

## Inside this issue

From the Chairman	1-2
Membership Renewals	2
Family Proceedings	3
Podcasts	3
News & Announcements	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](http://www.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



### Where there's muck...

After the Lord Mayor's Show cometh the man with the shovel – So goes the old adage, but this year, after the torrential rain during the parade, the streets were probably washed clean!

As you can see from the photograph below, my wife Ann and I took part this year on the Worshipful Company of Arbitrators float as a 'maritime dispute', one of three tableaux depicting the work of Arbitrators and Mediators. It is my intention as your Chairman to forge greater links between the organisations working in Dispute Resolution, so hopefully we will see further collaboration between TAE and WCA in the coming months – preferably without the need for me to dress up.

### President's Dinner

That same busy week saw our own annual President's Dinner take place in the magnificent surroundings of the Butcher's Hall. The dinner gives us an excellent opportunity to 'bend the ear' of our invited guests. This year I sat next to the Minister of State for Justice, so was able to discuss some of the current issues affecting our members, including the seemingly ridiculous

decreases in expert fees for publicly funded assignments. Hopefully, he still enjoyed the excellent food and wine in spite of my sermon.

The whole event was great fun and we are lucky to have such committed staff as Nicola and her team who seem to organise better and better events every year and still provide excellent value for money for our members.

I am certainly looking forward to our next major social event, The Chairman's Lunch, which takes place on January 31st at the Royal Air Force Club in London. I have even promised to follow the TAE tradition of keeping my speech short! I hope to see as many of you there as possible.

### Chartered Accountants

As if that week wasn't full enough, just a few days later, Michael Cohen and I hosted a breakout session at the conference of the Forensic and Expert Witness Group of the ICAEW. One of the topics that proved very popular was the role of experts in Mediation. As you may know, this is becoming a hot topic with the judiciary and provides yet another set

*continued inside...*



"ship ahoy!" The Chairman, Dr Chris McArdle, at the Lord Mayor of London's show in a 'maritime dispute'

## From the Chairman continued

...continued from page 1

of potential pitfalls for the unprepared expert. I expect that TAE will be active in setting standards for this activity in the near future and it would be useful to hear what TAE members have experienced in this regard.

At our latest Council Meeting (also during the same week!) I asked members of Council what they thought was the one thing that TAE could do better. The responses were varied, but many concerned the way that TAE could help in promoting the role of experts outside

of TAE to the judiciary, users of experts and society in general.

This is a theme that we expect to develop in the near future, but we would welcome input from all members of TAE. To that end, I would suggest you come along to one of our social events or evening meetings and 'bend my ear' or email me at [cm@innotec-uk.com](mailto:cm@innotec-uk.com).

I would welcome your suggestions, but please be prepared for the reply of, with apologies to JFK, "Ask not what TAE can do for you, but what you can do for TAE".

As with all organisations, we rely on the work done by our members to make us successful.

### Seasons Greetings

As this is the last 'update' of the year, may I take the opportunity to wish all of our members and their families a Happy Christmas and a prosperous New Year for 2014.

**Dr Chris McArdle**  
Chairman  
December 2013

## Membership Subscriptions

### Renewals

Membership subscriptions fall due for renewal by the 1st March each year.

The rates<sup>1</sup> for individuals for the year 2013-2014 will be as follows:

Associate:	£235.00
Full Member:	£235.00
Fellow:	£375.00
QDR:	£235.00
Retired:	£117.50

### Direct Debit

As previously a discount is applied to members who pay by Direct Debit. For those who do not yet have an instruction in place the deadline for qualifying for the discount is 15th January. DD instruction received after this date will qualify for the discount from 2015



<sup>1</sup> For members in the UK VAT will be applied to 50% of the subscription (eg effectively a rate of 10% at current rates)

### Insurance

There was a great fear that following the decision in **Jones v Kaney** PI Premiums for Expert Witnesses would see a marked increase.

We are happy to report that this is not the case for our scheme members.

### TAE Group PI Scheme

Discussions are currently underway regarding the TAE PI Scheme rates. Although the final figure for next year has not been reached it is anticipated that there will be no more than a notional rise in line with the increase in Membership Subscriptions.

The current rates for the year ending 28th February 2013 are:

Level of Cover	Premium
£1 million	£120
£2 million	£135
£5 million	£155

Rates for 2014-15 will be announced shortly.

## 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:

[academyofexperts.org/events](http://academyofexperts.org/events)

## Standards for Expert Witnesses in Children's Proceedings in the Family Courts

The Final Recommended Standards were announced by the government on 8th November and are as shown below. It is expected that the new standards will take effect from April 2014.

### Standards for Expert Witnesses in Children's Proceedings in the family court

Subject to any order made by the court, expert witnesses involved in family proceedings (involving children) in England and Wales, whatever their field of practice or country of origin, must comply with the standards (1-11)

