

Volume 18 - Issue 4

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This and past editions of 'update' are available from: [members.academyofexperts.org](http://members.academyofexperts.org)

**Member's Information**

All of The Academy's information is available for Members from the Member's website.

This includes:

- Guidance
- Publications
- Reports
- The Member's Handbook
- Model Terms of Engagement

[members.academyofexperts.org](http://members.academyofexperts.org)

Further information about any-thing contained in this publica-tion may be obtained from The Academy of Experts

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# From the Chairman



July is a relatively quiet month for Academy members - at least in terms of formal events. However some of us have greatly enjoyed two social events of the year - The Gray's Inn Treasurer's Reception and the trip to the site of the London Olympic Park. Both were sold out. I have heard very favourable reports from the Olympic Park trip which was greatly enjoyed by all who went. Our thanks go to Steve Arthurs for making the visit possible. And the sun shone on the Treasurer's Garden Party in the Walks, and a most enjoyable evening was had by all.

**Internet Register**

It has not been quite so quiet in the background, however. Renewals for the Internet Register have recently gone out, and I urge all those of you with entries both to pay swiftly and to ensure that the content of your entries are up to date and accurate. I am constantly surprised at the number of members who do not request a listing on the Register, or do not keep their listing current. In these difficult times for experts it must be one of the essential,

and easiest, marketing tools you can utilise. We are in an age when most people looking for experts will instinctively turn to the web first. So if you are not already on the Register, think again - and take up a listing. Details, as usual, from the office.

**MoJ**

The Ministry of Justice's policy work on reducing the costs of experts in publicly funded cases, continues - and has been given greater urgency by the current attempts at reduction in public spending. Nicola Cohen and I have continued our meetings with MoJ representatives, and we have been working with them on a set of questions to experts designed to help inform the MoJ's approach. Whilst a cap on legally aided fees is inevitable, we hope to ensure that the basis of remuneration is logical, and that the level remains acceptable at the very least. A questionnaire will shortly be circulated requesting your responses to the questions. **All** members should respond - even if you do no publicly funded

*cont page 2...*



*Clockwise from top left: Academy Members on the Olympic Tour Bus, construction of the Athletes' Village, The main Olympic Stadium*

## From the Chairman

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work - there is an ever-present danger that these moves will be followed by attempts to limit expenditure on all court experts. Your help is required in putting our case as cogently and powerfully as possible so that we can continue to protect the interests of experts.

### Immunity

You have also all already received, by e-mail, a short questionnaire to assist TAE in formulating its response on the question of the retention, or removal, of expert witnesses' immunity from civil suit. We understand that the Supreme Court is likely to hear the related case early in the New Year, so again I urge you to let us have your responses as soon as possible to allow us to formulate The Academy's formal position.

### Working Together

There is a common theme here - The Academy is its members - you. The Chief Executive, her team and the elected officers all do their utmost both to provide membership services to support members' work, and to protect the interests of members and experts generally. But we need to know what it is you want and need, and to have your assistance in securing it. Your participation is essential if we are all to continue to thrive. Please respond to all requests for help or information - it is the sum of the responses that gives The Academy's arguments their influence and weight.

In the meantime, our usual programme of technical evening meetings will resume in September. Your thoughts and ideas for topics of concern - on both expert and ADR matters - are always welcome. The formal notice of the AGM and of the election of Officers and Council members appears elsewhere in this 'update', and details of the President's Dinner on November 2nd, at Butcher's Hall, have gone out. There is plenty to inform, involve and entertain you - I look forward to meeting as many of you as possible at all of our forthcoming events.

**Phillippa Rowe  
Chairman  
August 2010**

## LSC - Changes to Terms for Experts

Important changes to the payments that the Legal Services Commission will make for expert witness costs are being introduced in 2010.

The 2010 Standard Crime and Civil Contracts, which come into force later this year, will:

- ❑ Remove experts' cancellation fees from the scope of funding other than in exceptional circumstances;
- ❑ Remove experts' administration costs from the scope of public funding;
- ❑ Cap the remuneration rates for travel time to £40 per hour; and
- ❑ Cap the mileage rates to the current guidance for solicitor travel, currently 45p per mile.

Clearly these are quite dramatic changes and all Experts who undertake publicly funded work are advised to make themselves fully aware of the changes.

