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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

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'update'

From the Chairman



Dear Members

Firstly I would like to remind members that next week we have our President's Dinner and there are still a few places left for this prestigious event.

For those who have not been before, the President's Dinner is an excellent way to meet other members of The Academy with the opportunity to network. Members are welcome to bring guests and new members and those who have not attended before will be met and hosted by an experienced member who will be delighted to introduce you to other members of The Academy.

We have a new venue this year, the Pewterers Hall and if the weather is kind we will be able to enjoy a drink in the garden before moving inside for a very enjoyable evening. If you have not yet booked and would like to do so, please get in touch with the office - 020 7430 0333.

Member contributions

Secondly, it is important that Academy members feel that they can get involved with the work of The Academy and there are many ways in which you can do this. Recently we sent an email asking for those members who

have experience of 'Hot Tubbing' to take part in a survey so that The Academy could respond on behalf of our members as part of their involvement with the Civil Justice Council.

The Academy of Experts is a member of the Civil Litigation Review Working Group of the Civil Justice Council. The Working Group is currently undertaking a survey about the process of 'hot-tubbing' in legal proceedings in England and Wales, and if applicable elsewhere.

As well as seeking comment from the legal professions the working group would like to hear from any experts who have presented their evidence either to a court or to an arbitration, via the hot-tubbing process.

Although the opportunity to take part in this particular survey (<https://goo.gl/fJw2oA>) was due to close at the end of May the CJC has extended it until 5.00pm on 6th June - so you still have time!

Do please keep an eye out for future requests for your help. Our active contributions both as an organisation and a group of individuals are always very well and gratefully received.

continued inside...



From the Chairman continued

...continued from page 1

We, as TAE members, are privileged in that The Academy is a member of or has connections with many organisations and professional bodies who are involved in changing the way in which we as Experts and Mediators work. As members we should take every opportunity to get involved and make our voice heard.

Please let us know...

As well as the surveys that we ask members to be involved in from time to time (see the next page for details of the upcoming TAE Fee Survey), it is very useful if members could alert us to any issues or articles that you feel may be of interest to other members in your profession or members of The Academy in general. We are always looking for articles and information to print in 'update' or 'The Expert & Dispute Resolver' [TEDR]. Don't worry that someone else may have already sent the information in, Nicola and her team are excellent at ensuring we are kept up to date but they do need help so it is better that they have the information more than once than not at all!

TAE Meetings and Events

You will receive information in the coming months about the various events that The

President's Dinner

Pewterers' Hall - Wednesday 8th June

This year we will be celebrating the President's Dinner in Pewterers' Hall.

Returning to the traditional summer slot means that, weather permitting, we will be starting with an outside reception in the Gardens at 7.30pm before moving to the stunning Livery Hall for dinner.

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'.

If you would like to be a part of the evening call Dominic or David to book a place.



Tickets for this unique evening are just £100+vat - call us now on:

020 7430 0333

Academy is organising. Not all of them are in London and we hope that those who find it difficult to get to the London events will be able to attend a meeting nearer to them.

We are always looking for venues around the country and speakers who would be available in the area so that we can reach out to as many members as possible. Do let us know if you would like to be involved in arranging an event near you

or have a suggestion for a location, a speaker or even a joint event.

Finally

I am looking forward to meeting members old and new at next weeks President's Dinner, do please book if you haven't already, tickets are running out fast!

**Sue Bayram
Chairman
June 2016**

New Fellows

Fellows ("FAE")

A Fellow shall be an individual who has been a Full Member for at least two years and who is qualified in his own profession or calling and who is able to demonstrate an appropriate standard of professional competence, knowledge and experience in acting as an Expert or Expert Witness in the giving of expert evidence and knowledge of legal procedures and the law of evidence ("Fellows").

Gaining the status of 'Fellow of The Academy of Experts' has never been an easy task. In the entire 29 years history of The Academy there have been less than one hundred elected.

In 2015 there was just one new addition to the list.

Congratulations are more than wholeheartedly deserved by the four new Fellows - including our first Malaysian and Northern Irish Fellows:

Jon Chick FAE
Civil & Structural Engineer
Ipswich



Tim Hopkins FAE
Surveyor
Belfast



Lieh Sieng Soh FAE
Construction Contract Consultant
Negeri Sembilan



Shaun Walbridge FAE
Chartered Certified Accountant
Plymouth



The State of Mediation - 7th CEDR Audit

At the Civil Mediation Council annual conference on 12th May The Centre for Effective Dispute Resolution (CEDR) announced the results of its most recent Mediation Audit.

