



**LEGAL EXPERIENCE TRAINING ANNUAL EXPERT WITNESS CONFERENCE 2020**  
**Friday 24 April 2020 10.00 - 16.30 hours.**  
**LIVE STREAM WEBINAR.**

Leading experts and lawyers offer expert witnesses the chance to explore the opportunities and challenges in their work, in a series of highly practical sessions followed by discussions and networking.

**Chair's opening address 10 - 10.10**

**A Judge/Arbitrator's View – What the Decision Maker wants from Expert Evidence 10.10 - 10.55**

The session will cover what the decision maker is looking for in an expert report (including from different fields of expertise), as output from the meeting(s) of experts and from the expert(s) during the course of oral evidence, as well as the tools the expert might provide to assist the decision maker.

**Leigh – Ann Mulcahy QC Arbitrator and Deputy High Court Judge, Fountain Court Chambers, London.**

**Break 10.55 - 11.15**

**Report Writing for Expert Witnesses 11.15 - 12.00**

This presentation will set out aspects of good practice for those drafting expert reports and highlight some of the common pitfalls that some experts fall into.

**John Mullen BSc(Hons) MSc FRICS FCInstCES FCIArb Principal and Quantum Expert, Diales.**

**Managing and Developing the Expert Witness 12.00 - 12.40**

Tim Tapper will share experiences gained in acting as an expert witness and leading and growing teams at Turner & Townsend and previously Cyril Sweett. He will cover issues, such as, peer reviewing expert work, addressing conflicts, succession planning and the thorny topic of moving from advisor to expert.

**Tim Tapper BSc MSc MRICS MCIArb Head of Contract Services Turner & Townsend.**

**Lunch 12.40 - 13.30**

**Hot Tubbing with Experts 13.30 - 14.10**

Understanding the role of experts in hot tubbing: a practical session examining the rules, procedures and practice for hot tubbing and considering the advantages and disadvantages of hot tubbing.

**Matthew Finn LL.M FCIQB FRICS FCIArb MCIInstCES Managing Director (Quantum Expert) Ankura.**

**Hot Tubbing – a Practical Role Play with Tips 14.10 - 14.55**

A role play to demonstrate the skills the expert needs to hot tub with confidence: How to present the evidence, answer questions, ask questions of the other expert and advance supporting evidence.

**Matthew Finn LL.M FCIQB FRICS FCIArb MCIInstCES Managing Director (Quantum Expert) Ankura.**

**Catherine Piercy BA (Hons) LL.M Barrister Hardwicke Chambers, London.**

**Michael Stokes BA MSc PGD Legal Skills FRICS, MCIArb Senior Managing Director Ankura.**

**Penny Harper MA (Oxon) Solicitor, Director, Legal Experience Training.**

**Break 14.55 - 15.15**

**Expert Witness Law Update 15.15 - 15.45**

**Mark James MA (Oxon), Barrister, Temple Garden Chambers, London.**

**E-disclosure for Experts 15.45 – 16.20**

Building cases, early case assessment and complying with disclosure duties. How artificial intelligence and other innovative technology can help reduce the challenges presented by the deluge of data, provide invaluable information about a case and put experts on the front foot.

**Tracey Stretton BA LLB Managing Director, Ankura.**

**Close and final questions 16.20 - 16.30**

## SPEAKER PROFILES

### **Leigh – Ann Mulcahy QC Arbitrator and Deputy High Court Judge, Fountain Court Chambers, London.**

Leigh-Ann Mulcahy QC is a leading QC at the Bar of England & Wales, a Deputy High Court Judge, a Senior Decision-Maker for the Guernsey Financial Services Commission and an international commercial arbitrator.

Her specialist fields are insurance and reinsurance, product liability, professional liability and professional discipline, administrative public law, commercial and IT-related disputes. Her practice is increasingly international in nature, in particular involving disputes work in Asia and the Caribbean.

She has advised and acted for the UK Government for over 24 years, having held the appointment of Junior Counsel to the Crown until taking silk and thereafter acting on the nomination of the Attorney-General. She also held the appointment of First Counsel to the Welsh Government from 2013 to 2016. She has a particular specialism in appellate advocacy and has acted for the successful party in five UK Supreme Court cases as well as numerous cases in the Court of Appeal. She also handles many cases involving multi-party litigation, and heavy technical and expert evidence, and is a Fellow of the Royal Statistical Society.

