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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

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'update'

From the Chairman



Hello!

This is my first 'blog' since taking over the reins as Chairman from Phillippa Rowe at the end of January and I very much look forward to serving The Academy and its membership. Compared with many of our members, I have not been a practising member for that long, perhaps 7 years.....but in that time I have been impressed with how The Academy has handled its public business and there is no doubt that it has a great reputation and carries significant credence amongst those who directly use experts. Much of that success is credited to our Chairman Emeritus, Michael Cohen QDR FAE, and Chief Executive, Nicola Cohen and the other staff of ARACS (particularly Dominic Stanton and David Wilton) who have provided the much needed continuity for The Academy over the years; I have got to know them well and have great respect for their advice.

Evening Meetings

2012 is an important year for The Academy. In terms of evening meetings, it has got off to a quite excellent start with what could be best described as an 'interactive debate' with Michael Cohen and Augustus Ullstein QC, Chairman of The Academy's Fellows Vetting Committee, at the helm, leading a discussion

on meetings of experts. The feedback from attendees was that these interactive sessions on practical issues are of real value in reminding experts of their role, rights and obligations.

In the spirit of continuity, we are privileged to have Mr Justice Coulson speak to us on 14 March on his recent experience of experts in **Trebor Bassett Holdings Ltd v ADT Fire and Security** [2011] EWHC 1936 (TCC). I am sure that will also be an important reminder of how not to perform as an expert!

It would be helpful to know if members would prefer to have workshop/debate-style meetings rather than presentations on a particular topic or development affecting experts; please do let the Chief Executive know.

Many of you will recall the celebrations that took place during our 21st Birthday. We are now approaching our 25th Anniversary which commences in October. Such was the success of the keynote addresses from some important 'names' during that celebration, we are now planning to provide a similar series of

continued inside...



The new Chairman Richard Swan and past President Lord Howe at the Chairmen's Lunch

From the Chairman continued

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flagship addresses alongside our routine evening meetings in industry areas of Accountancy, Medical, Construction, ADR, Technology and Financial Services; more details will be published later in the year. However, if members have any particular suggestions or requests, or if you have ideas as to potential speakers and (importantly) sponsors, please do advise. I am encouraging you to do so!

We do have some Working Groups in place with members of Council; these include publications, marketing and a group for developing members. You will have seen from my statement in the Winter 2011 edition of TEDR that I believe that giving opportunities to those 'up and coming' to act as expert is of vital importance, not only to the individual and their career development but also for the continuing success and growth of The Academy and the service we can provide to the legal industry. It is still early days, but I do hope that this and the other Working Groups will be good forums for making real progress in key areas of development. The participants are not limited to Council members, so

if you have any burning suggestions that The Academy should be considering, please tell us and get involved.

Website

A major project is the review and redevelopment of our Website. This is still yet to be launched, but my thanks go out to Dr Chris McArdle who has taken a lead on this. I am most encouraged

Quote of the Month:

"Never become so much of an expert that you stop gaining expertise. View life as a continuing learning experience....."

Denis Waitley

Motivational Speaker 1933

by the drafts to date, and they have received very positive reactions from the Executive. I hope to be able to update you in future editions, and we look forward to a launch in a few months time.

Finally, the Society of Construction Law has commenced a new initiative and Working Group to provide guidance on the use of experts and issues in relation to Expert Evidence. I have a place on the Working Group representing The Academy and, to date, a long list of questions and topics has been drafted. As I understand it, there will be an open forum on the SCL website for all interested to provide their comments, but I see The Academy providing a coordinated response and input in the fullness of time. The list of issues may provide a rich vein of ideas for future meetings, so watch this space!

Working together

As you will have gathered, there are a lot of things happening. If you have ideas or feel that you can devote some time to working groups or other initiatives, The Academy would gratefully welcome your help. This is, after all, an Academy run by Experts for Experts, and therefore you all have a part to play.

Richard Swan
Chairman
March 2012

ADR Corner

Civil Mediation Council Elections

The results of the CMC Board Elections have now been announced.

We are pleased to confirm that The Academy of Experts has been re-elected to the board for another term as a provider organisation.

