

From the Chairman



A New Year!

Happy New Year to one and all and may 2002 be the best year yet. I must admit the break was very welcome. The excitement before Christmas was difficult to contain...

Codes of Guidance

The Master of Rolls published a press statement in which neither The Academy's nor the working party's Code's of Guidance were adopted. He stated:

'it is not for me to attempt to adjudicate on the relative merits of the two guides. The Academy guide has been in use for two years and has been cited in recent judgements'.

The press release was issued on 20th December, just in time for people going on holiday to miss it! There are now two codes in circulation, one which has been in use for two years and one which has not yet been used. In sections, in particular the Meetings of Experts, they are in absolute conflict and for all practical terms I personally consider the Working Party's guide to be unworkable.

It was nice to see, however, that the Master of the Rolls' department did adopt some of the



The Academy
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points of The Academy and the cross referencing with the CPR. It does however give some confusion in that the actual guide published was not that approved by the Working Party - it has been unilaterally amended on more than one occasion since the Working Party was disbanded months ago.

It is unfortunate that Sir Louis Blom-Cooper issued a press release which sought to blame The Academy for the problem. Sir Louis made the statement that The Academy was fully represented on the Working Party. The Academy was not however on the drafting party and our previous Chairman Richard Freeman even asked for his name to be removed from the Working Party list as he strongly disagreed with the drafting.

I am personally disappointed that the position has arisen where there are now two guides in existence. Unfortunately it has been perceived that the delay has been as a result of rivalry between The Academy and the EWI. I can assure you that it is not the case. The Academy sought only to pursue that which was best for the industry. We authorised the Master of the Rolls to remove The Academy's name from the guide if that would help.

continued inside

January

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2002

Diary Dates

January

Tuesday	8	Nottinghamshire Medico-Legal Society Talk 'Woolf revisited' - Nottingham
Thursday	10	Commercial Mediation - Module 2
Friday	11	Commercial Mediation - Module 3
Thursday	17	Commercial Mediation - Module 4
Friday	18	Commercial Mediation - Module 5 (Assessment)
Friday	25	Special CPR Seminar - Codes of Guidance
Friday	25	Chairman's Lunch

February

Wednesday	6	CPR For Experts
Thursday	7	Evening Meeting - Leeds
Monday	11	Foundation Course
& Tuesday	12	(2 Day Course)
Tuesday	12	Joint Meeting with Southern Branch CI Arb - Winchester
Tuesday	19	The Expert's Report
Wednesday	20	Into Court
Wednesday	27	Law for Experts & Dispute Resolvers

March

Friday	1	EuroExpert Conference - Paris (formerly November 2001)
Friday	8	ILEX Conference - Stratford upon Avon
& Saturday	9	upon Avon
Monday	18	Expert Conference - Hong Kong
Friday	22	Into Court
Monday	11	Hong Kong Training Series - Two Weeks
Friday	25	

April

Friday	5	Day in Court - Royal Courts of Justice
Wednesday	10	The Expert's Report
Tuesday	16	Expert Determination

Further dates are available from
www.academy-experts.org/members

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

INSIDE this issue

From the Chairman	1	Council Contacts	3
Training Update	2	PI Scheme	3
Members' Web site	2	Announcements	4

From the Chairman

continued from front page

Nevertheless we have a fait accompli and everybody will have to live with it.

Onwards

We must however continue to pursue that which is best. I am not sure how the Working Party will seek to update the code from experience, as it no longer exists, whereas The Academy's Code is live and is being updated in accordance with feedback from members and others with experiences in the field. Please continue to give us feedback so that we can maintain an up-to-date workable code. I know that this statement may sound like sour grapes but it is not. It is a statement of pure disappointment at the situation which now exists.

The positive aspect of course is that it happened last year and we must ensure that we continue to set a standard of excellence for experts and use it to make a good start to the New Year.

We have much to do.

Roger Trett
January 2002

Web Site

www.academy-experts.org/members

For those of you who have not yet visited the Academy's Members' area there is a growing source of day to day information on it designed to help you in your Expert work - back copies of 'update' being the latest addition.

Perhaps most importantly of all though, the Special Interest Groups, which have been mentioned before in 'update', are now a reality.

Members can now (and indeed do) communicate with each other to:

- discuss topics within an area of discipline or shared interest
- seek and give advice to and from fellow members
- provide comment on issues of concern
- discuss consultation papers

If you've not looked at the site you are urged to - it is there for **you**.

New & Updated Courses

CPR has brought many changes to an already continually evolving profession.

We are constantly urging you to keep up to date and revise your working practises to keep 'current'.

