



THE  **TIMES**

The Times and Bond Solon Expert Witness Survey 2021

**Annual Expert Witness Survey
in collaboration with The Times**

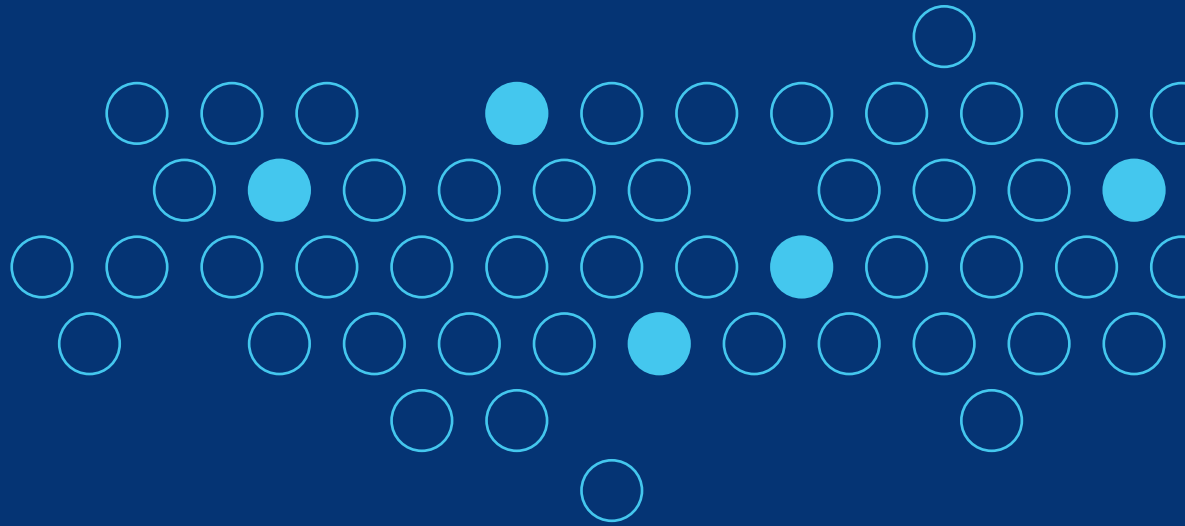
Published on 4 November 2021





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The survey was conducted online from 7 September 2021 to 30 September 2021 and 691 experts took part, making it one of the largest expert witness surveys conducted in the UK. We did not conduct a survey last year due to the Covid 19 restrictions and so some of the answers this year are compared to those given in 2019. The appendices set out the individual comments to some of the questions.

This report provides some analysis of the results of the survey that I hope you will find interesting and useful.

I would like to thank *The Times* newspaper for the collaboration with us. Thank you also to the expert witnesses who completed the survey.

Mark Solon

Question 1:

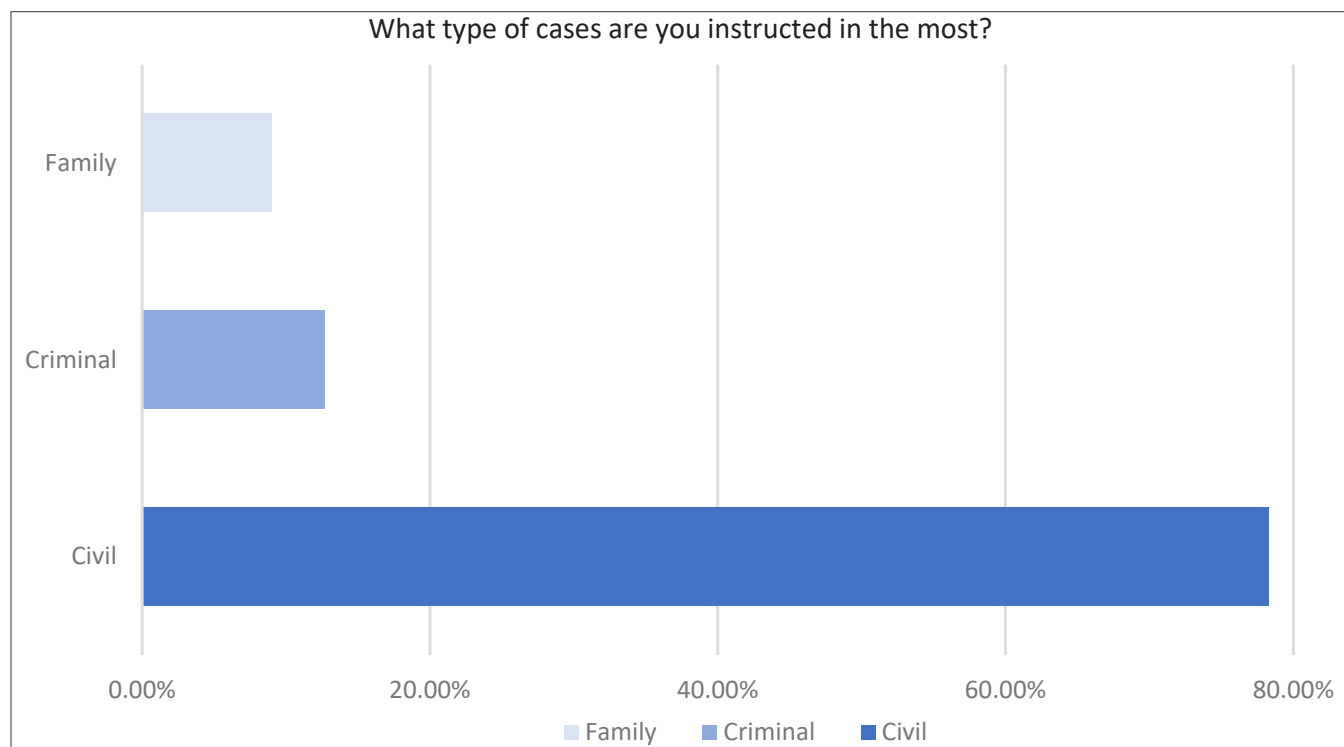
What is your area of expertise?

Please see Appendix 1 for the full list



Question 2:

What type of cases are you instructed in the most?



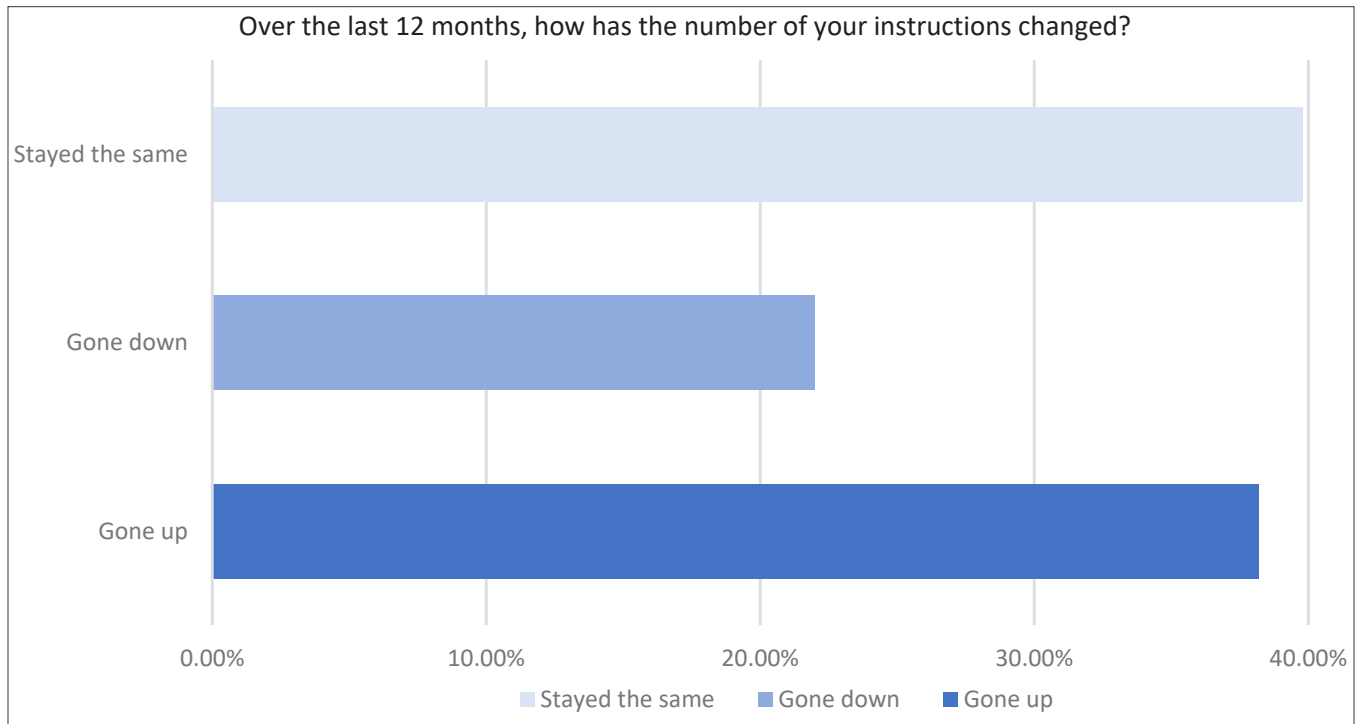
| | % | Responses |
|----------|--------|-----------|
| Civil | 78.30% | 508 |
| Criminal | 12.70% | 82 |
| Family | 9% | 58 |

Total responses: 648

The majority of experts who responded are involved primarily in civil matters although there may be some overlap and experts may be involved in all three areas. Rates of pay in civil matters are higher than criminal and family matters, often due to legal aided limitations. There is some analysis of the rates for report writing in the responses to Q4.

Question 3:

Over the last 12 months, how has the number of your instructions changed?



| | % | Responses |
|-----------------|--------|-----------|
| Gone up | 38.20% | 240 |
| Gone down | 22.00% | 138 |
| Stayed the same | 40% | 250 |

Total responses: 628

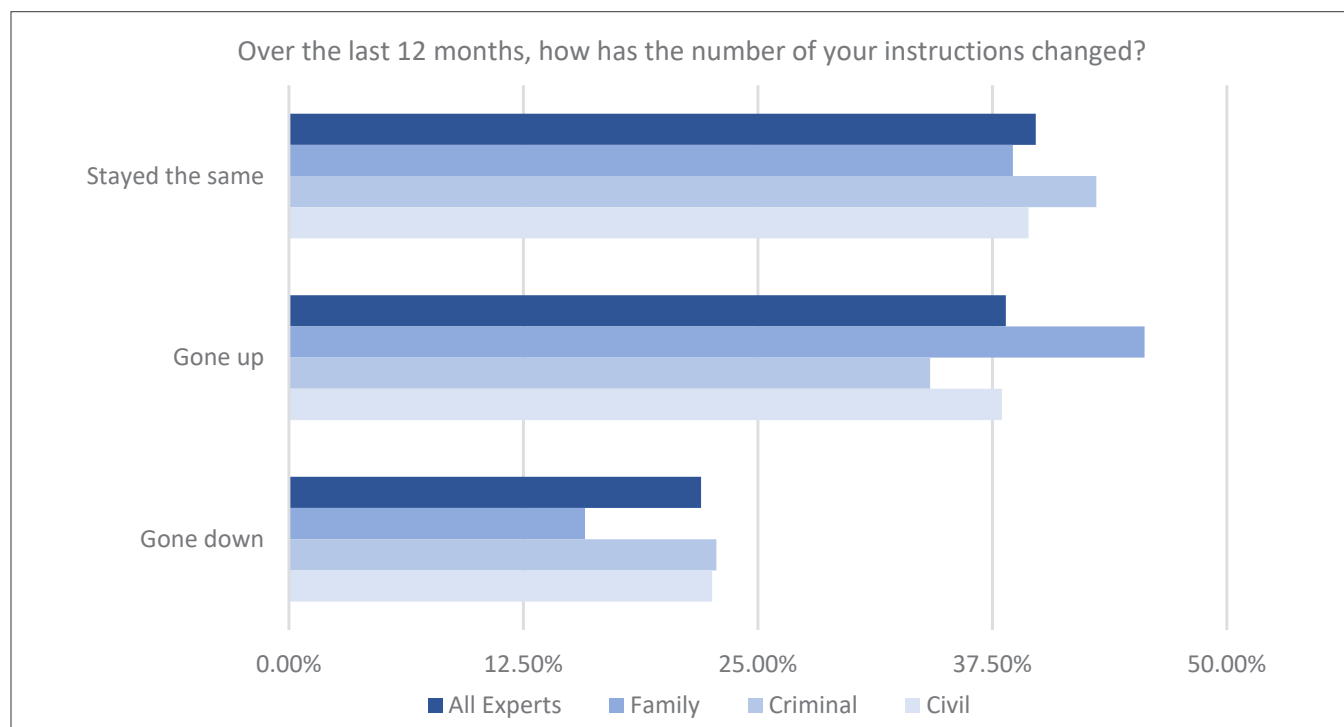
Some 40% of the experts said the number of instructions had stayed the same but a similar number said they had gone up. Even in this extraordinary time, it seems litigation still flourishes and needs the services of expert witnesses.

Reasons given for the variation include: the effect of the pandemic (depending on the area of expertise, either to increase work, as criminal activity or family pressure and breakdown have gone up; or to decrease work, as court work dried up in the first lockdown); personal choices to retire from practice (making more time available to take on instructions) or to wind down expert work, in anticipation of retirement in 2 or 3 years' time.

The variations in the three principal areas can be seen in the following analysis.

Question 3: (continued)

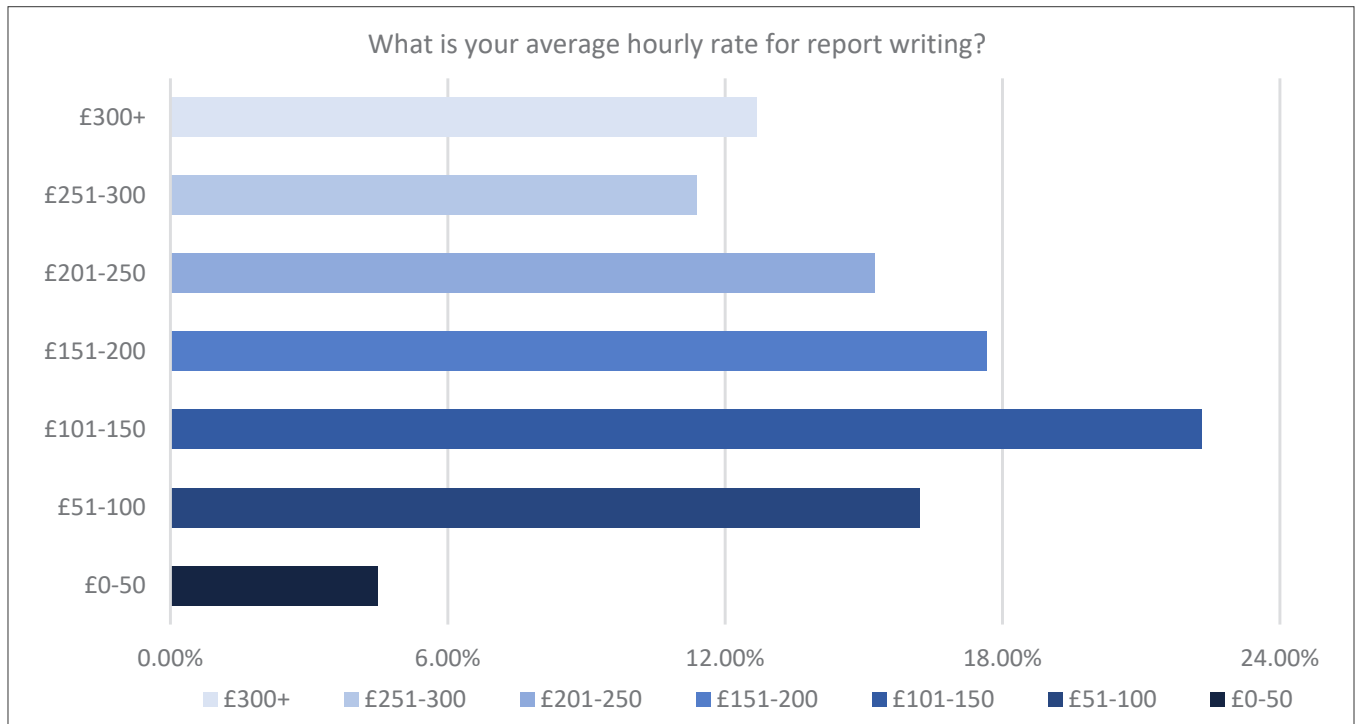
Over the last 12 months, how has the number of your instructions changed? Analysis between Civil, Criminal and Family experts



| | Civil | Criminal | Family | All Experts |
|-----------------|--------|----------|--------|---------------|
| Gone down | 22.56% | 22.78% | 15.79% | 21.97% |
| Gone up | 38.01% | 34.18% | 45.61% | 38.22% |
| Stayed the same | 39.43% | 43.04% | 38.60% | 39.81% |

Question 4:

What is your average hourly rate for report writing?

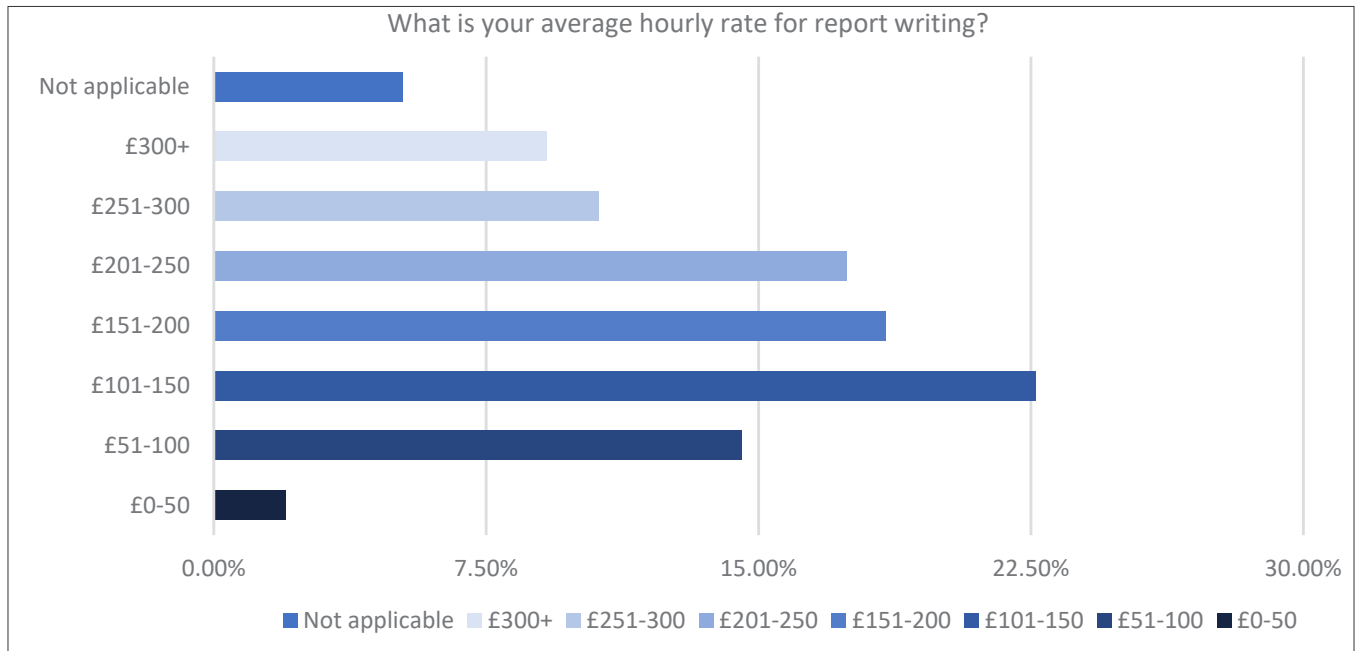


| | % | Responses |
|----------|--------|-----------|
| £0-50 | 4.49% | 28 |
| £51-100 | 16.21% | 139 |
| £101-150 | 22.31% | 110 |
| £151-200 | 17.66% | 95 |
| £201-250 | 15.25% | 71 |
| £251-300 | 11.40% | 79 |
| £300+ | 12.68% | 101 |

Total responses: 623

Question 4: (continued)

What is your average hourly rate for report writing?
Compared to 2019



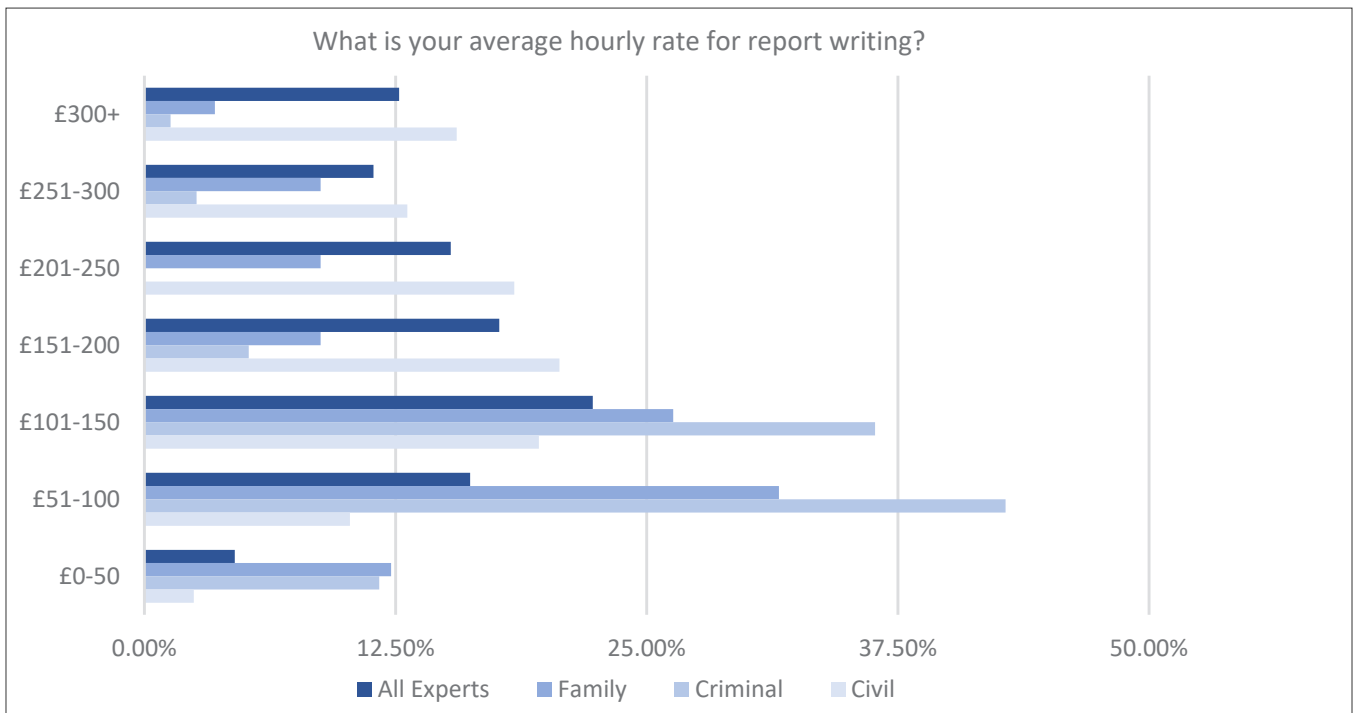
| | % | Responses |
|----------------|--------|-----------|
| £0-50 | 1.97% | 11 |
| £51-100 | 14.54% | 81 |
| £101-150 | 22.62% | 126 |
| £151-200 | 18.49% | 103 |
| £201-250 | 17.41% | 97 |
| £251-300 | 10.59% | 59 |
| £300+ | 9.16% | 51 |
| Not applicable | 5.21% | 29 |

Total responses: 557

Rates have in general increased over the past two years and again the most common rate is between £101-150 per hour.