Ranked as a leading QC by Chambers & Partners, Legal 500, **Who's Who Legal and Legal 500 Asia-Pacific** for the fields of Insurance, Product Liability, Professional Liability and Commercial Disputes, and short-listed for Insurance Silk of the Year in 2016, directory quotes include the following: *"...a first class brain and very sound judgment"*; *"well suited to matters which are heavy on technical evidence"*; *"an incredibly good appellate advocate"*; *"ferociously bright"*; *"a very clear, polished and persuasive advocate who definitely has the ear of the court"*; *"...judges love her"*; *"at the top of her field"*; *"incredible knowledge....personable and accessible"*; *"an absolute pleasure to work with"*.

Publications include "Human Rights & Civil Practice" (General Editor), "Jackson & Powell on Professional Liability" (6th and 7th eds, Contributor) and "The Law and Regulation of Medicines & Medical Devices" (forthcoming, Contributor).

### **John Mullen BSc(Hons) MSc FRICS FCIInstCES FCIArb Principal and Quantum Expert, Diales.**

John is a chartered quantity surveyor and chartered civil engineering surveyor with over 40 years' experience of the construction industry. He has been employed by contractors and professional practices and represented public sector bodies, private sector employers, architects, quantity surveyors, insurers, accountants, contractors, sub-contractors and materials manufacturers. John trained with a national firm of contractors as a site-based quantity surveyor on building and engineering projects, contracted on traditional, cost plus, and management bases, he also worked for local small builders pricing building works. Over the last 30 years John has specialised in providing consultancy services to the construction industry. This has included pre-contract and post-contract quantity surveying activities, project management, and claims services acting for employers, contractors, subcontractors, insurers, and other construction professionals.

John has worked as expert on building projects up to \$790 million, and infrastructure projects up to \$760 million, in dispute. He has an international reputation that has led to over 70 appointments as an expert witness, including acting as joint expert. Cross-examined on numerous occasions, including several times by Queen's Counsel, John's expert commissions have involved the UK Courts, UNCITRAL, LCIA, ICC, DIAC, ADCAC, AFSA, DIS, and ad hoc Arbitrations. He has given evidence in various areas including aspects of pre and post-contract surveying; the measurement and valuation of work done; variations; termination costs and claims for suspension prolongation; acceleration; and disruption.

John's main areas of technical specialisation are in dealing with difficult final account and claims issues; valuation issues; variation issues; and claims topics including the financial effects of termination, suspension, delays, prolongation, disruption, acceleration, cost escalation, plant depreciation, preliminaries thickening, overheads, and loss of profit claims. John is co-author of two industry publications: "Evaluating Contract Claims", 3rd edition, Wiley Blackwell, 2019. "The Expert Witness in Construction". Wiley Blackwell, 2013.

### **Who's Who Legal 'Thought Leader' 2018 and 2019 and "Global Elite Thought Leader" 2019.**

**Tim Tapper BSc MSc MRICS MCI Arb Head of Contract Services Turner & Townsend.**

Tim is the head of the 70 strong UK contract services team at Turner & Townsend, based in London. He has over 25 years' experience as a chartered quantity surveyor, with over 15 of those years specialising in claims, dispute resolution and expert witness work. He provides independent advice to clients and contractors on contractual issues and quantum matters on construction and infrastructure projects, with special expertise in the avoidance or resolution of disputes before they escalate. He acts as a quantum expert witness in litigation, arbitration and adjudication, including professional negligence cases. Tim is a member of the Chartered Institute of Arbitrators and has an MSc in construction law and arbitration. He is a Royal Institution of Chartered Surveyors accredited mediator.

He has acted as a quantum expert in over 50 cases and has been cross examined in the Technology and Construction Court in London and both domestic and international arbitrations, along with representation in adjudication and mediation. Tim's experience covers a whole range of quantity surveying issues including project budgets, re-measurement, valuation of variations and claims, final accounts, cost audits, disruption and prolongations, suspension and termination. Tim has also acted as quantum expert in numerous professional negligence claims including those involving quantity surveyors and also in cases involving fraud. This experience has been on cases across Europe, the Middle East, Africa, Asia and South America and so Tim is very comfortable working on international disputes.

Tim's experience as a quantity surveyor has included working in the UK, Middle East and Hong Kong and with wide experience across the real estate and infrastructure sectors. This has involved experience with professional quantity surveying practices and contractors.