So, for the new year we are taking a dose of our own medicine we have updated all of our courses (part of a continuing process anyway) and more importantly have made some major revisions.

The first is that the CPR Compliant Expert becomes **CPR for Experts**. This course now incorporates the new CPR Code of Guidance and highlights some of the differences between the practices under the protocols and the rules. In addition the interrelationship with CPR and ADR is now looked at for the Expert who may become involved.



Mediation Training

Keeping up to date

We are currently reconsidering the requirements for retention on the Register of Qualified Dispute Resolvers. It is essential that everybody who has the qualification should be at a minimum standard and should comply with best practice.

If you have any views on the 'requirements' we should be pleased to hear from you as soon as possible. Please mark your correspondence 'QDR Retention'. It may be sent by mail, email or fax.

Already Qualified?

With the increasing interest in Mediation and other forms of ADR we are seeing an ever increasing number of appointments for the members of our Register of QDRs.

If you have been trained as a mediator by an organisation other than us it is still possible (and relatively painless) to get on the Register and to become a QDR. If you are interested please let us have details of your training and of any experience you may have. We will then let you have full details of the applicable requirements.

Allowances for Court Appearances

Issued by the Lord Chancellor's Department the rate bands have not changed since 1999 but, for information, the guidance to Crown and magistrates' courts as to what experts may reasonably charge, at that time were:

Consultant medical practitioner, psychiatrist, pathologist:

Preparation (examination/report)	£58-£64
Attendance at court (full day)	£288-£415

Fire (assessor) and/or explosive expert

Preparation (full day)	£46-£67
Attendance at court (full day)	£232-£332

Forensic scientist (inc. questioned document examiner), surveyor, accountant, engineer, medical practitioner, architect, veterinary surgeon, meteorologist

Preparation (per hour)	£39-£83
Attendance at court (full day)	£188-£408

Fingerprint

Preparation (per hour)	£28-£46
Attendance at court (full day)	£139-£232

Mileages and overnight allowances (increased)

Expert witnesses in criminal cases who cannot use public transport to reach court may now claim 45p per mile for getting there by car. The overnight allowance for experts giving evidence in criminal courts in central London is now £85.25.

If however, you choose to use your car when public transport is available to travel to court, mileage may only be claimed at the 'public transport' rate of 25p per mile.

If the overnight stay is at an hotel in the provinces the allowance is £55.25.

Although these rates are for criminal cases they can be useful as a guide in civil cases as well. The next anticipated review of allowances is thought to be spring 2002.

Regional Training

With the increasing frustrations of travel and the increased interest in mediation around the country it occurs to us that there may now be a call for training sessions to be held in different centres.

We are prepared to run follow up training for QDRs as far afield as Plymouth and Newcastle. It just needs the demand. If you would participate please let us know and we will try to oblige.

PI Scheme

More Problems for Experts

For many years Experts have been heard to say 'who needs insurance'. The Academy has according to some been out on a limb insisting that members carry Professional Indemnity insurance.

You will probably be unaware of the number and complexity of problems that can be faced and it therefore should not be a surprise to learn that as our Scheme comes up for renewal we have a number of 'incidents' being dealt with by underwriters as claims under the policy. In fact in the last few months there have been more incidents reported than we are aware of for the last ten years.

Nobody needs insurance until a potential claim arises and that is the time you cannot buy cover. Are you satisfied that your cover is in order? If you only have the basic £500,000 cover on our Scheme consider increasing it to £1 million. The cost is negligible and is tax deductible. Remember that the cost of 'winning' a claim against you can be very substantial and that top class legal advice is not cheap.

If you are retiring from practice do not forget to obtain 'run off' cover – remember it can be years before past problems come home to haunt you. The Academy's Scheme has a special run off facility for retired members.

All of this may not be considered bad news – unless you are one of those with a claim hanging over your head. However in the wake of 11th September reinsurers are not only excluding 'terrorism' (which is probably unimportant with professional indemnity) but are increasing premiums. This inevitably has an effect on Experts.

We Academy members already benefit from an incredibly cost effective Scheme - £50 for £ 500,000 or £75 for £1,000,000 of cover. With the new rates we still have a tremendous value Scheme. So many members have told us of the substantial savings they have made that we are confident that even with the basic increase our Scheme still will represent first class value at a fraction of the normal market rate. This is of course one of the by products of our Vetting Procedures.

The Academy of Experts Executive Officers & Members of Council for the year 2000-2001

Since the initial publication of this year's council details several members have provided us with amended details. For ease of reference the complete list is republished below.

