

Inside this issue

From the Chairman	1-2
AGM Minutes	2-3
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

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From the 'new' Chairman



"So who is this McArdle guy anyway..."

I'm sure that is what some TAE members are asking as they open this edition of 'update'. I was elected as your latest Chairman (yes, we still use that quaint, sexist title) at this year's AGM. I have been an expert witness for about twenty years and specialise in Electronics, Microelectronics and Software. I am a great believer in non-lawyer participation in Dispute Resolution, so I also act as a Mediator (TAE trained and accredited of course) and as an International Arbitrator. You can of course find more details of my background in TAE's Internet Register – but, most importantly, what do I intend to do during my period of office?

Experts under fire

It seems like a day doesn't pass without an Expert Witness coming under fire. The judiciary and the media have taken it upon themselves to find fault with the way that we work and to blame us for the apparently ever-growing cost of dispute resolution. Recent changes in the Civil Procedure Rules have crystallised those criticisms by seeking to further formalise the appointment of Experts and encourage us to predict the cost of our work in a case, irrespective of its unknown nature. In publicly funded work, the constant reduction in fees serves to place experts amongst the most lowly-valued of professionals.

The aim appears to be to make us behave in a more 'professional' manner, while reducing

the fees we are paid for ever more demanding work.

At the same time, the removal of expert immunity consequent on **Jones v Kaney** makes us ever more open not only to verbal criticism which might ruin our careers, but financial sanctions that might ruin our businesses and livelihoods. All of this criticism operates in a sphere where, while parties to a dispute may have rights to challenge the outcome of a case, experts generally have no right of reply – even in the most technically complex cases, which can be the most challenging for the non-technical members of the judiciary.

Sometimes it makes us wonder why we bother to work in this exciting field at all!

While I am sure that some criticism is well founded and demonstrates a need for us to encourage higher standards (we have all seen examples of experts losing their impartiality or seeking to confuse courts and tribunals with pseudo-science and sophistry) the fault does not, in my opinion, lie solely with experts.

There is a basic dichotomy in the role that we are asked to perform in our work as experts.

On one hand, the ideal expert is expected to be an experienced and current practitioner of their primary profession (engineer, scientist or accountant perhaps) but be 'unsullied' by the work that the legal team is doing to further the aims of its client, owing their prime duty to the

continued inside...



from the archive... New Chairman, Dr Chris McArdle, at the President's Dinner in 2011

From the Chairman continued

...continued from page 1

Court and not to the party that is paying the expert's fee. That is all well and good. But, on the other hand, we are expected to work within strict legal limits defined by rules such as the Civil Procedure Rules or specific Arbitration Rules which may put exacting limits on what we can say, when we can say it and to whom it may be said. Performing correctly within such rules, while under the instruction of a party appointed lawyer whose primary aim is to forward his client's case, requires a degree of training and a set of professional methods that are outside of the general training of most professions.

The importance of training

While organisations such as the Academy of Experts aim to help experts by providing guidance and training, there is a danger that this will be seen by some as assisting in the development of 'the professional expert' – a practitioner who is skilled not only in his or her primary profession, but in the legal aspects and procedures necessary to function as an expert; something that many would say is undesirable. Others, including myself, would counter that it is only with the help of proper training and guidance in

the legal aspects of being an expert that any professional can hope to avoid the ruinous pitfalls that might otherwise bring his or her expert career to an abrupt end.

In my view, the role of 'expert witness' is a professional role which requires well trained, experienced and properly remunerated individuals and firms. Standard setting, training and the development of experts' skills can only be advantageous to the cause of cost effective dispute resolution whether in the public judicial sphere or in the area of Private Dispute Resolution.

Goals

This all leads to my personal goals for the Academy under my Chairmanship:

1. To increase the level and quality of training, development and advice that the practitioners of expert witness services can call upon so as to make experts aware of the legal framework under which they operate and consequently make them more professional in the work that they perform as a vital part of the dispute resolution process.
2. To set and maintain the highest level of professional behaviour for experts; particularly members of TAE, through the Continuous Professional Development (CPD) process and, if necessary, the disciplinary processes of TAE.
3. To promote the awareness and use of TAE's qualified and approved Experts and Mediators to users within the dispute resolution arena, making TAE the first place that people look for accredited Experts and Mediators capable of doing a first-class job for the benefit of the judicial system and their clients.
4. To increase public awareness of the important role that our members perform in the dispute resolution process and the difficulties that we encounter.
5. To increase the value that TAE members get from their membership by making a positive contribution to the level and value of business that they achieve in the sphere of dispute resolution.