Both TAE and ADR Group were re-elected to the Board of the Civil Mediation Council for a three year term ending in 2015.

In the elections for individuals Paul Randolph and David Richbell were elected in a closely contested election.

As well as serving on the Board itself TAE is a member of both the CMC Communications and Accreditation Committees.

Hong Kong mediation Ordinance

In Hong Kong active steps are being taken towards the introduction of a Mediation Ordinance. A Bill was introduced to the Legislative Council in November 2011. It is proposed that it will apply to all mediations taking place in Hong Kong or under any agreements that stipulate Hong Kong Law. They have defined mediation as follows:

"A structured process comprising one or more sessions in which one or more impartial individuals, without adjudicating a dispute or any aspect of it, assist the parties to the dispute to do any or all of the following –

- a. identify the issues in dispute;
- b. Explore and generate options;



c. Communicate with one another;

d. Reach an agreement regarding the resolution of the whole, or part, of the dispute."

The Bill also looks at the issue of confidentiality and defines what is meant by mediation communication for this purpose and excludes the agreement to mediate as well as the final settlement.

It will be interesting to see how this Bill progresses and how it is viewed by the mediation communities as a whole.

Solving Disputes in the County Courts

Solving Disputes in the County Courts – The Government on 9th February published its long awaited response to the consultation which closed last June. The publication which was due at the beginning of the year was delayed several times.

In terms of Academy Members the main areas that are of interest are those relating to mediation. It should however be noted that there will be changes to the limits for small claims – the levels for the other tracks will remain unchanged. In the ministerial forward it is noted that the proposals being taken forward include:

- ❑ Expanding mediation by building on the mediation service that has proved so popular with those who have small claims for less than £5,000. This service has received very high levels of customer satisfaction, and has been used to resolve almost 15,000 disputes over the past two years. And, since it is primarily a telephone-based service, that

means up to 30,000 parties that have been able to resolve their disputes without ever having to travel to court.

- ❑ With the introduction of automatic referral to the small claims mediation service, the MoJ want to see this service expand to offer mediation to all 80,000 disputes that are currently allocated to the small claims track.
- ❑ Expanding the small claims track, initially to £10,000, since many of the cases that fell into the small claims track back in 1999, are now routinely treated as fast track cases with associated costs.

www.justice.gov.uk/consultations/closed-with-response.htm

Family Justice Review

Another Government response has recently been published – this time in response to the final report of the independent family just review which was chaired by David Norgrove and was published on 3rd November 2011. The Government has decided to accept the majority of the review's recommendations in full.

The family division is a major user of experts and many of the recommendations will be welcomed by experts.

The quality of instructions is a regular problem. Therefore the acceptance of the recommendation that Solicitors professional bodies should work with representative groups to provide training opportunities for solicitors on how to draft effective instructions for expert evidence will we are sure be welcomed.

The review also recommended Judges should direct the process of agreeing and instructing expert witnesses

as a fundamental part of their responsibility for case management. Judges should set out, in the order giving permission for the commissioning of the expert witness, the questions on which the expert witness should focus. The Family Procedure Rules Committee will now consider how best to implement this either within the current rules or by creating new rules and changes.

A further pilot of the use of multidisciplinary teams will be taken forward with work starting later this year. The use of teams was a suggestion that came originally from the 'Bearing Good Witness' consultation paper by the Chief Medical Officer and was unsuccessfully piloted.

There will be a review of the current arrangements for payments made by the LSC to experts and whether in the long term it would be appropriate to contract direct with experts.

www.justice.gov.uk/publications/policy/moj/family-justice-review-response

Membership Renewals

Membership subscription invoices were sent to all members at the end of January for payment at the beginning of March. Reminders will be sent to all members who have yet to pay shortly.

Bearing in mind the economic climate we have kept subscriptions as low as possible with only a small (5 percent) increase on last year's rates.

This year the rate for individual members will be **£215+vat**.

Payment

Swift payment is always gratefully received as it reduces costs and helps us keep rates as low as possible. In addition to cheque, credit card etc we can accept payment in the following ways.

