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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

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

[@tae_experts](https://twitter.com/tae_experts)

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'update'

From the Chairman



The following is taken from a speech given by the Chairman at the President's Dinner in June.

Thank you all for coming this evening and helping to make this a successful event for The Academy.

Notable Events

Tonight we have two significant events for The Academy. One is the appointment of a new Vice President and we are very pleased to welcome Professor John Uff to The Academy. As a well known and highly respected figure in the world of engineering and construction litigation it is particularly good news for The Academy that he has accepted this role.

The other event of special note is our involvement with the Institution of Structural Engineers who have a number of members that wish to get into Expert work. The Academy will be undertaking vetting of their candidates and developing a Register for them.

The signing of the Memorandum of Understanding this evening represents a significant step forward for The Academy and the IStructE. Long may this relationship continue.

The Academy is now in its 32nd year and continues to support practising experts as it was set up to do. In my second year as Chairman it is good to be able to report that The Academy continues to maintain a healthy position

and we are still attracting a steady stream of new members which is clearly a benefit for all. Hopefully this will be maintained for the foreseeable future.

Experts Behaving Badly

Unfortunately there are still some "experts" making the press for the wrong reasons with serious consequences. In one case the impartiality of the expert against hunting was called into question after he was seen kissing a member of his instructing party. As noted by the judge:

"a relationship exists between a proposed Expert and the party calling that Expert which a reasonable observer might think is evidence of bias, then he must be excluded on the grounds of public policy. Justice must be seen to be done. The allegation of bias specific to this particular case is something in my view the Court cannot ignore. A reasonable observer would consider him to be partisan however, unbiased he maybe, this Court must exclude Professor Harris's evidence".

Another transgression (see p3) was the case of a medical expert who changed his report and verified that this was his true opinion. At the subsequent trial he was given a jail sentence, suspended for six months. This is serious enough but when the leniency of the sentence



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was challenged the sentencing guidelines suggest it could result in a jail sentence of around twelve months.

A more recent example of inappropriate expert behaviour was demonstrated by Andrew Ager, an expert who had been used several times by the CPS for a series of fraud trials in relation Carbon credits. In the most recent trial, under cross examination, Ager admitted that he had no academic qualifications, no experience and no understanding of his duties as an expert. He had, however, seen a documentary on the subject. It be will interesting to see what action is taken against him.

Considering the seriousness of these cases it is of concern that this had not come to light when the CPS were considering instructing him and a careful selection procedure (or lack thereof) must play a part in the problem. Using a properly accredited expert, such as someone who has been through The Academy vetting procedure could have prevented this situation.

Accreditations

This seems to have given more fuel to some organisations that see this as a reason to push for Accreditation of experts. Unfortunately in some cases this is based upon offering expensive training and issuing a certificate. An expensive process which still produces an expert with no experience who will be open to problems when getting to grips with real cases.

Equally this raises the question as to whether evidence from experts with highly specialist knowledge should be downgraded because this may be the only time they give evidence and the cost of going through an accreditation scheme would be disproportionate to their involvement.

Rules and Guidance

Legislation and guidance are continually being updated and it is essential for experts to know how these changes may influence them.

As a widely recognised and highly regarded expert body The Academy is routinely asked to participate in committees and forums which are looking at these developments. This participation is helped by the diversity of our membership and it is probable

that some members, in particular areas, may be approached for advice on these matters from time to time.

Equally, this participation places The Academy in a strong position to advise its members on changes that are to be expected and their implications for expert work. Another benefit is The Academy's training which is useful for maintaining Continuing Professional Development (CPD) - an important issue for most professional institutes.

Over and above this, at present the Fellows of The Academy are developing a mentoring scheme to assist more junior members manage their career development with a view to upgrading membership status.

Evening Meetings

Another benefit offered by The Academy which many find useful are Evening Meetings for which we have had a wide range of eminent speakers on topics that are relevant to experts.

Towards the end of 2018 we had a talk by Val Surgenor of MacRoberts covering the GDPR which has been a major issue for all experts to get to grips with. We also had a presentation from David Bridge explaining how the ever increasing amount of information which has to be dealt with for large cases may be handled under the Pilot Disclosure Process. The Forensic Science Regulator, Dr Gillian Tulley, gave a very good talk concerning evidence in the criminal arena and our most recent presentation was from Colin Passmore on Privilege at our joint meeting with the East Anglia Branch of the Chartered Institute of Arbitrators.

The Future

The Academy does face challenges for the future and we need to consider how we present ourselves to the outside world. One approach to this is an update to our web site which is currently under way. Another area that continues to expand and develop is social media. In the past The Academy has not been proactive in this area so we have recently established a small team to take on this role.

For some of us, and I include myself, the world of social media is not something that we choose to get involved with and from an Expert's perspective it can be quite risky. Prior to trial the opposite side often search for any unprotected

Catch Up with Evening Meetings Online

VIDEOS AVAILABLE

Evening Meeting recordings are available from the member area of the TAE website

information of a damaging nature. Any volunteers in the wider membership who are active on social media and could contribute to this would be greatly appreciated.

Another challenge for The Academy is the administration and development which requires participation at both Council and Executive levels. In what appears to be increasingly difficult pressure from work many of our members are finding it more difficult to spare time for The Academy and therefore I would ask for possible volunteers to apply for the positions on council and/or the Executive when we have our next round of elections.

**Eur Ing Simon Clarke
Chairman
July 2019**

Mediation Competition

The next Worshipful Company of Arbitrators (WCA) Mediation Skills Competition will take place at the IDRC in London over the weekend of January 24th to 26th 2020 (Friday evening, Saturday and Sunday) and Academy members have again been invited to join the list of judges and mediators for the event.

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.

