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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



Last month, in my Chairman's Report, we considered how as the Academy enters its 30th year of existence so much has been achieved.

Spreading the word

The Academy is now seen as a leader in the world of Experts and Dispute Resolution, not just in the UK but with an increasing presence overseas. We have long had a strong presence in the Far East and in the past month the 'Academy Team' has been on an exhausting trip teaching Experts in Dubai, Hong Kong and now Australia. They are not just out there raising standards but are spreading the word about The Academy - the first new membership applications from their trip have already been received and we expect many more!

Mediation

In Manchester a Mediation Pilot started in September. Let's hope that this is the start of a trend and that several other cities and towns follow suit... Do let us know if you have any comments about the Manchester pilot or any others that might be starting.

The NHS is now recommending the use of mediation to resolve Clinical Negligence Disputes in the hope that this will reduce costs and has a department entitled 'NHS Resolution'.

Again, any feedback from anyone with experience of using or being involved in this

service would be appreciated.

TAE Events

Do try and get to one or more of The Academy's events in the coming year, the first of which is the Chairmen's Lunch which Simon Clarke and I will be co hosting.

Simon takes over from me as Chairman as I come to the end of my 2 year tenure.



Please follow & RT
[@tae_experts](https://twitter.com/tae_experts)

Remember Twitter

Finally, to all members of all grades, do please follow The Academy on Twitter if you do not do so already. By following us and retweeting you will be actively raising the profile of The Academy and the work that it does.

Have a great Christmas and New Year (whether you celebrate or not!) and at the very least, I hope you manage to get a break from your usual working pattern and can take some time to recharge your batteries.

Sue Bayram
Chairman
December 2017



Merry Christmas from all at The Academy

Evening Meeting Catchup?

A member writes...

I am a Chartered Engineer and Chartered Surveyor - now retired. I also served for over 25 years as a Magistrate - also now past the retirement age.

I have become embroiled in civil disputes because I have been involved extensively in appraising buildings and construction problems. In many of these cases disputes arose and so in many cases the parties resorted to legal determination to resolve their differences.

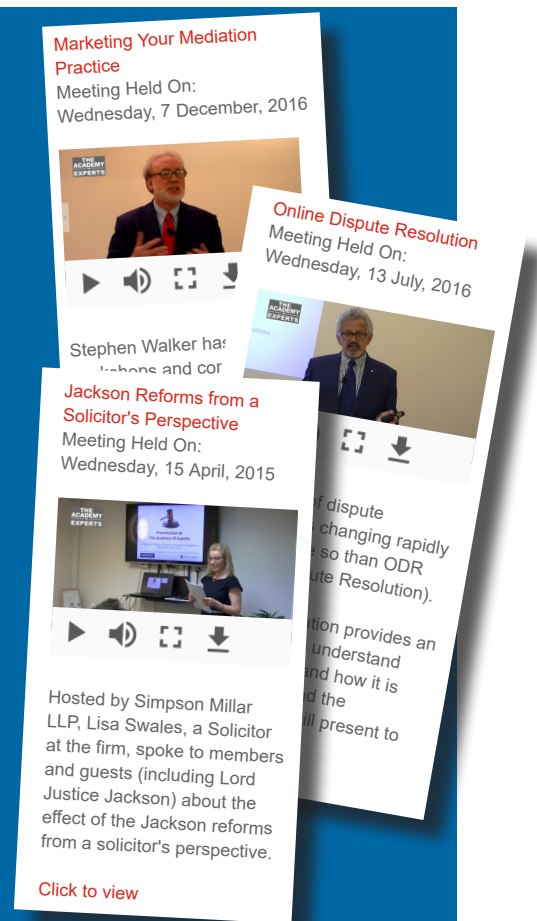
So I often found myself trying to help resolve the dispute by some form of negotiation, but when that didn't work I ended up as an Expert Witness for one or other party. It was from this background that I found the TAE invaluable, particularly its the advice given in the regular issues of 'update' and also the 'written guidance' that appeared on its website eg CPR 35 revisions explained.

It did advertise interesting lectures, but they were almost exclusively in London!

On this account, I felt rather excluded by TAE, it seemed to be 'London centric'; except for 'update' and TEDR - both excellent publications - I got little more from TAE - though I did attend the Grays Inn Garden Party a number of times and that was an excellent 'do' - if the weather was good.

However, my biggest discovery - and one of the very best innovations by TAE - was the decision in 2013 to record and produce on line videos of some of their 'special' lectures by eminent legal experts, including senior Judges, who explained clearly and from their experience - current legal developments that effect Experts.

There are eight in the series at present with more being added. They range from practical subjects like 'Marketing your Mediation Practice' through 'Experts' Liabilities' to 'Costs Explained' - and the 'Jackson Reforms'. All subjects highly relevant to all Expert Witnesses, and now available to all members, where ever they live.



academyofexperts.org/evening-meetings

Experts in the news

Court raps SFO for use of 'inexpert' expert witness

The Serious Fraud Office has been criticised by the Appeal Court for appointing an expert witness who "lacked expertise".

Lord Justice Gross warned SFO prosecutors the Appeal Court judges viewed the SFO's use of Saul Haydon Rowe as "a debacle".

He appeared in the trials of former traders for allegedly rigging Libor.

The comments were made at a hearing brought by Alex Pabon, found guilty of conspiracy to defraud last year.

The Libor trials saw a number of traders accused of rigging the key interest rate, which is used to set interest rates charged between banks.

Lord Justice Gross told SFO prosecutor James Hines QC:

"It's not a matter to be downplayed when the Crown in a major prosecution calls a witness who is wholly out of his depth."

"We take a very serious view of what in the judgment we will describe as a debacle, whatever the outcome."

