Closing

The Academy office will be closed over the Christmas period from noon on 23rd December. We will be reopening in the New Year on Tuesday 3rd January.

The Officers and Staff of The Academy would like to take this opportunity to wish all members a merry Christmas and a happy and prosperous New Year.



From the Chairman

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particularly delighted at his joining us.

Farewells

On a different note, we noted with sadness the death of HH Esyr Lewis, an early and continual supporter of ours, a TAE Vice President and the last Senior Official Referee. His death marks the passing of several eras at once.

Also, sadly, in 2011 the death was announced of Derrick Cole, another personal friend of mine. Derrick was another long-time member of TAE but, amongst others, also a Fellow of the Chartered Insurance Institute, a well respected insurance broker, and a leading member of the British Insurance Law Association - where he led the campaign for the reform of insurance law, currently under consideration by the Law Commissions - and a trustee of the BILA Charitable Trust.

TAE life

The Academy has not stood still over the last two years. We have produced formal responses to at least six government consultations, on matters including experts' fees in publicly funded cases, costs in civil litigation, admissibility of expert evidence, and more.

In many cases our responses have been quoted in the final report or we have been asked to assist in further work on the subject. I believe that our responses are always welcomed, and taken seriously, whatever the position we espouse, and that that is a reputation we should guard jealously.

In November 2010 we presented the first Gordon Slynn Memorial Lecture, given by the Master of the Rolls Lord Neuberger of Abbotsbury to an invited audience of members of the judiciary, other senior lawyers and public figures and members of The Academy. His thoughtful speech "*Has Mediation had its Day?*" was well received, and the occasion was definitely a highlight (perhaps the highlight) of my time as Chairman, enhanced by Hogan Lovells generous hospitality for the occasion. The full text was printed in TEDR (vol 15 issue 2), for those who have not yet heard or read it.

We have run a full programme of sold out evening meetings, of which perhaps the most notable was the presentation

by Lord Jackson on his proposals for "hot-tubbing" of experts as set out in his lengthy report on the reduction of costs in civil justice. Such was the demand for places that we had to decamp from 3 Gray's Inn Square to further along Holborn, where Olswangs solicitors kindly made their facilities available, and wined and fed us afterwards.

TAE Chairmen

1987-99	Michael Cohen QDR FAE
1999	Richard Freeman QDR FAE
1999-03	Roger Trett QDR FAE
2003-04	Steve Hannaford QDR FAE
2004-05	Phillippa Rowe QDR FAE
2005-08	Roger Trett QDR FAE
2008-10	Dr Nigel Young FAE
2010-12	Phillippa Rowe QDR FAE
2012-	Richard Swan MAE

The evening was also notable for the re-appearance of a large number of longstanding TAE members, including many past members of Council. Whether it was the eminence of the speaker or excitement at the prospect of hot-tubbing which brought them out, it was nonetheless a delight to see them all again, albeit all looking somewhat greyer than when last seen.

2011 saw the introduction of "podcasts". Where possible our evening meetings are now recorded to make them available to members unable to attend the meeting.

Our social events have been as enjoyable as ever, and in 2010 we tried a new venue for the President's Dinner - the Butchers' Hall - which met with enough approval for us to return this year.

A new addition to the programme was the pair of visits to the Olympic Park site. Made possible by member Steve Arthurs, it was a treat for all our construction minded members who went "on the bus" - and to the pub afterwards.

And elsewhere

In the outside world developments affecting experts and dispute resolution have continued at apparently breakneck speed.

For ADR:

- ❑ the European Mediation Directive came into force in May 2011
- ❑ TAE was elected to the Board of the Civil Mediation Council for the first time
- ❑ the National Mediation Helpline was closed by the Ministry of Justice and replaced by a Civil Mediation Directory. The government and the judiciary do, however, continue to voice support for Mediation.

What the combined effect on the use of mediation of all these will be, only time will tell.

Experts' Immunity

And this review can't avoid the most significant development of all - though whether it should be termed a "highlight" will depend on your point of view. In March 2011 the Supreme Court handed down its judgement in **Jones v Kaney** and thereby removed the 400-year old immunity from civil suit for expert witnesses in respect of their giving of evidence.

It remains to be seen what the impact on experts, their supply, and the quality of their evidence will be. The Academy has however already introduced a new Code of Conduct for members with effect from 1st March 2011.

We are rewriting our Model Terms of Engagement in the light of the decision and hope to publish them very soon. At the very least the decision is likely to change the relationship between experts and those instructing them.

Finally

All in all, something of a roller coaster of two years. I have thoroughly enjoyed them, and honoured to have served as Chairman, but it is with something approaching relief that I look forward to handing over to Richard. I'm sure The Academy can survive all that might be thrown at it in the next two years under his Chairmanship.

With best wishes to you all for a wonderful Christmas 2011 and beyond.

Phillippa Rowe
Chairman
December 2011

Family Justice Review

The Family Justice Review panel published its final report with a package of recommendations aimed at tackling delays in the family justice system. The panel recommended a simpler system to deliver an improved service and it includes amongst the recommendations:

- The creation of a Family Justice Service to make sure agencies and professionals work together to make positive improvements in the system for children and families.
- More judges who are specialists in family law to hear cases from start to finish to ensure consistency and confidence in the system.
- A simplified court structure making it easier for people using the courts to know where to go.
- A six month time limit for all cases, save in exceptional circumstances.

- Less reliance on unnecessary expert witnesses and reports.

Included in the comments made is "Solicitors' professional bodies, working with representative groups for expert witnesses, should provide training opportunities for solicitors on how to draft effective instructions for expert evidence." And that judges must direct the process of agreeing and instructing expert witnesses as a fundamental part of their responsibility for case management.