**Who's Who Legal** says: Tim Tapper is highlighted as *"a pragmatic quantum expert who is able to maintain the highest standards while helping to achieve the client's objectives"*.

**Matthew Finn LLM FCI OB FRICS FCI Arb MCInstCES Managing Director (Quantum Expert) Ankura.**

Matthew Finn has experience in claims preparation/avoidance, arbitration, adjudication, mediation, and quantum expert witness appointments in building, civil engineering, nuclear, rail, oil and gas, and building services.

Matthew has worked in the construction industry as a chartered quantity surveyor and chartered construction manager in both consulting and contracting organisations. He has worked on a range of projects for major contractors and consultancies on projects for private, corporate, and public body clients. He has advised both main and specialist contractors on commercial management, contractual issues, and the negotiation of final accounts, claims, and adjudications preparation and defence.

Matthew has been appointed on many occasions as a CPR part 35 quantum expert on construction related disputes. He has given oral evidence in UK litigation on several occasions under both traditional cross-examination and under concurrent evidence commonly known as hot tubbing. In addition to several quantum CPR part 35 expert appointments in litigation, Matthew has also acted as a quantum and delay expert in mediation and adjudication. He is listed in the RICS Expert Witness Accreditation Service included on the expert referral panel. He has successfully completed the Legal Experience Training Advanced Professional Award in Expert Witness Evidence (LETAPAEWE). Matthew is an adjudicator and arbitrator and sits on various adjudication and arbitration panels, such as the CI Arb (Business Arbitration Scheme). He is an arbitrator/ADR Official of CEDR and is included on Vantage10 panel for mediators and experts on cross-border, high value, multijurisdictional litigation. Matthew also is a practitioner for Dispute Boards MENA (Middle East and North Africa).

Prior to undertaking expert appointments, Matthew's professional experience included regional management roles within the building and civil engineering divisions of major contractors, managing multiple complex large value projects. His experience whilst working for contracting organisation was also in claims and dispute resolution. Matthew has experience and knowledge of working under all different types of contracts within building and civil engineering projects, including but not limited to, JCT, NEC, ICE, FIDIC, PFI, Procure 21, Procure 21+, EFA Design & Build, SCAPE, and PPC 2000. He also regularly provides training to large contracting companies on JCT and NEC forms of standard contracts.

**Who's Who Legal** says: Matthew Finn is a *"very enthusiastic and on-the-ball"* practitioner who has a strong practice in the litigation space. Instructing counsel comment that *"he pays good attention to detail and his ability to think creatively is very helpful"*.

**Catherine Piercy BA (Hons) LLM Barrister Hardwicke Chambers, London.**

Catherine is a successful commercial and insurance specialist with a particular focus on construction and engineering disputes, property damage and professional liability. She has a busy court and adjudication practice, acting for insurers, contractors, employers, construction professionals and insolvency practitioners. Catherine has an incredible rate of retention of clients, which shows that not only is she committed to fighting her client's case to ensure a positive outcome, but that she is personable and works well as part of the team.

Catherine appears in all levels of tribunal in procedural applications, substantive hearings and trials. Catherine has appeared in the all of the TCCs and acted in adjudications and mediations. Catherine is not only instructed when a dispute has arisen, but, as a result of the rapport she builds with her clients, she is often asked to advise clients when they believe a dispute may be about to arise.

Catherine is "*innovative and commercially minded*" and has a client focused and commercial approach to resolving disputes, giving "*good, practical advice*". She effectively manages the legal, expert and client teams to achieve the most favourable outcome for her clients. She is described by her clients as "*exceptional*" and "*phenomenally hardworking*". Chambers UK describes her as having a "*great strategic mind*" and "*proactive, brilliant with clients and gives no-nonsense advice.*"

Catherine won **Construction Junior Barrister of the Year by Chambers UK Bar Awards 2019**. She has previously also been shortlisted for "Best Woman in Construction Law" by the Women in Construction and Engineering Awards.

**Michael Stokes BA MSc PGD Legal Skills FRICS, MCI Arb Senior Managing Director Ankura.**

Michael Stokes is an internationally recognised quantum expert, with more than 30 years of experience in the construction industry. Michael has worked across all industries, but his core areas of expertise include rail (systems and rolling stock), power and process plants, pipelines, offshore platforms, stadia, major commercial buildings, including high-rise, and major infrastructure projects including ports, highways, tunnels, and airports.

