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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
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'update'

From the Chairman



On and on and on...

So, hang on to your hard hat. The attack continues. Those of us lucky enough to attend the seminar given by our Chairman Emeritus on the morning of the Chairman's Lunch in January will have seen that the Courts are getting harder on expert evidence and increasingly critical of experts who are judged to have either exceeded their competence in their professional field or failed to meet the increasing demands of the various procedural rules by which we are all bound. While it is unfortunate that such experts have no 'right of reply' to the criticism, it does appear that it is sometimes fully justified.

When faced with such criticism, we, as experts, must question whether it is warranted. I am sure that many of us will have come across 'rogue experts' who are apparently happy to stretch the evidence (sometimes beyond breaking point) in a misguided attempt to further their party's case.

It has always been my opinion that pseudo-science and sophistry is absolutely unacceptable from an expert and that an expert who gives obviously incorrect evidence, rather than a different but scientifically based opinion, can

only be doing so through either incompetence or malice, neither of which is acceptable. Within TAE, our concern must be to prevent such practices from spreading and so tainting the reputation of experts in general. Perhaps some experts need a reminder that when they sign a report containing an untruth they commit contempt of court and when that report enters into evidence, it becomes perjury.

The Academy has a major role to play in this regard.

- Firstly in the accreditation and training of experts so that those new to the work are fully aware of their duties and responsibilities,
- secondly in the continued professional development of our members so that we can keep abreast of changes in the procedures, and
- thirdly by rigorous enforcement of our standards through our disciplinary procedures.

It will no doubt come as some comfort to those of us that practise within the rules that

continued inside...



The Chairman, Dr Chris McArdle, and the President, Rt Hon Lord Saville of Newdigate at the Chairman's Lunch

From the Chairman continued

...continued from page 1

The Academy is increasing its level of activity in all three of these areas. We are also reaching out to the professional bodies responsible for establishing professional standards so that we can help to ensure that experts appointed through them are appropriately trained and experienced.

The early part of the year has been an active one for your Executive Committee. I mentioned the Chairman's Lunch – which was again a great success and I would highly recommend that those who missed it this year think about coming in the future. The RAF Club never fails to

provide an excellent lunch and venue, ably supported by our team at Gray's Inn whose faultless organisation makes the whole event proceed with clockwork precision.

Mediation

Earlier in January, a number of Academy QDRs, including myself, took part as mediators and judges for the Worshipful Company of Arbitrators Student Mediation Competition. This competition gives teams of law students an opportunity to act as parties and counsel in role-play mediations. This provides a great opportunity to help instil

the advantages of ADR into the lawyers of the future. We hope to do more joint activity with other bodies involved in Dispute Resolution later in the year.

So, as the year starts to unfold and the floods, hopefully, start to abate, we look forward to a busy, if worrying, year.

Dr Chris McArdle
Chairman
March 2014

Membership Subscriptions

Renewals

Membership renewals have been pouring in faster than ever and we offer our thanks to those of you who have done so. Chasing late payment is a very resource intensive exercise so if you have not yet made payment please do so as soon as possible.

If you have a query or are unable to pay immediately please contact us so that we can take any appropriate action.

The rates¹ for individual members for the year 2014-2015 are:

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

¹ 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

The rates for the year ending 28th February 2015 are:

Level of Cover	Premium
£1 million	£130
£2 million	£145
£5 million	£165

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

Jackson Reforms

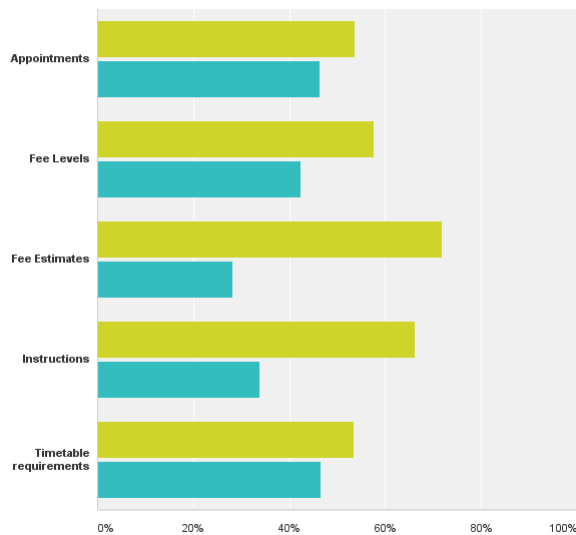
As this edition of **update** goes to press TAE is being represented at a Ministry of Justice Conference investigating the effects of the Jackson Refoms on Civil Justice. Members were asked to complete a short questionnaire on their experiences and the 'real world' effects that they experienced to give us some additional background information to take to the conference. In just three days we received over 160 responses and are very grateful to those who found the time to reply.

A report from our representatives (Chairman, Dr Chris McArdle QDR MAE and Philip Newman QDR) and any feedback from the conference will follow in a later edition. For now though we thought members might be interested in a brief summary of members' responses.