Question 4: (continued)

What is your average hourly rate for report writing? Analysis between Civil, Criminal and Family experts

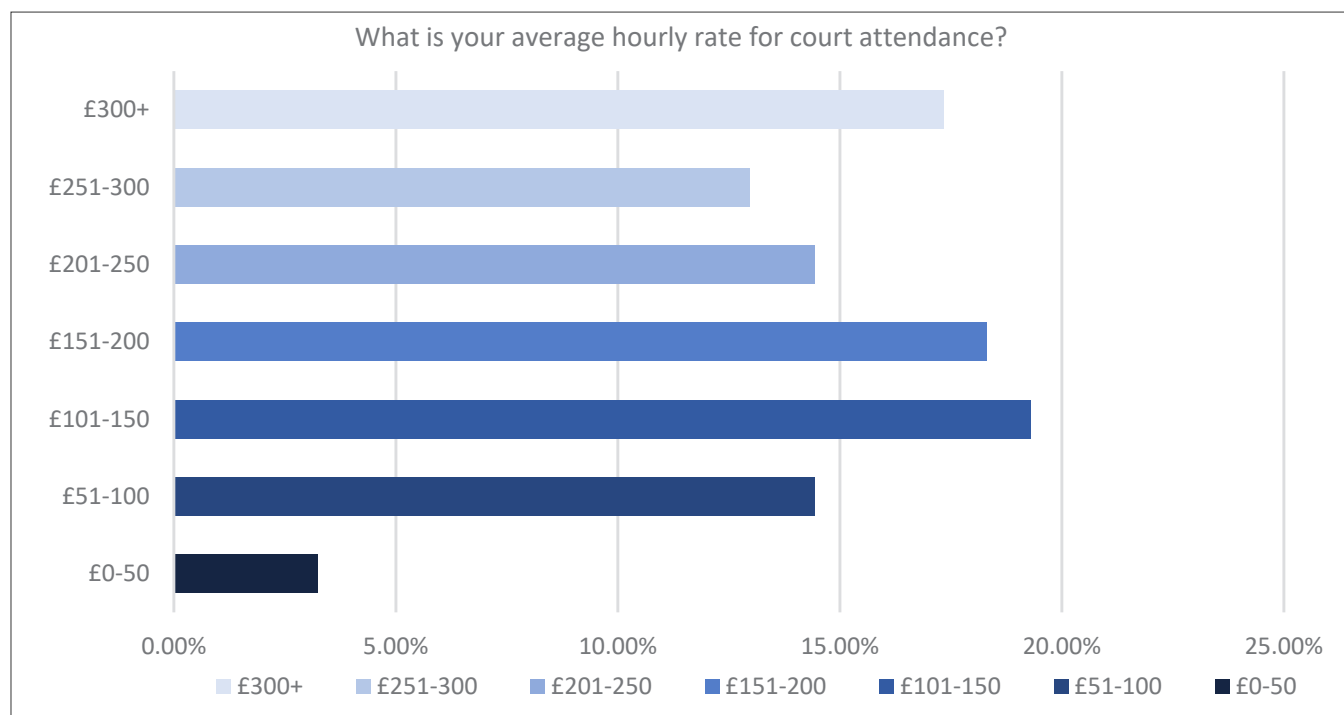


| | Civil | Criminal | Family | All Experts |
|----------|--------|----------|--------|---------------|
| £0-50 | 2.45% | 11.69% | 12.28% | 4.49% |
| £51-100 | 10.22% | 42.86% | 31.58% | 16.21% |
| £101-150 | 19.63% | 36.36% | 26.32% | 22.31% |
| £151-200 | 20.65% | 5.19% | 8.77% | 17.66% |
| £201-250 | 18.40% | 0.00% | 8.77% | 15.25% |
| £251-300 | 13.09% | 2.60% | 8.77% | 11.40% |
| £300+ | 15.54% | 1.30% | 3.51% | 12.68% |

Here we can see the variation between experts working in the three areas of civil, criminal and family matters with civil coming out as the best paid.

Question 5:

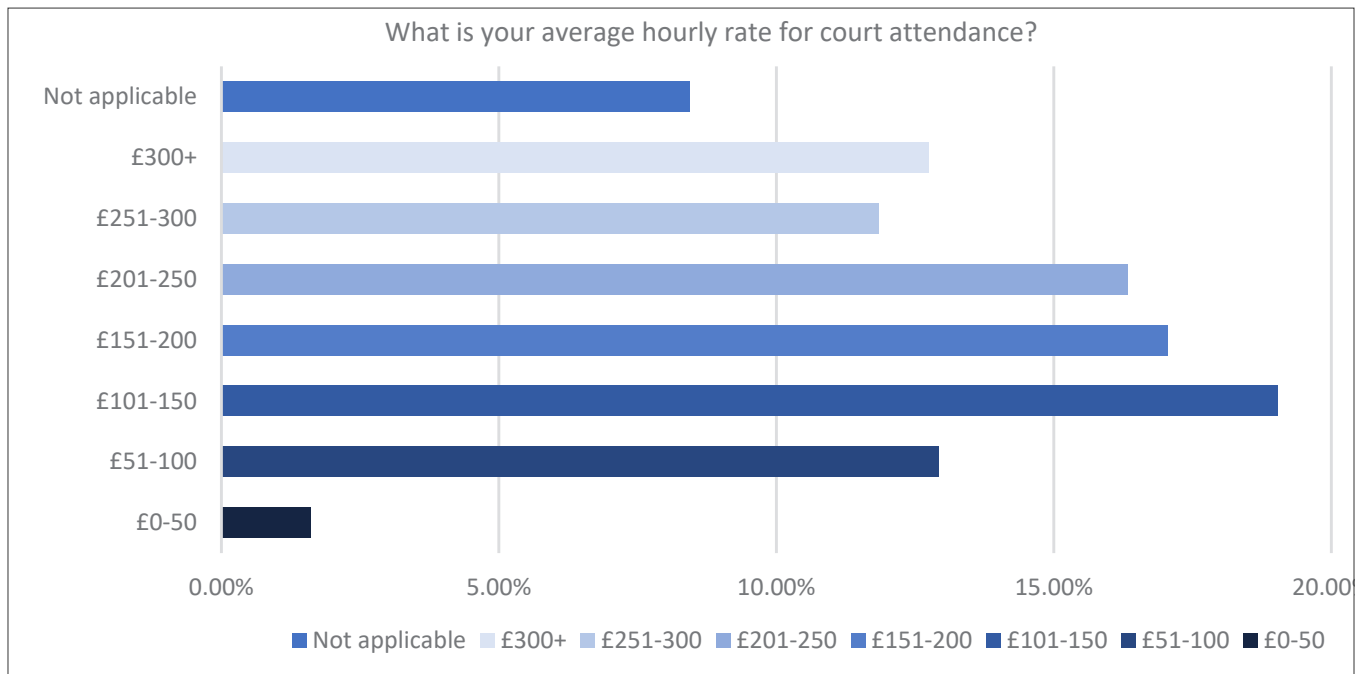
What is your average hourly rate for court attendance?



| | % | Responses |
|-------------------------|--------|------------|
| £0-50 | 3.24% | 20 |
| £51-100 | 14.42% | 89 |
| £101-150 | 19.29% | 119 |
| £151-200 | 18.31% | 113 |
| £201-250 | 14.42% | 89 |
| £251-300 | 12.97% | 80 |
| £300+ | 17.34% | 107 |
| Total responses: | | 617 |

Question 5: (continued)

What is your average hourly rate for court attendance?
Compared to 2019

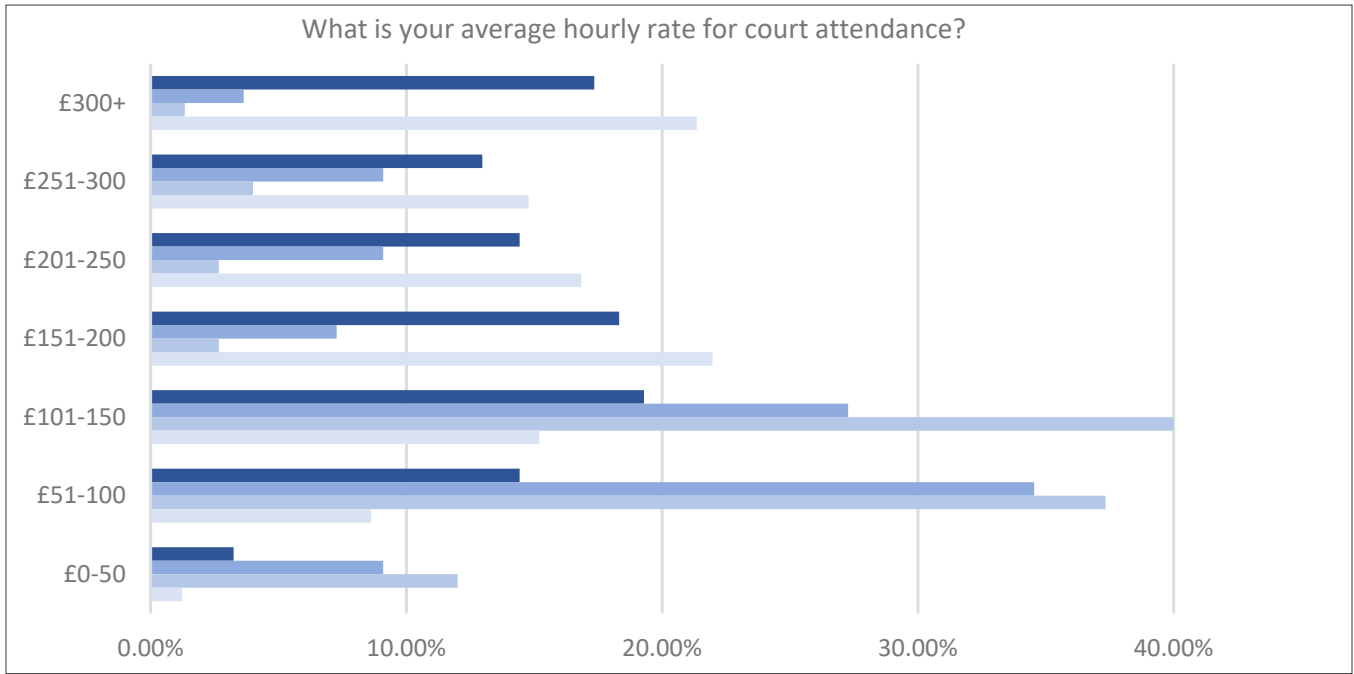


| | % | Responses |
|----------------|--------|-----------|
| £0-50 | 1.62% | 9 |
| £51-100 | 12.93% | 72 |
| £101-150 | 19.03% | 106 |
| £151-200 | 17.06% | 95 |
| £201-250 | 16.34% | 91 |
| £251-300 | 11.85% | 66 |
| £300+ | 12.75% | 71 |
| Not applicable | 8.44% | 47 |

Total responses: 557

Question 5: (continued)

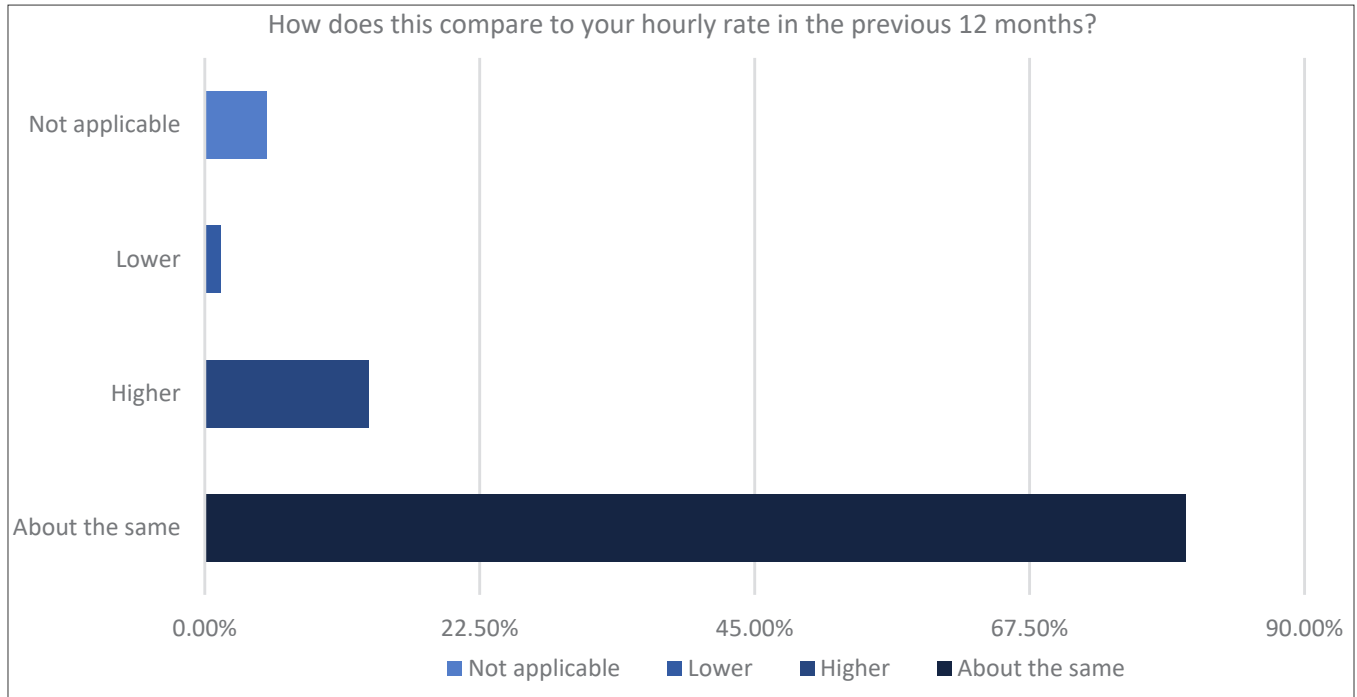
What is your average hourly rate for court attendance?
Analysis between Civil, Criminal and Family experts



| | Civil | Criminal | Family | All Experts |
|----------|--------|----------|--------|---------------|
| £0-50 | 1.23% | 12.00% | 9.09% | 3.24% |
| £51-100 | 8.62% | 37.33% | 34.55% | 14.42% |
| £101-150 | 15.20% | 40.00% | 27.27% | 19.29% |
| £151-200 | 21.97% | 2.67% | 7.27% | 18.31% |
| £201-250 | 16.84% | 2.67% | 9.09% | 14.42% |
| £251-300 | 14.78% | 4.00% | 9.09% | 12.97% |
| £300+ | 21.36% | 1.33% | 3.64% | 17.34% |

Question 6:

How does this compare to your hourly rate in the previous 12 months?



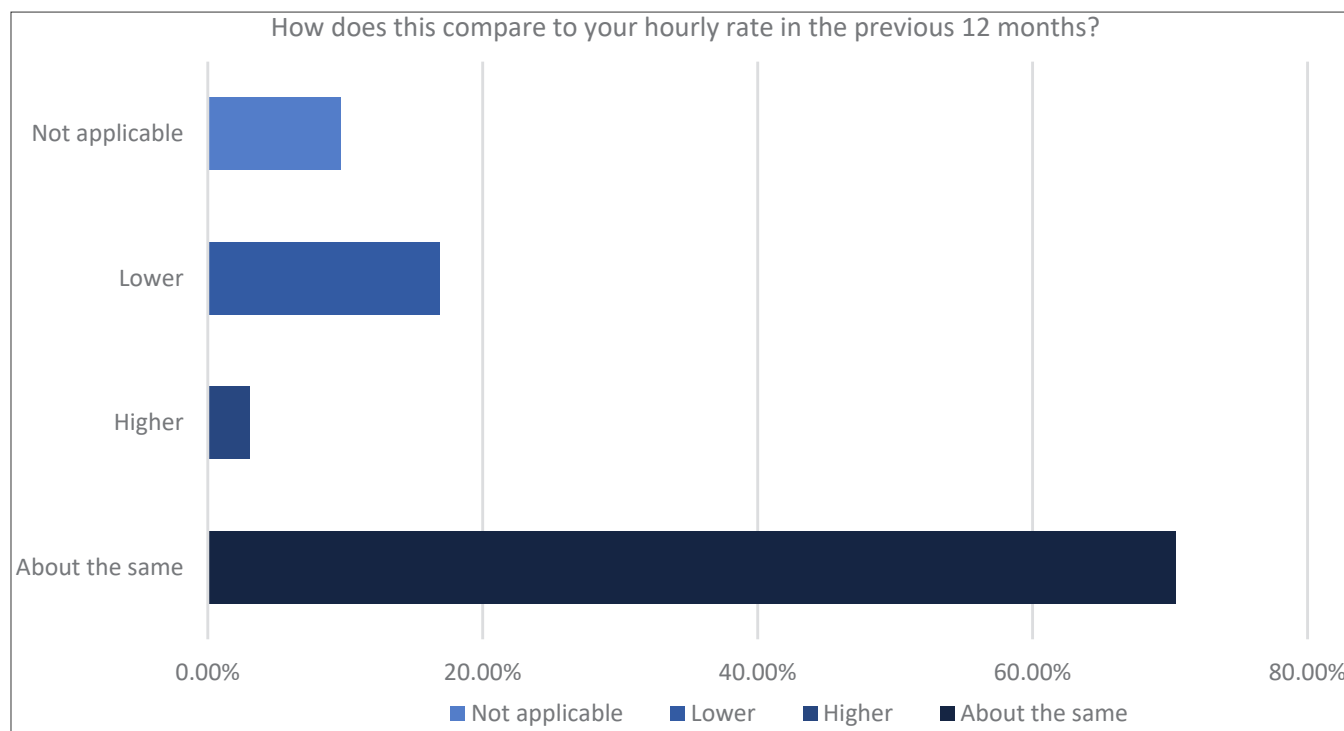
| | % | Responses |
|----------------|--------|-----------|
| About the same | 80.26% | 492 |
| Higher | 13.38% | 82 |
| Lower | 1.31% | 8 |
| Not applicable | 5.06% | 31 |

Total responses: 613

Around 80% said rates had remained the same over the past 12 months, which includes the Covid 19 period. However, some 13% said rates had increased.

Question 6: (continued)

How does this compare to your hourly rate in the previous 12 months?
Compared to 2019

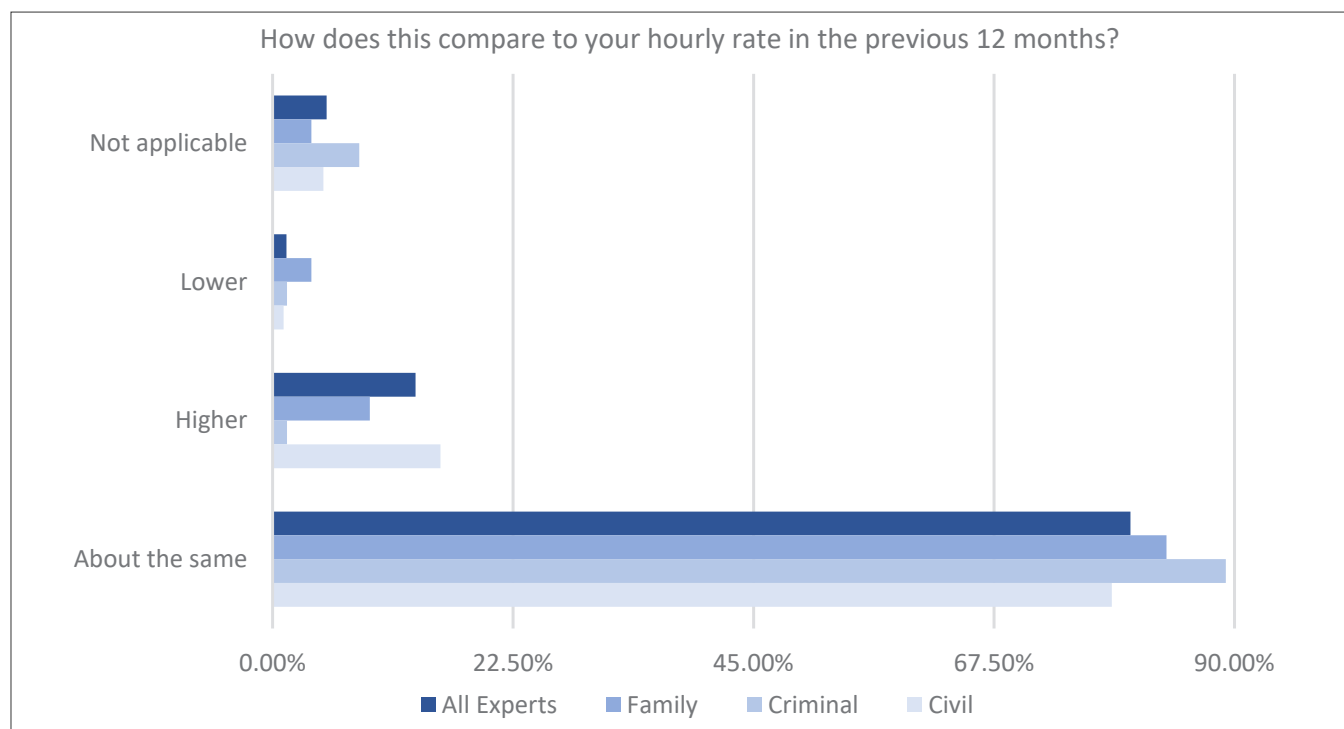


| | % | Responses |
|----------------|--------|-----------|
| About the same | 70.38% | 392 |
| Higher | 3.05% | 17 |
| Lower | 16.88% | 94 |
| Not applicable | 9.69% | 54 |

Total responses: 557

Question 6: (continued)

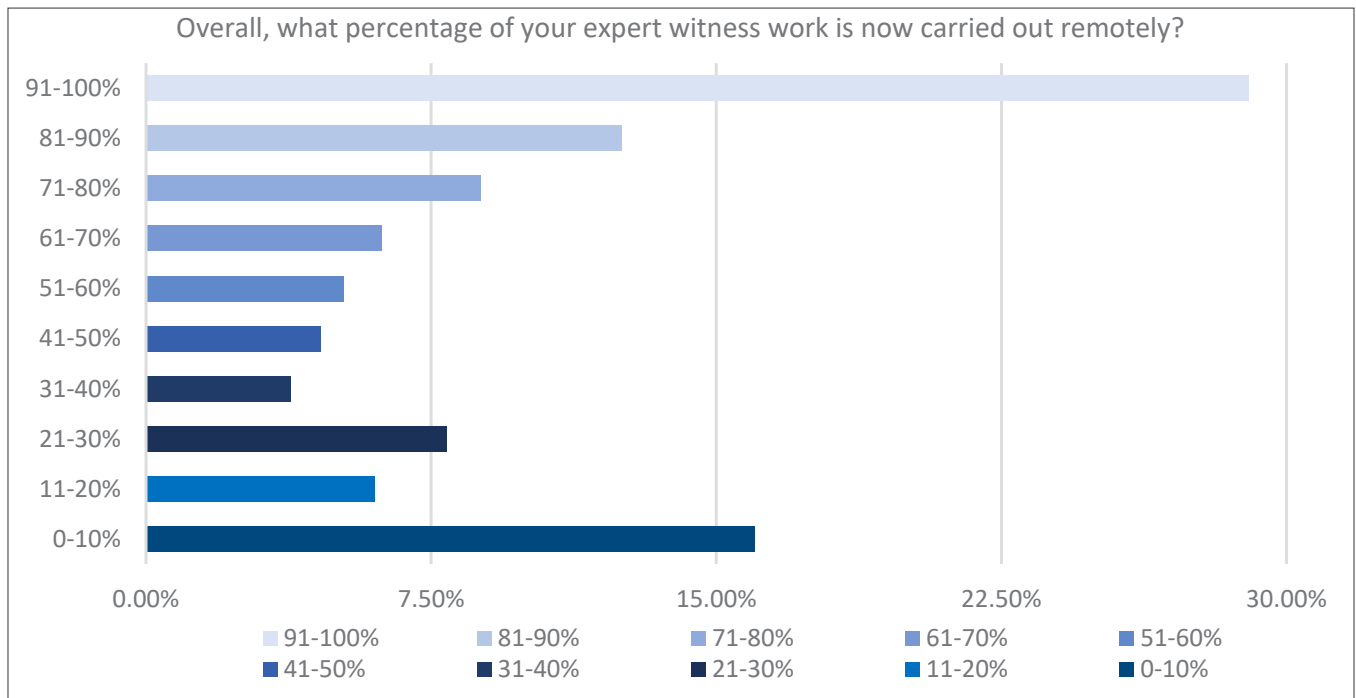
How does this compare to your hourly rate in the previous 12 months?
Analysis between Civil, Criminal and Family experts



| | Civil | Criminal | Family | All Experts |
|----------------|--------|----------|--------|---------------|
| About the same | 78.51% | 89.19% | 83.64% | 80.26% |
| Higher | 15.70% | 1.35% | 9.09% | 13.38% |
| Lower | 1.03% | 1.35% | 3.64% | 1.31% |
| Not applicable | 4.75% | 8.11% | 3.64% | 5.06% |

Question 7:

Overall, what percentage of your expert witness work is now carried out remotely?



