

The Academy of Experts

FACT SHEET

2015/02 (civ)

**‘Applicable to all cases in the
Queens Bench Division
(Commercial)
in Northern Ireland.’**

The Academy of Experts
3 Gray's Inn Square
London WC1R 5AH
DX283 London, Chancery Lane
Tel: 020 7430 0333 Fax: 020 7430 0666
e-mail: admin@academy-experts.org

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

**THE
ACADEMY
OF
EXPERTS**

www.academyofexperts.org

- ❑ This Fact Sheet includes the changes up to and including 1st June 2015.

The Changes

- ❑ The Expert's Declaration required at the end of each Expert's Report is shown in 'Useful Resources'. It is applicable to all Reports prepared on or after 1st January 2015.
- ❑ All Minutes (Joint Statements) of Discussions of Experts are required to include the Declaration shown under Useful Resources. This is applicable to all Minutes prepared on or after 1st January 2015.
- ❑ On 1st June 2015 the new Practice Direction [PD] 1 of 2015 comes into effect replacing PD 6 of 2002.
- ❑ The new PD should not give any problems to those who are already following Best Practice and will facilitate mobility for Northern Irish Experts to undertake CPR work in England & Wales.
- ❑ Subjects covered include:
 - a. Cost Budgets for Expert Witnesses
 - b. Duties and obligations
 - c. Expert Appointments
 - d. Instructions to Experts
 - e. Single Joint Experts (SJE)
 - f. Reports & Written Questions
 - g. Discussions (Meetings) of Experts
 - h. Concurrent Evidence (Hot tubbing)
 - i. Sanctions
- ❑ The PD particularly draws attention to the new Model Form of Expert Witness CV issued by the Judicial Committee in January 2015. This was designed for insertion in the Model Form Of Expert's Report to which the PD also draws attention.

Accreditation

- ❑ The PD also introduces the Court's expectation that Experts will have accreditation.
- ❑ It is recommended that Membership of The Academy of Experts be clearly shown in Reports. This should be coupled with the use of the individual accreditation seal (showing the expert's name and accreditation number) which should be affixed alongside the signature. An electronic version is also available for use.

Useful Resources

- ❑ The Model Form of Expert's Report published by The Academy of Experts.
- ❑ The Model Form of Expert Witness CV published by The Academy of Experts.
- ❑ Northern Ireland Court Service Online
www.courtsni.gov.uk
- ❑ The Academy of Experts.
www.academyofexperts.org

Expert's Declaration

This Declaration should be inserted between the end of The Report and the Expert's signature.

For arbitration and tribunal proceedings you should use the appropriate declaration.

I **[Insert Full Name]** DECLARE THAT:

- 1 I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty 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 my duty.
- 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 evidence.
- 5 I will advise the party by whom I am instructed if, between the date of my report and the trial, 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.
- 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;
 - 11.1 my report will form the evidence to be given under oath or affirmation;
 - 11.2 questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
 - 11.3 the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
 - 11.4 the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
 - 11.5 I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;
 - 11.6 I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
- 12 I have read Practice Directions No. 7 of 2014 and 1 of 2015 and I have complied with their requirements.
- 13 I have acted in accordance with the Code of Practice for Experts.

STATEMENT OF TRUTH

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Discussions Between Experts

Joint Statement Declaration

For all civil cases in Northern Ireland this Declaration 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.

Experts' Signatures Date.....

The Academy of Experts

The Academy

Located in Gray's Inn TAE was founded in 1987 with the objective of providing, for the first time, a professional body for experts to establish and promote high objective standards.

Although there is representation on the Academy's Council from the legal profession the majority of the officers, including the Chairman, are practising Experts - The Academy of Experts (TAE) is run by Experts for Experts and those using them.

Training and development

TAE offers a comprehensive range of training programmes to enable members to develop their expert skills, and undertake Continuous Professional Development activity. Courses range from basic Role and Responsibilities through to the requirements of Procedure Rules and the practice of Giving Evidence.

TAE is also a training and accreditation body for ADR Neutrals, including Mediators, Conciliators and Expert Determiners. It publishes and maintains The Register of Qualified Dispute Resolvers and awards the designatory letters QDR to those achieving the approved standard. Standards are enforced in exactly the same way as for experts.

Accreditation of experts

All applicants to TAE who wish to become Accredited Practising Expert Witnesses undergo a rigorous vetting procedure to ensure standards of excellence are maintained. This is the process which gives the officially recognised full accreditation as a Practising Expert. Those achieving it are awarded the designatory letters MAE. Ethical and professional standards are underlined by Codes of Practice and enforced by a disciplinary committee.

ADR

The promotion of Cost Efficient Dispute Resolution became increasingly important to TAE. It is now a major force in the introduction and development of Alternative Dispute Resolution (ADR) and has led to the development of the Faculty of Mediation and ADR.



Range of services

TAE provides a full range of services to its members including:

- Technical Helpline
- Bespoke Training
- Technical Meetings
- Magazine and regular newsletters
- A detailed Expert's Handbook for Practical Guidance
- A regular survey of expert's fees
- Regular meetings on matters of expert interest
- Social functions

TAE provides a number of services which assist both Academy members and the legal profession including:

- ExpertSearch Finding and matching the right accredited expert to the case.
- Full training & accreditation of Commercial Mediators. The Academy awards the qualification QDR (Qualified Dispute Resolver) to members on its register.
- Mediator Appointment Service - Finding the right accredited mediator.
- Membership also open to lawyers.