### Crime Contract Changes

The new 2010 Standard Crime Contract came into force on 14 July 2010. The relevant changes to the funding of experts in Crime cases can be found in paras 5.38-5.51 of the 2010 Standard Crime Contract - Specification (Part A).

[www.legalservices.gov.uk/criminal/contracting/10652.asp](http://www.legalservices.gov.uk/criminal/contracting/10652.asp)

### Civil Contract Changes

The new 2010 Standard Civil Contract will come into force on 14 October 2010. The changes to funding of experts in Civil cases can be found in paras 4.21-4.27 and 6.63 of the 2010 Standard Civil Contract - Specification (document listed as 'Sections 1-6 - General Provisions - Dec 09 (827kb)' on our website).

[www.legalservices.gov.uk/civil/8758.asp](http://www.legalservices.gov.uk/civil/8758.asp)

## ADR Corner

### Compulsory Mediation

The Italian government has become the first in Europe to introduce mandatory mediation for all civil and commercial disputes.

It will be a requirement in all disputes that a mediation has been undertaken before it can be determined by a Judge in court.

This legislation will take effect from March 2011.

### Observerships

QDR Members will know that TAE is stepping up its aim of trying to provide as much experience, by way of observerships, as possible.

All Academy appointments now have an observer subject to the parties' consent.

If you are mediating please consider



giving an Academy member this opportunity whenever possible.

In addition to being a tremendous training aid and a requirement for going onto many panels, observers (sometimes referred to as assistant mediators) can also be of valuable help to the Mediator when used properly.

We are currently working on an online 'exchange' to simplify the process but until this is live please contact TAE if you have a slot available.

## Forensic Science Regulator

### Codes of Practice & Conduct

In 2009 the Forensic Science Regulator, Andrew Rennison, published a consultation paper comprising of a core set of forensic science standards. On 5th August he published the first response to the consultation.

*“Following considerable consultation among many forensic experts and other stakeholders I am pleased to announce the publication of a final draft of my ‘Codes of Practice and Conduct for Forensic Science Providers and Practitioners in the Criminal Justice System’. These Codes derive from the 2009 consultation on ‘Quality Standards for Providers of Forensic Science Services to the Criminal Justice System’ and the feedback we received. They will, when finalised, set the quality standards framework including supplementary requirements for accreditation to BS/EN ISO 17025, a standard that is already in place for most forensic science laboratories.”*

There will be a short period for final consultation on the Codes and all interested parties are asked to consider them carefully and send feedback by September 10th 2010 using the form available on the Regulator’s website. These Codes are the first stage of what is intended to be a single quality standards framework for forensic science used in the Criminal Justice System to replace the ad hoc

approach to standards used over previous years.

The requirements in the Codes and appendices are aimed at three levels:

1. the provider organisation;
2. practitioners; and
3. scientific methodology.

The Codes explicitly apply to all organisations and practitioners whose primary role is to provide forensic science services into the Criminal Justice System in England and Wales, whether government, commercial or police service.

The Academy will, of course, be making its own submission to the Regulator. Members are asked to send TAE their thoughts and comments before the end of August to give time for them to be incorporated.

The Codes are available as an electronic version only, and can be downloaded from:

[www.homeoffice.gov.uk/police/forensic-science-regulator/reports-publications/](http://www.homeoffice.gov.uk/police/forensic-science-regulator/reports-publications/)



## Notice of Annual General Meeting

Notice is hereby given that the Annual General Meeting will be held at 1300 on Wednesday 13th October 2010 at, 3 Gray’s Inn Square, Gray’s Inn, London.

### Agenda

- 1 Apologies for absence
- 2 To approve the minutes of the AGM held on 12th October 2009 – published in ‘update’ Volume 17 Issue No 7
- 3 Matters arising
- 4 Chairman’s Report
- 5 Treasurer’s Report including adoption of accounts for the year ending February 2010.
- 6 To appoint the Auditors for the year 2010-2011
- 7 Election of Officers (Chairman, Deputy Chairman, Vice Chairmen, Secretary and Treasurer)
- 8 Election of Council Members (4 vacancies)
- 9 To approve 2010-2011 subscription levels
- 10 To adopt an amendment to the constitution (section 4.5) as follows:

“The day to day administration of The Academy shall be under the control of a Chief Executive or other designated appointee who shall be appointed by the Executive Committee on the Council’s delegated authority.”

- 11 Any other Business

# NEWS & ANNOUNCEMENTS

## Gordon Slynn Memorial Lecture

The first Gordon Slynn Memorial Lecture, in honour of The Academy's former President will be taking place on Wednesday 10<sup>th</sup> November.