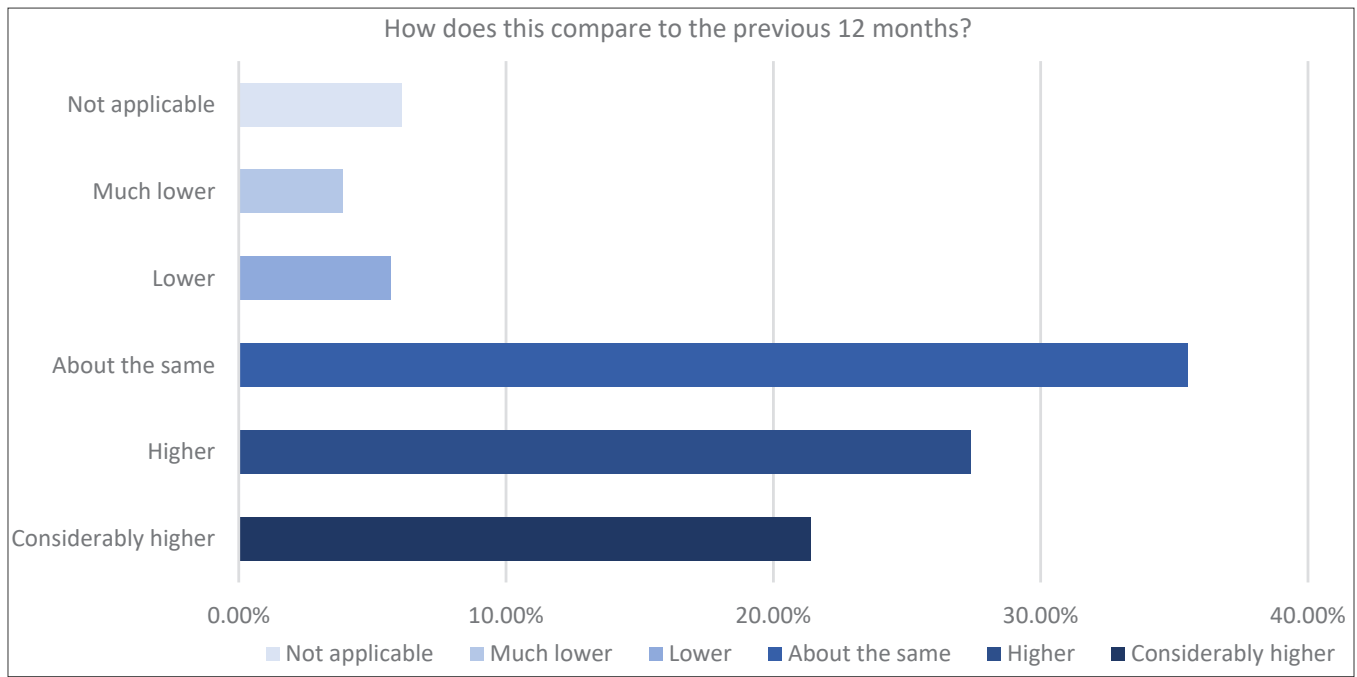
| | % | Responses |
|---------|--------|-----------|
| 0-10% | 16.00% | 98 |
| 11-20% | 6.00% | 36 |
| 21-30% | 7.90% | 48 |
| 31-40% | 3.80% | 23 |
| 41-50% | 4.60% | 28 |
| 51-60% | 5.20% | 32 |
| 61-70% | 6.20% | 38 |
| 71-80% | 8.80% | 53 |
| 81-90% | 12.50% | 76 |
| 91-100% | 29.00% | 177 |

Total responses: 609

In the time of Covid 19, remote working for many has become essential and unsurprisingly, experts have carried out much of their work remotely too. Some 30% of experts said they carried out between 91% and 100% of their work remotely. Over 60% carried out over half their work remotely. This is a seismic shift from before Covid 19. It has implications for how investigations and examinations are conducted, how instructions are taken and how evidence is given. When travel and accommodation costs are all but eliminated, there will be cost savings that will be reflected in court budgeting. This also means that the time saved can allow the expert to have more time for their day job and the ability to take more instructions. However, the important question is whether experts can do as good a job as they used to.

Question 8:

How does this compare to the previous 12 months?



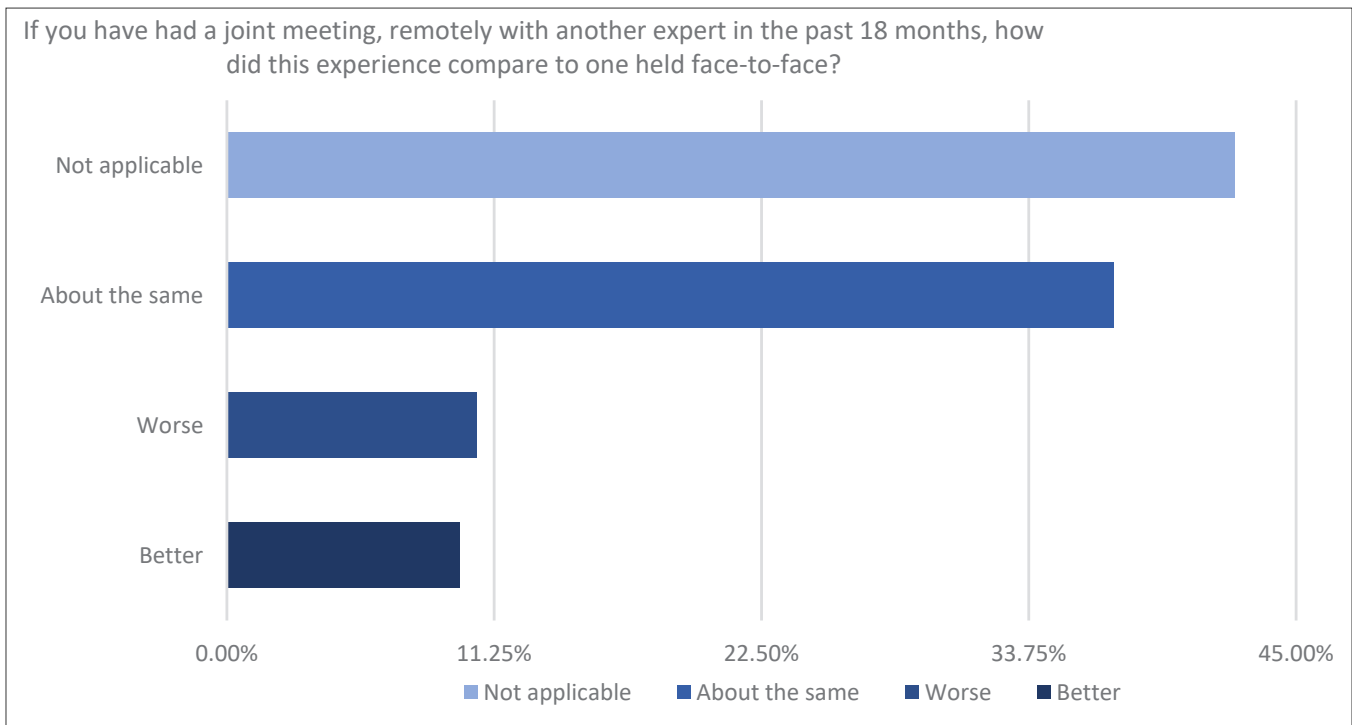
| | % | Responses |
|---------------------|--------|-----------|
| Considerably higher | 21.40% | 130 |
| Higher | 27.40% | 166 |
| About the same | 35.50% | 215 |
| Lower | 5.70% | 34 |
| Much lower | 3.90% | 23 |
| Not applicable | 6.10% | 37 |

Total responses: 605

Nearly one half of the experts said the amount of work carried out remotely was higher or considerably higher compared to the previous 12 months whereas some 35% said it remained about the same. This could indicate that the move to remote working had started pre-pandemic and may therefore indicate a long term and sustainable trend.

Question 9:

If you have had a joint meeting, remotely with another expert in the past 18 months, how did this experience compare to one held face-to-face?



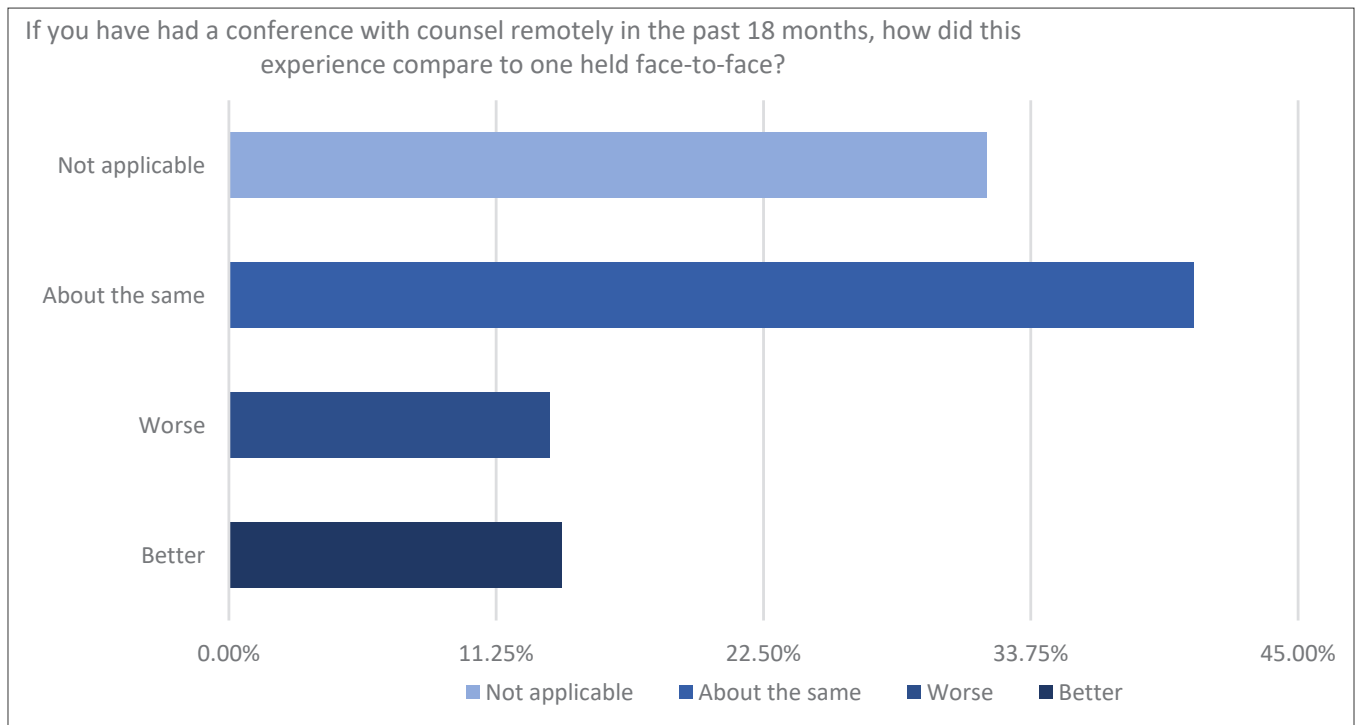
| | % | Responses |
|----------------|--------|-----------|
| Better | 9.80% | 59 |
| Worse | 10.50% | 63 |
| About the same | 37.30% | 225 |
| Not applicable | 42.40% | 256 |

Total responses: 603

Discussions between experts are an important part of the litigation process as issues in dispute can be clarified. Even pre-pandemic, many such discussions were done by phone or Zoom etc. and some 37% of experts said the situation was about the same. The experts were evenly split as to whether remote discussions were better or worse than face-to-face. It is almost certain that remote conferences will increase due to the savings in terms of travel as well as convenience in arranging a suitable time.

Question 10:

If you have had a conference with counsel remotely in the past 18 months, how did this experience compare to one held face-to-face?



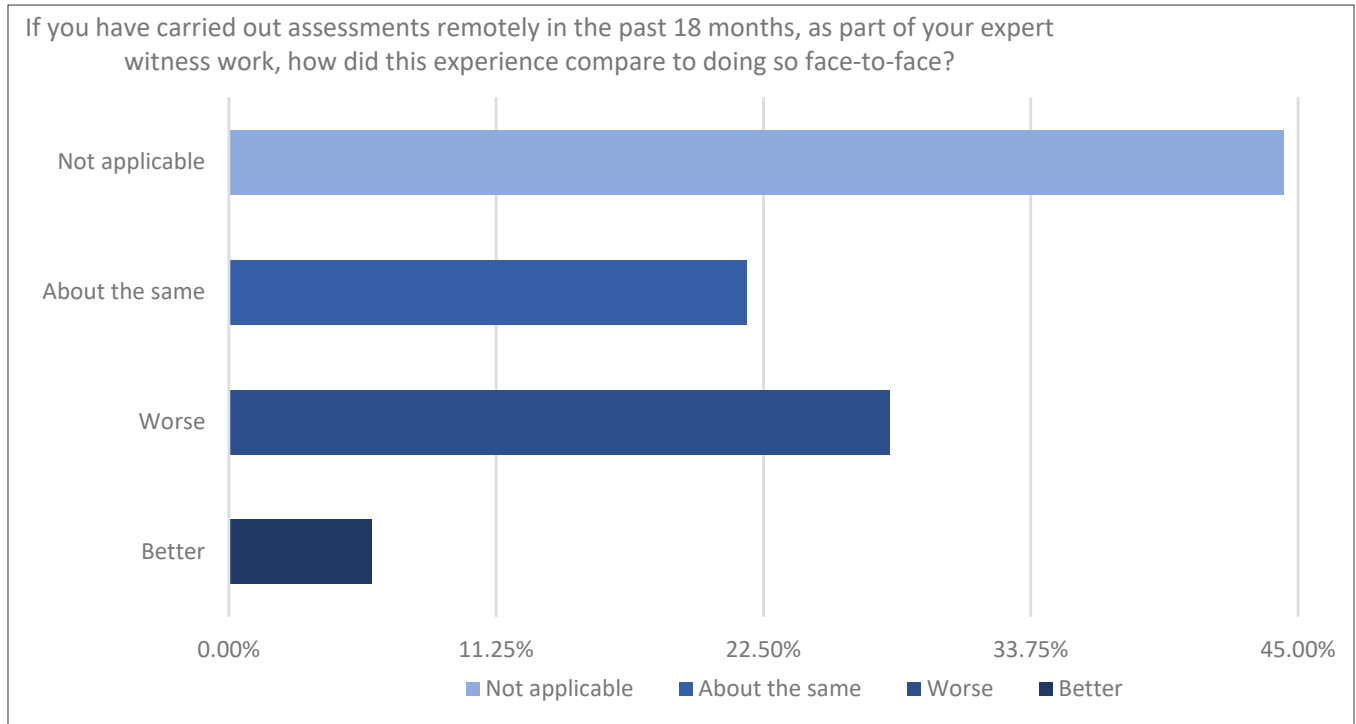
| | % | Responses |
|----------------|--------|-----------|
| Better | 14.00% | 84 |
| Worse | 13.50% | 82 |
| About the same | 40.60% | 245 |
| Not applicable | 31.90% | 192 |

Total responses: 603

Similarly, conferences with counsel can play an important part in the lead up to a hearing or settlement. Counsel can quiz the expert to make sure they understand the report and also prepare cross-examination of the opposing expert. Counsel can also get a feeling as to how the expert will be whilst giving oral evidence and if further evidence is needed. Some 40% of the experts said remote conferences were about the same as face-to-face and again the experts were evenly split on whether one method was better or worse. It would be interesting to know what barristers think about the same question. Again, there are costs savings in terms of travel.

Question 11:

If you have carried out assessments remotely in the past 18 months, as part of your expert witness work, how did this experience compare to doing so face-to-face?



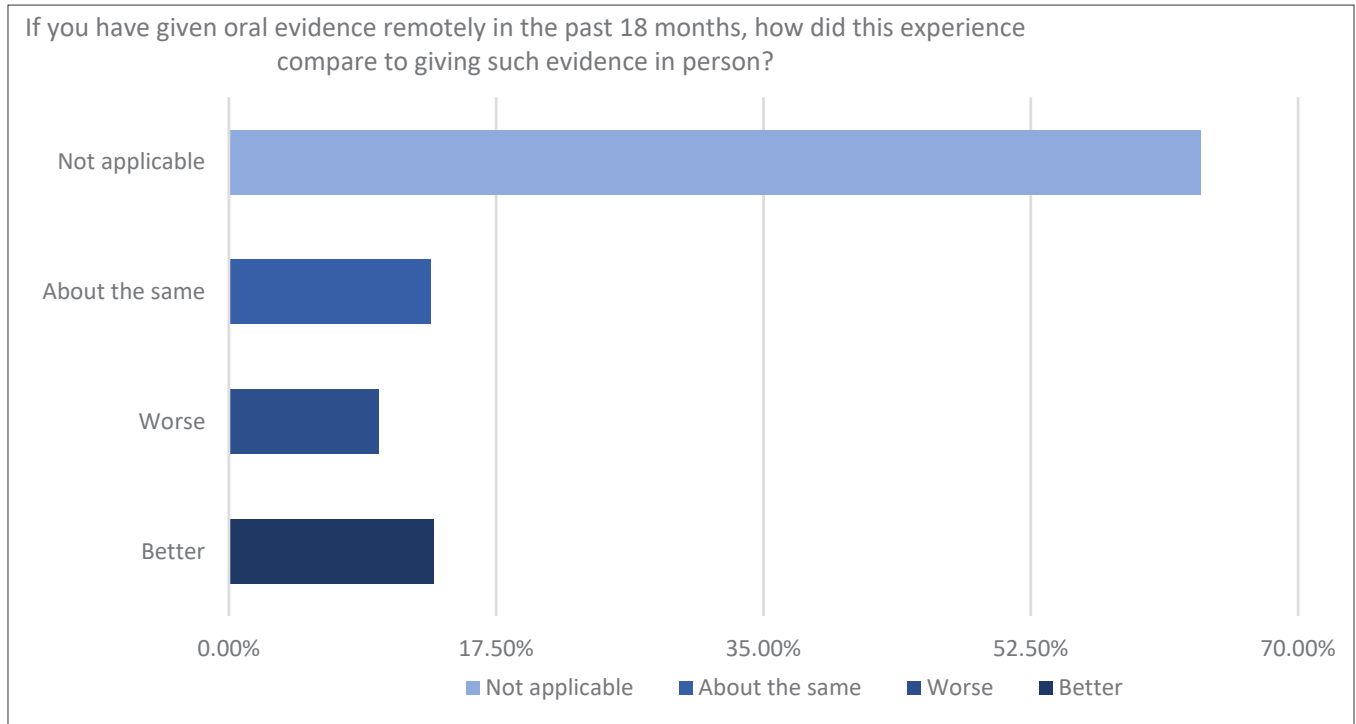
| | % | Responses |
|----------------|--------|-----------|
| Better | 6.00% | 36 |
| Worse | 27.80% | 167 |
| About the same | 21.80% | 131 |
| Not applicable | 44.40% | 267 |

Total responses: 601

When it came to remote assessments, only 6% thought them better than face-to-face and 27% thought them worse. It seems here that personal contact is preferable. This may be particularly important in medico-legal matters. Experts carrying out mental health assessments or assessments of a claimant's ability to move unaided have certainly faced challenges to the quality of evidence they are able to elicit remotely. There are advantages to actually seeing a claimant or defendant to form an opinion of a medical condition for example. GPs are currently having to deal with demand from some patients to be seen face to face in their normal practice. It would be interesting to know what claimants and defendants think about remote assessments, but this would be difficult to research.

Question 12:

If you have given oral evidence remotely in the past 18 months, how did this experience compare to giving such evidence in person?



