

Volume 18 - Issue 6

Inside this issue

From the Chairman	1-2
Code of Conduct	2
MoJ Consultation	2
ADR Corner	2
Annual General Meeting	
Minutes	3
Academy Diary	4

This and past editions of 'update' are available from: 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

Further information about anything contained in this publication may be obtained from The Academy of Experts

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From the Chairman

It is hard to believe that Christmas is almost upon us, and that The Academy is coming to the end of another packed year. But there is still plenty going on.

Gordon Slynn Memorial Lecture

Last month saw the occasion of our first Gordon Slynn Memorial Lecture (our previous "ADR Lecture" renamed in honour of our late past President Lord Slynn of Hadley). Lord Neuberger, The Master of the Rolls, gave a very thoughtful - and thought-provoking - lecture under the title of 'Has Mediation had its Day?' It was very well received by the audience of especially invited guests and Academy members, and we are very grateful to David Neuberger - and to Hogan Lovells for the use of their lecture theatre and their generous hospitality afterwards.

Evening Meetings

We have our December technical evening meeting on Wednesday 8th December with a talk from District Judge Monty Trent, who strongly believes in effective case management, and will be giving a personal view from the Bench on Experts and their Reports. He is also a strong supporter of ADR and Mediation, so the evening promises to be very interesting indeed. Our evening meetings are always a sell-out and this is no exception having 'sold out' within 24 hours. More meetings are currently being planned for the new



year and suggestions are, as always, very welcome.

CPD

Talking of ADR, the Faculty of Mediation and ADR has now confirmed the amendments to the QDR Mediators' CPD programme to meet the requirements of the Civil Mediation Council's accreditation of us. Details will be going out to all Mediator members shortly.

Our website has for some time now been ably masterminded and produced by Dominic Stanton, and his recent enhancements to it have been well received. Building on his work, Council has now decided to commission a major overhaul and updating of the website and invitations to tender have been sent out.

Fees

The question of experts' fees is one which never goes away, and with the recent change of government has come a new and revised consultation on experts' fees in publicly funded cases. It seems much clearer than before that there will be a reduction in these fees, but I nonetheless urge you all to respond to the new public consultation - details elsewhere in this edition. It won't take much of your time, and is very important - even if you do no publicly funded expert work, this move



Members and Guests at the Gordon Slynn Memorial Lecture

From the Chairman

...cont from page 1

could - as we repeatedly remind you all - eventually have implications for all experts' fees. The Academy itself continues to liaise with the MoJ and will also be responding to the consultation (see below).

Happy New Year!

Otherwise, it merely remains for me to wish you all the very best for a Happy Christmas and prosperous New Year - and to look forward to seeing as many of you as possible at the Chairman's Lunch on January 28th, and at our annual "That Was the Year that Was" Seminar immediately beforehand.

Phillippa Rowe
Chairman
December 2010

New Code of Conduct - valid from 1st March 2011

This Code, valid from 1st March 2011 applies to all TAE members and is in addition to the Code of Practice for Experts and the Code of Conduct for Mediators.

Preamble

This Code of Conduct applies to all Members of The Academy irrespective of their membership category and grade.

In addition to this Code of Conduct there are Codes of Practice for Members both when acting as Experts or Dispute Resolvers with which Members must comply with. A Member should also comply with General Professional Principles:

These include:

- Being a "fit and proper" person

- Having and maintaining a high standard of technical knowledge and practical experience in their professional field

- Keeping their knowledge up to date and undertaking appropriate continuing professional development and training.

The Code

- 1 Members shall at all times act with integrity.
- 2 A Member shall not act in such a way as is likely to bring discredit on himself or The Academy of Experts.
- 3 A Member shall comply with all appropriate Codes of Practice and Guidelines.

Public Funding Consultations

Following the publication of the Jackson report and the Government's spending review the Ministry of Justice has now published its consultation papers on Civil Litigation Funding and the Reform of Legal Aid.

