

Inside this issue

From the Chairman	1
Wasted Costs Order	2
New TAE Website	2
Evening Meetings	3
News & Announcements	4
Academy Diary	4

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



New Chairman

At the Chairmen's Lunch at the end of January Derek Nelson QDR FAE took over from Eur Ing Simon Clarke as TAE Chairman.

A Chartered Quantity Surveyor at HKA Global Derek follows in a long line of experts at the head of The Academy.

By Experts - For Experts

It has always been one of our strengths, and something we are very proud of, that TAE is the only professional organisation in the UK for Expert Witnesses headed by a board democratically elected by the membership and chaired by a practising expert. We wish the new Chairman every success over his term of office.

Addressing Members at the Lunch Derek said:

"I was reminded by Michael Cohen when we last spoke that I was expected to say a few words today.

Given *'The more you say, the less people remember'*, Michael was at great pains to emphasise the 'few words' aspect of that expectation. I suspect he knows that brevity is not my natural forte.

As Dennis Roth put it *'If it takes a lot of words*

to say what you have in mind, give it more thought'. Let me take that last thought and give it some more thought before I go there.

Whilst I am doing that, I will restrict myself to thanking those that truly make the Academy what it is, its members.

I would also like to thank the Officers and Executive of the Academy and of course Nicola Cohen and her staff for somehow herding all of that in the same general direction. I look forward to working with all of you to further the aims of the Academy in support of its members.

Thank you for the opportunity to do just that."

Judicial Committee

In addition to the new Chairman the President was delighted to announce at the Chairmen's Lunch the appointment of a number of new members to our Judicial Committee.

We were particularly pleased that Mrs Justice O'Farrell DBE was able to join us for the Lunch. Since the Lunch she has been appointed as the lead judge at the TCC.



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Another Wasted Costs Order awarded against Expert Witness

Experts have yet again found themselves in the spotlight with judicial criticism.

In **Re: ABCDEF** [2019] EWHC 406 (Fam) the Expert failed to comply with court directions which resulted in a Wasted Costs Order against the Expert. This case has now been followed with another expert having a Wasted Costs Order made against them for £89,000.

In **Samantha Thimmaya v Lancashire Teaching Hospitals NHS Foundation Trust** [2020] HHJ Claire Evans ordered that a medical expert pay a significant part of the Defendant's costs when she found that the expert acting for the Claimants had failed in his duties to the court.

It became apparent during cross-examination that the Expert, Mr Jamil, was "wholly unable to articulate the test to be applied in determining breach of duty in a clinical negligence case" as he could not recall the Bolam/Bolitho test.

These issues in cross-examination initially arose from the wording used in the Joint Statement that Mr Jamil had prepared with the Defendant's Expert.

As a result the Claimant was left with no option but to discontinue the claim.

The Defendant subsequently made an application for a third-party costs order relying on the expert's lack of understanding of the test for breach of duty as well as his lack of experience in the relevant surgical procedure.

It later transpired that prior to the commencement of the trial the Expert had been suffering from mental health issues and had previously been on sick leave from November 2017, subsequently retiring from clinical practice in 2018. Neither of these facts had been disclosed by Mr Jamil to those instructing him.

The Bolam test is a test that can be carried out to ascertain whether a doctor or other medical professional has breached their duty of care to a patient.

In her judgement the Judge said the Expert "owed important, and significant, duties to the Court. He failed comprehensively in those duties from November 2017 onwards....Whilst it would not be right to use him as an example to send a message to experts, it is right that experts should all understand the importance of their duties to the Court and the potential consequences if they fail in them."

Whilst this is perhaps an extreme example, and one we are pleased to say did not happen to a TAE member, it is a salutary lesson of the dangers of not:

- fully understanding and fulfilling your role
- being completely transparent with your instructing solicitors

TAE Website Development

As part of our ongoing commitment to improving member services TAE has been planning for some time a revamp of our website.

We are pleased to say that work on the new site has now commenced and is in the initial development stages. We would be very keen to know if you have any suggestions for the site. In particular we would like answers to the following questions:

- What do you like about the existing site?
- What do you not like about the existing site?
- What functions/features would you like to see added to the new site?
- What functions/features do you think we should remove?

Please send any suggestions to us at: admin@academy-experts.org

EXPERT EVIDENCE: LAW & PRACTICE - EDITION 5

10% Discount for TAE Members

Thomson Reuters is offering a 10% discount to TAE members for the print and ebook versions of the latest edition of EXPERT EVIDENCE: LAW & PRACTICE. It is due to be published on 30th April 2020.

Just send an email, including your address, phone number, email and membership number, to David Dooley (david.dooley@thomsonreuters.com) telling him which option you want (Print, Print & eBook or eBook) and how many copies you require and he will process your order.

Prices before discount are:

Expert Evidence: Law & Practice E5	Net	VAT	Total
Print	£259.00	£0.00	£259.00
eBook	£250.00	£50.00	£300.00
Print & eBook	£325.00	£32.50	£357.50



JOIN THE PRESIDENT FOR DINNER
10th June 2020

Events & Evening Meetings

President's Dinner

10th June 2020

On 10th June the next President's Dinner will again be held at Pewterer's Hall.