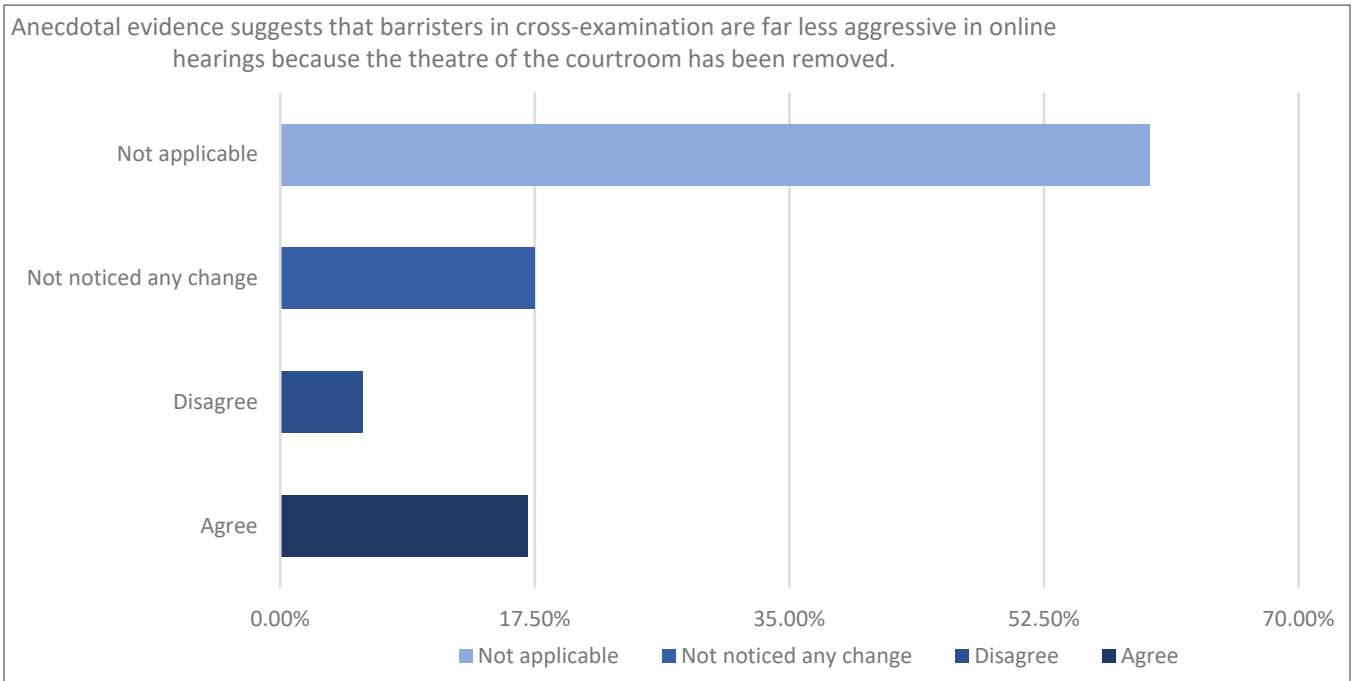
| | % | Responses |
|----------------|--------|-----------|
| Better | 13.40% | 80 |
| Worse | 9.80% | 58 |
| About the same | 13.20% | 79 |
| Not applicable | 63.60% | 378 |

Total responses: 595

Only some 36% of respondents had given oral evidence in the past 18 months. This is not surprising as the vast majority of civil matters settle before trial. Experts marginally thought giving oral evidence remotely was better than in person. Advantages include the removal of travel and waiting time; some noted the lack of immediacy in remote hearings and the consequent loss of connection to, and interaction with, the judge (and the jury, where applicable). Lawyers have had to learn how to cross-examine in the new remote way and again it would be interesting to have the views of lawyers. Giving evidence remotely is a new experience for many experts, everyone has had to quickly get to grips with online meeting platforms like Zoom etc and they will have to learn how to give evidence online as courts increasingly demand this.

Question 13:

Anecdotal evidence suggests that barristers in cross-examination are far less aggressive in online hearings because the theatre of the courtroom has been removed.



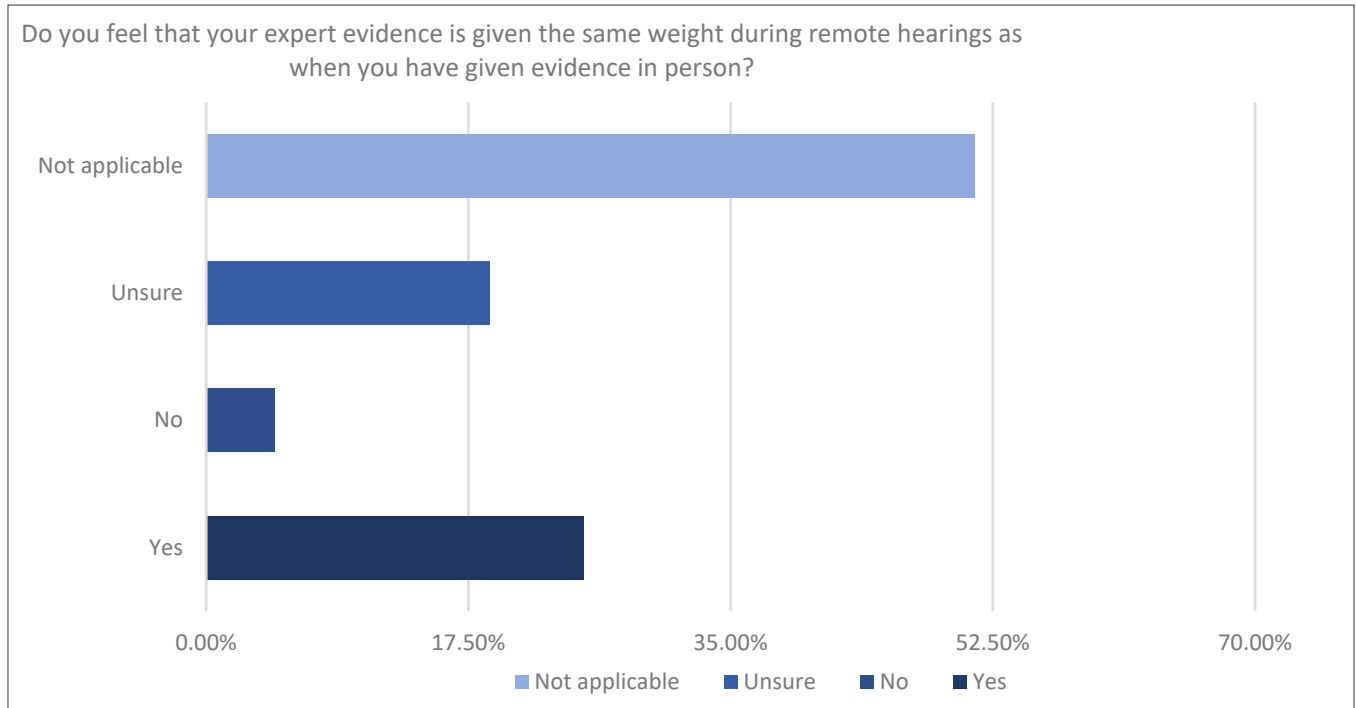
| | % | Responses |
|------------------------|--------|-----------|
| Agree | 17.00% | 100 |
| Disagree | 5.70% | 34 |
| Not noticed any change | 17.50% | 104 |
| Not applicable | 59.80% | 353 |

Total responses: 591

Of the 40% of experts who had been cross-examined, about 42% agreed remote cross-examination was less aggressive and about the same had noticed no change. It is more difficult for the cross-examiner to control the flow of the encounter. A significant minority of 14% said it was not less aggressive. Everyone has had to learn quickly the nuances of Zoom meetings and lawyers are no exception. It is important that the technology used is of high quality so those involved in a remote hearing can hear and see clearly. Cross-examining lawyers may also have found aggressive courtroom dramatics do not actually work online. A booming voice, intimidating stare or a look of disbelief, appear silly on a small screen. Perhaps we shall see a more forensic approach as lawyers find more screen-appropriate methods of disconcerting a witness to discredit their evidence. It may be lawyers will need to be trained in new online advocacy skills and experts will need to reciprocate.

Question 14:

Do you feel that your expert evidence is given the same weight during remote hearings as when you have given evidence in person?



| | % | Responses |
|----------------|--------|-----------|
| Yes | 25.20% | 149 |
| No | 4.60% | 27 |
| Unsure | 18.90% | 111 |
| Not applicable | 51.30% | 303 |

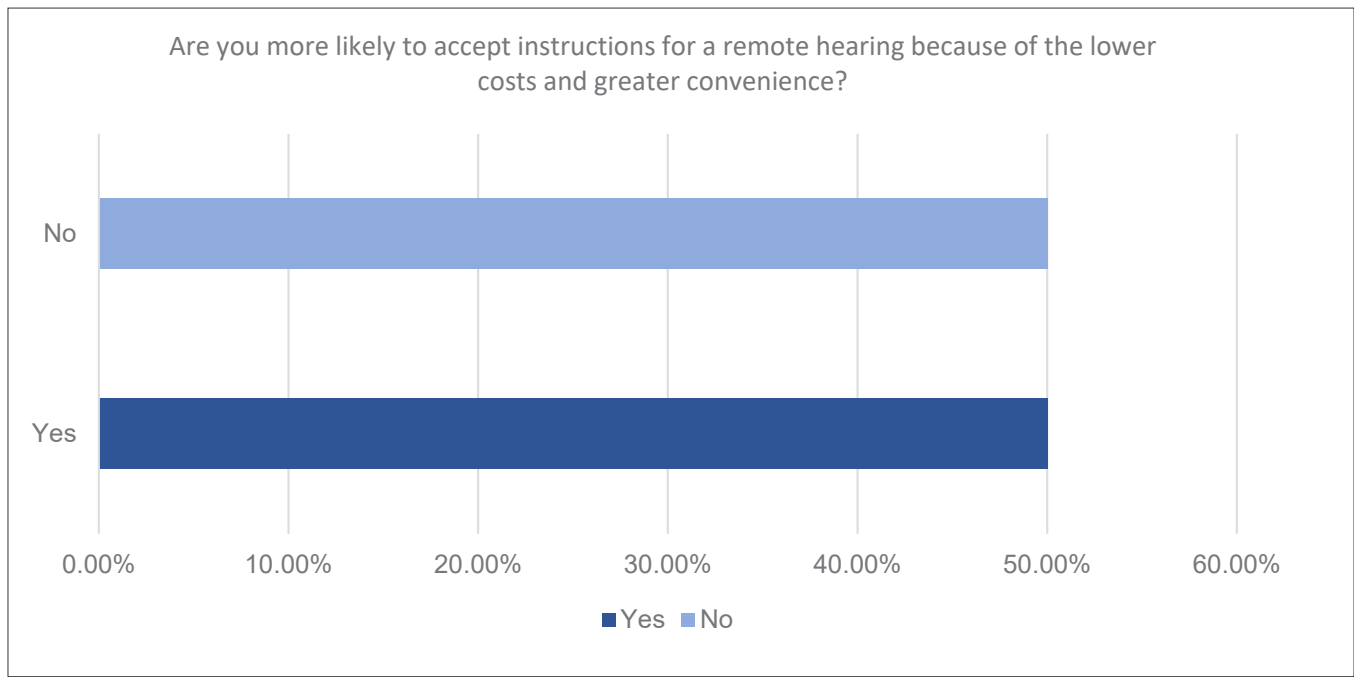
Total responses: 590

Interestingly, around half of those who had given remote oral evidence thought their evidence was given the same weight as in a live hearing. Around 38% were unsure. This is a subjective view by its nature and really it would be for judges and juries to say what weight was given to evidence.

A judge or jury needs to be very attentive as a witness gives evidence remotely. The image of the witness is in two dimensions and much smaller than when seeing the witness in person in the courtroom. Interruptions by an impatient cross-examining lawyer appear ruder on a TV monitor and lawyers may have learned to be silent as a witness speaks and that could give the impression to the witness that their evidence is given greater weight.

Question 15:

Are you more likely to accept instructions for a remote hearing because of the lower costs and greater convenience?



| | % | Responses |
|-----|--------|-----------|
| Yes | 50.00% | 294 |
| No | 50.00% | 294 |

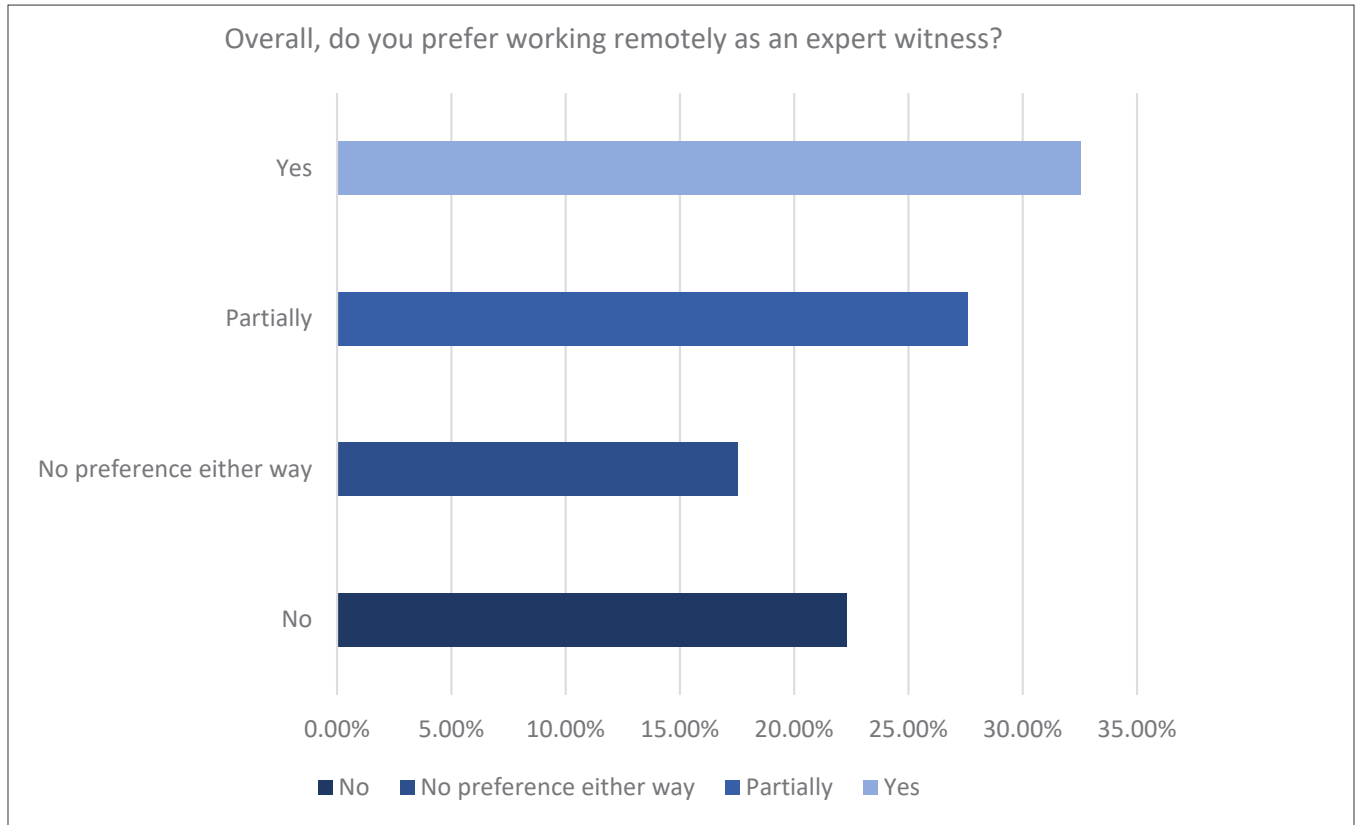
Total responses: 588

Experts were split down the middle as to whether they were more likely to accept instructions for a remote hearing. It seems we are at an early stage in the new normal. It is difficult to imagine the Courts returning purely to physical face to face hearings and the future is likely to be a mixture of remote and face to face hearings.

There are certainly many advantages in terms of lower costs and greater convenience. There may also be opportunities for more work if geography is removed from the decision to take instructions perhaps even to give evidence abroad.

Question 16:

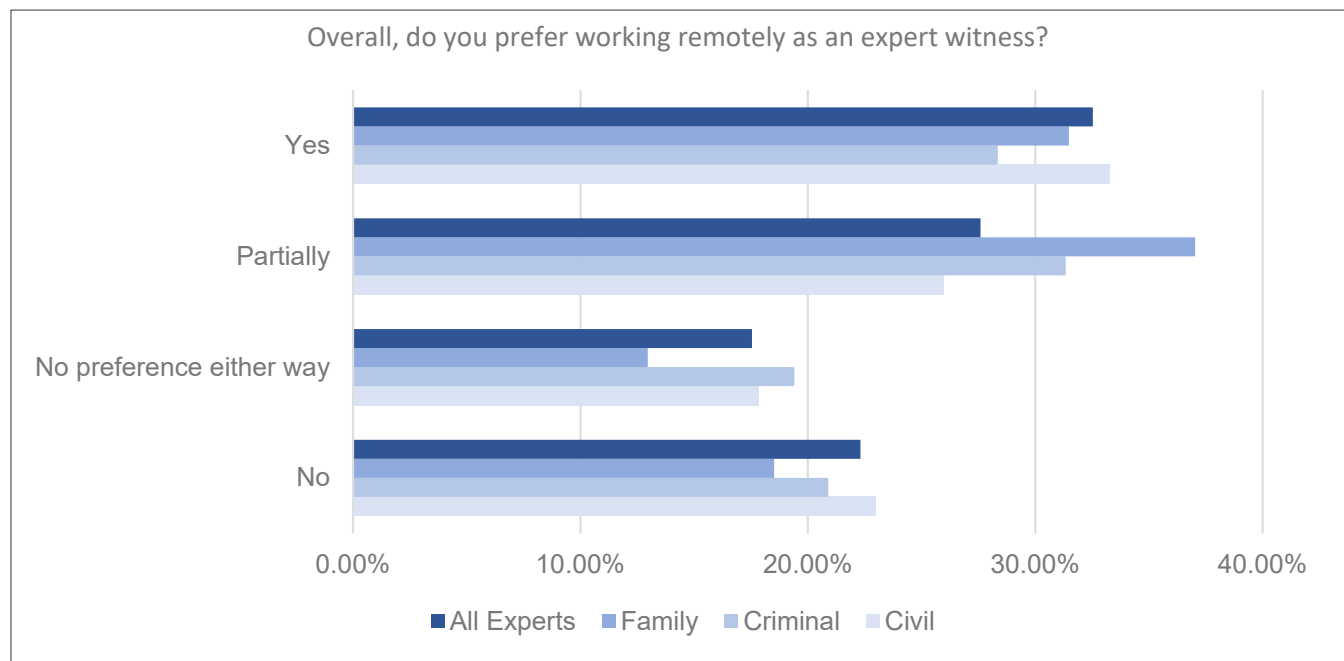
Overall, do you prefer working remotely as an expert witness?



| | % | Responses |
|--------------------------|--------|-----------------------------|
| No | 22.30% | 131 |
| No preference either way | 17.50% | 103 |
| Partially | 27.60% | 162 |
| Yes | 32.54% | 191 |
| | | Total responses: 587 |

Question 16: (continued)

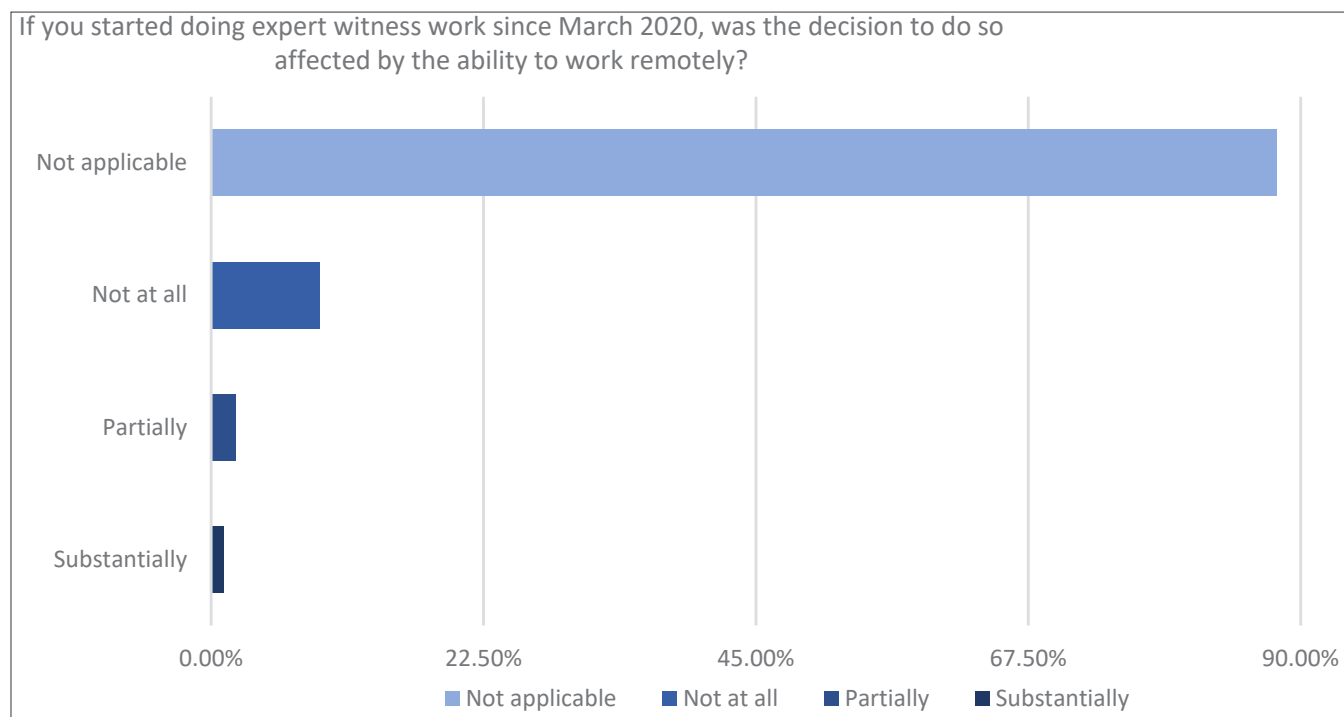
Overall, do you prefer working remotely as an expert witness?
Analysis between Civil, Criminal and Family experts



| | Civil | Criminal | Family | All Experts |
|--------------------------|--------|----------|--------|---------------|
| No | 22.96% | 20.90% | 18.52% | 22.32% |
| No preference either way | 17.81% | 19.40% | 12.96% | 17.55% |
| Partially | 25.97% | 31.34% | 37.04% | 27.60% |
| Yes | 33.26% | 28.36% | 31.48% | 32.54% |

Question 17:

If you started doing expert witness work since March 2020, was the decision to do so affected by the ability to work remotely?



| | % | Responses |
|----------------|--------|-----------------------------|
| Substantially | 1.00% | 6 |
| Partially | 2.00% | 12 |
| Not at all | 9.00% | 53 |
| Not applicable | 88.00% | 516 |
| | | Total responses: 587 |

Appendix 1

Question 1 – What is your area of expertise?

