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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
- 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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'update'

From the Chairman



This is probably the last update I will write as your Chairman!

My term of office comes to an end in January and I will be replaced by Sue Bayram, who I am sure will be an excellent chairman (chair woman, chair...?).

Chairmen's Lunch

We will be celebrating this changeover at the Chairmen's Lunch in January and so I hope as many of you as possible will join us at the RAF Club, not only for the superb lunch, but also to hear Michael Cohen's brilliant annual lecture '*That was the Year That Was*' in which he summarises the notable recent cases in the expert arena.

Christmas Hours

The TAE Office will be closed from Lunchtime on Wednesday 23rd December until Monday 4th January. Emergency queries should be sent by email to: admin@academy-experts.org

There have been a number of 'interesting' cases recently which have highlighted the fact that the judiciary are still happy to criticise experts (rather than the lawyers who instruct them badly). This just goes to emphasise the need for experts to be well trained, not only so as to know how to work within the rules, but also how to spot when an instructing solicitor is asking for something that they should not.

I have thoroughly enjoyed my two years as Chairman and will continue to sit on Council and hopefully assist in the further development of TAE as the leading organisation for experts and mediators. In that regard, we are lucky to have a dedicated staff at Gray's Inn who work tirelessly on our behalf and I would like to record my thanks to them for all the help and assistance that they have given me during my term of office.

The Future

So, what does the future hold for the Academy? We have a strong but aging membership, so probably the most important thing for our future is that we continue to recruit new members, hopefully at an early enough stage

continued inside...



Chairman and President enjoying last year's Chairman's Lunch

From the Chairman continued

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in their expert career for us to train and guide them to avoid some of the pitfalls that caused a senior judge in a recent case to say of an expert,

"I regret to say that I came to the conclusions that his evidence was entirely worthless. There were a total of twelve different reasons

for that conclusion."

– yes, twelve! But I will not steal Michael's thunder by saying more about that case. I am sure that he will cover it in his lecture in January.

It is, in my opinion, up to every member to look out for potential recruits and to introduce them to TAE, so I would

encourage all of you to look around your organisation and contacts and 'fly the flag' for TAE.

It only remains for me to wish you all a Merry Christmas and Happy New Year.

Dr Chris McArdle
Chairman
December 2015

Annual General Meeting - Minutes

Minutes of The Annual General Meeting held at 3 Gray's Inn Square, Gray's Inn, London, WC1 on Wednesday 28th October 2015

Present: C McArdle – Chairman, in the Chair and Members

Apologies: The President, Vice Presidents, Messrs Allen, Barbour, Britten, Cock, Gardner, Hannaford, Ineson, Johnson, Mainland, Makin, Ullstein.

The Chairman welcomed and thanked everyone for attending the meeting.

1 Minutes of AGM held on Wednesday 8th October 2014

The minutes of the AGM were adopted and signed by the Chairman.

2 Matters Arising

There were no matters arising.

3 Chairman's Report

The Chairman stated that his report for the year had been published in 'update' Volume 23 Issue No 4. The meeting took the report as having been read. There being no questions, it was proposed by Simon Clarke that the report be adopted. This was carried unanimously.

4 Treasurer's Report

In the absence of the Treasurer, the Chairman presented the annual accounts.

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

5 To appoint the Auditors for the year 2015-2016

The Chairman on behalf of 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 Eddie Josse and the meeting agreed nem con that Greenaways be reappointed as auditors.

6 Election of Officers

The Chief Executive stated that nominations had been received as follows:

Chairman	Sue Bayram
Vice Chairman	Michael Allen
Treasurer	Ben Johnson

They were declared elected unopposed.

The Chief Executive stated that at the close of nominations none had been received for the role of Deputy Chairman. Nominations could be taken from the floor and Mr Simon Clarke was duly nominated and elected by the meeting.

7 Election of Council Members

The Chief Executive declared that there were three vacancies for Council and 3 nominations had been received. The following were duly elected.

- Fiona Hotston Moore
- Nigel Ineson
- Philip Mackey

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. This was agreed.

9 Any Other Business

It was with much sadness that the meeting marked the passing of The Academy's past President Lord Howe of Aberavon QC.

The Chairman then thanked all members of the Council for their contribution over the last year.

The meeting closed.

New Declaration for use in Adjudications

The Academy's Expert's Declaration for use in Civil Matters has been in existence for many years.

Since it was first introduced at the Chairman's Lunch in 1998 the Declaration has gone through a number of iterations and has been added to with declarations for various jurisdictions and different types of proceedings.

The latest addition to the list, shown below, is a Declaration for use in Adjudications.

