

Inside this issue

From the Chairman	1-2
TAE Website	3
Model Terms of Engagement	3
News & Announcements	4
Academy Diary	4

Members Information

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

This includes:

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

This and past editions of 'update' are available from:
www.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 2012

'update'

From the Chairman



As I write this (end September/early October), the country has experienced an extraordinary summer of events, not least the Olympics and Paralympics, and I hope that everyone has been able to take advantages of the opportunities, the like of which are unlikely to re-emerge in our lifetime.

There has been much going on publicly and behind the scenes at The Academy, led very ably by our Chief Executive and her colleagues at ARACS, and we all owe them our thanks for their continuing efforts. My thanks also go out to the Executive members who have all contributed to policy, decision making and actions in the interests of promoting and improving The Academy.

There seems to have been a recent renewed interest in serving The Academy. For the second consecutive year, we have elections for Council places. That said, we greatly encourage anyone who has a desire to contribute to Academy business to offer their services, whether they be on the Executive/Council or not. A couple of years ago, we tried to revamp some Working Groups on a number of important areas; some made more progress than others, but with the recent interest from members, maybe now is the time to have another go. I have in mind groups considering publications, marketing and profile raising, and developing professionals. All volunteers gratefully received!

The important issues affecting us have been reported in Update or through other communiqués from the Office of the Chief Executive. I cannot possibly cover all the issues here, but merely provide a summary snapshot of the activities and points of interest in the year to date and a look forward.

We are about to enter our 25th year. Progress is being made on a series of industry sector seminars, and the industry areas have been well publicised in Update. I encourage all members to support the events, both educational and social. The date of 10 October 2012 marks the start, and commences with a Drinks Reception.

Our training courses have been numerous and

well attended. The Academy ran its first course in Belfast, notably including attendance by The Hon Mr Justice Weatherup, and a number of applications for membership duly followed; there are other courses in Belfast on the agenda, as well as the regular provision of training and CPD events at our Headquarters. We are also commencing a new series of Advanced Training Seminars, the first on Meetings of Experts on 10th October 2012, swiftly followed five weeks later by a seminar on Single Joint Experts.

Our evening meetings continue to be a sell-out. We started the year with a joint meeting with the Adjudication Society on the use of Experts in Adjudication, and it gave greater publicity

continued inside...



TAE Chairman, Richard Swan MAE presents to a new Member

From the Chairman continued

...continued from page 1

to the Academy. We were very privileged to receive an enlightening presentation by The Hon Mr Justice Coulson on the Trebor Bassett case, and what not to do as an expert; the judgement is essential reading.... Other equally important topics have included a debate on meetings of experts, the future of mediation, and Michael Cohen has 'toured' his annual "That was the Year that was" case law round-up to Leeds and (at a separate event) showcased the Academy's new Model Terms of Engagement. Our sincere thanks are extended to all the speakers at these events.

Our membership continues to increase. I am not counting, but I seem to have signed circa 30 member certificates in the last few months, and I am aware of a number of additional applications in the pipeline. The ICAEW Scheme, of which The Academy has the responsibility for the register of Expert Witnesses, has been a resounding success, with numerous new members coming from this industry and organisation.

A major initiative has been the development of a new website and significantly improved internet register and ExpertSearch facility which should provide greater marketing support for our members; we hope that it will be open to the general public on 13 October. This has required significant effort to pull this together and our thanks go out to Dr Chris McArdle, Dominic Stanton and Andrew Mainz for their considerable contributions. There may be some additional 'tweaks' thereafter, but it promises to be a first rate facility for both members and users of Experts and Dispute Resolvers. Further details have been well documented in Update and internet register information has been sent out to members. I commend to all members who do not have an internet

entry to do so and, for those who do have an entry, now is the time for some 'housekeeping' and an opportunity to refresh and upgrade your internet page.

The Academy, as it continues its development, regularly reviews its procedures and makes amendments as necessary and this year has been no exception. The Disciplinary Rules Committee is currently undertaking a review and update to ensure that we comply with best practice. Our thanks go to Toby Watkin (Chairman of the Investigations Committee) for the work he undertakes on our behalf.

It has been regularly reported that the Society of Construction Law (SCL) has a Working Group considering the use of experts and expert evidence. An open forum/survey is on the SCL website and I encourage, again, all to consider it and provide your views. This will culminate in a report, lead-drafted by Her Hon Judge Frances Kirkham CBE, and I see The Academy providing a coordinated response and input in the fullness of time. The Academy is also considering a Memorandum of Understanding with the SCL in the interest of profile raising and has received a positive response; there is also scope for joint training.