Dr Chris McArdle
Chairman
October 2013

Annual General Meeting

Minutes of The Annual General Meeting held at 3 Gray's Inn Square, Gray's Inn, London, WC1R on Wednesday 9th October 2013

Present: C Gardner – Secretary, in the Chair and Members

Apologies: The President, Vice Presidents, Messrs Allen, Bayram, Britten, Hannaford, O'Neill, Quint, Ullstein QC.

The Secretary welcomed and thanked everyone for attending the meeting. He stated that as neither the Chairman nor Deputy Chairman were in attendance as they had resigned he would take the chair for the meeting. This was agreed.

1 Minutes of AGM held on Wednesday 10th October 2012

The minutes of the AGM were adopted and signed by the Secretary

2 Matters Arising

There were no matters arising.

3 Chairman's Report

The Secretary stated that there was no formal Chairman's report. He stated that during the year the Chairman had provided via 'update' a report on The Academy's activities.

The Chief Executive then gave the meeting a brief summary of the year.

The Chief Executive stated that the year since the last AGM had started with a reception for members to mark the 25th Anniversary. At the event the new website was formally launched. She stated that an enormous amount of time and work had gone into developing the new site which has been well received and expressed thanks to Chris McArdle and Dominic Stanton for this. This was followed by the President's Dinner at Butchers Hall and the Chairman's lunch at the RAF Club. As ever the lunch was preceded by the annual update on cases affecting experts and ADR practitioners. During the year there have been an increasing number of criticisms of experts by judges and no doubt the seminar next year will highlight this.

As ever there has been the regular programme of evening meetings looking at topics including marketing for experts, experts in the family courts, privilege and more unusually Eros in London. Our thanks should be recorded to all those who have spoken for us.

The year brought a number of government consultations, most notably on transforming legal aid and standards for

experts in the family courts. Unfortunately the consultation on legal aid has resulted in planned reduction in expert fees. We have just been advised that subject to parliamentary time this will come into effect later this year – we will as ever keep members advised. Standards, for experts are a subject of great importance to experts and we anticipate an announcement being made in November in relation to the family consultation and most likely, the proposed standards being adopted.

We have participated actively on the Civil Mediation Council as well as the National Mediators Providers Association as well as working with the Society of Construction Law and more of this is planned for the coming year. Our partnership with the ICAEW continues to flourish and the training programme we now offer in conjunction with them has been well received. Again more is planned for the coming year.

To mark The Academy’s 25th Anniversary a number of special early lectures were planned. We have already had the construction and accounting lectures given by Sir Robert Akenhead and Sir Peter Cresswell respectively. As we start the coming year a further 4 our taking place over the coming month relating to ADR, Insurance, Banking and Hong Kong. We should like to take the opportunity to express our thanks to our sponsors for their generous support and making the events successful.

In addition to our activities in the UK we have continued to be active both in Hong Kong and Europe. The Academy once again holds the Presidency of EuroExpert. This provides an excellent opportunity to learn more about how experts operate in different jurisdictions. The Secretary has just returned from speaking at international expert conference in Croatia and sharing experiences about the use of experts in civil law jurisdictions.

The programme for the coming year is already in development and a key focus will be the impact of the reforms that have taken place over the last 12 months. One such example is how cost budgeting will affect experts and this subject will be covered at upcoming meeting.

There being no questions, it was proposed by Andrew Mainz that the report be adopted and this was carried unanimously.

4 Treasurer’s Report

The Treasurer presented the annual accounts which showed a surplus on the year. It was noted that the new website and internet register had had a positive impact on income for the year. The Academy continued to build its reserves as agreed. Mike Barber noted that income from mediation had fallen and asked if this was a continuing trend. It was noted that whilst income has fallen so too has expenditure and the net result to the accounts is minimal. It was noted that this was in part due to the demise of the National Mediation Helpline (NMH) and the way in which mediation services are being provided. Phillippa Rowe stated that the Executive had noted this and consideration was being given to what services could be provided particularly to benefit members. Roger Levitt noted that the National Mediators Providers Association now had a website and was looking to replace some of the services previously provided by the NMH.

The adoption of the annual accounts was proposed by Andrew Farrer and they were adopted by the meeting nem con.