Note

- ❑ It is not necessary but, especially when using a Declaration in a jurisdiction for which it has not been specifically written, Best Practice is to include the Code of Practice either below the declaration or in a separate appendix.
- ❑ Some professional institutions have additional requirements for declarations and where appropriate these should be inserted prior to the statement of truth.

Declaration for use in Adjudications

1. I have prepared this report on the basis that my role is to provide independent expert opinion to help the Adjudicator on matters within my expertise, and that this overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with this declaration.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given opinion.
5. I will advise the party by whom I am instructed if there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion and have made clear where there has been insufficient time or insufficient evidence available in the adjudication process to enable full investigation or consideration.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that my report will form part of the evidence in the adjudication proceedings and that I may be called upon by those instructing me to prepare further reports, opinions, clarifications or similar or to attend meetings or hearings with the adjudicator at which I may be questioned. I will continue to comply with this declaration in preparing any such further reports, opinions, clarifications or similar and in providing oral evidence at any meeting or hearing.
12. I have acted in accordance with the Code of Practice for Experts.

STATEMENT OF TRUTH

I confirm that, insofar as the facts stated in my report are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

Other Declarations Include

- ❑ England & Wales - Civil Cases
- ❑ England & Wales - Criminal Cases
- ❑ England & Wales - Family Proceedings
- ❑ Hong Kong - Civil Cases
- ❑ Malaysia - Civil Cases
- ❑ Northern Ireland - Queens Bench Division
- ❑ Arbitration Cases

All of the Declarations shown here are available to members on the TAE website:

www.academyofexperts.org

DIARY, NEWS & ANNOUNCEMENTS

Guidance from the Forensic Regulator

The Forensic Regulator has recently updated its very useful information on the legal obligations that apply to Expert Witnesses working in the Criminal Justice System. 'Legal Obligations FSR-I-400' is now on Issue 3 and can be obtained from the www.gov.uk website or by following the link shown below:

<https://goo.gl/oA6Dg8>

Law Society launches survey on clinical negligence fixed-costs proposals

The government intends to consult in the new year on the introduction of fixed recoverable costs in 'lower value' clinical negligence claims. The Law Society is asking clinical negligence firms to provide, on a confidential basis, data on current claimant costs.

The Law Society's intention is fairly clear as they say that the survey will help the Law Society 'to respond robustly, with evidence, to whatever proposals the government puts forward'.

Membership renewals

Renewals

Membership subscriptions fall due for renewal by the 1st March each year. The rates for individuals for the year 2016-2017 will be as follows:

Individual	
(Associate, Full Member, QDR):	£255.00
Fellow:	£408.00
Retired:	£ 89.25

- ❑ Should you wish to change your status please can you let us know by the end of January so that we can invoice you correctly.
- ❑ For members in large firms it can sometimes be helpful to send invoices directly to your accounts department.
- ❑ At the beginning of January we will be seeking billing information confirmation from every member so if you would like to amend or renew any of your details can you please let us know as soon as possible.

REMEMBER - all members can edit their contact details online

Retired Membership

If you are nearing the end of your Expert Witness career and are not taking on new instructions you may be eligible for the Retired Rate. For members who have been involved with The Academy for many years this is an inexpensive way of keeping in touch with friends and colleagues.

Various packages including run-off insurance are available so if you are interested in changing your status please call us on 020 7430 0333.

MERRY CHRISTMAS &
BEST WISHES FOR THE NEW YEAR
FROM ALL AT
THE ACADEMY OF EXPERTS

Chairmen's Lunch Royal Air Force Club

Friday 29th January 2016

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



D i a r y D a t e s

December		
Tuesday - Wednesday	1-2	➤ Mediation Training - Module 1
Tuesday - Wednesday	1-2	➤ Foundation Course - Belfast
Thursday	3	➤ Mediation Training - Module 2
Wednesday	9	➤ Evening Meeting
Tuesday	15	➤ Mediation Training - Module 3
Wednesday	16	➤ Mediation Training - Module 4
Thursday	17	➤ Mediation Training - Module 5
Friday	18	Gray's Inn Hall Closes
Wednesday	23	Office Closes for Xmas
January		
Monday	4	Office Reopens
Monday	4	Gray's Inn Hall Reopens
Thursday	14	➤ Into Court
Friday	29	➤ Seminar - TWTYTW
Friday	29	Chairmen's Lunch
February		
Wednesday	10	➤ Evening Meeting
Wednesday - Thursday	17-18	➤ Foundation Course
March		
Tuesday	1	➤ Law & Procedure ^{NEW}
Wednesday	9	➤ Evening Meeting
Thursday	17	➤ Into Court

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