You will recall from 'Update' earlier in the year that there was some negative exposure regarding the competencies of experts aired on Channel 4 and in The Times, particularly in the field of psychology and cases in the family courts. In particular, the reports gave the impression that there was no approved register of expert witnesses. Unfortunately, my letter to The Times attempting to correct this misunderstanding was not printed, but I urge all members to take extra steps, whenever the opportunity arises, to reduce the apparent widening public perception of a lack of regulation, training and accreditation. Linked with this 'story', the Ministry of Justice and Family Justice Council is considering the standard of experts in the Family Courts and has issued consultation on Family Procedural Rules Part 25 and the associated Practice Direction 25A; The Academy has provided a response which will hopefully assist in advance of drafting any amendments.

Quote of the Month:

"Laws and institutions, like clocks, must occasionally be cleaned, wound up, and set to true time."

**Henry Ward Beecher
1813-1887**

Other matters of interest and importance include the issue by the Civil Justice Council of "Guidance for the Instruction of Experts to give evidence in Civil Claims 2012"; it is our understanding that (subject to approval by the Rules Committee) this will replace the current protocol annexed to CPR 35. Also, The Academy was re-elected to the Board of the Civil Mediation Council for a further 3 year term and has been reaccredited by the CMC as a Mediation Provider.

Financially, The Academy remains strong, and our surplus is ahead of this time last year despite the costs of the website development. This is largely due to the increase in membership and vetting fees and being prudent with cost control; long may it continue.

There are other things which I could report or summarise, but space prevents me from doing so. As we look forward to our 25th Anniversary, I can only thank the Academy staff, the Executive and others who have contributed to the ongoing success of The Academy. Hot on the heels of our reception on 10 October, we have the President's Dinner at the Butcher's Hall on 7 November and we already have some high profile guests attending, including the Presidents of the Law Society, CILEx, ICAEW and representatives from the Bar and SocEnv. I look forward to seeing many of you at that event and others throughout the coming year.

**Richard Swan
Chairman
October 2012**



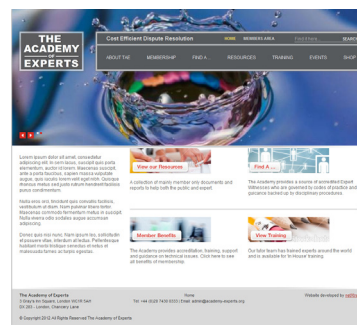
'It's Alive....!'

On 13th October, The Academy's 25th Anniversary TAE's new website went live!

Open to members two weeks previously the website was formally launched at a reception on 10th October. TAE Chairman, Richard Swan MAE, welcomed all to the celebration of The Academy's 25th Anniversary, and in particular the President, Lord Saville. He thanked all who had contributed over the years to enabling TAE to have the great reputation and respect that it had built up. Lord Saville then showcased the new Website to those present and announced the issue of the new Model Terms of Engagement (*see below*).

Overall the reaction to the website has been very positive. Although it is still early days the initial response seems to have been very good from 'the public' with hits and usage already up by 10%.

The new clean, modern, design is easier to both navigate and administer making it more accessible to members and users of experts. Hopefully members will see a benefit from the increased usage of the site. If you have any comment or suggestions they would be warmly welcomed.



Snapshot...

A question that does keep recurring is 'What should I put in my Brief CV/Mediator CV on the register?'

The brief CV should be a descriptive snapshot of your work and experience. Your qualifications and your accredited areas of expertise are listed separately in 'Qualifications' and 'Experience'. As these fields relate to your accreditation they can only be updated by TAE with the appropriate evidence.

- Your snapshot is your opportunity to describe yourself in a more general manner to prospective parties.
- Try not to pack the content with acronyms and buzz-words, as they can go into your 'key words', but instead make it easy to read and understand.
- Consider updating your snapshot even if you are not on the online register - TAE uses this information internally when making referrals

TAE is putting some samples together to help any members who would like help or are unsure of what to put in.

Not yet online?

All current members on the register have been transferred to the new register with Bronze entries. It is not too late to join the register or upgrade. Contact TAE for help.