The Master of the Rolls will be giving the lecture and has now confirmed the title of the talk to be - 'Has Mediation had its day?'

There will be a limited number of places available to members for the lecture. A formal registration form will be sent closer to the date. In the meantime members may register an interest by emailing the TAE office.

## Judicial Appointments

### TCC

The Lord Chief Justice has announced the appointment of Mr Justice Akenhead as Judge in Charge of the Technology and Construction Court with effect from 1<sup>st</sup> September 2010. He succeeds Mr Justice Ramsey whose term of office comes to an end on 31<sup>st</sup> August 2010.

The role of Judge in Charge involves overall responsibility for the TCC list, including assigning the judges of the court to cases.

### JSB

Following consultation with the Lord Chancellor, Kenneth Clarke QC, the Lord Chief Justice, Lord Judge, has appointed Lady Justice Hallett DBE to be Chairman of the Judicial Studies Board.



She will take over on 1<sup>st</sup> July from Lord Justice Maurice Kay who steps down after three years in the position.

Dame Heather sits on The Academy's Judicial Committee.

## Seminar - Mediation in Wales

The Cardiff launch of SCMA (Standing Conference of Mediation Advocates) is taking place at the Cardiff Law School on Wednesday, 24<sup>th</sup> November at 2.00pm. There is no charge for attendance and Academy members who are local to Wales may find this of interest.

For further details please contact the TAE office.

## International Construction Law Conference 2010 Hong Kong

The Academy is a supporting organisation of the International Construction Law Conference, run by the Society of Construction Law, which is taking place in Hong Kong on 5<sup>th</sup>-7<sup>th</sup> December.

Academy members are entitled to a HK\$750 discount off the non-supporting organisation rate. Further details are available from the website or directly from [adr@hkiac.org](mailto:adr@hkiac.org).

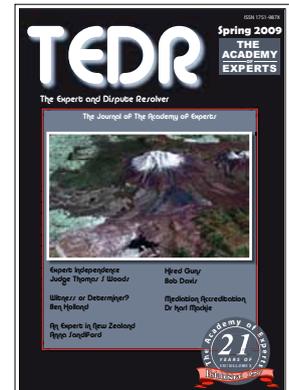
## TEDR

### Articles & Adverts

The closing date for submissions to The Expert & Dispute Resolver is 15<sup>th</sup> October.

If you would like to submit an article or take advantage of the advertising opportunities it presents please either call the office or send an email to:

[tedr@academy-experts.org](mailto:tedr@academy-experts.org)



August	
Monday	30 ↗ Bank Holiday
September	
Monday	6 ↗ Gray's Inn Hall reopens for luncheon
Monday - Tuesday	13-14 ↗ Foundation Course
Wednesday	15 ↗ Evening Meeting
Tuesday	21 ↗ Into Court
Wednesday - Thursday	22-23 ↗ Mediation Training - Module 1
October	
Tuesday - Wednesday	5-6 ↗ Law & Procedure - new course
Friday	8 ↗ ICAEW Forensic Conference
Monday	11 ↗ Mediation Training - Module 2
Tuesday	12 ↗ Mediation Training - Module 3
Wednesday	13 ↗ Annual General Meeting
Wednesday	13 ↗ Evening Meeting
Thursday - Friday	14-15 ↗ Expert Determination Course - (2 Days)
November	
Monday - Tuesday	1-2 ↗ Commercial Mediation Assessment (2 Days)
Tuesday	2 ↗ President's Dinner
Wednesday	3 ↗ TAE Council
Wednesday	10 ↗ Gordon Slynn Lecture
Wednesday	17 ↗ Role & Responsibilities - Hong Kong
Thursday	18 ↗ Into Court
Thursday	18 ↗ The Expert's Report - Hong Kong
See <a href="http://members.academyofexperts.org">members.academyofexperts.org</a> for more dates	

### Key to events:

- ↗ Academy Courses
- ↗ Academy Events & Meetings
- ↗ External/Joint/Supported Events

**Unless otherwise shown all courses/ meetings will be held in London**

## Pass it on

If you are interested in becoming an Academy Tutor please let us know as we are currently looking for experienced experts and mediators to join the team.

Prior experience of tutoring is preferred but not essential.

email: [admin@aracs.co.uk](mailto:admin@aracs.co.uk)