"We want to know how did it come about that he was instructed when he lacked expertise? We are very concerned as to how he can have been instructed, the due diligence, and how it came to light."

"We are troubled by it."

This case once again highlights the need for both proper accreditation and training for both experts and those using experts in the courts.

Members will take encouragement that the expert in this case was **not** an Academy member.

Annual General Meeting

Minutes of The Annual General Meeting held at 3 Gray's Inn Square, Gray's Inn, London, WC1 on Wednesday 11th October 2017

Present: N Cohen – Chief Executive, in the Chair and Members

Apologies:

The President, Vice Presidents, Messrs Acott, Allen, Arthurs, Atha, Barber, Bayram, Brannigan, Clancy, Clarke, Cock, Ellis, England, Fletcher, Gardner-Thorpe, Goodyer, Hoyle, Josse, McArdle, Mackinnon, Mainland, Morris, Rowe, Swann, Sullivan, Tuner and Young.

The Chief Executive welcomed and thanked everyone for attending the meeting.

1 Minutes of AGM held on Wednesday 13th October 2016

The minutes of the AGM were adopted and signed by the Chief Executive.

2 Matters Arising

There were no matters arising.

3 Chairman's Report

The Chairman's Report was presented to the meeting by the Chief Executive. It was noted that the Report would be published in 'update'. There being no questions, the Report was adopted. This was carried unanimously.

4 Treasurer's Report

The Treasurer presented the annual accounts and reported that there had been a modest surplus. The Treasurer then answered questions on the accounts.

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

5 To appoint the Auditors for the year 2016-2017

The Chief Executive 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. 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:

<input type="checkbox"/> Chairman	Simon Clarke
<input type="checkbox"/> Vice Chairman	Michael Allen
<input type="checkbox"/> Secretary	Paul England
<input type="checkbox"/> Treasurer	Ben Johnson

They were declared elected unopposed.

7 Election of Council Members

The Chief Executive stated that there were 5 vacancies for Council. 5 nominations had been received. The following were duly elected.

- Charles Claoue
- John Cock
- Grahame Goodyer
- Craig Kersey
- Nigel Young

8 Subscriptions

Council had considered the matter of subscriptions. It was Council's recommendation that the annual subscription should be increased by not more than 5% rounded. This was agreed.

9 Any Other Business

The Chief Executive then thanked all members of the Council and in particular those who are retiring from office for their contribution over the last year.

The meeting closed.

Mediation CPD Opportunity

The next Worshipful Company of Arbitrators Mediation Skills Competition will take place at the IDRC in London over the weekend of January 19th to 21st 2018 (Friday evening, Saturday and Sunday).

TAE Mediators are invited to join the list of judges and mediators for the event if you are available and willing to help.

Volunteers will act either as a mediator in the role-play mediations (where the competitors will play parties and advocates) or as judges, judging the performance of the competitors in line with a marking scheme.

At this stage it is not possible to know exactly how many people will be needed to judge/mediate as this depends on the number of teams that enter. If you would be kind enough to reply to Dr Chris McArdle at cm@innotec-uk.com letting him know if you are available and willing to help you will be told a little nearer the time exactly when you will be needed.

DIARY, NEWS & ANNOUNCEMENTS



Update to CPR PD 35

Changes to Hot-tubbing procedures.

The latest update to CPR (93rd Amendment) has just come into force. Affecting experts is a change to PD 35 relating to hot-tubbing (concurrent evidence). Whilst most of the changes are mainly clarifications of the existing rule there is now an additional provision for the court to set the agenda where previously this had been left to the parties.

As hot-tubbing is becoming a more frequent occurrence members should take careful note of the changes.

Chairmen's Lunch

There are still places available for the Chairmen's Lunch and Seminar on 26th January. The lunch is filling up quickly though so you are advised to book now to ensure your place.

Evening Meetings

London - 13th December

Hired Gun or Lone Ranger – what Arbitrators expect of Experts

Peter Rees QC

The talk will examine from a practical perspective what tribunals expect from experts, the ways in which experts can help tribunals better understand technical and quantum aspects of disputes and the advantages and disadvantages of the various ways of providing expert opinion and testimony.

London - 14th February

A Judge's Eye View

Lord Justice Hickinbottom

The view from the bench - full details to follow.

London - 14th March

Expert Witnesses - a US perspective

Robert Cosgrove

Following on from his successful talk to members earlier this year. US Attorney Robert Cosgrove will be giving further insight into the differences and similarities between the world of the Expert Witness in the UK and the US.

Diary Dates

December

- Monday - 4-5 Foundation Course (2 Days)
- Tuesday
- Wednesday 6 Law & Procedure
- Tuesday 12 Into Court
- Wednesday 13 Evening Meeting
- Thursday 21 Gray's Inn Hall closes for Christmas break
- Friday 22 TAE Office Closes
- Monday 25 Christmas Day

January

- Monday 1 New Year's Day
- Tuesday 2 TAE Office Reopens
- Monday 8 Gray's Inn Hall reopens
- Thursday 25 Into Court
- Friday 26 Seminar - 'TWITYTW'
- Friday 26 Chairmen's Lunch

February

- Monday - 12 - Expert Determination
- Tuesday 13 Training
- Wednesday 14 Evening Meeting
- Tuesday 20 Report Writing Masterclass
- Wednesday 21 Essential Expert - Update & Refresher

March

- Thursday - 8-9 Foundation Course (2 Days)
- Friday
- Wednesday 14 Evening Meeting

June

- Wednesday 13 Council Meeting
- Wednesday 13 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

**CHAIRMEN'S LUNCH
SPACES AVAILABLE
EARLYBIRD ENDS SOON**

