

By Invitation Only

The Examination of Expert Witnesses in Accountancy in the Common Law Tradition: Direct Examination, Cross-Examination And Re-Examination

14 to 16 May 2020
at the Middle Temple in London, UK

MOCK ARBITRATION

This is a two-and-a-half-day training event for arbitration practitioners from the civil code and common law traditions in common law methods of presenting expert evidence: direct examination, cross-examination and re-examination.

The training event is based on the mock case of *Moscotels Inc. v Jack & Renée Fisher*. Twelve trainee advocates will act either as Claimant or Respondent preparing for examination of expert accountants and performing those examinations. Their preparation and performances will be reviewed by Advocate Trainers with the assistance of Expert Trainers.

The scenario is this. Both Claimant and Respondents have changed their legal teams shortly before the final hearing. The occasion for these traumas was the exchange of expert accounting reports, on which both liability and quantum depend. Each party to the arbitration has considerable internal accounting expertise, and each separately expressed concern that its legal team had not got the best from its top-notch, external expert team of accountants.

The twelve trainees who attend this course are the new legal teams which the clients have now instructed. Their brief is to improve the performance of the existing external accounting experts in the short time remaining before the evidential hearing. As a result of these late instructions, the expert teams and the new legal teams have each agreed to work consecutive days to prepare.

The mock papers will be provided to the trainees two weeks before the course.

Training Venue:

The Rutledge Suite, Middle Temple Library, Middle Temple Lane, London EC4Y 9BT

Contact:

rs@internationaladvocacy.org

IAA SPONSORS



LEARNING OBJECTIVES

1. Familiarising advocates with concepts, principles, terms and practice of accountancy;
2. Making advocates confident of dealing with arbitrations involving accounting evidence;
3. Making accountants confident in preparing to give evidence and in giving evidence in arbitrations;
4. Establishing and developing relationships between accountants and advocates for the purpose of working in future arbitrations together;
5. Providing accountants and advocates the opportunity to work together in a safe environment to develop effective working practices;
6. Providing advocates and experts the opportunity to add maximum value to the process of developing a case plan, particularly in conference, and in particular
 - a) to improve on the presentation of their expert evidence through direct examination; and
 - b) to undermine the opposing expert evidence through cross-examination;
7. Providing an opportunity to execute the case plan in oral hearing.

TRAINERS INCLUDE

Richard Samuel	3 Hare Court Chambers, London. Director of IAA.
Andrew Hochhauser QC	Essex Court Chambers, London
Paul Stanley QC	Essex Court Chambers, London
Colin Edelman QC	Devereux Chambers, London
Robert-Jan Temmink QC	Quadrant Chambers, London

TRAINING PROGRAMME

Thursday 14 May

- 2.00pm Registration in the Rutledge Suite, Middle Temple Lane.
- 2.30pm Introduction to the course
Andrew Hochhauser QC and Richard Samuel
All together in one group: 12 Claimant trainees, 12 Respondent trainees.
- 2.45pm ***In three groups by way of choice (pre-registered):***
EITHER
Introduction to accounting terms for the advocate
Our sponsors answer trainees' questions about accounting rules.
OR:
Introduction to common law-evidence taking for civil code lawyers
Richard Samuel.
OR:
Talk about and demonstration of witness examination basics
Andrew Hochhauser QC and Paul Stanley QC.
- 4.15pm Coffee.
- 4.30pm Talk about and demonstration of examination of experts
Andrew Hochhauser QC, Paul Stanley QC and Colin Edelman QC
All together in one group: 12 Claimant trainees, 12 Respondent trainees.
- 6.00pm Training session ends.
- 7.00pm Drinks and canapés courtesy of IAA's sponsors at Humble Grape Fleet Street, 1 St Bride's Passage, London EC4Y 8EJ.

Friday 15 May

- 9.00am Case analysis and development of case plan
In two groups: 12 Claimants and 12 Respondents, each group with four trainers and four experts.
- 10.30am Coffee.
- 11.00am Case analysis and development of case plan
In two groups: 12 Claimants and 12 Respondents, each group with four trainers and four experts.

- 12.30pm Review of case plan
In two groups: 12 Claimants and 12 Respondents, each group with four trainers and four experts.
- 1.00pm Sandwich lunch in the Rutledge Suite.
- 2.00pm Conference with expert
In eight groups: teams of three advocates (Claimant or Respondent), each group with one trainer and one expert.
- 3.30pm Coffee.
- 4.00pm Conference with expert
In eight groups: teams of three advocates (Claimant or Respondent), each group with one trainer and one expert.
- 5.00pm Case plan review
In eight groups: teams of three advocates (Claimant or Respondent), each group with one trainer and one expert.
- 6.00pm Training session ends.

Saturday 16 May

- 9.30am Voluntary tutored preparation of examination of accountants.
- 10.30am Coffee.
- 11.00am Examination of accountants
In four groups: two teams of three advocates (Claimant and Respondent), each group with two trainers and two experts.
- 1.00pm Sandwich lunch in the Rutledge Suite.
- 2.00pm Examination of accountants
In four groups: two teams of three advocates (Claimant and Respondent), each group with two trainers and two experts.
- 4.00pm Training programme ends.