Jackson has clearly had an effect - fifty-two percent of those asked 'have you noticed any changes in your practice?' answered 'Yes'. The range of those changes is outlined below:

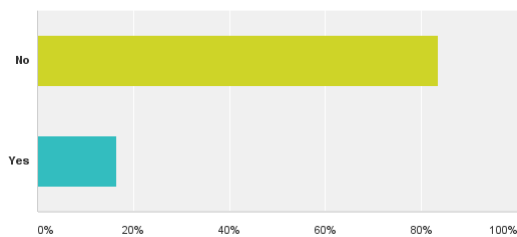
Q4 Are the changes to:

Answered: 81 Skipped: 80



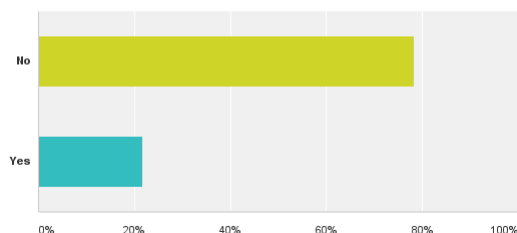
Q5 Have you experienced any changes in granting extensions for delivering reports

Answered: 133 Skipped: 28



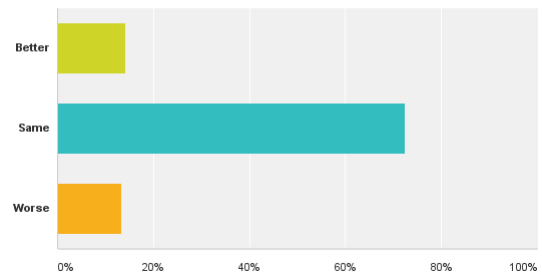
Q6 Have you experienced any difficulties with changing your estimated fees

Answered: 134 Skipped: 27



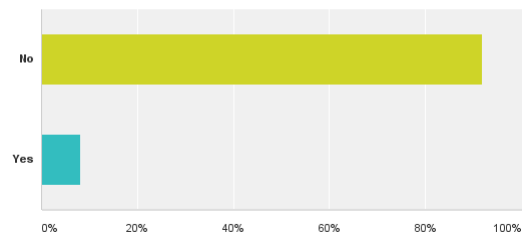
Q7 Has the standard of instructions changed

Answered: 134 Skipped: 27



Q8 Have you seen any benefits from Jackson

Answered: 134 Skipped: 27



A selection of Comments

"If I had not known about Jackson I do not think I would have noticed it"

"Courts are more intolerant of Expert Witnesses problems in meeting deadlines"

"Solicitors and judges seem to be inconsistent in their interpretation about the Jackson changes."

"I have noticed an increase in being requested to compile preliminary short form reports, whilst still being expected to review all hospital records."

"I have seen more SJE appointments"

"More paperwork, estimates and tighter timescales"

"It is well nigh impossible to estimate fees - so much depends upon the input from lawyers. Consequently I estimate high for fear of being denied fees if over-running. Estimating high may mean I do not get the job."

DIARY, NEWS & ANNOUNCEMENTS

Changes to Family Justice

The reform of the family justice system took a step forward on 13th March when the Children and Families Bill received Royal Assent and became an Act. There will now be considerable changes to how the family justice system operates. Key changes affecting TAE include:



- ❑ Making it compulsory for people applying to the family courts to consider family mediation first;
- ❑ Ensuring expert evidence in family proceedings concerning children is permitted only when necessary to resolve the case justly;

The changes come into force on 22nd April which is also the date for the launch of the new single Family Court.

Further information can be found on the MOJ's website:

www.justice.gov.uk/legal-aid/funding/using-experts

CEDR Audit Report

CEDR are again running their Mediation Audit in conjunction with the Civil Mediation Council.

<https://www.surveymonkey.com/s/H9PMHSN>

The results of the audit are widely used, as they help inform us all about developments in the field. The results will be published in full in late May 2014 and the first announcement of the results will be at the CMC Conference on 22nd May 2014.

The questionnaire should take no more than 7 minutes of your time. This is a useful survey and we would encourage any TAE mediators to take part.

Legal Aid in the firing Line

The Law Society Gazette recently reported a family judge who lambasted the 'almost impenetrable' level of bureaucracy faced by solicitors dealing with the Legal Aid Agency.

Judge Clifford Bellamy, sitting in the High Court in Leicester, said the LAA had been 'wasteful and inefficient' in dealing with an application for funding for an expert witness report.

<http://goo.gl/PrLFbX>

Events & Meetings Roundup

We continue to expand around the world. TAE's first training courses for Expert Witnesses in Malaysia are due to take place at the beginning of April. The programme is being run in association with CIArb Malaysia and the Institution of Engineers Malaysia.

CAN'T WAIT FOR THE NEWS?

www.academyofexperts.org/news

President's Dinner

Butchers' Hall

Wednesday 5th November 2014

"Remember, remember the 5th November"

The Academy's most formal function of the year - The President's Dinner - is in November.

We will be returning, again, to Butchers' Hall.

Put the date in your diary - we will shortly be sending full details of the event. This is always extremely popular so book early to claim your place.



March		
Saturday	1	Membership Year begins
April		
Tuesday	10	➤ Worshipful Co Arbitrators - The Master's Lecture
Thursday	17	Gray's Inn Hall Closed for Easter
Friday	18	Good Friday - Bank Holiday
Monday	21	Easter Monday - Bank Holiday
Thursday - Friday	24-25	➤ ICAEW - Foundation Course
May		
Thursday	1	➤ ICAEW - Into the Witness Box
Monday	5	May Bank Holiday
Thursday	8	➤ Mediation CPD
Wednesday	14	➤ Practical Law for Experts
Wednesday	14	➤ Evening Meeting
Thursday	15	➤ Procedure Rules
Thursday	22	➤ CMC Conference - LEEDS
Monday	26	Spring Bank Holiday
June		
Wednesday	11	➤ TAE Council
Wednesday	11	➤ Evening Meeting
November		
Wednesday	5	➤ TAE Council
Wednesday	5	➤ President's Dinner

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