	Telephone	Fax	Field
Chairman			
Roger Trett*	020 7600 2211	020 7600 3818	Construction
Deputy Chairman			
Gordon Stirrat*	0117 928 5291	0117 927 2792	Medicine
Vice Chairmen			
John Bishop*	020 7490 4000	020 7490 2545	Solicitor
Philip Newman*	020 7831 0222	020 7831 2239	Barrister
Secretary			
Charles Gardner*	01525 261412	01525 261512	Solicitor
Treasurer			
Stephen Hiscock*	07020 900014	01689 811693	Banking
Immediate Past Chairman			
Richard Freeman*	020 7353 1577	020 7353 6435	Accountancy
Chairman Emeritus			
Michael Cohen*	020 7637 0333	020 7637 1893	Insurance
Council Members			
John Brailsford	0115 966 3101	0115 966 4456	Surveyor
Rodney Broom	01626 202202	01626 202203	Engineering
Noel Burne	01892 664055	01892 665755	Engineering
Guy Cottam	01225 723364	01225 723377	Engineering
Kenneth Cumming	0161 428 1072	0161 428 3421	Medicine
Roberta Dowding	+34 952 430045	+34 952 430045	Medicine
Tony Farrow	0161 928 9004	0161 928 8699	Surveyor
Steve Hannaford*	01978 790390	01978 790490	Fire Engineer
Don Ives	01480 462350	01480 462350	Engineering
Robert Jackson	0161 295 3712	0161 295 4043	Engineering
Owen Keane	020 7224 0451	020 7486 1470	Barrister
Dr Roger Maddrell	01793 812479	01793 812089	Civil Engineering
Derek Parry	01395 578141	01395 512775	Finance
Colin Passmore	020 7628 2020	020 7628 2070	Solicitor
Antony Sober	020 7490 7766	020 7490 5102	Accountancy
Iain Tolmie	0191 213 5144	0191 284 5079	IT
James Torr	01753 888023	01753 888033	Civil Engineering
Augustus Ullstein QC	020 7831 2626	020 7831 0626	Barrister
Christina Williams	020 7435 4030	020 7435 5636	Medicine
Veronica Wood*	01483 453955	01483 302391	Employment
Ian Wright	020 7583 7355	020 7353 2144	Barrister
Nigel Zoltie*	0113 237 1010	0113 237 0336	Medicine

* Denotes Member of Executive

ANNOUNCEMENTS

Congratulations

Our congratulations go to **Dr Sam Nariman FAE** who has recently been elected as a Fellow of The Academy. Dr Nariman lives and works in Hong Kong in the field of Respiratory Medicine.

The Expert & Dispute Resolver

The Academy's Journal - The Expert & Dispute Resolver - is published three times a year. Although it is published by Deesons much of the editorial work for the journal is performed by members of The Academy.



We are currently looking to expand the 'team'. If you would be interested in becoming 'assistant editor' to the journal please contact the office. Whilst 'useful' prior experience is not a requisite it would of course be of help.

Chairman's Lunch & CPR Codes of Guidance Special Seminar - Friday 25th January

As we go to press there are still a few places left for this year's Chairman's Lunch. The seminar on the CPR Codes of Guidance is, however, full although there is a waiting list.

If you would like to attend the lunch at the RAF Club please contact the office as soon as possible (tickets are £41.13 inc vat).

Renewals

Next month renewal notices will be issued to all members (subscriptions are frozen at the same rate as last year). If you would prefer to pay via direct debit this is your last chance to complete the forms in time for this year. Please contact the office for the forms if you would be interested in this more convenient form of payment.

Disciplinary Committee

As a result of having been appointed to The Academy's Disciplinary Committee **Dr Roger Maddrell FAE** has stood down from the Executive Committee.

'update'

As we enter into the tenth year of 'update' we would ask you for a return contribution - are there any areas which you would like to see covered which are not - are there any sections which you do not find to be of use - are there any other useful suggestions you might have?

'update' is a member's newsletter - your views are therefore important.

Please do let us know what you think.

Cases

Peet v Mid-Kent Healthcare Trust,

The Times 19 November 2001

Reported in the Times, this case in the Court of Appeal involved the question of an SJE attending a conference with one party alone.

Observant members will already have noticed that this question is covered by the Academy's 'Code of Guidance for Experts and Those Instructing Them':

19.9 A single joint expert should not attend any meeting or conference that is not a joint one, unless all parties have first agreed in writing.

This point was picked up by Lord Woolf in his judgement where he said the code 'admirably summarised the position'.

Academy enclosures in this mailing

- The Expert & Dispute Resolver
- Evening Meeting Notice

OFFICERS of THE ACADEMY OF EXPERTS

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President

The Rt Hon The Lord Howe of Aberavon CH QC

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The Academy of Experts 2002