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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](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



Firstly I hope that you have had a successful and prosperous year and that whatever field you work in you have not had to deal with too many changes that have impacted on your work in ADR or as an expert.

### Rules Change

Do keep an eye on the information coming out from The Academy regarding any changes to your responsibilities as an expert. Those of you who do criminal work will be aware that there has been a change requiring a mandatory declaration (*see p3*). Failing to ensure that you have the correct one at the end of your report may have serious consequences on your credibility as an expert. The new updated version is available in the members section of the website.

### Website

We are constantly updating the website so do take advantage by popping on regularly to see if there are any changes you need to be aware of. If you have any ideas for additions to the website then do please get in touch with the office to discuss them.

### Mediation

We would especially welcome suggestions from those working in ADR regarding how you think the website could be improved. A small subcommittee of the Executive along with members Lorna Thomas QDR and Dave Owen QDR have been meeting to look at how we can improve what we offer to our ADR members, for example via our evening meetings, joint events, training and information on the website. We want to hear from you if you have any suggestions or would like to contribute to developing the services for our ADR members.

Those of us who work in the field of ADR will know that although the use of mediation is growing (slowly), between the free court scheme for low claims disputes and the many providers that are now available many mediators are not undertaking as many mediations as they would like.

It is heartening to see that the NHS Litigation Authority has now launched its Mediation Scheme after a successful pilot. Unfortunately TAE has not been chosen as one of the providers however, given that local government as far

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## From the Chairman continued

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back as early 2000 were told that they had to consider using mediation rather than litigation to resolve disputes but have yet to on any great scale it may be that they will now come under increasing pressure to do so. Keep an eye on your local councils (or even further afield!) and see if you can encourage them to use your services!

### Regional Meetings

In order to reach as many members as possible we are always looking for venues and speakers around the country.

Earlier this year we held a successful event in Leeds. For next year we already have plans to hold meetings in Birmingham and Manchester and are currently seeking to hold an event in Scotland in 2017 as well.

If you are able to offer suggestions for speakers or venues around the country do please let us know.

### Corporate Member?

I am pleased to report that the accounts for our last financial year show that our finances are going in the right direction. Much of this is as a result of the hard work of Nicola our CEO who has been successful in encouraging several companies to join The Academy via the corporate package route. If you are part of a company who you think would benefit from joining The Academy do contact Nicola to discuss the options, your company does not have to be large as the package can be tailored to fit.

### New Members

It is evident that the age range of those undertaking work as an Expert Witness, as you would expect, is at the older range of the spectrum. You don't need to be an expert to work out that as we get older we are eventually going to stop undertaking such work and therefore will eventually cease needing to be a member of such organisations as The Academy.

This is a real threat to our membership levels - which in turn impacts on the finances of The Academy and the work that we can do to support members.

I know that some members are already aware that there are fewer experts in their professional field than when they started. I feel it is important that we consider how we can encourage and support those who are making a career in our respective professions to undertake expert work and we would be delighted to meet with anyone who would like to find out more at one of our many evening meetings and events that are held throughout the year. Guests at our evening meetings are free if there are places available, just call the office or email to see if you can book a place.

If they are not able to attend one of our meetings then we can arrange for information to be sent to them. (Remember also that if you, yourself, are unable to make a meeting most are available as webcasts on the website.)

As The Academy has several levels of membership it is not necessary that the person interested in joining has experience as an expert, there are grades prior to becoming a Full Member where they will be able to take advantage of the discounted training available and also attend our events. Remember, also, that 'experience as an expert' does not mean that an individual has to have given evidence 'in the box'.

Nicola and her team will be delighted to advise the most relevant grade of membership based on the person's qualifications and experience and how they can progress to becoming a full member.



### Membership Renewal

As you will be aware, membership renewals are due on 1st March.

If you don't already pay your membership by direct debit, do please consider doing so. Not only does it make it slightly cheaper for you, it is easier and cheaper for TAE to process your payment.

### Fee Survey

At the end of December the Fee Survey will close, there is still time to complete it if you have not already done so. The information will be published early in the New Year.

### Chairman's Lunch

If you have not booked already there are still a few places left for the Chairman's lunch. If you have not been before, it is a very enjoyable day and very informative if you are able to attend the seminar beforehand.

I hope that you all have a lovely festive break and that 2017 is a good one for you and yours!

**Sue Bayram**  
Chairman  
December 2016

## Discounted Membership Fees - Pay by Direct Debit

Return your completed form by January 20th to receive a discount on 2017-2018

## CrimPR Changes

Members are reminded that last month The Lord Chief Justice signed off the latest amendments to the Criminal Practice Directions which take effect immediately.

As part of the amendments there have been some changes relating to expert evidence with the addition of two new sections - 19B and 19C.

The new sections deal with **Statements of Understanding and Declarations of Truth in Expert Reports (19B)** and **Pre-hearing Discussion of Expert Evidence (19C)**.

### Statements of Understanding and Declarations of Truth (19B)

Academy members should not be too concerned by these recent additions as they will already be familiar with the principles as they echo the Academy's guidance and best practice especially in relation to the Expert's Declaration which is now mandatory in Criminal Reports.

Although the Academy's current declaration meets the new requirements we have updated it to incorporate the new wording and enclose a copy with this email. Members will see that there have been no material changes to the practice that we have been advocating for many years.

