

# The Academy of Experts

THE  
ACADEMY  
OF  
EXPERTS

# EXPERT WITNESS TRAINING IN HONG KONG

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

November 2017



HKAM - ATTEND ALL COURSES AT ACADEMY MEMBER RATES

# Course Programme

Courses are split into two types - **Fundamental Training** which is suitable for Experts of all levels of experience and training and **Advanced Courses** which require prior training and experience as an Expert Witness.

To book on any of the courses shown here please use the registration form attached or send an email to - [reservations@aracs.co.uk](mailto:reservations@aracs.co.uk). All dates shown are subject to final confirmation.

Details of these and other courses are available from [www.academy-experts.org](http://www.academy-experts.org) - please note that these courses are also available as in-house or bespoke courses.

## ROLE & RESPONSIBILITIES OF THE EXPERT

**27th November 2017**

The role of the Expert is becoming more sharply defined with the development of the new rules. This course satisfies the increasing need to know and keep 'up to date'.

- Who and what is an Expert
- The role and duties of the Expert
- Instructions and their implications
- Terms of Engagement
- Fact Finding, early evaluation and pre-trial advice
- Code of Practice for Experts
- The Expert Report and Model Form
- The Meeting of Experts - procedures and problems
- The Expert Witness tomorrow
- First Steps into Court

This course has been designed for those wishing to become Experts and is also a valuable 'refresher' for the experienced Expert.



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# THE EXPERT'S REPORT

**28th November 2017**

The Expert's Report is your most important piece of evidence -it may be your only evidence.

Your report needs to reflect your independence and impartiality.

- What the Expert needs to know and do prior to writing the Report
- Errors and traps in the use of plain English
- What Counsel expects from the Expert's Report
- Evaluating Experts' Reports
- What your instructing solicitor fears about Expert's Reports
- Introduction to The Judicial Committee's Model Form of Expert Report

This course covers the theory and practice of the art and science of Report Writing.

The course is designed to help the Experienced Expert evaluate and upgrade his reports and for the less experienced to establish the 'right standard'.



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# GOING INTO COURT

**29th November 2017**

As an Expert you will be judged on the quality of your evidence - not just the quality of your opinion.

The courtroom can be a challenging and confrontational environment. If you are called to give evidence in the Witness Box you need to be confident of your courtroom skills.

As well as technical accuracy you must take into account:

- How and when to prepare for court
- Giving evidence
- Roles, duties and conflicts
- How to make the best of any situation
- Lawyers' techniques and how to handle them
- How to introduce yourself and your expertise
- How to survive cross-examination
- Practical sessions and feedback

This course is designed to give you the knowledge and experience of being in court.

You will have the opportunity to be cross-examined by a practising Barrister in a relaxed environment with a chance to learn from and to correct your mistakes, as well as to improve your technique before you go into the box.

The course is suitable as both an introduction to the art of success and survival in court and as a refresher for the experienced.



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# ESSENTIAL UPDATE

**TBC March 2018**

This course is designed to help you keep up to date with changes that could affect your practice.

Areas covered include:

- Best practice in Hong Kong and other jurisdictions
- Updates to High Court Rules and how they may impact your practice
- Discussions between experts
- Codes of Practice and Conduct
- Additional Professional Requirements

The day is designed to be very interactive with a special '**Problem Solving**' session in the afternoon giving you the opportunity to take advantage of our experience and expertise. As a practical day based on the recent changes affecting experts each course will be different depending on latest cases and developments.

## ADVANCED COURSE

**Attendees must have a minimum of two years Expert Witness experience as well as prior experience of dedicated Expert Witness training or equivalent.**

## Outline Programme

### Practice Update

Considering the legal environment in which Experts operate including:

- significant cases;
- latest developments;
- compliance

### Expert's Potpourri or how to come out smelling sweetly

Facilitated Discussion covering a variety of subjects – for example:

- Essential features & differences between an Expert Witness and an Expert Advisor
- Does the forum change the role and Report? [eg Court – Arbitration - Mediation]
- Your CV – what should it say and will it damage you?
- 'Where is the line for Experts and how to avoid it'

### Problems Surgery including 'things going wrong'

Interactive session for participants to share and discuss problems including those they have experienced in their expert practice:

- "If it can, it will"
- recognising early enough that something might not be right
- identifying the 'problem'
- strategies for avoiding and for exiting whilst not prejudicing professional status

**ADVANCED COURSE**

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# REPORT WRITING MASTERCLASS

## TBC - March 2018

Rules change and requirements and compliance for Expert Reports become more onerous year by year. Dedicated to examining the Expert Witness Report in depth this course is a practical hands on day in a safe environment with a strictly limited number of participants.

It is an opportunity for sharing best and bad practice in Expert Report writing and making certain your Report does not let you (and the client - and the court) down.

This advanced course is designed for Experts with significant experience of writing expert witness reports (whether Civil, Criminal or Family).