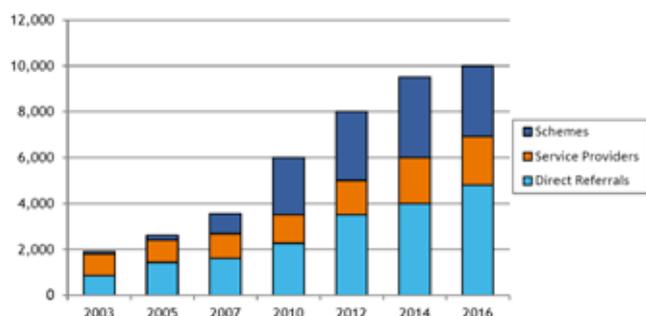


The audit, run in conjunction with the Civil Mediation Council, is the seventh audit that CEDR has conducted in the last 14 years. The biennial audits are a valuable source of data on various aspects of the UK mediation landscape, including settlement rates, perceptions of mediation standards and priorities for development.

The audit is available for download from <http://goo.gl/55q10P>, we show, here, a few trends that will be of interest to members.

Direct Referrals

There is a pattern of clients making referrals directly to their chosen mediators rather than seeking nominations from providers continues - 70% of ad hoc cases are being handled on this basis (as compared to 66% in 2014; 71% in 2012, 65% in 2010, 60% in 2007, 55% in 2005 and 45% in 2003).



It should be noted, though, that lawyers taking part in the survey showed that 45% of cases still go through providers such as TAE - albeit to named mediators.

How much to charge?

A question we are often asked by Mediators, Experts, Parties and lawyers is 'how much should I charge/pay?'

The chart below shows a wide variation in daily charging rates - at one end the less experienced mediators seem almost to be mediating for experience whilst at the other end rates of more than £7,000 per day suggest some mediators are making a healthy living from the profession.

| | 2016 | 2014 | 2012 | 2010 | 2007 |
|-----------------|-------|-------|-------|-------|-------|
| Pro bono only | 10.4% | 8.1% | 7.4% | 10.3% | 9.1% |
| Under £500 | 6.3% | 4.0% | 5.3% | 5.8% | 8.5% |
| £501 - £1,250 | 17.4% | 22.1% | 24.0% | 22.4% | 29.1% |
| £1,251 - £2,000 | 17.4% | 16.8% | 18.1% | 19.2% | 17.0% |
| £2,001 - £2,500 | 8.3% | 14.8% | 14.6% | 10.9% | 10.3% |
| £2,501 - £3,000 | 9.7% | 12.1% | 8.2% | 7.7% | 9.7% |
| £3,001 - £3,500 | 8.3% | 7.3% | 4.7% | 9.0% | 6.7% |
| £7,001 - £7,500 | 1.4% | - | - | 0.6% | - |
| £7,501 - £8,000 | 0.7% | - | 0.6% | 0.6% | - |
| £8,000 - £8,500 | 1.4% | - | - | - | - |
| £8,500 + | 2.8% | 1.3% | 1.8% | - | - |

- ❑ Average fees of the less experienced mediator group for a one-day mediation have risen by 8.6% over the past two years to £1,545 (2014: £1,422; 2012: £1,517; 2010: £1,390).
- ❑ Average fees for more experienced mediators have risen by an even larger amount, 17.8%, to £4,500 (2014: £3,820; 2012: £4,279; 2010: £3,450).

Who is mediating?

The wide variation in fees may be explained in part by the fact that the mediation market is still dominated by a select few at the top end.

The audit shows that there is still a group of around 145 individuals involved in around 85% of all non-scheme commercial cases (i.e. an average of around 40 cases each). This suggests that more competition is developing albeit ever so slowly - since the last audit in 2014 the size of this group has grown by just 15 individuals from 130.

TAE Fee Survey

The Academy periodically undertakes a survey of Experts Fees and Practice Management along similar lines to the CEDR Mediation Audit.

The last survey was conducted four years ago and so we expect to see a number of changes in the results - in particular how experts are marketing themselves

The survey will cover the twelve month period from January 2015 to December 2015.

The survey is being launched in the next couple of weeks and our tests of the draft show that it should only take about 5-10 minutes of your time.