He is regularly appointed as an independent expert on complex and high-value disputes. His core discipline is quantum, but he has also provided effective evidence in relation to delay and the standard of performance of quantity surveyors and project managers. Having been instructed in arbitration or litigation on more than 50 occasions, Michael has testified in a number of forums and jurisdictions including the UK, France, Denmark, UAE, Qatar, and Australia.

Some of Michael's notable appointments as an independent quantum expert include a multibillion-dollar dispute in connection with a new metro system in the Middle East, an offshore platform termination case, a 500km LNG gas pipeline in Australia and a 5,000 TPD cement plant in Qatar. All of these cases involved complex quantum issues including quantum meruit, valuation at and losses arising from termination and complex disruption analysis.

**Who's Who Legal Arbitration Expert Witnesses 2019 says**

Michael Stokes impresses market commentators with "*his efficiency, his commercialism and his practical, client-friendly approach*". They add, "*He has an impressive presence before clients and tribunals.*"

**Who's Who Legal Construction Expert Witnesses 2019 Global Elite Thought Leader says**

Michael Stokes is "*very highly regarded*" for quantum and delay matters, with interviewees lauding him as "*an excellent expert witness*". He is adept on disputes involving both quantum and delay issues and has strong international experience.

**Who's Who Legal Expert - Construction- Quantum and Delay 2019 Global Elite Thought Leader**

*Michael Stokes is a highly skilled expert with over 30 years' experience of construction quantum and delay matters in arbitrations and litigation across the UK, Australia, Qatar and Denmark.*

**Mark James MA (Oxon), Barrister, Temple Garden Chambers.**

Mark James is the author of "*Expert Evidence: Law and Practice*" published by Sweet and Maxwell. This is the seminal textbook on expert evidence and is used as a primary source of reference by the courts and practitioners. Mark is recognised as an expert in the field of costs and conducts professional negligence claims involving barristers and solicitors and other professionals. He has extensive experience in insurance-backed litigation specialising in fire and property damage claims and policy disputes. He handles high-value claims and disease litigation, insurance contract disputes and claims for fire and subsidence damage to property and business (including subrogated claims). He also undertakes construction work and general commercial work.

Mark has appeared in some of the leading cases on champerty, solicitors' retainers and other solicitor-client disputes. He frequently appears in applications for wasted and non-party costs. He represented both claimants and defendants in the cost budgeting pilot schemes for defamation and in the TCC and continues to do so now that cost budgeting is generally in use. He is commonly asked to advise in cases that raise complicated legal and technical issues (such as whether CFAs can be assigned) and has a reputation for providing incisive and practical advice. He has created a niche in the field of costs and is recommended in this area by 'The Legal 500' and 'Chambers UK'. Because of this expertise he is also frequently instructed in professional negligence claims and disciplinary matters involving claims against solicitors and/or barristers. Mark does direct access work.

**Chambers and Partners UK** "*He has the brain the size of the planet and is brilliant on very technical issues*" and "*An excellent technical lawyer and a good advocate who gives good quality, clear and concise advice.*"

**Tracey Stretton BA LLB Managing Director, Ankura.**

Tracey has 20 years' experience advising lawyers and their clients on the use of technology in litigation and investigations. Her experience in legal technologies is based on exposure to its use as a lawyer and consultant on a large number of cases in a variety of international jurisdictions.

Tracey is an attorney admitted in South Africa and has practiced as a litigation attorney in South Africa, Australia and the United Kingdom working primarily on complex commercial litigation cases in banking, fraud and insolvency. She also spent four years with Hogan Lovells, a major international law firm advising lawyers in the firm's UK, US, European and Asian offices on the appropriate use of technology in the dispute resolution process.

For 14 years she worked as an electronic evidence and legal consultant for KrollDiscovery in the UK advising lawyers and their clients on ediscovery and data privacy.

Tracey regularly speaks at conferences and has contributed to a number of books on ediscovery and has published many articles on the impact of technology on law and business, including: "*International Ediscovery, a Global Handbook of law and Technology*", published by Global Law and Business. "*Electronic Evidence and Discovery – What Every Lawyer Should Know Now*" released by the American Bar Association. Sweet & Maxwell Encyclopaedia of IT Law on the topic of "*The Management of Technology Related Risks*".

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LIVE STREAM WEBINAR**

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