Bronze: - £60 **Silver: - £100** **Gold: - £150**

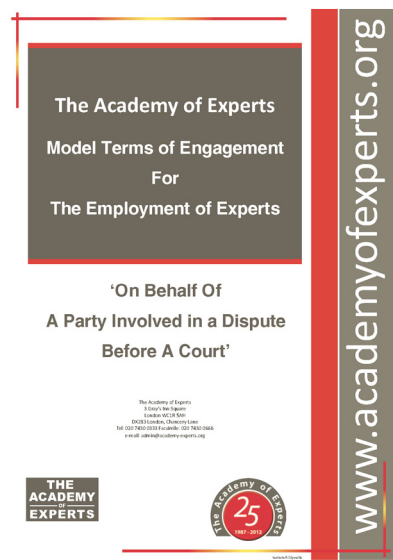
Model Terms of Engagement

New terms of engagement for Party Appointed Experts

In a busy month for TAE the new Model Terms (or 'Model Terms of Engagement for the Employment of Experts on behalf of a Party involved in a dispute before a court' to give them their full name) were launched on 10th October.

The new Model Terms have been updated not only to take into account the loss of Expert's immunity following **Jones v Kaney** but also to make them more 'user friendly'. In general there were not too many changes outside the immunity issue. Updated terms for Single Joint Experts are due to follow shortly.

The new Terms are available in the member resources area of the website and in hard copy for sending to Solicitors and instructing parties from the online store.



<http://store.academyofexperts.org>

DIARY, NEWS & ANNOUNCEMENTS

AGM Results

At the Annual General Meeting on 10th October Richard Swan MAE was re-elected, unopposed, as Chairman for a second year. His officer team is joined, this year, by Kathryn Britten FAE, a partner at KPMG who replaces Lorna Thomas QDR as Vice Chairman who had served The Academy well for a number of years in that position.



Joining Council and newly elected members are:

- Sue Bayram QDR MAE
- Paul Burrell MAE

Full details of the AGM will be published in the in the next edition of 'update'.

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.

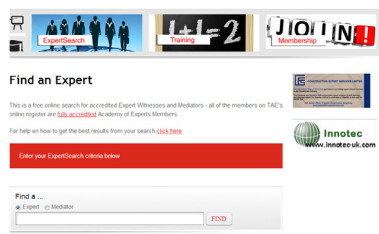
The ticket price is £100+vat and there are only a few places available. Call 020 7430 0333 to book now to secure your place.



ExpertSearch Website Sponsorship

There is now only one last slot still available slot for sponsoring the Online Register.

Full details are available on request from TAE



New President of the Supreme Court

Lord Neuberger of Abbotsbury, formerly Master of the Rolls, is the new President of the Supreme Court of the United Kingdom.

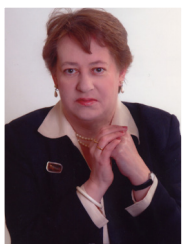


Lord Neuberger succeeded Lord Phillips of Worth Matravers, who stepped down from the role as the most senior judge in the United Kingdom on 30 September 2012. The new President was sworn in at a special ceremony at the Court on 1 October 2012.

The Rt Hon Lord Neuberger of Abbotsbury has held the office of Master of the Rolls and Head of Civil Justice (the second most senior judge in England and Wales) from 1 October 2009. Before that, from 2007, Lord Neuberger was a Lord of Appeal in Ordinary ("Law Lord"), after serving for three years as a Lord Justice of Appeal.

Forty Reasons to give thanks at the 25th Anniversary

The Academy is very grateful to Immediate Past Chairman, Phillippa Rowe for her gift of not one but forty birthday cakes to celebrate the occasion.



Diary Dates

October

Wednesday	10	➤ Meetings of Experts NEW
Wednesday	10	➤ TAE AGM
Tuesday - Wednesday	16-17	➤ Foundation Course - Belfast
Thursday - Friday	18-19	➤ Into Court - Belfast
Tuesday	23	➤ ICAEW Conference
Friday	26	➤ SCLHK - Hong Kong
Monday - Tuesday	29-30	➤ Commercial Mediation Training - Module 1
Wednesday	31	➤ Commercial Mediation Training - Module 2

November

Monday - Tuesday	5-6	➤ Foundation Course
Wednesday	7	➤ Council
Wednesday	7	➤ President's Dinner
Wednesday	14	➤ The Single Joint Expert NEW
Monday	19	➤ Commercial Mediation Training - Module 3
Tuesday	20	➤ Role & Responsibilities - Hong Kong
Tuesday	20	➤ Commercial Mediation Training - Module 4
Wednesday	21	➤ The Expert's Report - Hong Kong
Wednesday	21	➤ Commercial Mediation Training - Module 5
Tuesday	27	➤ Into Court

December

Wednesday - Thursday	5-6	➤ Commercial Mediation - Assessment
Thursday - Friday	13-14	➤ Law & Procedure

See www.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