This is a practically based course focussed on fine tuning and enhancing your existing skills and techniques and is only open to experienced experts.

Emphasis will be placed on identifying and correcting common errors and bad habits that can build up over time. You will learn how to keep your report relevant and helpful to the court whilst providing a sound platform for your evidence and cross-examination.

### ADVANCED COURSE

Attendees must have a minimum of two years Expert Witness experience as well as prior experience of dedicated Expert Witness training or equivalent.

### Key Points

- Refresher
- Improve your overall report
- Update on Best Practice and Rules Compliance
- Report analysis and correction
- SJE Reports - problem areas
- Identifying and breaking bad habits
- Who can you trust for feedback?
- Avoiding Judicial criticism



ADVANCED COURSE

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# EXPERT DETERMINATION

## Date to be confirmed

As litigation becomes less acceptable and more expensive Expert Determination is becoming an increasingly attractive alternative for parties in dispute.

Although experts might instinctively feel that as Expert Witnesses they would have no problems with Expert Determination, the reality is rather different. There are many pitfalls which need to be avoided and procedures which must be followed.

Adding Expert Determination to your skillset can open up new work and income streams. Learn how to 'do it right' and take advantage of the new opportunities.

This is a two day technical course which will deal with all you need to know to get started and run an Expert Determination.

### Key Learning Points

- What is Expert Determination
- The differences between Expert Determination and Arbitration, Adjudication and Early Neutral Evaluation.
- The Determination process
- Getting Started
- Potential problems areas and solutions
- The Determination
- How to write it
- Giving Reasons
- Publishing the Determination
- Getting Paid

### Key Outcomes

At the end of the course you should have a full understanding of the processes and applications of Expert Determination.

You should be knowledgeable enough to successfully run an Expert Determination and work effectively with lawyers and clients alike

The Academy's Panel of Accredited Expert Determiners is open to those reaching the required standard - this course is one of the pre-qualifying requirements.



ADVANCED COURSE

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# The Academy of Experts

## The Academy

Now located in Gray's Inn, London, 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 is run by Experts for Experts and those using them.

## Training and development

The Academy 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.

The Academy 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.

## The Judicial Committee

The Academy's Judicial Committee is chaired by a Supreme Court Judge, and consists of Lords Justice of Appeal and other Senior Judges from the United Kingdom and a Permanent Judge of the Hong Kong Court of Final Appeal.



The Judicial Committee has been responsible for a number of important documents and guidance notes for experts.

The Judicial Committee's publications have included:

- The Model Form of Expert's Report
- Guidance Notes on The Meetings of Experts
- Guidance Notes on Contingency Fees for Experts.

## Accreditation of experts

All applicants to The Academy 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.

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## ADR

The promotion of Cost Efficient Dispute Resolution became increasingly important to The Academy. 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

The Academy 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

The Academy 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 the legal profession.

## Why Train?

Expert Witnesses in the public and private sector are coming under increasing pressure: clients expect more, the media's watchful eye finds more to reveal. Newspapers, professional journals and news programmes appear to find the exploits of Experts to be irresistible. Increasingly judicial comment and individual criticism by judges is drawing an unwelcome spotlight onto the Expert.

New constraints and standards with which Experts have to comply are appearing in many jurisdictions and more are promised. Being an Expert Witness requires more than just being an Expert. Expertise is essential but learning how to use it in the legal arena is extremely important.

Academy Training strikes the right balance and helps both the experienced expert and the newcomer to learn how to 'do it right' in private **before** going into the public glare of the courtroom.

### General comments on the course.

EXCELLENT INTRODUCTION TO WHAT IS INVOLVED IN BECOMING AN EXPERT WITNESS. GOOD COMBINATION OF THEORY AND PRACTICAL ASPECTS.

EXCELLENT INSIGHT INTO JUSTIFYING OPINIONS, CONCLUSIONS, ETC IN A COURTROOM ATMOSPHERE. COUNSEL CROSS-EXAMINATION TECHNIQUES WERE A REAL "EYE OPENER".



# Tutors

All of the Academy's courses are conducted under the supervision of a team of experienced Academy tutors. Their disciplines are very different and this is one of the strengths of this successful team. Included in the Academy's team are:

## **Michael Cohen** Course Director

LL.B, FCI Arb, QDR, FAE, Barrister  
Chairman Emeritus of The Academy of Experts



Michael Cohen is deeply involved in the world of Dispute Resolution. He is Director of The ADR Centre London, a Qualified Mediator, Chartered Arbitrator as well as an Insurance Expert.

As Chairman of The Academy of Experts he was responsible for the professional standards and training of Experts and Dispute Resolvers around the world. He is very much involved in the various reforms effecting Experts in different jurisdictions.

He is a course director and a regular tutor as well as being an established contributor to professional journals and a frequent conference speaker. Like most of the tutors he has in excess of ten years experience working in Hong Kong.