| Area of expertise | Responses | Area of expertise | Responses |
|---|-----------|--|-----------|
| Abuse/neglect failure to remove. Civil damages | 1 | Care and case management | 1 |
| Accommodation | 2 | Care and occupational therapy | 6 |
| Accountancy | 8 | Care quantum | 1 |
| Accountancy and valuation | 1 | Chemical analysis | 1 |
| Accounting | 2 | Chemical engineering | 1 |
| Acoustics | 2 | Chemistry | 1 |
| Actuarial | 1 | Child psychology | 1 |
| Adult medicine and stroke medicine | 1 | Chiropractic | 1 |
| Adult mental health | 1 | Civil engineering | 3 |
| Adult mental health, capacity and cognitive assessment | 1 | Cladding and construction | 1 |
| Adult psychiatry | 6 | Clinical & forensic psychology | 3 |
| Ambulance & pre-hospital emergency medicine | 1 | Clinical forensic medicine | 2 |
| Anaesthesia | 4 | Clinical forensic medicine and general practice | 1 |
| Anaesthesia and critical care medicine | 1 | Clinical immunology | 1 |
| Anaesthetics | 1 | Clinical negligence | 1 |
| Animal health and welfare | 1 | Clinical neurophysiology | 1 |
| Animal welfare | 1 | Clinical neuropsychology | 1 |
| Arboriculture | 3 | Clinical perfusion, cardiac surgery, medical practice | 1 |
| Architecture | 1 | Clinical probity (dental) | 1 |
| Architecture & construction | 1 | Clinical psychology | 16 |
| Asbestos | 1 | Clinical psychology & neuropsychology | 2 |
| Asbestos related nursing care reports | 1 | Clinical psychology and capacity assessments | 1 |
| Assistive technology | 3 | Clinical psychology and memory | 1 |
| Autism, child psychology, literacy, family law | 1 | Collision investigation | 1 |
| Aviation | 5 | Collision investigation (road traffic) | 1 |
| Banking | 3 | Colorectal surgery | 1 |
| Banking, investment and regulation | 1 | Commercial property | 1 |
| Brain injury | 1 | Commercial property valuation | 1 |
| Brands and trademarks | 1 | Commercial shipbroking | 1 |
| Breast cancer | 1 | Commercial vehicle crash expert witnessing | 1 |
| Breast surgery | 1 | Commodity trading in metals | 1 |
| BSL interpreting | 1 | Computing | 1 |
| Building & mechanical services | 1 | Construction defects and disputes | 1 |
| Building surveying | 4 | Construction engineering | 1 |
| Cancer | 1 | Construction project management and delay | 1 |
| Cardiac electrophysiology | 1 | Construction quantum expert | 1 |
| Cardiology | 1 | Consultancy | 1 |
| Cardiothoracic surgery | 2 | Consultant radiologist | 1 |
| Care | 1 | Consulting engineer | 1 |
| Care & occupational therapy | 2 | Corrosion and energy | 1 |
| | | Counselling psychologist at family court | 1 |
| | | Criminal | 1 |

| Area of expertise | Responses | Area of expertise | Responses |
|---|-----------|---|-----------|
| Criminal and civil litigation | 1 | Fire external walls | 1 |
| Critical care | 1 | Fire investigation | 1 |
| Critical care (medicine) | 1 | Fitted interiors | 1 |
| Cyber security | 1 | Footwear marks evidence | 1 |
| Damages/ quantum/ accounting/ valuation | 1 | Forensic accountancy | 6 |
| Dangerous dogs | 1 | Forensic accountant, music industry and intellectual property | 1 |
| Dangerous dogs and dog welfare | 1 | Forensic accounting - personal injury and fatal accident claims | 1 |
| Defence & security | 1 | Forensic accounting and business valuations | 1 |
| Delay | 1 | Forensic and clinical psychology | 1 |
| Delay analysis | 1 | Forensic anthropology | 2 |
| Dental | 5 | Forensic collision investigation | 3 |
| Dental expert witness | 1 | Forensic delay analysis | 1 |
| Dental treatment and (counter)fraud | 1 | Forensic document examination. | 1 |
| Dentistry | 10 | Forensic fire investigation and engineering | 1 |
| Dermatology | 1 | Forensic lip reading | 1 |
| Digital evidence | 1 | Forensic medicine (paediatric sexual assault) | 1 |
| Digital forensics | 2 | Forensic odontology | 1 |
| Digital forensics, cybersecurity & digital evidence | 1 | Forensic physician | 1 |
| Disability assessment | 1 | Forensic psychiatry | 2 |
| Disabled accommodation needs | 1 | Forensic psychiatry / medicolegal court reports and evidence | 1 |
| Document examination | 1 | Forensic psychology | 8 |
| Domestic abuse and child protection | 1 | Forensic psychology - criminal and family law | 1 |
| Drug abuse | 1 | Forensic psychology and child sex offences | 1 |
| Drug and alcohol testing | 1 | Forensic science | 2 |
| Drugs | 2 | Forensic science - DNA and body fluid analysis | 1 |
| Ear nose & throat surgery | 1 | Forensic science - footwear | 1 |
| Educational psychology | 3 | Forensic toxicology | 3 |
| Educational psychology & neuropsychology | 1 | Gastroenterology | 1 |
| Electrical safety | 1 | General adult psychiatry | 2 |
| Elite sports injuries | 1 | General dental practice | 1 |
| Emergency medicine | 4 | General dental practice | 1 |
| Employment | 3 | General dentistry | 1 |
| Energy | 1 | General practice | 12 |
| Energy and commodities | 1 | General practice - prison medicine and substance misuse | 1 |
| Engineering | 2 | General practice chartered surveying | 1 |
| Engineering & construction | 1 | General practitioner and medicolegal expert | 1 |
| Ent | 2 | General surgery | 4 |
| Expert witness, construction disputes | 1 | Geotechnical engineering | 1 |
| Family - psychology | 1 | Geriatric medicine | 3 |
| Family and migration | 1 | Geriatrics | 1 |
| Family court - parenting capacity/care proceedings | 1 | Germany | 1 |
| Family court; clinical psychology; children with disabilities; parental mental health | 1 | GP | 6 |
| Family law | 1 | GP clinical negligence | 1 |
| Fenestration | 1 | GP, medico-legal expert | 1 |
| Financial services | 1 | Gynaecology | 1 |
| Financial services -mortgages and consumer credit | 1 | Hair toxicology | 1 |
| Fingerprints | 1 | Hand and plastic surgery | 1 |
| Fire and security | 1 | Hand surgery | 2 |

| Area of expertise | Responses | Area of expertise | Responses |
|---|------------------|--|------------------|
| Health and safety law | 1 | Neuropsychology | 9 |
| Hearing loss | 1 | Neuropsychology mental capacity | 1 |
| Horticulture | 1 | Neurosurgery | 3 |
| Illegal substances | 1 | North west England | 1 |
| Intensive care medicine | 3 | Nursing | 8 |
| Land boundaries | 1 | Nursing and care | 4 |
| Landscape photography | 1 | Nursing care and asbestos related disease | 1 |
| Lease consultancy | 1 | Nursing perioperative | 1 |
| Lost profits and valuation | 1 | Nursing practice | 1 |
| M&E engineering services | 1 | Nursing tissue viability | 1 |
| Managing the risks from staff fatigue | 1 | Obstetrics and foetal medicine | 1 |
| Marine engineering | 4 | Obstetrics and gynaecology | 3 |
| Marine geotechnical engineering | 1 | Occupational health | 2 |
| Marine science | 1 | Occupational hygiene | 1 |
| Maritime | 3 | Occupational therapy | 3 |
| Marketing | 1 | Occupational therapy / equipment / care | 1 |
| Marketing experts | 1 | Occupational therapy and care | 2 |
| Maternity | 1 | Occupational therapy and vocational assessments/ reporting | 1 |
| Mathematics | 1 | Offshore construction | 2 |
| Mechanical & electrical engineering services | 1 | Offshore/marine electronics/electrical | 1 |
| Mechanical engineering in buildings | 1 | Oil & gas, health, safety, environment | 1 |
| Medical | 8 | Oil and commodity trading and price risk management | 1 |
| Medical adviser for fitness to drive | 1 | Oil and gas | 1 |
| Medical and cosmetic tattooing. (also called permanent makeup or micropigmentation) | 1 | Oil and gas production and processing | 1 |
| Medical expert witness GP | 1 | Oil markets pricing and oil trading | 1 |
| Medical microbiology | 1 | Old age psychiatry | 1 |
| Medical negligence | 2 | Oncology breast cancer | 1 |
| Medical negligence cardiology | 1 | Orthopaedics | 1 |
| Medical negligence, paediatrics sub specialty of neonatology | 1 | Ophthalmologist | 2 |
| Medical ultrasound | 1 | Ophthalmology | 9 |
| Medicine | 6 | Optometry | 1 |
| Medicine, neurosurgery | 1 | Oral surgery | 1 |
| Medicolegal | 4 | Ortho | 1 |
| Medicolegal - care & ot | 1 | Orthodontics | 1 |
| Mental capacity act | 1 | Orthopaedic medicolegal | 1 |
| Mental health | 1 | Orthopaedic surgery | 3 |
| Mental health and mental capacity | 1 | Orthopaedic trauma | 1 |
| Microbiology / infectious diseases | 1 | Orthopaedic trauma, equalities act | 1 |
| Microbiology, infection, infection prevention | 1 | Orthopaedics | 11 |
| Midwifery | 8 | Orthopaedics and trauma | 3 |
| Modern slavery | 1 | Orthopaedics and trauma surgery | 1 |
| Money laundering | 1 | Orthotics | 2 |
| Motor engineer | 1 | Osteopathic medicine | 1 |
| Muscle and nerve disease and injuries | 1 | Paediatric allergy and dermatology | 1 |
| Neurodevelopmental disorders (autism, ADHD, intellectual disability, etc) | 1 | Paediatric neuropsychology | 1 |
| Neurodisability paediatrician | 2 | Paediatric ophthalmology | 1 |
| Neurology | 1 | Paediatrics | 1 |
| Neurology physiotherapist | 1 | Pain | 1 |
| Neuropsychiatry | 1 | Pain management | 1 |

| Area of expertise | Responses | Area of expertise | Responses |
|--|------------------|--|------------------|
| Pain medicine | 3 | Respiratory medicine | 4 |
| Palliative care | 1 | Restorative dentistry and periodontics | 1 |
| Paramedic | 1 | Rheumatology | 1 |
| Pensions | 1 | Risk management | 1 |
| Pensions actuarial | 1 | Road accident reconstruction | 1 |
| Pensions on divorce | 1 | Safeguarding | 1 |
| Personal injury | 5 | Security systems | 1 |
| Personal injury - care and case management - brain injury | 1 | Sexual and reproductive health | 1 |
| Personal injury resulting from golf accidents | 1 | Share valuation | 1 |
| Personal transportation | 1 | Shipbuilding, mining, oil & gas production | 1 |
| Pharmacology | 2 | Shipping | 1 |
| Physiotherapy | 7 | Skin camouflage | 1 |
| Physiotherapy expert in spinal cord injuries | 1 | Small ships and coastal shipping | 1 |
| Physiotherapy in spinal cord injuries | 1 | Social work | 2 |
| Pi brain injury | 1 | Social worker [children and families] | 1 |
| Plastic surgery | 4 | Software development | 1 |
| Plastic surgery / medical expert witness | 1 | Speech & language -autism | 1 |
| Plastic surgery and hand surgery | 1 | Speech and language therapy | 3 |
| Playground equipment and recreational areas | 1 | Spinal problems | 1 |
| Podiatry | 1 | Spinal surgery | 2 |
| Ports | 1 | Sport and exercise | 1 |
| Pre-hospital care | 2 | Structural engineering | 3 |
| Printing | 1 | Structural engineering and building surveying | 1 |
| Production, trafficking and supply of controlled drugs | 1 | Structural waterproofing design | 1 |
| Project management and construction, oil & gas | 1 | Surgery | 2 |
| Property in Spain | 1 | Survey and valuation | 1 |
| Prosthetics | 1 | Technology and security | 1 |
| Psychiatry | 14 | Thermal technologies | 1 |
| Psychiatry/ brain injury | 1 | Tissue viability | 1 |
| Psychological assessment | 1 | Toxicology | 3 |
| Psychological injury | 2 | Toxicology (largely for coroners and child protection cases) | 1 |
| Psychological trauma and neuropsychology | 1 | Trace evidence | 1 |
| Psychologist | 3 | Transport economics | 1 |
| Psychology | 17 | Trauma and orthopaedic surgery | 1 |
| Psychology in family law | 1 | Trauma and orthopaedics | 8 |
| Psychology: families, fostering & adoption, abuse of all kinds - victims and perpetrators. | 1 | Trauma and orthopaedics - hand surgery | 1 |
| Public health, infectious diseases, epidemiology and tropical diseases | 1 | Trees | 1 |
| Quantity surveying | 2 | Trees, arboriculture | 1 |
| Quantum | 4 | Trichologist | 1 |
| Quantum care reports | 1 | Ultrasound | 2 |
| Quantum expert | 1 | Urology | 1 |
| Radiology | 1 | Valuation | 2 |
| Rehabilitation | 1 | Valuation, accountancy, economics and finance | 1 |
| Respiratory | 1 | Vascular surgery | 3 |
| Respiratory & general medicine | 1 | Veterinary | 1 |
| | | Veterinary medicine and surgery | 1 |
| | | Vocation/occupational health | 1 |

Appendix 2

Question 2 – What type of cases are you instructed in the most?

- yes, I am now getting a lot more claimant work.
- Work load has increased as I am now the only Lip Reader in the UK (allegedly)
- Work has continued much the same, with no noticeable effect from the pandemic
- Went up the year before following a new website
- Was in hospital for 3 months in 2020 and missed out on at least half a dozen cases. Also rival 'drug experts' have retired or died, so I'm told I'm the last 'drug expert' remaining who is NOT ex-police.
- Voluntarily reduced work due to Covid
- very little opportunities could be covid related
- Very few enquiries
- Usually, my instructions are not defined from the onset.
- Usually have 1-2 appointments/yr which is quite enough since the cases are often large and complex. This year? Zero
- Up by 50%
- Up 25%
- Unprecedented levels of enquiries have been received and waiting times for assessment appointments have been impacted.
- Unfortunately, divorce hasn't reduced.
- Trivial claims
- This is due to me not taking any new instructions, in preparation for retirement in 2 years time.
- Things have been very quiet due to COVID.
- There seems to be many more claims post Covid
- There is an increase in work, particularly in private law work.
- There is a demand for child psychologists but demand seems to outweigh supply. As I have expertise in this area, I tend to be instructed quite often.
- There is a "steady trickle" of cases coming through
- There has been more demands and solicitors have been prepared to wait for my availability.
- There has been little change in the volume of instructions I have received, despite the COVID situation
- there has been a large increase in family, criminal & CoP referrals. I think the Covid crisis has caused a huge backlog in all areas & that lawyers are struggling to find experts to instruct
- The numbers of crap instructions have increased. Do lawyers know how to instruct experts? I don't think so.
- the number of cases remains variable from month to month - usually 1-2 new cases per month with the addition of further work from existing cases when new evidence is available
- the last 18 months have been the busiest I have ever been. Difficult to know why although my name seems to have spread and perhaps there are more cases.
- The increase has been over the past 3 months
- The flow of criminal cases is slower, but the numbers are the same - there is not yet the growth expected from the pandemic and the furlough/SEISS issues
- The family market has been particularly buoyant in the last 18 months
- the clients are becoming more knowledgeable on what an expert witness function is
- The assessment process and work has been more difficult to fulfil within the context of Covid
- The amount of instructions that we are receiving have increased slightly over the last 12 months
- Surprisingly steady considering Covid-19.
- Substantial increase especially in Medical Negligence cases
- Substantial increase
- Still completing the same number of reports, with around the same number of instructions.
- Stayed the same but more online assessments
- Started doing more of this work
- Some of my OT colleagues returned to support the NHS during the COVID-19 pandemic, Those, including myself, who remained working privately had increased workload as a result.
- Solicitor remained consistent
- Slowed down initially but regular as usual now
- Slightly increased (3 respondents)
- Since the lockdown it has doubled
- Since COVID we have had a drop and haven't made it back to where we were before yet
- similar levels of enquires and instructions have been received
- Similar but some cases have settled early prior to examination and most assessments have been virtual
- Significant reduction
- significant increase in instructions.
- Seems to be many cases settling prior to instruction if experts

- Seem to have stayed same but recently less instructions coming in since June whiplash reforms.
- Seem to be more clinical negligence cases related to Breach of Duty by GPs
- Seem to be catching up after COVID
- Seeing signs of recovery
- Requirement is very sporadic, we can go for long periods without receiving any instructions
- Request for non face to face appointments
- Remote working has meant that location was no longer so relevant.
- Relatively few, but complex cases
- Reduction in incidents
- REDUCED SINCE COVID BY APPROXIMATELY 60-70%
- Receiving twice as many negligence instructions
- PSYCHOLOGICAL EVIDENCE IS BECOMING MORE VALUED IN CRIMINAL COURTS
- problem with direct examinations has delayed cases
- probably COVID-related
- Pretty steady flow
- Predominantly clinical negligence as before
- Practice has been building from a low base; very few instructions during 1st lockdown but now picking up quickly
- Plodding along
- Planning to retire
- Perhaps an initial slow, March to Sept 2020, when respiratory doctors were particularly busy for medical reports etc, but instructions have since 'bounced back'.
- percentage of high value claims has gone up.
- Partly due to covid reducing work of courts and footfall into lawyers.
- Particularly during the latter part of the year following greater releases in lockdown. We thought we had a difficulty early in the year, however this has not been the case.
- Overall the same
- overall number of instructions remained same; however with higher number of small value commissions.
- Overall increased but peaks and troughs
- Overall around the same number
- over 50%
- only started medicolegal work
- On average, remained stable
- On average I receive one approach a week for reports on clinical negligence related to obstetric medical ultrasound. I have to reject most of them as I do not have time to do them.
- Numbers fell during lockdown, now dealing with the backlog
- now a mix of Civil & Criminal
- Noticeable increase in cases
- Not quite sure why. Could be because I'm mostly retired and tend to cherry-pick what I now become involved in.
- Not my primary activity but typically have 1-2 instructions for specialist input / year
- Not much to add - gone up by 20 %
- No significant changes
- No shortage of work, could do more if I wished / had time
- No obvious difference. Fewer RTA's as fewer people on the road
- No obvious change. (5 respondents)
- No noticeable difference in the number of enquiries or appointments.
- My intention has been to wind down my medicolegal practice
- My choice. More instructions are available
- My area is very specialised so there are not many experts, plus my reports appear to be well received, and I have a swift turnaround for reports.
- Much fewer instructions which involve foreign travel due to restrictions.
- Most solicitors seem to be away from the office
- More work than I can manage!
- More requests for cases due to backlog from previous 12 months
- more instructions from different solicitors
- More expert witness referrals and less people to provide them.
- More enquiries but fewer cases
- more enquiries and instructions as expert witness
- More convoluted and irrelevant instructions put together by people with little understanding of mental health.
- more construction disputes
- More cases instructed
- more awareness of workplace health ,
- Modest increase in instructions. Perhaps a 10% increase
- may have been a small decrease related to covid but difficult to be sure because of the intermittent nature of enquiries
- Mainly lockdown related, more dogs bought and no classes or training last year
- Mainly due to Covid but now picking up slowly
- Mainly because of the lockdown, there was an increased amount of cases backlogged.
- mainly because of instructions from additional agencies.
- Low in 2020. picking up in 2nd half of 2021
- Lots more litigation cases
- Less PI more medicolegal work
- Less activity in the industry due to covid and home working
- Last 6 months
- Larger volume of work being processed requiring impartial review and reporting.

- largely dictated by the number cases referred to me by my employer
- Large increase in referral of neonates / drug using mums-to-be to Social Services, also Coroners workload increasing
- Large increase during 2020 because of COVID, has reduced this year.
- Kept up with the Med Neg reports but unable to undertake home visits for quantum cases for PI and Med Neg.
- Just started (3 respondents)
- I've experienced a growth in referrals within and between PI claims specialists.
- it was insanely high anyway - 120 invoiced pieces of work
- It is our experience as a company that, during the pandemic, whilst people have been spending more time at home, noise complaints have increased resulting in more litigation requiring our services as experts in acoustics
- It has increased over the last 3 months but during the initial months of COVID instructions declined significantly.
- It diminished at the beginning of 2020 but has returned to normal now
- it always seems to wax & wane. no obvious change
- Insurers taking a tougher line of disclosure and "Fair presentation" resulting in indemnity being refused, Client then pursues the broker . More on line transactions. "Cinderella syndrome"
- Instructions almost completely ceased during lockdown
- Instructions have not been affected by the pandemic.
- Instructions have increased by 10%
- Instructions are volatile. It is very difficult to detect meaningful trends over a period as short as 12 months.
- Instructions are rare.
- Initially during the response to the restrictions, the number of reports and enquiries dropped off. Since earlier this year they have increased again.
- Initial lull as everything stopped in first lockdown and since then I have received more and more instructions
- Increased substantially over the Covid period - increase of say 50%
- increased post lockdown
- increased just prior to covid 19 lockdown
- Increased due to exposure through Bond Solon training and registering with APIL & AVMA
- Increased demand from CJS
- Increased by around 50%
- Increased by about 75%
- Increased by 1/3 over two years
- Increase in workload
- increase in valuation and SPA related disputes
- Increase in direct independent referrals and instructions. Virtual appointments and Desktop reports requested.
- Increase in claims
- In fairness I have done very little to get work due to child care but I would say even enquiries have gone down
- I'm a new expert and am seeking more instructions.
- I wrote about 80 reports last year; 65 the previous.
- I work in many areas, the civil has gone down, family and criminal have increased
- I used to get about one enquiry per month and now it is about 3
- I think it's gone down due to the lag impact of COVID restrictions and not be able to start claims
- I think because other EWs have stopped working and/or increase in family court applications.
- I suspect this is spill over from the pandemic
- I suspect due to the higher number of claims presented to lawyers.
- I retired in March 2021
- I only started medicolegal work 1 year ago
- I have withdrawn from Expert Witness work
- I have the amount m-l work that I desire
- I have taken on the work I wanted to and have time for, although asked to do more.
- I have started working via an agency, this has increased my referrals
- I have retired from practice so instructions will inevitably slow down
- I have recently scaled up to full-time private practice.
- I have partially retired from the NHS and so have more time for medico-legal work
- i have only recently began consulting full time as my main area of operation so this business is as yet, relatively new.
- I have only been doing personal injury work for the last 6 months
- I have only been acting as an Expert Witness for around 12 months
- I have noticed no change in the number of cases instructed on
- I have not stopped working over the last 12 months and have been supported by the Legal Teams and Courts to carry out face to face assessments - which I consider are vital to the task at hand - very well by Services and Courts. Hence the work has been booked well in advance and Courts have extended their own assessment framework deadlines - in some cases.
- I have not done and legal cases yet
- I have not been working (3 respondents)
- I have not been active as an expert witness in the past 12 months but plan to do so once I have completed my CUBS certificate.
- I have just started medicolegal work in the past 12 months, so i don't have any previous comparison.
- I have devoted increased time as a result
- I have changed practice and take fewer instructions
- I have been receiving increased instructions for complex work, directly from Solicitors e.g. clinical negligence / accidents with life changing injuries, and far fewer from agencies for fast track work. However, overall the numbers have decreased. This way of working suits me.