We always want the survey to be as comprehensive as possible so if you know any other experts then please direct them to

our website or forward this email to them so that they can participate in the survey. This year we will also be targetting lawyers - the users of experts - to see how their views may differ from ours.

Please note that the survey is anonymous - the data we receive will be used for statistical purposes only.



DIARY, NEWS & ANNOUNCEMENTS

Lawyers or Experts as Mediators?

The 7th CEDR Mediation Audit has thrown up a number of interesting points (*see inside for more details*) but one in particular should be encouraging to TAE members.

For the first time less than half (43%) of the respondents were legally qualified. This is a continuation of the trend identified in previous Audits (2014: 52%; 2012: 62%). The Audit report suggests that this decline in the proportion of lawyer mediators is attributable to increased engagement of the other professions rather than a specific reduction by the legal profession.

Whilst the proportion of lawyers within the Advanced group remains higher, at 57%, this too has fallen in recent years (2014: 60%; 2012: 70%).

Evening Meetings

London - 13th July

Online Dispute Resolution - Graham Ross

ODR or ADR? This meeting will provide an opportunity to understand what ODR is and how it is developing and the challenges it will present to those involved.

Graham Ross is Founder and President of TheMediationRoom.com. He is a UK lawyer and mediator with over 20 years experience in IT and the law. Graham is the founder of LAWTEL, the popular web-based legal information update service and currently sits on the Civil Justice Council's ODR Advisory Group.

Leeds - 22nd September

The Judge's View - HH Judge Mark Raeside QC

HH Judge Mark Raeside QC will be speaking to members about the 'Judge's View'. He is currently the Judge in Charge of the Technology and Construction Court in the North East Region.

He specialised for nearly 25 years in domestic and international litigation and arbitration in the construction, civil engineering, energy, IT and telecommunications and professional negligence sectors. He was appointed as a Specialist Senior Circuit Judge in 2013.

Psychologists as expert witnesses

The Family Justice Council (FJC) and the British Psychological Society have published '*Psychologists as expert witnesses in the family courts in England and Wales: Standards, competencies and expectations*'.

The joint FJC and MoJ standards for experts in the family courts in England & Wales form the basis of a mandatory minimum standard to guide all stakeholders when instructing experts in family proceedings.

The new guidance should be read alongside these standards and provides information to all stakeholders regarding the use of psychologists as expert witnesses in the family courts, with a focus on regulation, codes of conduct, competencies, supervision/peer review and quality of service. A useful checklist is also included.

<https://goo.gl/0l3o15>

Garden Party

Gray's Inn Treasurer's Reception - 22nd July

As ever The Academy is very grateful to The Honourable Society of Grays Inn for the opportunity for TAE Members to attend this special event. Full details to be distributed shortly.

Philip Mackey QDR MAE

Members will be very sad to hear that Philip Mackey MAE, a Water Engineering Expert and TAE Council Member, has passed away. He was a popular figure in the Academy, faithfully attending TAE evening meetings and events.

A thanksgiving Service is being held at Solihull Methodist Church 11.30am. All welcome at the Church and afterwards at Olton Golf Club. Family flowers only, donations in lieu for British Heart Foundation and Marie Curie.

He will be greatly missed.

Diary Dates

| | | |
|---------------------|-------|--|
| June | | |
| Monday | 6 | Gray's Inn Hall Reopens |
| Wednesday | 8 | ↗ Council |
| Wednesday | 8 | ↗ President's Dinner |
| Friday | 10 | ↗ Into Court |
| Tuesday - Wednesday | 14-15 | ↗ Foundation Course |
| July | | |
| Tuesday - Wednesday | 5-6 | ↗ Expert Determination |
| Thursday - Friday | 7-8 | ↗ ICAEW Foundation Course |
| Wednesday | 13 | ↗ Evening Meeting |
| Thursday - Friday | 14-15 | ↗ Mediator Assessment |
| Friday | 22 | ↗ Gray's Inn Treasurer's Reception |
| Friday | 29 | ↗ Expert Determination Assessment Deadline |
| August | | |
| Monday | 29 | Bank Holiday |
| September | | |
| Monday - Tuesday | 12-13 | ↗ Foundation Course |
| Tuesday | 20 | ↗ Into Court |
| Thursday | 22 | ↗ Report Writing Course |
| Thursday | 22 | ↗ Evening Meeting - Leeds |
| Tuesday | 27 | ↗ Expert Witness Refresher |
| Wednesday | 28 | ↗ Report Writing Masterclass |

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