### Pre-hearing Discussion of Expert Evidence (19C)

Experts will welcome the addition of 19C which sets down the requirements for the Discussion of Experts. In effect the new Practice Direction reflects CPR PD35 and the Guidance issued by the Civil Justice Council.

There are couple of notable differences between the Civil and Criminal Practice Directions:

1. 19C.3 sets down that meetings may also take place by telephone or live link and effectively restates the principle of proportionality
2. 19C.6 states "Individual copies of the statements must be signed or otherwise authenticated by the experts, in manuscript or by electronic means" This reflects the growing change in practice, for virtual meetings
3. 19C.6 clearly sets down the timescales for signing the joint statement as 5 business days and further states that the parties must be provided with the statements no later than 10 business days after signing. These differ from the times set down in CPR which states 7 days and 14 days respectively. Note that definition of time in CPR is defined in Rule 2.8 whilst in CrimPR it is in Rule 2.2.

In addition to the above, the CPD now includes the requirement for Joint Statements to contain a restatement of the Experts' duty and follows the model joint statement declaration already prescribed by The Academy and CPR which reinforces the Expert's independent role. The full statement is shown below

Full details of the Amendments to the Criminal Practice Directions November 2016 can be found at <https://goo.gl/2lXrET>

## Discussions Between Experts

### Joint Statement Declaration

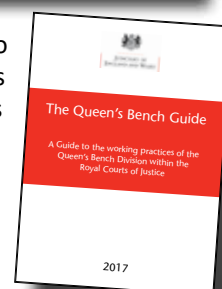
For all criminal cases in England & Wales under CrimPR, in accordance with the Criminal Practice Directions 2015 [2015] EWCA CRIM 1567 Consolidated with Amendment NO. 2 [2016] EWCA CRIM 1714 Div V 19C.7, should be inserted into the Joint Statement issued following the discussion(s) of experts immediately before the experts' signatures.

- 1 We the undersigned experts individually here re-state the Expert's Declaration contained in our respective reports that we understand our overriding duties to the court, have complied with them and will continue so to do.
- 2 We further confirm that we have neither jointly nor individually been instructed to, nor has it been suggested that we should, avoid or otherwise defer from reaching agreement on any matter within our competence.

## The Queen's Bench Guide 2017

Previous editions of the Queen's Bench Guide had been spaced seven years apart. The fourth edition came two years after the third. Now, one year later, there have been fundamental changes to the operation of the Queen's Bench Division which have led to this new edition; the abolition of the Practice Master and the Chambers List and the introduction of the Urgent and Short Applications List, as well as changes to Part 36 and Part 52.

It was, therefore decided that a new edition was warranted. Although the content of the sections on Experts & Assessors (10.8) and Evidence (10.9) remains substantially unchanged there has been a renumbering and Experts appearing in QBD are advised to obtain a copy of and familiarise themselves with the latest version.



# DIARY, NEWS & ANNOUNCEMENTS

## FMC Consultation: Family Mediators Drafting Consent Orders

Please see below the FMC's consultation regarding family mediators drafting consent orders. Responses from anyone with any interest in family mediation are welcome. The consultation closes on 31st January 2017.

<http://www.familymediationcouncil.org.uk/2016/11/30/consultation-family-mediators-drafting-consent-orders/>

## Evening Meetings

London - 1st February

### Mediation in the Colonies: The New Anchor Imagined by Man

Robert J. Cosgrove, a former prosecutor, is the managing partner of Wade Clark Mulcahy's Philadelphia office. He has tried cases and argued appeals throughout the East Coast of the United States and has also engaged in arbitrations in the US and the International Court of Commerce. Bob is also the head of WCM's Privacy, Cybersecurity and E-Discovery practice group. Wade Clark Mulcahy is a regional litigation firm with offices in New York, New Jersey and Pennsylvania.

## Fee Survey

Contributions to the 2016 Fee Survey are going well and we have received nearly 500 responses.

### The survey will close to entries on 31st December

We always want the survey to be as comprehensive as possible so if you know any other experts then please direct them to our website or forward this email to them so that they can participate in the survey. This year we will also be targetting lawyers - the users of experts - to see how their views may differ from ours.

[www.academyofexperts.org/feesurvey16](http://www.academyofexperts.org/feesurvey16)

## 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.

## Christmas Office Hours

The TAE office will be closed for the festive period from 23rd December and will reopen on Tuesday 3rd January

## Chairman's Lunch

### Royal Air Force Club

### Friday 27th January 2017

We have just a few places remaining for the Lunch & Seminar in January.

Call TAE to ensure your place

**020 7430 0333**



## December

Tuesday	6	➤ Law & Procedure
Wednesday	7	➤ Evening Meeting
Friday	23	TAE Office Closes
Sunday	25	Christmas Day

## 2017

## January

Monday	2	New Year Bank Holiday
Tuesday	3	TAE Office Reopens
Tuesday -	17-	Foundation Course
Wednesday	18	(2 Days)
Thursday	19	Law & Procedure
Friday	27	Chairman's Lunch & Seminar

## February

Wednesday	1	Executive Meeting
Wednesday	1	Evening Meeting
Thursday	2	Into Court
Monday	24	TEDR Copy Deadline

## March

Monday	6	Report Writing Masterclass
Tuesday	7	The Essential Expert Update
Thursday -	9-10	Expert Determination (2 Days)
Friday		
Tuesday -	14-	Foundation Course
Wednesday	15	(2 Days)
Thursday	16	Law & Procedure
Friday	31	Expert Determination Assessment Deadline

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