The plans will withdraw public funding from a large number of civil cases in an attempt to reduce by £350 million the legal aid bill – amongst those affected will be family disputes and clinical negligence. It is expected that there will be a 10% cut in the fees paid across the board and this will include experts.

The Academy will be preparing a response and as ever would ask members to give their views on the subject.

A survey will shortly be distributed to help with member feedback.

As the closing date of both of the

consultations is 14 February 2011 there is not much time for preparation. Early responses from members would, therefore, be most helpful.

On Publicly Funded Experts:

"The rationale for the proposed reforms is to reduce the costs of expert witnesses in legally aided proceedings. The objective of codifying the LSC's benchmark rates for experts and reducing by 10% is to make payments to experts more predictable and bring costs under greater control. The 10% reduction in fees is designed to reduce overall expenditure on experts, which should contribute to the savings required from legal aid."

Links

<http://www.justice.gov.uk/consultations/consultations.htm>

The questions (Q39) directly relating to Experts are:

Do you agree that:

- there should be a clear structure for the fees to be paid to experts from legal aid;
- in the short term, the current benchmark hourly rates, reduced by 10%, should be codified;
- in the longer term, the structure of experts' fees should include both fixed and graduated fees and a limited number of hourly rates;
- the categorisations of fixed and graduated fees shown in Annex J are appropriate; and
- the proposed provisions for 'exceptional' cases set out at paragraph 8.16 are reasonable and practicable?

ADR Corner

More Mediation?

Mediation and its role in the mainstream Civil Justice system is a matter of hot debate at the moment.

For many years ADR proponents have been trying to make Mediation less of an 'alternative' and more the favoured route to dispute resolution. Now under the new government and minister Jonathan Djanogly we may

just be taking a step closer to seeing this in reality.

Civil Mediation Council

The Civil Mediation Council AGM will take place on 15th December at 1630 at the Chartered Institute of Arbitrators. The meeting will be considering changes to the constitution as well updates on accreditation and publishing members details.



Minutes of the AGM

Minutes of The Annual General Meeting held at 3 Gray's Inn Square, Gray's Inn, London, WC1 on Wednesday 13th October 2010

Present: R Swan – Deputy Chairman, in the Chair and Members

Apologies: The President, Vice Presidents
Messrs Britten, Compton, Johnson, Gardner, Narula, and O'Neill.

The Chairman welcomed and thanked everyone for attending the meeting.

1 Minutes of AGM held on Monday 12th October 2009

The minutes of the AGM were adopted and signed by the Deputy Chairman

2 Matters Arising

There were no matters arising.

3 Chairman's Report

The Chairman's report had been published in 'update' Volume 18 Issue 5 and was taken as read.

There being no questions the report was adopted at the meeting.

4 Treasurer's Report

The Chief Executive presented the accounts to the meeting on behalf of the Treasurer.

There were no questions on the accounts. However it was noted that there had been an increase in income which was very positive whilst expenditure had been carefully managed.

The meeting recorded its thanks to those involved and in particular to Ben Johnson, the Deputy Treasurer for his work over the last year. The accounts were adopted by the meeting nem con.

5 To appoint the Auditors for the year 2009-2010

The Chief Executive stated that the Executive would like to propose Greenaways as the auditors for the coming year. They had completed the last two audits for the Academy. These had been done efficiently and at less cost than in previous years.

It was agreed by the meeting that Greenaways be reappointed as auditors.

6 Election of Officers

The Chief Executive stated that nominations had been received as follows:

Chairman Phillippa Rowe

Deputy Chairman Richard Swan

Vice Chairman Lorna Thomas

Secretary Charles Gardner

Treasurer Sam Narula

They were declared elected unopposed.

7 Election of Council Members

The Secretary declared that there were four vacancies for Council and that at the close of nominations 3 nominations had been received and they were duly elected.

Mia Caldwell

Andrew Mainz

Nigel O'Neill

It was noted that there was a further vacancy which was unfilled.