It can be downloaded from:

www.justice.gov.uk/downloads/publications/policy/moj/family-justice-review-final-report.pdf

Pages 117-126 look at expert witnesses.

The review is now being considered by the Government.

Marketing yourself and The Academy of Experts

What's In a name?

A recurring question from members is 'How do I market myself and my Academy accreditation?'

This is only a brief guide but there are a few good guidelines that all members should follow to help get the most out of their membership.

Consistent use by all TAE accredited members will raise both their (your!) profile and that of The Academy of Experts.

1 Get the name right

Believe it or not one of the most common 'errors' we see is in the use of The Academy's name. There are three correct ways to refer to The Academy:

- ❑ **The Academy of Experts** - the full and proper name of the organisation
- ❑ **The Academy** - the shortened/informal reference - note that the 'T' should always be capitalised.
- ❑ **TAE** - the TLA for The Academy is TAE. It is not AE, AofE, AoE or any one of a number of the other combinations we regularly see passing across our desks.

Newer members may have heard of the British Academy of Experts and wonder what the link is. Although The Academy was formed (in 1987) as the British Academy it was renamed in 1992 and so the two organisations are one and the same.

2 Use of the TAE logo

All TAE members are entitled, and actively encouraged, to use The Academy's logo on their individual professional stationary.



Corporate members are also entitled to use of the logo as are individuals who are effectively 'sole traders' operating as a limited company.

The logo is available in a variety of electronic formats from the member's area website or from the office.

If you have any queries about your use of the logo call the office on **020 7430 0333**.

3 Accreditation Seals

Personalised accreditation seals are an excellent way of demonstrating your Academy membership.

One of the unique attributes of TAE membership is the actual accreditation of members - the accreditation seals are an excellent way of showcasing this.



4 Use your letters

For practising members there are four grades of membership, three of which confer post-nominal letters.

They are:

Grade	Letters
Associate	- no letters
Associate AMAE	- AMAE
Full Member	- MAE
Fellow	- FAE

5 Weblinks

Link to www.academy-experts.org. Although the art of website ranking is a dark art the fact remains that reciprocal links are still very persuasive for search engines.

And Finally

This short list is by no means definitive and we have seen a number of innovative uses of all of them over the years.

This is an abridged version of an article appearing in TEDR 1603

NEWS & ANNOUNCEMENTS

ICAEW

As announced in the last edition of 'update' the details of the scheme being run in partnership with ICAEW are being confirmed as we go to press. The name of the scheme will be 'The Register of Accredited Accountant Expert Witnesses'.

To be eligible for the scheme TAE members will need to be either a Full Member or Fellow.



Evening Meetings

January

TAE is holding a joint meeting with the Adjudication Society on 18th January. The meeting will be taking place at Lacon House, 84 Theobald's Road, London WC1X 8RW and will start at 6.30pm (tea served from 6.00pm).

March

Mr Justice Coulson will be speaking about the case of *Trebor Bassett Holdings Limited & others v ADT Fire & Security Plc* [2011] EWHC 1936 (TCC) (see TEDR 1602). The meeting will be held on Wednesday March 14 at TAE in Gray's Inn.

TCC

The Technology and Construction Court has just moved into its completely new premises – the Rolls Building in Fetter Lane (see 'update' 1903).

The new building has 31 court rooms, including 3 super courts to handle the very largest international and national high value disputes. 4 of the courts will be configured in 'landscape' format for multi party cases.



There will be in court facilities for the parties to use their own IT, including electronic presentation of evidence, in court video conferencing facilities and full Wi-Fi connectivity throughout the building.

Email Notifications

Due to some IT reorganisation the email notification system on the online register is not currently operating. Members will be reassured that the online ExpertSearch itself is working but members will not receive notification that their details have been viewed. We are working on a resolution to the issue and hope to have a solution by the new year. In any event the new website (see below) will offer all members increased functionality and resources when it launches next year.

www.academy-experts.org 2.0

The Academy is revamping and re-launching its website.

To meet the cost of this without burdening members, we are giving up to 10 companies or individuals the opportunity to sponsor the Online Register.



For just £1,000 sponsoring companies will appear in a banner on the search page of the Members Directory with a direct link to their details in the directory for a period of two years.

So, they will be the first thing visitors see when searching for an Expert or Mediator.

This is a great opportunity to promote your capability at a significant discount. For details, please contact the office.

Chairmen's Lunch RAF Club, Piccadilly Friday 27th January 2012

The Lunch will see Richard Swan MAE take over from Phillippa Rowe QDR FAE as Chairman.

A registration form for the lunch is available from the member's website - alternatively - call the TAE office to register.



Diary Dates

December

Wednesday	7	➤ Evening Meeting
Tuesday - Wednesday	13-14	➤ Law & Procedure
Thursday	15	➤ Mediation CPD Day
Thursday	22	Gray's Inn Hall Closes
Friday	23	TAE Office Closes
Sunday	25	Christmas Day

January

Tuesday	3	TAE Office Reopens
Wednesday	4	Gray's Inn Hall Reopens
Wednesday	11	Executive Committee
Wednesday	18	➤ Into Court
Wednesday	18	➤ Adjudication Society - joint Evening Meeting
Friday	27	➤ Seminar - 'That was the year that was'
Friday	27	➤ Chairmen's Lunch

February

Wednesday - Thursday	1-2	➤ Foundation Course (2 Days)
Wednesday	8	Executive Committee
Wednesday	8	➤ Evening Meeting
Wednesday - Thursday	15-16	➤ Law & Procedure
Friday	17	TEDR Copy Deadline

March

Tuesday - Wednesday	13-14	➤ Expert Determination
Wednesday	14	➤ Evening Meeting
Friday	30	Deadline for ED Assessment Application

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