- I get roughly one to two cases per annum
- I feel the current social climate has changed recently and with it, criminal activity has escalated somewhat.
- I feel more people are hearing about me as an expert witness so through word-of-mouth I am getting more enquiries.
- I attach no significance to such numbers. Volumes (for my type of work) are random.
- I am yet to take any official instructions
- I am taking less on now and being more selective about the cases I do
- I am retiring and so only did reviews and the cases I was contracted to do
- I am retiring and only deal with unsettled cases
- I am retired but still doing some work
- I am receiving many more requests for hospital, community and nursing home negligence cases
- I am preparing for retirement and have cut down on the cases I accept
- I am not doing personal injury cases but still do negligence work
- I am new to the role so just becoming established but I have had more enquires
- I am more available for work
- I am limiting the cases that I am involved in now due to impending retirement
- I am just starting as an expert witness so I had no cases before.
- I am in the fortunate position of having more work than I can manage
- I am getting more child abuse cases.
- I am fairly new in practice so would expect an increase in instructions
- I am currently working at less than 50% volume of cases as compared to 2019
- I always get offered more instructions than I have capacity to take. However, these certainly seem to have increased. Also, at one point about one in six of my quotations were selected. Now it's almost all of them, so I think there are more instructions than people to respond.
- Haven't yet started medico legal so not able to comment
- Have retired from NHS so have more time to take on instructions
- have increased by 20%
- Have been more selective
- had more enquiries from further afield but no capacity to increase numbers of cases taken on
- Had hiatus now a rush of postponed cases.
- Had gone up sharply the previous year
- H1 2021 was quiet but has picked up sharply in H2
- Gone down because I have stopped accepting civil referrals.
- Frequent requests for addendum/further reports due to longer proceedings associated with C-19 and demands upon Court time
- Forensic toxicology cases may have increased or decreased overall, but submission of cases to a lab are capped by a government body
- fewer instructions - mostly clinical negligence
- Fewer directly from individual solicitors but more from medicolegal services eg Premex
- Fewer accidents due to Covid
- Far fewer enquiries but reason unknown
- Family cases have gone up considerably as DV has increase and families under stress during Covid seem to have produced more Child Protection and custody conflict cases also involving serious mental health issues
- fairly new to the work and starting to build my practice
- Enquiries have gone up although I do not take on them all.
- Due to the lockdown, many people were not able to work, are short of money, and are looking to sue as many people as they can to help their finances.
- due to reforms
- due to lockdown I have taken up less work and appointments has been an issue.
- Due to Covid-19 restrictions there was a surge in on-line transactions and cyber crimes
- Due to Covid personal injury Claimants (High Risk so self isolating almost by definition) mostly will not see me in their own home, which as an expert I need to see to assess needs - cases seem to be stayed, abandoned, settled out of Court, or otherwise delayed.
- Due to COVID impact
- Due to COVID - my reports almost always have to be based on face-to-face examination, by the nature of my specialty, such as scarring. Solicitors accepted this but delayed instructing.
- Dropped over Spring Summer. Going up again now.
- Dr Croft has seen no change to the instructions that he receives
- Down by about 1/3. I believe this has much to do with location (Singapore) and the country's travel restrictions.
- Doubled (3 respondents)
- Don't know
- difficult to assess
- Despite recovering from Cancer i have had 7 civil cases and 1 criminal
- Demand has reduced
- Demand has increased, waiting times for a report are now about six months, and much more work is turned away
- Deliberate reduction of work pre-retirement
- Definitely gone down throughout the pandemic
- decrease in criminal cases
- criminal and civil cases
- Criminal activity with rogue builders has escalated ,and hence a larger volume of instructions.
- Covid, I guess
- Covid shut the Courts and kept people from mixing and (drink/drugs) driving.

- Covid has had an effect on the progress of cases in the courts.
- Covid effects
- Covid caused golf lockdown (no play) resulting in zero personal injuries.
- Covid backlog but picking up again
- Covid affected how assessments took place so this year similar to last year
- Continuing flow of cases from lawyers....
- Continual steady demand for reports from a number of well established legal practices
- Considerable reduction partly due to covid.
- Comparable with previous years
- Coming out of lockdown, the number of cases I'm seeing has increased sharply
- Clients want face to face contact for assessments. I do not consider this safe, particularly as most clients are from abroad
- Casework volumes roughly doubled
- Cases often complex
- By almost 50% during the Pandemic Lockdown
- By 10%
- But winding down expert witness work and so have informed IS that not accepting new instructions.
- Beyond the general number of cases involving fire investigation, I have seen the number of cases involving fire safety defects also increase as many cases now move to civil litigation, or awareness of fire safety issues continues to increase.
- Being in the elite sports environment, these cases can be sporadic at all times
- Been more selective
- Becoming known even though I have yet to complete course
- Because I am going through a staged retirement and only working on legacy cases.
- Backlog of cases in the court system. Threshold for 'public interest' test has been raised.
- At capacity
- as no face to face only suitable remote
- As I am doing all my work by video due to Covid risks to my staff and patients there have been fewer new referrals.
- As I am cutting back on my work I am not out chasing it.
- Approximately 15% rise.
- Animal welfare cases have not been a priority for courts and enforcement during the pandemic
- Although more complex structures
- Although higher value cases
- Agencies have passed on more instructions
- Agencies and Solicitors failing to appreciate that most can be conducted remotely.
- about the same number of enquires and converted work
- About 20% increase.
- A steady stream of instructions but gradually increasing
- A significant increase in the number of instructions for me personally, and also within the company.
- A lot!
- A lot more remote assessments rather than F2F ones
- A general steady increase
- 4 fold increase
- 3 cases, just ended
- 25% increase in negligence cases.
- 2 requests for court, whereas I have received none in the previous 3 years
- 2 in 2020 18 in 2021
- 2 during all of 2020, 3-4 already this year and asked to comment on another as the original expert was not available.
- 120 to 150
- 10-20%
- ? related to difficulties or backlog in criminal courts maybe
- 50%
- 30%
- 20%
- 10%

Appendix 3

Question 6 – How does this compare to your hourly rate in the previous 12 months? Please provide any comments.

- Within that range I increased by 5%
- Will increase soon. Waiting to see how things change
- Will be increasing my rates soon. I do charge more for consulting and training
- Why should I lower it?
- Whilst fees are at the same level since 2019 - they are due to be increased within the next few months.
- went up 370-400
- We uplift our fees each year.
- We set our own rates
- We increased our hourly rate this year for the first time in several years.
- We have not increased our rates over the last 12 months.
- We have not increased our rates for two years
- We have not changed our hourly rates.
- We are well paid anyway, I work because it is so interesting, but I wouldn't work for nothing.
- Was increased in the year before
- Very little has changed in terms of charges
- varies slightly depending on the client
- Used to be £200 now I charge £250. Others I know are charging £300 hence my increase.
- Unchanged for 5 years
- Unchanged except I had to add VAT
- unchanged
- Ultimately my fees come out of the public purse and I do not feel that I should be trying to benefit excessively at the public expense
- This is the same. But hugely under funded. Considering leaving
- This is the fee I was informed by a solicitor was the going rate from similar reports she had instructed in the past.
- There is evidence that prices are about to increase
- There is an increased demand which makes it possible to set more competitive rates particularly in LAA funded cases.
- There have been no changes in rates (3 responses)
- there has been no increase in rates for OT for legal aid and commercial rates have remained the same in my experience
- The same as I don't want to make my fees unacceptable at the moment.
- The same, however, my hourly rate will increase at the beginning of the new tax year
- The price has stayed the same, some clients get a discount if they have been with us a long time.
- The effects of general inflation alone see rates increase. However, there is increasing demand for the people who make up supporting teams, which is part of the cost base for expert witness work.
- The courts cap the fee. It's peanuts.
- Still relatively early in my medicolegal career - so seeing how things go
- Small increase in hourly rate, but no increase in past 2 years
- Small increase circa 5%
- Slightly higher to reflect the 'going rate'
- Slightly higher in line with inflation
- Slight increase to account for inflation. However, remote hearings do not incur travel/ accommodation/ subsistence costs
- Slight increase only
- SAME RATE CHARGED FOR LAST FIVE YEARS!
- Same (10 responses)
- report fees went down about 5 to 6 years ago and not changed since
- remained the same, dependent on size of matter and time required
- Rates not changed for 3 years now
- Rates fixed by legal aid and courts
- rates dictated by LAA
- Rate maintained from 2020
- Promoted
- Probably undercharging previously
- Pressure of work, as well as increased cost of working, is causing us to test the market by increasing the rate from £240 to £260
- Premier tried to reduce so I stopped work for them
- Pay rise of £3.00 per hour.
- Our professional fees have not changed in the last 2 years
- Our hourly charge rates remained the same despite volumes increase
- Options to change are limited.
- Not sure why my rate should need to change over the past 12 months
- Not practising now
- Not changed for a few years

- No step changes planned
- No reason to change my rates
- No noticeable additional pressure on fees.
- No need to change fees but may have to increase them to reduce instructions
- No increase since 2009
- No increase in hourly rate
- No fee change needed at this stage
- No difference as I typically work at legally aided rates
- no comment (5 responses)
- No change (19 responses).
- no change required, as limited court attendance anyway
- No change in the fees for reports on r court attendance
- No change in pay rates for many years.
- No change in fees in last 12 months
- No change - Government set rate.
- Newly promoted.
- My rates have remained the same for the past 5 years. I have only just increased them.
- My rates for private instructions have not changed. Legally aided cases obviously means lower rates.
- My rate is determined by my employer.
- my hourly rate has been enhanced by my company by £3 per hour
- My hourly rate charges have not altered.
- much of my work is legally aided, and from experience it is important to be consistent with regards to how I charge
- Most cases are on fixed fee basis ...also given for half or full day in court...how much would depend on whether the case is in the UK or not.
- Marginally. Up by £10
- Mainly LAA rates
- Level
- Less Legal Aid Work
- Less agency work therefore paid more directly
- Legal Aid rates used. (4 responses)
- LAA rates
- LAA haven't changed since 2013.
- LAA has prescribed rates
- LAA
- Just a slight increase after fees had been held down for many years. Now back at levels of 10+ years ago.
- I've put my rates up every year by around 5% to cover increased associated costs and have received no adverse comments.
- I've increase my rate from £280 to £290 / hr
- It was time to increase as my hourly rate had been the same for a number of years.
- It is the same - my work is typically funded by LAA and the codified rates are £33 per hour for professional time, irrespective of task
- It is a fair rate for my time and experience.
- it has not changed in 20 years!!
- Increased the price due to increased demand and the fact I'd not raised my fees for three years
- Increased slightly
- Increased rates by 25%
- Increased annually
- In real terms a pay cut with living expenses and no raise in pay in line with this.
- I've not put up my fees
- I work to an agreed tariff that hasn't changed for many years
- I used to only accept payment within 60 days of presentation of my invoice but I added an extra £20/hr for settlement within 120 days
- I used to get 750 an hour. Now 850
- I try to keep my charges the same for everyone except for individuals who have limited funds.
- I plan to increase rates soon
- I only work to the set legal aid rates - to charge more than this is against my own personal beliefs
- I may have increased my fees slightly, but not much.
- I increased my hourly rate by £10 per hour.
- I increase my hourly fees annually
- I increase by 7.5-10% pa
- I haven't increased my rate for some time.
- I haven't changed it the issue is actually getting paid
- I haven't changed fees for 2-3 years
- I have to work within legal aid rates which have been fixed for years.
- I have to decrease
- I have reduced my fees slightly but intend to charge more accurately for the hours worked. In the past I have worked many more hours than I have billed for and I want to address that.
- I have not thought about changing this
- I have not put up costs for a number of years now.
- I have not increased the rate.
- I have not changed my rates in 10 years.
- I have made no change to my private fee charges. But am limited if I do legal aid cases to the parsimonious fees for LAA which have been unchanged for many years
- I have kept my rate the same for the past 3 years but I am contemplating raising it from 2022
- I have kept it the same since 2016.
- I have keep my rates exactly the same. I do this for both Private and Service clients. I do not think this is a period that needs to be taken advantage of by raising rates. The Service is the Service.
- I have increased from a notional £500 to £550. However I rarely get these rates and actual hourly rates tend to be closer to £350

- I have held my fees at the same level for the last few years (a time of very low inflation).
- I have considered an increase but consider my rates appropriate
- I have a flat rate for attending court regardless of how long in court for as the whole of my clinical practice needs to be suspended while I attend court
- I had not increased my fees for some time and this was in line with my peers fees
- I continue to charge the same rates.
- I charge just below the limit for psychologists
- I charge £75-100 per hour. Unchanged.
- I charge £100 per hour for remote work from my Office and £300 per hour for Court appearances or similar, plus travel and accommodation expenses if applicable
- I am still "finding my feet" as regards professional charges.
- I am paid per report by an agency so hourly rate hard to calculate. It may have gone down due to time spent on admin.
- I am looking to increase my fees.
- I am limited by legal aid costs and what agencies are paying which is not as high as it should be for my level of expertise but the number hours has increased as cases are more complex
- I am happy with what I charge
- I am a Police Officer & Forensic Collision Investigator for the Police. I am not paid a separate rate when working in my expert capacity.
- However, I am reviewing my charging structure with a view to increasing my charges.
- Hourly rates subject to marginal increase
- Hourly rate limited to £72 by Legal Aid, remains at £90 for private or 'advanced' cases.
- Hourly rate has not changed significantly
- Hourly rate has not changed
- Hourly rate commensurate with my qualifications and experience
- Helps limit workload
- Haven't put prices up during covid and do work mostly for legal aid so prices are pre set
- Have not changed my rate for past three years
- Have kept my fees steady for previous 18 months
- have increased hourly rate as this had not been reviewed for a couple of years.
- For court appearance, I usually charge per half-day, but covid has meant zoom attendances, for which I charge per hour.
- figure set by Legal Aid Authority
- Fee rate has increased slightly
- Expert work is additional to my main practice so I use an agency to secure work and take care of all the admin. Their rates have not increased.
- Exactly the same rates as previously - analysis and reporting @£72/ph
- Exactly the same
- Due to overheads my lead costs for reports is about 20% higher.
- disputes are more intense
- different instructing counsel seem to want different rates in that some want hourly rates and some want day & half day rates.
- Day rate has decreased due to remote hearings and so no travel.
- Court appearances were virtual so kept prices the same.
- Costs have significantly risen. An attempt to raise hourly rate to £200/hr from £185/hr (held at that for 4 years) which would merely have broken even as a consequence of the extreme delay in receipt of payments since Covid and cost of loans to pay for this, resulted in not being appointed, other supposedly cheaper experts being preferred. Hourly rate in real terms therefore now significantly lower due to constant late payment or refusal to pay in full.
- Costs are stable - no justification for fee rate increase
- Comparable with previous years
- Bound by LAA rates
- As skills developed advised to increase hourly rate by agency
- As more demands and responsibilities are put on experts, the rate will have to increase. It is also affected by sterling/ euro exchange rates.
- Although this is the quoted rate (£300), in reality it is lower than this as I don't watch the clock and guesstimates are rounded down
- Almost all payments are Legal Aid which has not changed
- £280/hour to £300/hour
- £150 and my rates have been the same since 2018.
- £120 to £125
- £10 per hour more.
- a lot of my work is legally aided and rightly there are limits to the amounts one can charge, though in my experience the amount of work involved in producing a report is usually longer than what is actually charged for
- A few more higher fee cases
- 5% increase in hourly rate
- 150 ph now
- 0.05

Appendix 4

Question 8 – How does this compare to the previous 12 months?

Please provide any comments.

- "Remotely" includes phone interviews and sending questionnaires. I only did one remote interview with a child and it was a mistake and really not valid.
- I'm asked to do more clinical negligence work, which is usually just from the files (ii) I'm now doing more remote consultations via zoom or phone
- 12 months ago I was doing mainly remote appointments but now far fewer.
- 3 days in the office and 2 at home.
- A significant part of my practice was paper reviews anyway - some increase with covid and remote working - don't envisage much more of an increase as my non-paper reviews require me to physically examine clients
- All assessments are now on-line and this for the most part works well as Court hearing are held on-line but solicitors need to be more helpful with aiding their clients with technology links as often the clients do not have adequate ability to manage on-line or don't have the equipment (laptops/tablets)
- All conferences are now online. My reporting work is mainly with electronic records now - changed from paper over past 2 years, particularly over past 12-months with Covid & lockdowns.
- All conferences are now virtual, including some trials. Only criminal trials and significant civil trials are being held in person.
- All conferences have been held remotely. No face to face meetings. Oral evidence delivered online.
- All Court Appearances and Coroner's Court appearances were virtual. All Conferences were virtual. All meetings with Counsel were virtual.
- All of my work has been carried and continued remotely since March 2020. This is working exceptionally well, even for more complex cases.
- All remote in main part of pandemic
- All tribunal hearings were in person - now remote.
- All work last year was remote - I am now beginning to assess face to face again.
- All work over the last 12 months has been remote.
- ALMOST ALL WORK IS NOW COMPLETED REMOTELY
- answer really compared with prepandemic
- As a result of Covid 19 pandemic restrictions virtual and telephone appointments were offered to clients as I was unable to undertake home visits until restrictions had eased.
- As we are in Spain and our clients are in UK mostly, we rarely meet them. However, of course, we visit the properties which are in Spain, Portugal, Andorra and Gibraltar.
- Because conferences are carried out remotely thereby negating the need to attend in person
- Before lock down in March, I did no remote working, then all remote working, then a gradual shift back to all face to face
- But higher than pre-Covid.
- but not by very much - main change has been a switch from phone conferences to video conferences
- But not that much higher
- But previously it was all face to face
- C&P assessments now mostly done remotely
- can do a lot on line
- Change in the way of working due to COVID-19 lockdown
- Consult via Zoom as well as testifying in camera
- court attendance online
- court is mainly on line, and meetings with professionals
- Courts have got their act together with remote access for evidence (except in Scotland)
- Covid (8 responses)
- COVID has impacted on all face to face meetings
- Covid has impacted on situations where physical presence would previously have been expected
- Covid meant higher number of remote assessments, then this has eased since lockdown lifted and people being vaccinated
- covid restrictions leave no choice
- Covid was about this time 12 months ago - all COVID related
- Declined in the last months.
- Did not do any remote assessments before Covid-19
- due to covid but returned to face-to-face from July 2021
- due to Covid-19, everything went remote
- due to requests by clients and Covid
- Due to the pandemic
- Due to the pandemic, I have curtailed my assessments to doing them either remotely or in a covid secure environment.
- Due to the restrictions related to the COVID pandemic.

- During lockdown all assessment appointments and case conferences were conducted remotely by experts; now assessments are back to being conducted face to face by our experts however, the majority of case conferences still being held remotely. It has been noted that attendance at some trials could be remotely attended. All other expert witness work is carried out remotely from home offices (which was the case prior to lockdown. Support (admin) staff now work permanently from home, only coming into the office on average twice a month; prior to Covid admin staff came into the office to work.
- During lockdown it was all remote - it is all back to normal now.
- During the first lockdown it became apparent that remote assessments, joint statement discussions and case conferences could be carried out efficiently. This has only increase during the last 12 months.
- Even the low risk contacts have gone virtual to save money.
- Expert testimonies are mostly done on-line to curb covid-19 spreading
- Facilitated by Zoom
- fairly obvious, we have not "got about" much
- for 10 months only remote now starting f2f again
- Hate doing remote assessments
- Have been working from home since 2014, due to mobility difficulties less able to perform inspections or attend court in person if over 90 mins travel away.
- Have started doing some face to face examinations.
- Hearings have been online. I do not do remote assessment work
- Historically I have always interviewed patients in person
- Hybrid approach - some face to face and some remote - this has arisen due to C-19
- I always did some remote appointments but now it is 100%
- I am based at home with the exception of site inspections Civil Cases are currently via Zoom
- I am now conducting full assessments face to face. During lockdown I was only completing a preliminary interview via remote teams
- I am now visiting clients again. I was completing all assessments virtually for 12 months.
- I am still doing face-to-face assessments (with appropriate PPI protection)
- I attend court remotely. My assessments remain face to face.
- I carried out remote assessments during lockdowns. All case conferences are now remote.
- I did attend more local conferences in London. It was about 50/50 now it is all remotely. However many are on Microsoft teams which I think is better than a telephone conference as seeing people helps.
- I did no face to face examinations during lockdown
- I did no remote work at all until Spring of 2020
- I did not do any remote work pre-covid. Procedures were introduced during lockdown to allow this type of work to take place. I provide a national service and so have continued to request remote working if the journey time to see a defendant or attained court/ parole board hearing is over an hour.
- I did not do any teletherapy pre covid
- I have always been asked to undertake desktop reports. Meetings with Counsel are usually remote.
- I have been required to undertake most of my clinical assessments using virtue media platforms and I no longer attend case conference in person.
- I have gone from 0 to 100%
- I have not done remote assessments as I use psychometrics and do not feel they should be done remotely
- I have not had any face to face case conferences in the past 12 months
- I have undertaken desk top assessment work
- I have, in the main before COVID, mostly worked remotely.
- I like that I can now give evidence remotely. No hanging around waiting to be called. Don't do actual case work remotely - very difficult to do this with vulnerable children and young people.
- I need to see people in person to administer physical tests so remote assessments are not doable.
- I never did remote assessments before the pandemic
- I now complete some assessment by video call and most social work meetings. Previously all happened in person.
- I now do interview virtually but testing in person
- I only do clinical negligence work- all conferences remote
- I only see the Claimants face to face. All meeting of experts and lawyers is done by computer meetings or by phone, which is always like that.
- I prefer face-to-face work and will make every effort to maintain an appropriate balance of face-to-face and remote.
- I rarely did expert witness work remotely before Covid. Now that has changed a good bit and I don't think it will go back to the way it was when Covid is past. Remote working is here to stay I think. However, some of the type of work I do can only be done effectively in meeting people in person where they are.
- I rarely did video link assessment before the pandemic.
- I still use meeting facilities as a preference over in-person meetings. My site visits and investigations must still occur in person.
- I undertake ASD and LD assessments which must be completed in person
- I was carrying out clinical interviews remotely but am now conducting them in person again. Consultations remain online and I am happy with that.
- i was still working remotely on most cases last Aug / Sept
- i was working completely remotely until recently when restrictions lifted
- I work from home office
- i work in the UK but do not live in the UK. I have been working remotely for years. the difference now is that all my bundles come in electronic form
- In most cases I could work remotely, even before the pandemic
- In my area, remote consultations are useless. The injuries are very physical requiring physical examination and photographs taken by me

- In the previous 12 months all reporting was carried out face to face. It is difficult to assess injuries remotely
- Initially, all assessments were remote. Currently, mostly are face to face. Some are a mixture of both.
- It is higher because of Covid and that is not ideal.
- it simply hasn't been possible to see people face to face. though this is preferable...
- It was zero 12 months ago
- It went down
- It would be difficult to persuade a patient with cancer should come into contact with random people so a report can be written
- It; still mostly zoom/teams etc for video conferencing with site visits generally made alone.
- It's higher and is becoming more comfortable
- its difficult to undertake care assessments remotely and where possible I prefer to undertake face to face. As I undertake face to face visits for my clinical work, I feel this is possible.
- I've assumed remote means out of office not away from client premises. Previous year hardly any work undertaken away from office.
- Large proportion of work still primarily conducted remotely
- Last 12 months were also in the middle of a pandemic. The twelve months before was rarely remote, however. I'm assuming that, by 'expert witness work' you refer to the whole process, not just the testimony. So far, very little testimony (@10%) has been remote.
- Less home checks in person, court via video in many cases
- Limiting person to person contact
- Lockdown has meant remote report writing and On line Teams meetings
- Majority of work is paper based. Only court appearances or infrequent laboratory visits require working away from office.
- Marginal difference since Covid lockdowns started in April 2020
- Modern communication makes it easier
- more
- More face to face as we have moved out of lockdown, which does not necessarily coincide with the 12 month snapshot
- More remote work in early stages of covid
- more remote working
- More remote working due to COVID-19
- More resolutions and less actual Court appearances.
- More use of Zoom etc for remote assessments, and particularly for meetings
- Most assessment have a subjective and then an objective part. The subjective part is now usually done remotely as it is an interview and allows me to introduce my self and talk to the client about their condition and how it affects them The objective part includes a physical assessment of their abilities and limitations and includes tests of range of movement and strength. This part is done face to face.
- Most of my clients are overseas so remotely has always played a big part
- Most of my work has remained remote but case conferences have now also been remote instead of face to face
- Mostly conferences and Joint meetings are undertaken remotely
- much easier and time saving - very well received by clients. Court attendance was remote too
- Much of my work was carried out remotely other than occasional conferences.
- My negligence work is notes based
- My secretary moved remotely from the office and we have seen no need to move ack
- my work has nearly always be done remotely from home, with the exception of court attendance
- My work is carried out at home. This is normal
- No change (4 responses)
- no comment (3 responses)
- no real change-I generally always visit the locus.
- Normally attending many more client meetings
- now doing more F2F
- Now more remote due to national lockdowns
- Obviously due to covid - less efficient and less lucrative.
- Obviously during the covid crisis all of my work including hearings have been virtual
- obviously more remotely now
- Once F2F became available most stopped assessing cases for remote and just asked for F2F.
- Only coroner's court was f2f
- Only different in relation to conferences and court appearances which are only about 10% of total time.
- only one case!
- Orthopaedics is not well suited to remote access work . You need to feel, hear (the joint), measure movements and strength
- pandemic related
- People happy to have remote consultation to avoid travelling long distances
- Post first lockdown, I used remote assessment. Now as per professional body guidelines, I start with an initial remote assessment and complete a risk assessment. If safe to continue I arrange a face to face assessment to complete my full assessment, shortly after the remote.
- Pre covid 100% consultations were face to face
- Pre covid it was all face to face, now mostly online
- Pre covid, I didn't do any remote work
- Pre-covid zero was remote
- Pre-pandemic most was done face to face.
- previously given the nature of my reporting i would have completed face to face assessments to establish functional capacity and tolerances.
- Prior to lockdown, all of my work was face to face
- Quite a bit is desktop.