5 To appoint the Auditors for the year 2013-2014

The Treasurer 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. This was proposed by Phillippa Rowe and the meeting agreed nem con that Greenaways be reappointed as auditors.

6 Election of Officers

The Secretary stated that nominations had been received as follows:

Chairman	Chris McArdle
Vice Chairman	Kathryn Britten
Treasurer	Ben Johnson
Secretary	Charles Gardner

They were declared elected unopposed.

The Secretary stated that no nomination had been received for the role of Deputy Chairman although there had been some expression of interest. It was agreed that this would be followed up and if appropriate dealt with by co-option.

7 Election of Council Members

The Secretary declared that there were four vacancies for Council and 4 nominations had been received. The following were duly elected.

- Jon Chick
- Simon Clarke
- Howard Jenkins
- Chris Osborne

8 Subscriptions

Council had considered the matter of subscriptions and were mindful of the current economic climate. It was Council’s recommendation that the annual subscription 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

Andrew Mainz suggested that perhaps now that the new website and with the enhanced technology that the possibility of online forums/special interest groups could be looked at. This would be an additional benefit to members and could also hopefully generate more assistance from members on targeted consultations. It was agreed that this suggestion would be passed to the Executive for them to consider and develop as appropriate.

Roger Levitt proposed a vote of thanks to all members of Council and in particular those outgoing for their contribution to The Academy over the last year.

The meeting closed.

DIARY, NEWS & ANNOUNCEMENTS

Legal Aid Consultation - Experts' Fees to be cut

Last month the Government published its response to the consultation on publicly funded cases - Legal Aid. In what must be considered a blow to Experts in England & Wales the decision was made to go ahead with the proposed (20%) cuts to the rates that Experts are paid for these cases.



At a time when Experts are under increasing pressure from all sides this was a disappointing result and one that TAE has campaigned vigorously against.

Evening Meeting

The next 'regular' Evening Meeting, and the last of the year before the holiday break, will be taking place on **Tuesday 10th December**. Costs Judge John O'Hare is returning to TAE following his successful talk in March 2011.

Chairman's Lunch & Seminar

Following hot on the heels of the Presidents Dinner and welcoming in the New Year Chris McArdle will be hosting the Chairman's Lunch on the **31st January** at the RAF Club in Piccadilly.



As ever the Lunch will be preceded by the annual round-up of events affecting Expert Witnesses and Mediators in the seminar 'That was the Year that was 2013'.

Tickets will be on sale from TAE either from the office or online following the President's Dinner. This event is always very popular and for the last few years has sold out before Christmas so do book early to avoid disappointment.

TAE ExpertSearch

Can Lawyers find you online yet?



Bronze £60 - Silver £90 - Gold £150

TAE Events Calendar

Do you check the online Events Calendar?

Details of all TAE events, training dates and external events that TAE supports are published online with full booking information:

www.academyofexperts.org/events

President's Dinner Butchers' Hall

Wednesday 6th November 2013

The Academy's most formal function of the year - The President's Dinner - is in two weeks on 6th November.

For those who have not yet booked the early-bird rate has now gone and the last places are selling fast so call TAE to ensure your place:

020 7430 0333



November

- Wednesday 6 TAE Council
- Wednesday 6 ↗ President's Dinner
- Friday 8 ↗ Mediation CPD Training
- Tuesday - 12- ↗ Foundation Course
- Wednesday 13
- Wednesday 13 ↗ Anniversary Lecture
- Wednesday 20 ↗ Roles & Responsibilities - Hong Kong
- Thursday 21 ↗ The Expert's Report - Hong Kong
- Monday 25 ↗ Going Into Court - Hong Kong
- Monday 25 ↗ Anniversary Lecture - Hong Kong
- Tuesday 26 ↗ Into Court
- Friday 29 ED Assessment Application Deadline

December

- Tuesday 10 ↗ Evening Meeting
- Wednesday 11 ↗ CMC AGM
- Friday 20 Gray's Inn Hall closes for Xmas

2014

January

- Monday 6 Gray's Inn Hall reopens for Luncheon
- Monday 27 ↗ Into Court
- Friday 31 ↗ Chairman's Lunch

February

- Tuesday 11 ↗ Mediation CPD Training
- Wednesday -12- ↗ Foundation Course
- Thursday 13

Unless otherwise shown all courses/meetings will be held in London
TAE dates are published in the **Events Calendar** - www.academyofexperts.org

Key to events:

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