BACS: If you are paying by BACS/Bank Transfer please ensure that your membership number shows as a reference with the payment and send us your remittance advice to accounts@academy-experts.org.

Account: 71246550

Sort Code: 40-02-07

IBAN: GB35MIDL40020771246550

BIC: MIDLGB2105S

Please note that we may be unable to credit your account with your payment if we are not able to identify your payment.

Direct Debit: If you do not already pay by Direct Debit please consider doing so. DD saves us a lot of time and expense.

To recognise this you will receive a £10 discount next year for DD forms (available from the website) received by TAE prior to the end of March.

Paypal: We can now accept payment via PayPal. Send your subscription to paypal@academy-experts.org.

NEWS & ANNOUNCEMENTS

ICAEW update

'The Register of Accredited Accountant Expert Witnesses' now has nearly seventy-five registrants - a near doubling in numbers in just a few weeks and applications continue to come in.

To be eligible for the scheme TAE members will need to be either a Full Member or Fellow so if you are currently an Associate you might want to consider upgrading.



Tax Relief

Members in the UK are reminded that their subscriptions are allowable against tax. The Academy of Experts has been approved as a Learned Society by the Board of Inland Revenue under Section 201 Income and Corporation Taxes Act 1988, with effect from 6th April, 1992.

The reference number to quote is: **SAPP/T/1644/43/1922**

Training in Belfast

As reported previously TAE is starting to run courses in Belfast and has set it's first date in April.

As well as running the Foundation Course on 24th-25th April the Academy team will be holding a small networking opportunity for local members, potential members and lawyers on Tuesday 24th.

Evening Meeting

The evening meeting on 14th March with Mr Justice Coulson was full within 24 hours of the notice being sent to members. For those that are unable to attend the meeting, though, all is not lost as the meeting is being recorded.

An extensive selection of evening meetings have now been recorded and are being uploaded to the members website as they are ready.

Expert witnesses accused of 'industrial scale perjury'

An expert witness has been accused of lying to the court and falsifying data and evidence to aid their client.

Helen Whysall of Autofocus was given a twenty-eight day suspended sentence after a court heard she lied about calling several High Street hire car companies in order to find the going-rate for the hire of a top-end Mercedes car which would only have been available at a small number of companies. It now transpires that there may be another 20,000 similar cases.

Reviewing evidence produced by Steve Evans of Accident Exchange Lord Justice Moses said: "If proved, it is difficult to think of a more serious conspiracy. We are talking about industrial-scale perjury."

TAE members will be comforted that Ms Whysall is not an Academy member.

President's Dinner

Butchers' Hall

Wednesday 7th November 2012

The Academy's most formal function of the year - The President's Dinner - will be taking place on 7th November at Butcher's Hall.

A full registration form for the dinner will shortly be available from the member's website - alternatively - call the TAE office to register your interest.



Diary Dates

March		
Tuesday -	13-	➤ Expert Determination
Wednesday	14	
Wednesday	14	➤ Evening Meeting
Friday	30	➤ Deadline for ED Assessment Application
April		
Thursday	5	➤ Gray's Inn Hall Closes
Friday	6	➤ Good Friday
Monday	9	➤ Easter Monday
Wednesday	-18-	➤ Foundation Course
Thursday	19	
Tuesday -	24-	➤ Foundation Course -
Wednesday	25	➤ Belfast
May		
Tuesday	1	➤ Into Court...
Monday	7	➤ Bank Holiday
Wednesday	9	➤ Evening Meeting
Thursday -	10-	➤ Law & Procedure
Friday	11	
Tuesday	15	➤ CMC Conference
Monday -	20-	➤ Commercial Mediation
Tuesday	21	➤ Training - Module 1
Wednesday	22	➤ Commercial Mediation Training - Module 2
June		
Monday	4	➤ Bank Holiday
Tuesday	5	➤ Bank Holiday
Wednesday	13	➤ Council
Monday	18	➤ Into Court...
Wednesday	20	➤ Commercial Mediation Training - Module 3
Thursday	21	➤ Commercial Mediation Training - Module 4
Friday	22	➤ Commercial Mediation Training - Module 5

Key to events:

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

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

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.

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