1. The expert's area of competence is appropriate to the issue(s) upon which the court has identified that an opinion is required, and relevant experience is evidenced in their CV.
2. The expert has been active in the area of work or practice, (as a practitioner or an academic who is subject to peer appraisal), has sufficient experience of the issues relevant to the instant case, and is familiar with the breadth of current practice or opinion.
3. The expert has working knowledge of the social, developmental, cultural norms and accepted legal principles applicable to the case presented at initial enquiry, and has the cultural competence skills to deal with the circumstances of the case.
4. The expert is up-to-date with Continuing Professional Development appropriate to their discipline and expertise, and is in continued engagement with accepted supervisory mechanisms relevant to their practice.
5. If the expert's current professional practice is regulated by a UK statutory body (See Appendix 1) they are in possession of a current licence to practise or equivalent.
6. If the expert's area of professional practice is not subject to statutory registration (e.g. child psychotherapy, systemic family therapy, mediation, and experts in exclusively academic appointments) the expert should demonstrate appropriate qualifications and/ or registration with a relevant professional body on a case by case basis. Registering bodies usually provide a code of conduct and professional standards and should be accredited by the Professional Standards Authority for Health and Social Care (See Appendix 2). If the expertise is academic in nature (e.g. regarding evidence of cultural influences) then no statutory registration is required (even if this includes direct contact or interviews with individuals) but consideration should be given to appropriate professional accountability.
7. The expert is compliant with any necessary safeguarding requirements, information security expectations, and carries professional indemnity insurance.
8. If the expert's current professional practice is outside the UK they can demonstrate that they are compliant with the FJC 'Guidelines for the instruction of medical experts from overseas in family cases' .
9. The expert has undertaken appropriate training, updating or quality assurance activity – including actively seeking feedback from cases in which they have provided evidence - relevant to the role of expert in the family courts in England and Wales within the last year.
10. The expert has a working knowledge of, and complies with, the requirements of Practice Directions relevant to providing reports for and giving evidence to the family courts in England and Wales. This includes compliance with the requirement to identify where their opinion on the instant case lies in relation to other accepted mainstream views and the overall spectrum of opinion in the UK.

### Expectations in relation to experts' fees

11. The expert should state their hourly rate in advance of agreeing to accept instruction, and give an estimate of the number of hours the report is likely to take. This will assist the legal representative to apply expeditiously to the Legal Aid Agency if prior authority is to be sought in a publicly funded case.

## TAE TV

### Podcasts

Members who regularly attend TAE Evening Meetings will know that for some time we have been making audio recordings of them. In a series of new updates to the website these recordings will be available to members in the new year. The podcasts will be available to stream online as well as download.

### Video

We are also now experimenting with videoing the meetings. The meeting held this week with Master O'Hare on Costs was recorded and should be available shortly.

If there is sufficient demand it is intended that as many future meetings as possible will be available in this format.





# DIARY, NEWS & ANNOUNCEMENTS

## Appointment of new Vice President of the Court of Appeal (Criminal Division)

Lady Justice Hallett DBE has been appointed as Vice President of the Criminal Division of the Court of Appeal by the Lord Chief Justice, Lord Thomas of Cwmgiedd, following consultation with the Lord Chancellor.



## Legal Aid

On 2nd December the new, reduced (by 20%), rates for publically funded work took effect. These rates in the Remuneration Regulations (as amended) will apply to all work undertaken by experts in all civil, family and crime work with a case start date or representation order date of on or after 2nd December 2013.

The LAA has updated its guidance on the remuneration of expert witnesses to reflect the change in rates.

[www.justice.gov.uk/legal-aid/funding/using-experts](http://www.justice.gov.uk/legal-aid/funding/using-experts)

## Admissibility of Expert Evidence

The Ministry of Justice has published its response to the Law Commission report: "Expert evidence in criminal proceedings in England and Wales".

Most of the 22 recommendations in the Law Commission's report were either not accepted or will not be acted upon at this time. The Government has, however, indicated that it will act upon Recommendations 8, 9, 18, 19 and 20. Recommendation 18 in particular will be of interest to Expert Witnesses as it is likely to result in a change to the requirements for the Expert's Report. This will include, for example, the requirement to produce as an appendix details of other cases (if any) where the expert's opinion evidence has been ruled admissible or inadmissible.

## Expert Witnesses in the Family Courts

The Ministry of Justice has now published its response to its consultation "Standards for expert witnesses in the family courts."

The MoJ states that "we have paid careful attention to all the responses received and they have helped us refine our proposed next steps for these standards". The consultation has resulted in relatively few changes, however 1.12, relating to Feedback for expert witnesses, has been removed as inappropriate and contrary to the Family Procedure Rules.

The MoJ and Family Justice Council are recommending to the Rules Committee and the Legal Aid Agency that consideration be given to early implementation of the Standards. The Rules Committee is now being asked to consider changes to the Rules, and/or Practice Directions affecting experts in order to implement the standards.

See page 3 for the revised standards.

[www.justice.gov.uk](http://www.justice.gov.uk)

CAN'T WAIT FOR THE NEWS?

[www.academyofexperts.org/news](http://www.academyofexperts.org/news)

## Chairman's Lunch Royal Air Force Club Friday 31st January 2014

For those who have not yet booked places are selling fast, particularly for the seminar so call TAE to ensure your place:

**020 7430 0333**



Diary Dates

<b>December</b>		
Tuesday	10	↗ Evening Meeting
Wednesday	11	↗ CMC AGM
Friday	20	Gray's Inn Hall closes for Xmas
Friday	20	TAE Offices close for Xmas
Saturday - Sunday	21-22	NO CHANGES TO PERSONAL DETAILS ON WEBSITE
<b>2014</b>		
<b>January</b>		
Thursday	2	TAE Offices reopen
Monday	6	Gray's Inn Hall reopens for Luncheon
Monday	27	↗ Into Court
Friday	31	↗ Seminar - "That was the Year that was"
Friday	31	↗ Chairman's Lunch
<b>February</b>		
Tuesday	11	↗ Mediation CPD Training
Wednesday	12	Evening Meeting
Wednesday - Thursday	12-13	↗ Foundation Course
Wednesday	19	↗ Practical Law for Experts
Thursday	20	↗ Procedure Rules for Experts
Monday - Tuesday	24-25	↗ Mediation Training - Module 1
Wednesday	26	↗ Mediation Training - Module 2
<b>March</b>		
Saturday	1	Membership Year begins

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

- Key to events:
- ↗ Academy Courses
  - ↗ Academy Events & Meetings
  - ↗ External/Joint/Supported Events