- Rarely did remote work previously and now it is 90% of my time.
- Remote assessments and hearings started about two months after 03/2020 lockdown, i.e. mid-May last year.
- Remote assessments when up during the covid-19 lockdowns
- Remote court hearings and counsel conferences
- Remote has advantages which one hopes will be retained.
- Remote inspection of vehicles, plant and machinery is not practical when preparing CPR compliant reports
- Remote work only started during covid lockdown but has been a mainstay
- September 2019-March 2021 I was office based. April 2020-September 2021 I have worked remotely.
- similar
- Since the lifting of lockdown and with the vaccine role out most people now want face to face assessments. However, counsel conferences are still held remotely.
- Slightly higher during covid
- Slightly more remote working - fewer requirements to attend third party labs for non-sensitive casework and some hearings managed via CVP
- Smaller insurance related cases on desk top evidence
- Social distancing has increased the extent to which work is done 'on the documents'.
- Teams and Zoom
- Temporary increase in zoom consultations. Now returned to home visits
- The Courts have moved onto remote work, but my assessments are not based in remote working.
- The majority of my work is desktop report writing as it all relates to clinical negligence rather than personal injury where an examination would be more necessary. Court attendance on one occasion virtually as a result of the pandemic restrictions. I have attended several pre-trial meetings with Counsel etc virtually
- The nature of the work requires face to face contact, and visits to clients in their own home
- The pandemic has changed many things and shown remote working does not reduce effectiveness.
- The pandemic has forced a change, even on the criminal courts - it will be interesting to see how much of this remote working reverts once the restrictions are fully lifted
- The pandemic has shown it is possible to undertake some of the work remotely, which saves travel time and cost, and is therefore more efficient. This is not possible for all cases.
- The percentage depends upon the amount of time spent inspecting and gathering information (out of the office) followed by all subsequent work which can be done remotely.
- The remote work for giving evidence in court
- The same through the pandemic. Pre pandemic, slightly higher away from office
- The use of technology has now become more acceptable
- There is no benefit to attending a hearing remotely other than the benefit of being able to attend. It is our experience as a company that attending in person provides our clients with a better service and the only reasons for attending remotely have been related to the pandemic.
- This has opened up new markets as I now do remote reporting where the Claimants have been on the other side of the globe
- this is mainly due to COVID situation and remote working being encouraged by government
- this is much more cost effective as it means I can attend cons etc and not lose hours due to travelling. it also means I bill for fewer hours which is good for costs budgets.
- This positive move was precipitated by the pandemic
- Unchanged (2 responses)
- Unfortunately to do this remotely is very significantly more time consuming. It is very difficult to gain enough information to assess remotely.
- Until 2020, I saw all clients in person, then went to almost 100% remote, now starting to see local cases in person again.
- Until March 2020 Case conferences were largely in person, these are now remote. I have had one Court attendance for a Coroner's case in the last 12 months - this was remote.
- Use of video consultation
- Very little pre-pandemic
- Very little undertaken via video until Covid lockdowns in March 2021
- Very unusual to attend conferences in person now
- Via Zoom
- Video conference instead of face to face.
- Virtual case conferences are now the norm
- Was a lot higher in lockdown and was 0 Before COVID
- We did carry out some client site visits previously.
- We moved online for Covid. Only went back to the office in the last 3-4 months. Still online more than not
- we were still in the pandemic 12 months ago. Before the pandemic all the meetings were face to face.
- We will conduct part of our assessment remotely now followed by a briefer face to face for specific assessment areas. Some solicitors are specifically asking for remote assessment
- WFH due to covid
- With proper video/camera equipment it has been deemed a better option to provide evidence in court from a home office.
- With very few exceptions I do not think that remote interviews provide an adequate assessment method for medico-legal psychiatric cases, particularly in elderly clients.
- working from home
- Yes

Appendix 5

Question 9 – If you have had a joint meeting, remotely with another expert in the past 18 months, how did this experience compare to one held face-to-face? Please provide any comments.

- No way of interpreting body language.
- The lawyers all dialled in. 2. It is less personable.
- 3-way professional meeting, as usual
- Able to access documents and share them more easily
- Agenda stuck to, everyone there, a much shorter meet. No travel - bliss!
- All meetings in the past few years have been remote anyway
- All my joint meetings have always been remote.
- Although face-to-face is better, the time saving with video links is considerable
- Always did them remotely prior to covid
- Always do these meetings over the phone anyway
- always done them remotely
- as the setting is more informal this can lead to lack of preparation.
- Awkward when first started but now works as well as in person
- Before the pandemic we usually undertook JS discussions on the telephone
- Better more efficient attendance
- both work OK
- Can do 3 -4 cases which can get a little confusing. If 2 cases fine. Otherwise an ok experience.
- Can't read body language
- Conducted via Teams rather than face-to-face.
- dealt with matters quicker
- Depends on both experts attitude, as with face to face meetings
- Difficult to concentrate with people making tea etc in background.
- Difficult to debate points and to refer to drawings in the remote interface programmes.
- difficulties with overloaded internet connections
- Easier to arrange.
- Easier to organise, less intrusive of time, all parties better tempered!
- Easier to schedule, no travel and accommodation costs, can jump onto a Teams Call any time to clarify a point with out the need to schedule a formal meeting in writing weeks in advance.
- Even pre covid this was done remotely via phone or video
- Face to face meetings allow less formality and better discussions
- Face to face meetings were in any rare.
- face to face or on-line, rules of professionalism remained same
- Far easier to arrange due to not having to account for travelling and room hire etc
- Fewer distractions, straight to the issues as online takes more concentration
- Find it easy
- Frustrating business due to my hearing issues and accent difficulties, during hot tubbing with my nemesis
- Good and bad
- hard to read the room
- Harder to discuss case freely
- have a reference books to hand
- Have always been remote
- Have always done joint meetings remotely. Zoom is better than phone.
- However, then gaining agreement to sign the JS proved very difficult and time consuming.
- I feel it takes slightly longer to get to where we need to but both wise it's been fine
- I feel there is no substitute for meeting face to face for discussions, however a good video link is a reasonable compromise and can safely include more people if needed.
- I found it a real struggle getting the opposite experts to engage properly when using virtual means
- i have always carried out meetings with other experts remotely
- I have always held joint meetings via telephone
- I have been very surprised how good a there way discussion over the phone was.
- I have never had a face to face meeting, they have always been via telephone
- I have never held a face-to-face meeting with another expert. Always been email/telephone and sometimes Zoom.
- I have rarely had F2F meetings with other experts. I think that remote meetings work well and are easier to arrange. Remote meetings with clients is a different question.
- I prefer meetings with other experts (on other side) to be face-to-face. Remote meetings are difficult in all aspects
- I prefer to not have other than face to face meetings
- I rarely did face to face before covid. It was done with a series of emails refining the joint statement
- I think working remotely for joint meetings works perfectly well.

- I was conducting most joint reports remotely prior to the pandemic anyway
- If not slightly better
- In many ways it felt better, but it did vary on how cooperative the other expert was and familiar with the process, and how well prepared the expert was.
- In person produces much better results and discussion
- It depends how it coordinated - as I do not usually carry out joint Meetings with client directly involved.
- It did not seem to be less efficacious.
- It got advantages and disadvantages but still ok. It's also nice to know there are so many cats interested in our work
- It is difficult to convey how things link without hand gestures and sketches face to face
- It is difficult to have a satisfactory experts' meeting remotely, as reviewing documents, reading body language etc are difficult
- It is efficient. More complex cases may benefit from face-to-face meetings. I think, however, that remote ought to be the new normal because travelling consumes a great deal of time that can be used otherwise.
- It is so much more convenient and works just as well.
- It was held on the phone - same as before
- it was not F2F previously
- It works Fine with the new tech and no travelling time is great as means we can be more effective.
- It works if we know each other well. It is not as good if the experts do not know each other well.
- Its easier to arrange
- I've had few such with other experts.
- Joint meetings were all by telephone previously. I have used zoom and it was similar to a telephone consultation as it was one to one.
- Less adversarial and more convenient.
- Less planning needed as no travelling involved so can start on time and less organisation with the many different professionals so much more efficient
- Less travel, reduced cost & time commitment
- Less travelling and more time to discuss issues, but it did seem to take longer without the time limits of a face to face meeting
- Less travelling time and less confrontational.
- Meetings go well providing no wi fi issues
- Mist Joint expert meetings are by remote means
- More challenging in some instances to maintain a decent / constructive dialogue.
- More difficult accessing relevant records
- more efficient (2 responses)
- More focused and issued distilled
- More focussed, less travel time.
- most expert joint meetings by phone anyway
- Most meetings were done y telephone before so no change
- Most of my contacts with other experts were by telephone /video anyway.
- Most of my joint meetings have always been remote - it is a rarity to be face to face
- Most used to be done by telephone anyway.
- Much better to be face to face and work through things without technical difficulties
- Much easier than having to travel
- My only experience is remote joint expert meetings
- My recent meeting was, as I am sure it often is with many EWs held with someone I have known for many years so there was little, if any awkwardness.
- No change (responses)
- No change - did remote meetings before Covid also.
- No chit chat pre meeting
- No comments (2 responses)
- No different from usual - they have always been done on the phone anyway
- No travel or venue required. Easier technology usage.
- no travel time required or parking issues
- Normally hold by telephone in any case so no difference
- not a problem
- Not a problem, most of my meetings over the years have been held remotely.
- not done face to face meetings with other experts for many years due to logistic problems
- Not really able to interact in same way.
- Nuances are missed
- Often these were carried out on the phone previously not face to face so if anything with Zoom /teams platforms being used far more this has in my view improved
- One does not get the body language and nuances when working remotely. These can be important.
- Online is more convenient.
- Online meetings are fine for reviews but substandard for key work
- Previous meetings have been via telephone - if anything, video links are slightly better
- pros and cons to both systems. Have got used to remote meetings in a number of areas
- Providing internet is of good quality the meeting experience and information exchange is still valuable
- Quicker and more professional
- Rarely meet live with other expert. Usually by phone. Live meetings usually involved in too much travel time.
- Remote meetings are not as good as face-to-face ones in interpersonally because some of the nonverbal communication is compromised. But this must be balanced by the increased convenience.
- seems to work just as well, and takes less time as no commute
- Significant saving on travel time, whilst video conferencing still allows face-to-face interaction.

- Significantly better - four way experts meeting - civil, polite, orderly, agreement gained with relative ease and understanding, all matters covered, clearly set out the points agreed and dis-agreed, all parties given a fair hearing to set out their case.
- slightly better as no travel involved
- So much better to this face to face - body language is almost as important as the spoken word.
- Takes longer over the phone or via email than when brought together in a court consultation room
- Telephone conversations and emails important and regarded as semi face to face.
- The down side is that of being remote is that one missed the face-to-face non verbals. However, being remote means the expert can confer repeatedly over a period until a joint report is concluded.
- The only difference being that there could be a tendency to have more meetings by video rather than phone as this is now a more widely accepted way of working.
- The past 12 months have shown that anything which can be printed can be shared. I rarely get involved in site visits. Teams meetings save a lot of travelling time.
- The success of joint meetings will always depend on the attitude of the two experts to work together constructively
- The technology of the organisation arranging the meeting was poor.
- there is no need to meet face to face
- there is some loss of the personal touch balanced by it being much more convenient
- These experiences are very limiting in scope and lack depth penetration.
- These were telephone before and remain telephone now - so no difference
- They were previously remote quite often.
- This has been via telephone and has not changed.
- this past 18 months has developed skills in using technology and the meetings remain as productive without the stress of travelling to, and finding parking in an unfamiliar place
- Time and travel saving was a bonus. But I do prefer meeting face to face.
- Travel time omitted. Need dual screen for access to papers though.
- Up to now my meetings with other experts were usually done by telephone conference anyway so there hasn't been much change to that arrangement.
- Used to it now like everyone else but definitely not really the same.
- Usually do them on the phone anyway
- Usually to remote anyway
- video conferencing provides an alternative face-to-face opportunity for the many times that an in-person meeting is not required. the reduced stress of travelling times means much for flexibility for timings,
- Video joint meeting the same as face to face.
- Virtual meetings, whilst time efficient, are not the same as meeting in person where conversation flow and rapport building are much easier.
- We always did JEMs remotely
- We use the telephone
- We were able to cover the same content but it saved on the travel time = more efficient for costs.
- Whilst remote meetings worked fine, it did not encourage as much constructive dialogue and document analysis/ discovery as the face to face environment. Remote is far more time efficient though.
- With a good internet connection it works well
- works absolutely fine as it does not require an examination
- Yes
- Zoom is better than telephone but less good than face to face which offers more opportunity for 'thinking together'..
- zoom is no substitute for face to face interaction
- zoom seems to work well. but I haven't had all that many joint meetings

Appendix 6

Question 10 – If you have had a conference with counsel remotely in the past 18 months, how did this experience compare to one held face-to-face? Please provide any comments.

- zoom not an issue
- zoom is not ideal
- Zoom is better than phone but in person is preferable.
- Zoom / Teams better than telephone
- Yes
- worse as harder to communicate, better as more efficient
- Whilst it is helpful to be able to see everyone on the call as opposed to telephone consults, it does not compare with having all parties focused in a room together.
- When 3-4 cases can get confusion in the discussion. Otherwise an ok experience. Good use of time.
- We've all had to get used to working remotely and these sort of meetings are no different. Pluses are no travel, minuses would be people have technical issues.
- We were able to cover the same content but it saved on the travel time = more efficient for costs.
- We spoke by telephone
- We have always done them by phone anyway - so very much the same.
- video technology provides an alternative face-to-face environment that may be more suitable when an in-person meeting is not required.
- Video conferencing is vastly better than a conference telephone call. Being able to see speaker either by video or in person is highly desirable
- video better than telephone
- Via Teams No face to face No travel costs
- Very few conferences with counsel held in person, even before COVID, but I prefer the video to the telephone
- Verbal communication is limited to when being asked a question directly rather than enabling the free flow of conversation and discussion on the case. It is also difficult to establish professional relationships with the team.
- Usually remote anyway
- Unaware of how many people watching. Technical issues (IT) to setup and focus on. More difficult to create eye contact and connect with tribunal.
- Travel omitted. Need dual screen for access to papers though.
- Took longer than when in a court consultation room
- This saved a lot of travelling which made it better. Face to face is still preferred but offset by travel
- this is different - it can help meeting face to face
- This depends upon the case as remote case cons often do work well. However, they are not the same as in person case cons. I hate to think that remote meeting will become the norm as getting to meet people is an important part of this work
- they have nearly always been remote
- They are OK but the interaction is not nearly as good as a face to face conference
- There were no issues in conducting business
- There were benefits from not travelling and the extra time this requires which meant that more people were available to attend meetings - it is easier to find two hours rather than a full day.
- There was difficulty in one of the AV connections which meant speaking to a dead camera, however, the trial continued successfully.
- There are positives and negatives to face to face and remote conferences.
- The system is as before Covid
- The online version fetters your ability to be candid to some extent. Personal relationships are very important in this work and this cannot be replicated by zoom.
- The nuances that come with meeting face to face are missing which means that there are fewer spontaneous actions and reactions that sometimes unlock unconsidered aspects of the matter.
- the meeting was still productive and achieved the set outcomes
- The IT enables faces to be seen so that helps and as long as the IT works well the discussion takes place in the same way as in person. The only missing element is the presence in the same room as everyone else and not being able to see the body language so easily.
- The convenience of remote meetings has made it easier to find times where counsel, client and expert are all available, there are fewer time pressures and all resources relating to work on the case are close at hand.
- The body language, humour and all the subtle means of communication are missing on Zoom etc. and there are always technical problems. But this is inevitably the way we will have to work.
- Some aspects better, but miss the opportunity to network with other experts
- Slightly more disjointed at the start but fine once everyone was into the swing of it.
- Saves the traveling time
- Saves on the travel time
- saved travelling
- Same reasons as with meetings. Rooms are not needed and things seem to be done more efficiently
- same
- remote conferencing does not create enough time for one-one discussions
- Reference books are to hand

- Progress was slower, and it was much more difficult to gauge body language and consider performance in a hearing.
- Productivity gains (i.e. no travel, ease of attendance) balance the loss of the human touch.
- Previously, I tended to join conferences via telephone, now these are almost always done via Teams, Zoom, BlueJeans etc. It is so much better to be able to see who is talking as this allows me to follow the discussion much better.
- Prefer remote as it takes up less time.
- Prefer it virtually - saves on travel
- Prefer face to face if more than just 2 or 3 people meeting, easier to have proper discussion.
- People appear more relaxed. Everyone can get on line and there is not this mix of people in person and those ringing in on difficult telephone connections.
- Other people were "sitting in" and not contributing - I felt awkward because of this.
- Online is more convenient.
- Not so easy to refer to drawings, especially cross-refer to several drawings at once and impossible to sketch-out why elements of construction are defective and what they ought to look like
- Not same learning experience
- Not as engaging as when present in the room. Networking not really possible
- No travelling to London
- no travel, easy access to documents, photographs etc. Shorter and more to the point
- No travel involved (4 responses)
- No travel and cost saving for the legal process
- No problem, and easier to arrange than F2F.
- No problem (2 responses)
- No long distance travel to London!
- No difference (4 responses).
- No difference but better time management
- No comments
- no change (2 responses)
- No body language to read, no breaking of the ice over coffee etc
- Need to be able to draw and write things so Counsel can understand
- Much more focussed; less distractions and much more time efficient as no travel.
- Much less time commitment as I don't have to travel and therefore this is much more efficient too. I can also have other resources open during the meeting to check my report and the radiology imaging, and even screenshare to show the imaging to explain the case better.
- Much less guidance and discussion provided remotely
- Much easy - no need to travel
- Much easier to arrange mutual availability
- MUCH MORE CONVENIENT AND TIME EFFICIENT AND JUST AS GOOD
- Mostly by zoom / teams so can still see them.
- Most meetings with counsel are done over the telephone
- more structured and to the point
- More focussed
- More efficient, less travelling
- More Efficient but notice more are being called for this reason I think which is not bad as can prevent lengthy court hearings or court hearing starting when more evidence is needed.
- More difficult to engage due to missing out on body language and energy
- more difficult over zoom
- More convenient from home
- More convenient and all necessary discussion had with no issues
- More concise.
- Miss face to face and non Verbal interaction and more difficult to interject when another is talking.. round the table discussions do not happen and some aspects more easily missed as a result. Also harder to refer other to specific texts if notes not freely available or poor numbering
- Maybe slightly trickier due to technology, its hard to show various charts and spreadsheets over Teams/Zoom
- mainly due to IT glitches things didn't run as smoothly as could be in face-face although I am sure this can be improved with better IT facilities.
- Less travel to get there. More focussed. Better to see all participants instead of a disembodied voice on the phone!
- less travel time and able to fit in at a more convenient time or if in the evening less disruptive. Better on zoom/teams/blue/jeans than phone as sound can be a problem with phone
- less travel
- Less time wasted travelling. More to the point and focussed.
- Less time as no travel or overnight stays necessary
- Less personal but much more convenient
- Less intimidating and it was easier to put my point across without getting flustered.
- Less focus and more distractions
- less disruptive not needing to travel to London. Can have your own notes and folders without having to lug them around
- less detail in the discussion
- lack of facial expression
- I've only had two such, one of which was impaired by my laptop camera failing.
- I've now more experience with remote discussion than in person. It works well
- It was better for me as it saved travel time. However Counsel may prefer to test experts live before Court!
- It was adequate but conversation was not as nuanced or connecting as in person - harder to build emotional connection / relationships