While 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 the Academy office letting us know if you are available and willing to help.

WCA will be putting together the judging panel and will let you know a little nearer the time exactly when and if you will be needed.

New CMC Chairman



Just before joining us at the President's Dinner Sir David Foskett was confirmed as the new Chairman of the Civil Mediation Council.

Sir David took over from Sir Alan Ward on 1st June.

A warning for Experts

A GP who altered a medical report at a solicitor's request in an accident insurance claim has been given a suspended prison sentence and suspended from the UK medical register for 12 months.

The Expert initially wrote that a taxi driver's injuries from a car accident had caused mild pain and stiffness that resolved after a week. But after the patient complained to his solicitor, who then contacted the Expert, a new report was produced saying that his injuries would take six to eight months to resolve.

The deception was uncovered in August 2013 when both medical reports, bearing the same date, were inadvertently left in a bundle of legal papers submitted to the court.

Evening Meetings

11th September

Anita Clifford is a barrister at Bright Line Law specialising in cases involving fraud, asset freezing, confiscation and forfeiture and money laundering.

She will be talking to us about Experts in the Criminal arena.

10th October

Joint Meeting with London Branch of CI Arb

This seminar is being held jointly with the London Branch of the Chartered Institute of Arbitrators and will be taking place at Berkeley Research Group who are kindly hosting the event.

Full details will be sent shortly.

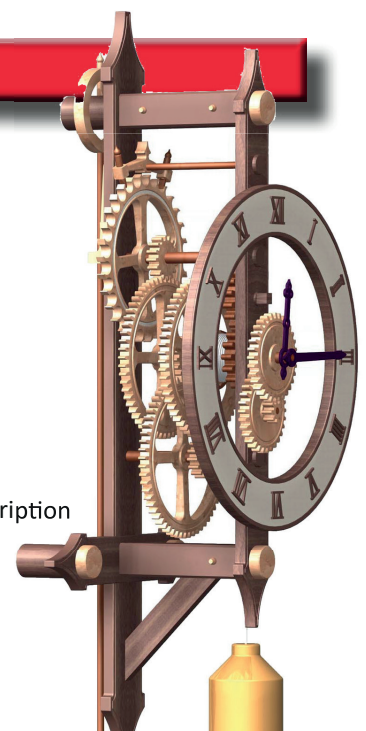
Notice of Annual General Meeting

Notice is hereby given that the Annual General Meeting will be held on 10th October 2019, 3 Gray's Inn Square, London, WC1R 5AH at 2.00pm.

Agenda

- 1 Apologies for absence
- 2 To approve the minutes of the AGM held on 10th October 2018 (see 'update' Volume 26 Issue 4)
- 3 Matters arising
- 4 Chairman's Report
- 5 Treasurer's Report including adoption of accounts for the year ending February 2019
- 6 To appoint the Auditors for the year 2019-2020

- 7 Election of Officers
 - Chairman
 - Deputy Chairman
 - Vice Chairmen
 - Secretary
 - Treasurer
- 8 Election of Council Members
- 9 To approve 2020-2021 subscription levels
- 10 Any other business



DIARY, NEWS & ANNOUNCEMENTS



New Academy Vice President

At the President's Dinner on 12th June Professor John Uff CBE QC took office as the newest Academy Vice President.

Already well known to many Academy members, John Uff originally trained as a civil engineer, becoming a specialist in geotechnics, but after five years practice he transferred to the Bar and became Donald Keating's last pupil.

He has maintained close contact with the engineering world through the ICE and the Royal Academy of Engineering. John has been closely involved in many developments in the construction industry over the past two decades, through committees and publications and has most recently spearheaded the engineering profession's drive to establish new code of ethics in the engineering profession.



New President of the Queen's Bench Division, Dame Victoria Sharp

The new President of the Queen's Bench Division, Dame Victoria Sharp, was sworn in at a ceremony in the Lord Chief Justice's Court on Tuesday, 25th June.

Dame Victoria, formerly Vice President of the Queen's Bench Division, succeeds Sir Brian Leveson, who retired in June. Described at her swearing-in ceremony as a 'trailblazer', she is the first woman to hold the position.



New Guidance for Medical Experts

Acting as an expert or professional witness
Guidance for healthcare professionals

In May of this year new guidance was published for healthcare professionals who act as expert witnesses.

This guidance has been produced by the Academy of Medical Royal Colleges following a recommendation from Sir Norman Williams's "Review of Gross Negligence Manslaughter in Healthcare for the Department of Health and Social Care in England".

Amongst key recommendations is a requirement for Experts to undergo proper training before acting as an expert witness - something TAE has long been a proponent of.

Diary Dates

July		
Thursday	4	➤ Law & Procedure
Tuesday	9	➤ Into Court
Friday	26	➤ Gray's Inn Treasurer's Reception
August		
Friday	2	Gray's Inn Hall closes for Lunch
Monday	26	Bank Holiday
September		
Wednesday	11	➤ Evening Meeting
Tuesday - Wednesday	17-18	➤ Foundation Course
Tuesday	24	➤ Into Court
October		
Thursday	3	➤ Essential Update
Friday	4	➤ Law & Procedure
Thursday	10	➤ Annual General Meeting
Thursday	10	➤ Joint Evening Meeting CI Arb
Monday - Tuesday	14-15	➤ Expert Determination
November		
Wednesday	6	➤ TAE Council
Tuesday - Wednesday	12-13	➤ Foundation Course (2 days)
Monday	18	➤ Role & Responsibilities Hong Kong
Tuesday	19	➤ The Expert's Report Hong Kong
Wednesday	20	➤ Going Into Court Hong Kong
Thursday	21	➤ 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



JOIN THE CHAIRMAN FOR LUNCH
31st January 2020