This is an excellent opportunity to meet fellow members or entertain instructing solicitors over a four course meal.

Following the end of the formal part of the evening Members and their guests are invited to mingle with Lord Saville and The Academy's Guests for a post-dinner 'nightcap'.

Evening Meetings

The Academy generally holds six free Evening Meetings per year.

The programme for next year is already well underway. Shown below are the next two meetings with more talks already planned for the second half including a talk by Sir David Foskett, retired High Court judge and chairman of the Civil Mediation Council.

If you have not been to one of these technical meetings they are an excellent opportunity to gain insight into areas of the Expert Witness and Dispute Resolution worlds that you may not normally come into contact with or to get insider knowledge of how the legal and judicial processes work.

Most of the meetings are recorded. So even if you are not able to attend in person as a member you have access through the website for previous talks.

Catch Up with Evening Meetings Online

Experts in International Arbitration Meeting Held On: Wednesday, 12 February, 2020

Forensic Science Regulator Meeting Held On: Wednesday, 13 March, 2019

Online Dispute Resolution Meeting Held On: Wednesday, 13 July, 2016

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As with domestic litig appointed experts ir

VIDEOS AVAILABLE

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

MARCH

Richard Mullender

11th March

"Listen, Understand, Influence"

This meeting is now full.

MAY

Lord Justice Dingemans

13th May - Joint Meeting - Limited Spaces

"Some practical ways in which an expert can help a Court"

Lord Justice Dingemans QC was appointed as a Lord Justice of Appeal on 21st October last year and has recently joined the TAE Judicial Committee.

Prior to that he was a High Court Judge from June 2013 to 2019, previously having been a successful silk practising from 3 Hare Court. Although he is perhaps best known for being Counsel to the Hutton Inquiry he had a broad practice prior to being elevated to the bench.

DIARY, NEWS & ANNOUNCEMENTS



Experts in International Arbitration

We know a number of members were disappointed not to be able to attend the Evening Meeting in February given by Professor Doug Jones AO as it was over subscribed.

Those who were unable to get a place will be pleased to know that the meeting is now available to view on the TAE website:

www.academyofexperts.org/evening-meeting-videos



Judicial Committee

The Academy's Judicial Committee has been responsible for some of The Academy's most important publications including the 'Model Form of Experts Report' which is used daily by experts around the world.

The committee continues to go from strength to strength with the addition of five new members.

- Lord Justice Dingemans, Court of Appeal
- The Hon Justice Quentin Loh, Supreme Court of Singapore
- Mrs Justice O'Farrell DBE, Technology and Construction Courts (the Business and Property Courts)
- Sir Vivian Ramsey QC, International Judge Singapore International Commercial Court (previously judge in charge of Technology and Construction Court), arbitrator and mediator
- Mr Justice Williams, Family Division

Income Tax Relief

Members in the UK are able to offset subscriptions against tax.

The Academy of Experts has been approved as a Learned Society by the Board of Inland Revenue under Section 201 Income and Corporation Taxes Act 1988 (subsequently Section 344 of the Income Tax (Earnings & Pensions) Act 2003), with effect from 6th April, 1992 and is published by them known as "List 3".

How to claim

In order to claim tax relief, you will need to use your invoice for your membership payment, which you can then submit to the tax office with your tax return form. Please quote The Academy of Experts (formerly 'British Academy of Experts') along with our tax reference number SAPP/T/1644/43/1922.

If you don't complete a tax return, you can make a claim by writing or phoning your local tax office (your employer will be able to give you the address and reference).

Diary Dates

March

Tuesday	3	➤ Law & Procedure
Wednesday	4	➤ Essential Update for Experts
Monday	9	➤ Mediation Training - Module 3
Tuesday	10	➤ Mediation Training - Module 4
Wednesday	11	➤ Mediation Training - Module 5
Wednesday	11	➤ Evening Meeting
Wednesday	18	➤ Into Court
Monday - Tuesday	23-24	➤ Foundation Course
Thursday - Friday	26-27	➤ Mediation Assessment

April

Thursday	9	Gray's Inn Hall closes for Lunch
Friday	10	Good Friday Bank Holiday
Monday	13	Easter Monday Bank Holiday
Monday	20	Gray's Inn Hall re-opens for lunch
Tuesday	21	➤ Mediation - CPD Day
Tuesday	28	➤ Report Writing Masterclass
Wednesday	29	➤ Law & Procedure

May

Friday	8	Bank Holiday
Wednesday	13	➤ Joint Evening Meeting
Tuesday	19	➤ Into Court
Thursday - Friday	21-22	➤ Expert Determination (2 Days)
Monday	25	Bank Holiday

June

Wednesday	10	➤ Council Meeting
Wednesday	10	➤ President's Dinner
Wednesday - Thursday	17-18	➤ Foundation Course (2 Days)
Wednesday	24	➤ Law & Procedure
Thursday	25	➤ Into Court

July

Friday	24	➤ Gray's Inn Treasurer's Reception
Friday	31	Gray's Inn Hall closes for Lunch

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