## **Duncan Barnes** MA FCA QDR MAE



Duncan Barnes is a Chartered Accountant of many years standing. As an accountant in public practice he deals mainly with the affairs of family companies, owner managed enterprises and trusts.

He began providing expert evidence in 1990 and is most often instructed in commercial, personal injury and divorce cases. He is also a mediator in business disputes and regularly provides independent advice in collaborative law processes.

In recent years he has begun his own business providing training services to the legal profession and in the public sector.

## Stephen Magnus-Hannaford

MIFireE, MIFPO, QDR, FAE  
Past Chairman of The Academy of Experts



Steve Magnus-Hannaford served in the London Fire Brigade for 15 years. He went into private practice in 1988, firstly setting up the European division of an American forensic investigation company. Since 1990 he has been an independent fire forensic consultant.

Mr Magnus-Hannaford is an experienced expert witness. He tutors loss adjusters and insurance companies on building/vehicle fire investigation techniques. He is also a registered mediator with The Academy of Experts and tutors Alternative Dispute Resolution, as well as Expert Witness topics.

## Phillippa Rowe

MA, FCII, Chartered Insurance Practitioner, FAE, QDR  
Immediate Past Chairman of The Academy of Experts



Phillippa Rowe has spent over thirty years working in international insurance and reinsurance, working primarily in the areas of claims and contract wordings negotiation. She has in-depth dispute resolution experience and in addition to acting as an Expert Witness she also acts as an arbitrator, mediator and expert adviser. She has given evidence in several jurisdictions.

Phillippa is the Immediate Past Chairman of The Academy of Experts [TAE] and was the first Dean of the Faculty of Mediation & ADR.

She is an experienced tutor and teaches several TAE courses as well as delivering in-house training and seminar lectures in the insurance market. She writes and speaks widely on insurance and reinsurance and dispute resolution subjects.

## Augustus Ullstein QC

Chairman of The Academy of Experts' Fellows Vetting Committee



Augustus Ullstein was called to the Bar in 1970 and became a Queen's Counsel in 1992. He is also a member of the Bar in Gibraltar.

He is Chairman of the Fellows Vetting Committee of The Academy of Experts and has a reputation for incisive cross-examination.

His principal area of practice is professional negligence for all professions, both for Plaintiffs and Defendants.

# Training Course Registration:



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admin@academy-experts.org

## Your Details

Mr  Dr   
Mrs  Professor   
Miss  Other:

Forename:

Surname:

Position:

Organisation/  
Dept:

Address:

Telephone:

Mobile:

e-mail:

## Your Courses

Date	Course	Rate
<input type="checkbox"/> 27th November	Role & Responsibilities	A
<input type="checkbox"/> 28th November	The Expert's Report	A
<input type="checkbox"/> 29th November	Going Into Court	B

Please tick here if you would like to be cross-examined

## CME/CPD For Specialists

Please indicate which college(s) you are a member of and whether you are a Fellow

College	M/F	College	M/F	College	M/F
Anaesthesiologists		Obstetricians & Gynaecologists		Pathologists	
Community Medicine		Ophthalmologists		Physicians	
Dental Surgeons		Orthopaedic Surgeons		Psychiatrists	
Emergency Medicine		Otorhinolaryngologists		Radiologists	
Family Physicians		Paediatricians		Surgeons	

## MCHK CME Programme Provider

Provider	M/F	Provider	M/F
Association of Licentiates of Medical Council of HK		Hong Kong Doctors Union	
Chinese University of Hong Kong		Hong Kong Medical Association	
Department of Health		Hospital Authority	
Hong Kong Academy of Medicine		University of Hong Kong	

## Payment Details:

Please make your payment directly to our Bank Account

I confirm that funds totalling HK\$ \_\_\_\_\_ have been paid on \_\_\_/\_\_\_/\_\_\_ to:

ARA Conference Services  
Hong Kong Shanghai Bank  
1 Queens Road  
Central  
511393241-001

Signed:

Dated:

## The Cost

### Rate A

TAE Member HK\$2,500/day  
HKAM HK\$2,500/day  
Non Member HK\$2,995/day

### Rate B

TAE Member HK\$3,175/day  
HKAM HK\$3,175/day  
Non Member HK\$3,995/day

## Registration & Payment

- 1) Fax the form to:  
3010 1269
- 2) E-mail your details to:  
reservations@aracs.co.uk

### Notes:

Payment should be made directly to our bank account (see opposite)

## Timings

Courses run from 9.15am - 4.45pm.

Lunch, refreshments and full course documentation are provided on the day.

## Cancellations

If you are unable to attend on the day please do send someone in your place.

If you are unable to find a replacement and wish to cancel please let us know in writing not less than 5 working days before the event. In this event an administrative charge of 50% will apply.

Cancellations within 72 hours of an event will not be reimbursed.