8 Subscriptions

Council had considered the matter of subscriptions and were mindful of the current economic climate and it was their recommendation that they should now be increased by not more than 5% rounded. This was agreed.

9 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."

The Chief Executive presented the proposed amendment to the constitution which was adopted.

10 Any Other Business

The Chief Executive stated that Council wished it to be noted that the Code of Practice will be amended with effect from 1st March 2011 requiring that all practicing members (whether QDRs or Experts) have a minimum of £1 million professional indemnity cover.

It was agreed that this change should be specifically drawn to members' attention via 'update' highlighting the current level of the premium via The Academy's members' insurance scheme.

The Chief Executive on behalf of the Members thanked all the retiring members of Council for their contribution.

The meeting closed.

NEWS & ANNOUNCEMENTS

New Code of Conduct

A new general Code of Conduct for members was adopted at the Council Meeting in November and applies all Members. It should be noted that this Code will come into force from 1st March 2011 (see page 2). The Code is in addition to the Code of Practice for Experts and the Code of Conduct for Mediators.

PI Insurance

Members will be aware that the Code of Practice requires all members to hold a minimum level of Professional Indemnity Insurance.

Currently the requirement is as follows:

- ❑ Expert Witness - £500,000
- ❑ Mediators - £1 million

The required contribution in 2010-2011 for these were:

- ❑ £500,000 - £105
- ❑ £1 Million - £110

At the Annual General Meeting held in October it was agreed that the minimum for Experts should be brought in line with that for mediators and raised to £1 million from 1st March 2011.

Members who contribute to The Academy's Group Scheme will automatically have their level of cover raised when membership renewal invoices are sent out in February.

Members are reminded that they must arrange to have adequate cover in place at that date.

Note that 'adequate cover' includes that the member is specifically covered for Expert Witness or other Dispute Resolution work as appropriate.

Judicial Committee

Congratulations to Hon Mr Justice Bean, who currently sits on The Academy's Judicial Committee, on his recent appointment as a Commissioner of the Judicial Appointments Commission.

Mediation re-Accreditation

The Academy is currently preparing its next advanced course for qualified mediators on 21st January. This will be a full day course that satisfies both The Academy's and the CMC's annual training requirements.

Chairman's Lunch RAF Club, Piccadilly Friday 28th January 2011

Arrangement for next year's Chairman's Lunch and Seminar are now well under way. The Lunch will see Mrs Phillippa Rowe QDR FAE continue in her second year as Chairman.

A registration form for the lunch is available from the member's website - alternatively - call the TAE office to register.



Diary Dates

December

Wednesday	8	➤	Evening Meeting
Friday	24		TAE Office closes for holiday period
Saturday	25		Christmas Day
Sunday	26		Boxing Day

January

Saturday	1		New Year's Day
Tuesday	4		TAE Office reopens
Monday	24	➤	Foundation Course
Tuesday	25		
Tuesday	27	➤	Into Court
Friday	28	➤	Seminar 'TWTYTW 2010'
Friday	28	➤	Chairman's Lunch

February

Tuesday -	8-9	➤	Law & Procedure ^{NEW}
Wednesday			
Wednesday	9	➤	Evening Meeting

March

Tuesday -	8-9	➤	Expert Determination
Wednesday			
Wednesday	9	➤	Evening Meeting
Monday -	14	➤	Foundation Course
Tuesday	15		
Friday	18	➤	EuroExpert Symposium
Wednesday	23	➤	Into Court

April

Wednesday	13	➤	Evening Meeting
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May

Tuesday -	10	➤	Law & Procedure
Wednesday	11		
Wednesday	11	➤	Evening Meeting

See members.academyofexperts.org for more dates

Key to events:

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

Christmas Closing

The Academy office will be closed over the Christmas period from noon on Christmas Eve. We will be reopening in the New Year on Tuesday 4th January.

The Officers and Staff of The Academy would like to take this opportunity to wish all members a merry Christmas and a happy, and prosperous New Year.

Merry Christmas

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