- It seems to work fine. Just always be well prepared
- It is so much more efficient.
- It is much nicer to see people in person than on telephone or video
- It is much harder to get a good feel for the situation, but is much easier to fit in diary.
- It is more difficult to gauge reaction of the people present especially if the family etc are present
- It is harder to communicate with counsel (especially CPS) when remote from the court
- It is easier to be in my own office, but it is useful to talk face-to-face with counsel and other experts. Often the connectivity is a problem and can be frustrating.
- It is easier to arrange dates, less travel is involved which, is always a good thing.
- It is certainly easier to organise as travel is not involved.
- It is always more satisfactory to see those to whom one is giving important expert opinion
- It is a more efficient process and it makes it easier to discuss documents (because they can be shared on screen, as required).
- It has been easier to arrange face to face meetings and they have been more frequent
- It focuses people more and there is less interrupting. Plus a big reduction in travelling time.
- It depended on the connections but got better after people got more used to the technology
- It certainly saves on time to hold the meeting virtually which is an advantage. I have not felt that there is any difference regarding outcomes if these are held face to face or virtually. I prefer to have a video call compared to a telephone conference
- It appeared seamless.
- If it on teams with video it is roughly the same as face to face. If it is telephone, this is not as good. The access to documents is easier on video.
- i would prefer face to face
- I think it is more time efficient
- I think these meetings can be conducted perfectly well remotely.
- I prefer face to face conferences to thrash difficult areas out
- I often attend remotely anyway but I think counsel prefers a face to face meeting.
- I have only done these remotely - by phone or video consultation - never in same room face to face
- I have had teleconferences only, as I had done for the previous 12 months.
- I find Counsel often have a tendency to favour medics (anyone with Doctor as a title, I tend to get called by my first name which I find patronising) in these conferences. Face to face I can interrupt, make it evident I have a point to make!
- I feel more relaxed meeting with counsel remotely and because of this, I think I present information better. It is also time saving which helps with meet other work and non-work commitments.
- I don't have to travel
- I carried out most conference with counsel meetings remotely before the pandemic to reduce travel time and expenses
- helps with good counsel and good tech
- Having everyone in the same room is far more productive
- Harder to interact with several people in the same conference. Harder to establish rapport with a new connection.
- Happy with face to face or virtual - either is good
- Generally meetings of this sort are just as effective remotely
- Face to face allows better exploration of issues.
- F2F meetings with Counsel show no sign of coming back at present. I prefer the convenience and time-efficiency of not travelling to meetings although a bit more human contact would be welcome.
- except that some sessions with large numbers of attendees are much more difficult to deal with effectively.
- Easier to schedule, no travel and accommodation costs, can jump onto a Teams Call with them at any time to clarify a point with out the need to schedule a formal meeting in writing weeks in advance.
- Easier to meet, less time consuming and costs less to the case as less time and no travel costs.
- Easier to arrange. Better access to notes, materials etc. More relaxed experience.
- Easier to arrange
- Easier and more informative to communicate with a group of people face to face.
- Easier access
- Downside = not the same level of engagement; upside = easier to disengage a bit and and bring up documents on the screen to read while others are being questioned.
- Does depend - remote meetings can save a lot of time; however, if there are contentious points face to face can be very useful and even essential
- ditto
- difficulties with internet connections
- Difficult to judge who was to speak next, and we kept finding ourselves both talking at the same time and then stopping apologising and then doing it again
- Difficult to have a group conversation and weigh up different ideas.
- Difficult to discuss and share documents
- didn't make any real difference
- didn't particularly like it, but it worked okay
- Did not seem to be any less efficacious.
- Cutting down travelling times saved a lot of time and revenue
- Counsel was not familiar with the use of video conferencing facility
- Counsel know what they want to ask whatever the situation

- Counsel are now quite used to using this medium so it worked better than I had expected
- Considerably less interaction in the process and difficulty in not speaking over each other without full visual cues.
- Connection problems
- Conferences were telephone or face to face prior to covid. Zoom conferences have worked effectively (improved in comparison with telephone) but not as good as face to face. They are more cost effective
- Conferences in person are always better, but we manage doing it remotely (which was sometimes done in the past by telephone: the remote working requirement has at least shown lawyers how to manage remote conferences better).
- Conducted via Teams rather than face-to-face. More convenient than face-to-face
- Concentrates minds when remote
- Clear professional advice from counsel, with a small number of people in attendance (some abroad) which did not require a face meeting, and saved the huge cost and time of meeting in person.
- Can't see body language
- Can access records easier on computer at same time
- By 'better' I really mean in terms of practicalities. I've found the remote meetings with Counsel just as good as the meetings in person. However, in terms of effective use of time, cutting unnecessary costs, avoiding travel, etc. it has been very good.
- But very welcome to do this via video link, rather than spending several hours travelling for a half hour conference, rushed after court hours
- But no travel - more convenient, less carbon
- But as various barrister gained experience of the tools, has become significantly better. The issue is that is too easy to be ignored by Council on points which need to be raised, probably due to not noticing that a request to speak was flagged, when all muted. This occurs mostly at the fringes of overlapping expert fields when one experts comments impinge on another experts views!
- Barristers are incapable of behaving themselves whatever the forum
- Avoiding travel allows greater efficiency
- As with experts on remote, one does not get the body language or nuances. This can be important, especially if the Claimant is present.
- as the client can also be present
- As previous comment
- as per my previous answer
- As before, significant saving on travel time whilst keeping the face-to-face aspect.
- As before
- As a result of easier scheduling ie no travelling, these are much less intrusive. Also, I find that as I am working in my own environment - desk, computer, decent screen - I have much better access to documents etc making the process more efficient and effective.
- artificial
- Always much more difficult to explain, especially subtle points, remotely.
- Although face-to-face is better, the time and cost saving with video conferences is considerable
- Already had a working relationship
- All previous meetings have been remote
- Again no major difference expect less time spent on formalities and catching up and more efficient use of time - not travel time - no suits!
- Again conversation and relationship building easier in person
- Advantages of no travel, disadvantages that they can't quite feel how you would come across in court
- A significant proportion of my meetings are online now anyway and for this sort of work a teams meeting is adequate and avoids the need/expense of travelling

Appendix 7

Question 11 – If you have carried out assessments remotely in the past 18 months, as part of your expert witness work, how did this experience compare to doing so face-to-face? Please provide any comments.

- Adult assessments now about the same, but with younger children it is less effective and they can be harder to engage, requiring more checking with schools, carers etc.
- Again, more difficult because you cannot read body language as easily remotely and sometimes it is so much easier to have a piece of paper than several screens
- As a physiotherapist, assessment is based on manual handling and physical assessment. This was very difficult to work around remotely.
- as a psychiatrist there is no replacement for being in a room with someone. I have had some problems with patients attending with inadequate equipment--phones etc, that cut out of battery & offer a very poor experience overall. I've also had problems with people interrupting the patient by coming into the room etc....
- as prev noted - impossible to do in my specialty
- Assessing the medical conditions of people remotely is difficult for obvious reasons. It is impossible to examine them. The medical history assessment is satisfactory.
- Being face-to-face at least once is essential for meeting new clients or lawyers. However, if you know each other well, then remote is far better.
- Body language is so important
- By splitting the assessment across sessions it helps the Claim to be more at ease
- Can't undertake clinical examination
- Cannot examine the patient/client.
- Cannot get a true picture of the case
- Cannot physically examine patient. Older patients really struggle with the intricacies of video consults. Can't assess softer signs when not in home
- Can't control the testing environment remotely as well as in person. There are some neuropsychological tests that cannot be administered remotely.
- Cant examine patients
- Claimants appeared more relaxed (?too relaxed); but not able to assess behavioural aspects of presentation which is important in psychology; informants are often out of view or will wander off without explanation.
- clients are more comfortable in their own home
- Clients are more relaxed, they haven't had to worry about travel and parking. Some have issues with Zoom but our attendance rate is higher overall.
- clients fatigue more using virtual assessments. I found it difficult to assess several aspects at the same time virtually, I am assessing from the moment I meet the client eg if they answer the door during a face to face assessment. I will still complete some assessments virtually eg loss of service reports where I am assessing the dependent.
- clinical examination must be face to face
- Depended on situation, but in many cases physical examination was not crucial. However, if I thought exam would be I assessed Face to Face.
- Difficult to assess skin disease remotely. Photos inadequate. full skin examination difficult
- Difficult to carry out complete physical assessment remotely
- Difficult to confirm assessment findings. When discussions with counsel progress, difficult to fully confirm findings from assessment
- Difficult to establish same rapport with some clients. Some of the tests could not be administered
- Difficult to examine patients
- Disadvantages can be managed but the advantages for claimants is major at times.
- Don't pick up the same amount of information- e.g. non-verbal
- Easier to arrange and undertake. No change in quality.
- Establishing rapport is more difficult remotely. It is hard to assess some aspects remotely. Some of the people I assess are children so this adds to the difficulty with both. I have to obtain a lot more information by supplementary methods such as care diaries, video footage of care tasks - difficult when some of these are intimate aspects of care.
- Examination difficult
- F2F is best
- Face to face interviews far better
- Far more convenient and comfortable for all parties
- Far more difficulty to assess people remotely as care and OT expert. Difficult to see/hear unable to see home environment. Too long to do over video link
- Felt able to obtain the information needed for the purposes of psychological assessment. Many clients preferred it to face-to-face appointments.
- For a while, I carried out clinical interviews remotely and then completed cognitive assessments when restrictions permitted. I hope the provisional reports assisted the courts but I personally did not like splitting the assessment.
- For some clients it works better, but others face to face is better and preferred as some not comfortable with video calls
- Found remote just as good
- Google earth, video, photos has worked ok
- Harder at times to get a true picture of deficits etc but sometimes it is sufficient - depends on the injury

- Harder to build rapport and more challenging for clients to take breaks
- Harder to get information
- Harder to interact with legal team or other experts, data sources
- Harder to read body language and assess gait, some IT struggles, but sometimes easier to access the client and less disrupted by traffic
- have been carrying out remote assessments previously
- How can you examine personal injury patients remotely?
- I am not able to carry out a full assessment remotely
- I consider I have been able to provide the same level of service remotely as in person.
- I do not assess remotely for expert witness work as I believe you cannot provide a robust assessment this way. I have done for remote assessments for contract work but would not defend a remote assessment in a hearing for my area of expertise.
- I found that as I was providing all my work for the NHS that via video that I developed new techniques, which are better for both my NHS and litigation work.
- I have always done nearly all assessments remotely, I think face to face is better but remote is far more efficient
- I have limited experience of this aspect but it was relatively easy to undertake such assessments online.
- I have mentioned this above. Eyeballing young people is hard for them, I spend time in meetings/assessments putting them at their ease, this is harder on Zoom etc.
- I have need to adapt my assessment methods and observations on the day of the assessment are limited but would form an important part of my overall view.
- I need to assess the claimant in their home environment as part of my assessment
- I need to assess the claimants current accommodation which is very difficult to do remotely, if possible at all.
- I need to examine clients, and this is vastly inferior to doing it properly in a clinic scenario. Accurate measurements can not be made virtually
- I need to physically examine damaged vehicles/machinery as images do not allow a thorough investigation in most cases particularly when disputes between experts arise - I often encounter the argument that we cannot reach a definitive conclusion because 'we have not seen the damage etc'. This is used by claimant experts to support their theories on quantum or compatible damage which would not stand up if physical inspection had been undertaken. I definitely prefer physical inspection as this allows me to submit the best evidence
- I only agreed to it as I had extensive records
- I refused to undertake these under lockdown as I undertake Care reports and it is important to be able to assess the environment that the person needs to be cared in, how equipment could be use/adapted, access as well as the abilities and disabilities of the person.
- I think we lose some information not being able to meetings clients face to face. Also any necessary tests then need to be arranged separately.
- I was able to ascertain all the information i required.
- I was able to obtain the relevant information that I required, however a video interview can never replace a home environment visit.
- I was obliged to provide a 'Qualified' opinion in a number of cases.
- image quality - lack of empathy - touch feel
- Impossible to examine someone remotely!
- IN HARLEY STREET VERY HIGH RENTS FORCES EXTREME SPEED WITH REMOTE REPORTS JUST AS GOOD AND MUCH LESS PRESSURE.PHYSICAL SIGNS RECORDED ON PHOTOS AND PUT IN THE REPORT. EVERY PATIENT NOW HAS SMART PHONE AND EMAIL ADDRESS.TIMING OF REPORT TO SUIT PATIENT OFTEN IN THE EVENING OR SATURDAYS WHICH IS NOT POSSIBLE IN HARLEY STREET. I DOUBT I WILL EVER RETURN TO OLD WAYS. FACE TO FACE ONLY USEFUL FOR DEFENDANTS WHO ALLEGE FRAUD
- In many cases, (not all) all information required may be gathered remotely
- In most cases allows more time for other reviews and cuts down on travel.
- In most cases Zoom was 'adequate'. Being in the same human space allows for a more - potentially - meaningful engagement with the client and thereby aid understanding
- Inability to exam makes it harder to assess
- It depends on the assessment and the client and it is often the case that a hybrid assessment is applied.
- it depends on the client & their individual needs - some people prefer remotely, clients with issues such as Learning Disability would be unfairly penalised
- It difficulties Harder to read person
- It has had little impact on direct assessment for most adults. Sometimes I think it makes it easier for them - they are in a familiar environment and feel more relaxed not having an assessor there in the room.
- It is harder to pick up claimants who are faking symptoms when assessing remotely
- It is more convenient for everyone, but in my opinion you miss a great deal of information.
- It is much easier to carry out face-to-face assessments, to actually physically assess the client and assess their home environment. It is also easier for me to remember them when writing up the report and any further work that needs to be done.
- It is not always easy to undertake examinations remotely. I tend to do remote first and then in selected cases, face to face.
- It is not as easy to get objective assessment but their are ways around it - with video and treating physio provided information.
- It is not as easy when considering accommodation - it is much better to see a property and its shortcomings in person
- It is not possible to pick up the cues from body language or see the surroundings. I usually interview in the person's home which can be very revealing.
- It is only worse if someone is not technologically savvy, but then there is always someone to assist (face to face) for this client. Depending on the type of injury - eg: brain injury then this is done face to face.
- It is said that half of all communication is non-verbal and this is certainly the case with psychiatric cases.

- It is very difficult to conduct assessments on line for clients with mental health difficulties and/ or cognitive impairment. Face to face reveals far more information and engagement
- It is worse on balance. You can still do an awful lot, but there are significant limitations e.g. scope of cognitive assessment
- It seems impossible to get the Claimant to understand what is needed, and usually consequent on the index event, they are not capable of doing so themselves, nor do their carers understand what is being requested, nor can it be verified as being correct information when they do try to assist... when later checked when possible, the information was usually wildly inaccurate.
- It takes longer and often involves multiple emails to achieve what could be done face to face
- It takes more time to conduct assessments remotely. I use a number of measures in my assessments and when done face to face, the client completes them, but when I do it remotely I have to complete on the clients behalf.
- It took me longer to get to understand the issue and I never saw the children. It was much more difficult to build up relationships
- It works in some cases but there is a need for some face-to-face contact. Usually, I now see families in hybrid sessions, part face-to-face and part remotely.
- It works to a degree. Rapport is not the same and useful physical examination is lost
- It's easier in terms of travel and finding venues, but in terms of doing the actual assessment this has not changed really.
- its just not ideal for my type of work-I need to inspect physically for most of my cases.
- I've had to do a lot of phone assessments. They've worked better than I'd have thought 18 months ago, but I still mis visualising the client, his or her home and family.
- I've not done assessments remotely - but travelled separately
- just the same, only on line, just need to get used to the time delay that sometimes occur
- Many benefits to both myself and the client. They seem to really like it, less anxiety, can easily take breaks, no travel stress, in own environment etc
- Mildly worse but better than expected.
- MORE TIME.LESS STRESS. NO TRAVEL REDUCED OVERHEADS. PHOTOS ARE INCLUDED OF NY PHYSICAL SIGNS// FACE TO FACE IS ONLY NEEDED IN CLINICAL PRACTICE PRIOR TO OPERATING
- More distractions and less control over the environment. Some clients find it more difficult and I find it less engaging emotionally
- More efficient - some disadvantages as not always able to see the whole person (and environment where they are living) so possible levels of assessment are different. Children for the most part managed very well and perhaps better using this as all psychometric used were electronic friendly
- more time efficient, cost saving, just as good as a face-to-face in some circumstances
- More time to consider matters in a cool manner
- Most cases are no problem
- Most cases need to be seen for a short time later face to face for the objective physical assessment.
- most system inspections are remote normally anyway
- Much more challenging and difficult to pick up more subtle issues.
- Much more complicated psychometric assessment administration - some which were not viable at all. This coupled with 'zoom fatigue' meant the same material would take much longer and need multiple appointments e.g. 3 x 2.5 hour appointments rather than 1 x 5 hour appt. Refused to do any direct child assessments or those with individuals who needed co-regulating - not ethical or valid in my view.
- Much more difficult to connect and engage with the person
- Much prefer video assessments, easier to arrange, can be more flexible with times offered. No travel or room hire costs.
- My assessment process involves observing interactions of the person with the environment and with other people. There are limitations in a remote assessment. There are advantages for the claimant, however, in terms of time taken and separating out face to face and remote meetings. I think that they are another tool in our assessment toolbox.
- Need to examine Claimants
- No change (3 responses)
- No change really in fact better attendance rates then face to face appointments
- No change, we do lots of desk top analysis.
- no clinical examination possible.
- no comment
- No much difference really. You can do adequate visual examinations remotely
- NO SIGNIFICANT DIFFERENCE AND MUCH MORE FLEXIBLE FOR CLIENTS AND I ALIKE
- No travel
- Non verbal cues more difficult Inability to examine
- Non-paper assessments require a physical examination of the client and remote consultations don't allow me to provide a robust report - I end up making lots of 'excuses' eg the remote nature of this interview precludes me commenting upon/making an assessment of the following: This all adds up to a poorer value report in my opinion
- not able to characterise subtle details of the mental state
- Not able to do physical examination.
- Not appropriate to administer psychometrics like that. Only can do clinical interviews. This limits your ability to view who else is in the room and deal with psychological distress as well.
- Not as good as f2f but so much more time efficient.
- Not so good for prisoners with mental conditions
- Nothing like inspecting the item
- Often the overall picture of a building or engineering claim is best assessed by seeing touching and smelling the same.
- only certain cases are suitable for remote assessment. if suitable, then it's OK. if not suitable then i can't do a remote assessment!

- only certain injuries suitable for remote examination
- Only slightly but hard to engage and monitor
- Patients less anxious as a benefit Technological glitches and some extra admin hassle as a downside
- People seem more relaxed in their own homes
- prefer face to face
- Prefer to see people fully to gauge body language and responses more effectively
- Pros Reduced cost for instructing parties Minimizes travel More efficient Can work across greater geographic location Cons Not all assessments can be carried out remotely
- quicker to do - limitations on clinical examination
- Remote assessment means less travel time and online viewing means I still see the client and family.
- Remote assessments do not allow the expert to fully assess the dynamics of the home environment and relationships which obviously influence how one determines the care and OT requirements of the Claimant. The expert cannot always gain an accurate assessment of the Claimant's difficulties remotely as it is difficult to fully observe the Claimant carry out certain activities.
- Remote assessments lose a lot of the non-verbal communication. Some psychometrics difficult/impossible remotely
- samples were accessed, imaged, analysed remotely with digital forensics tools
- Solicitors often request telephone assessments especially with travel medicine cases. Clinical examinations have not been possible during COVID-19
- Some advantages, some disadvantages. Overall, a high quality assessment can be completed virtually.
- Some aspects better, some worse - depends on the patient and their circumstances
- Some assessments are more difficult to undertake remotely, for example when physical or functional assessment is required, and the home environment cannot be adequately reviewed.
- Some go better and some go worse. So many factors. Poor Wi-Fi connection. Some clients are more comfortable being interviewed remotely or in person.
- Some patients can be difficult and may need face to face after investigations have been Carried out
- Some tests cant be done remotely
- Surprisingly better. Client seems more relaxed and I've got over my own anxiety and now have a good relaxed introduction
- Surprisingly good but not as good as face to face.
- Teams meetings mean ideas can be shared faster and more economically
- the only thing I cannot do remotely is carry out a physical examination or be "emotionally present" with someone when they are discussing difficult/ emotive issues
- The opportunity t listen to a Claimant and then carry out tests is hugely important.
- There are pros and some cons. I can see people from a wider geographical reach, I can actually hear people better with a headset on and my remote appointments are easy to set up via Zoom. I have even interviewed a 94 year old claimant who was very anxious about the remote process but was delighted by it by the end of the interview!
- There is, inevitably, some loss of information in remote psychiatric assessments. For example, about body language. However, the assessments seem overall not to be negatively affected to a significant degree.
- There wasn't any shift in the quality of the assessment , although technical problems sometimes made it tricky
- This depends on the nature of the case but in terms of obtaining a history it is as effective as F2F. Of course, this relies on all parties having good technology available, plus familiarity with using it. I require to undertake physical examination in a large proportion of cases, however, a preliminary video call is still very effective.
- Tried to carry out a couple of assessments. Children found it difficult to sustain attention (even when accompanied). The limited ability to make a connection was a hindrance.
- Unable to perform some aspects of orthopaedic examination
- Unable to physically assess clients. Clients mostly sat down during the assessments so difficult to observe undertaking activities of daily living. Difficult to appropriately display empathy when clients become upset.
- Unable to properly examine
- Uncomfortable to give assessment when examination of Claimant not possible
- Very difficult to assess someone's mental state accurately via a remote connection.
- Video is better
- Virtual assessments do not enable the therapist to get the full picture of how the claimant is functioning at home. It is difficult to observe their home environment and assess their abilities without being there in person.
- We are able to gather the info we need on a video call but very occasionally indicate that a face to face is required.
- When pushed I've had to do some assessments remotely as there was no alternative. However, I do feel that I'm losing something of the wider context and some of the non-verbal cues. Also, while many assessment instruments are now set up for remote use and are fully digitalised, some assessment measures are just not like that and are hard to do online. Generally a background interview to gather information works fine remotely, but some more structured assessment items I certainly find best to do when sitting with the individual.
- When the broadband connection at both ends is good then usually it goes well. Mostly my work does not involve much physical examination but when it does then it is unsatisfactory to assess on the screen. Some body language clues are probably missed as well.
- With human communication, you don't pick up on the nuances via video. Can't always get an accurate result
- Working remotely has not affected my work
- Yes
- You cannot examine patients properly
- You lose a significant amount of non verbal communication (body language, etc), impossible to be sure of security at the other end, impossible to do conduct reliable elements of the assessment that require direct subject participation (pen and paper exercises, etc)
- You miss out on alot of cues when on-line

Appendix 8

Questions 12 – If you have given oral evidence remotely in the past 18 months, how did this experience compare to giving such evidence in person? Please provide any comments.

- absolutely terrible. could not see judge only hear her. difficult to hear questions Cut off answers as not speaking to judge, use of electronic records extremely difficult. not allowed to refer to pre written page references in bundle criticised by judge for writing down before hand page references. Overall very unhappy experience and felt not able to give my opinion as in open court
- adequate but less nuanced and detailed. I have always done some remote evidence giving when it's not possible to travel but strong preference for face to face
- apart from the IT glitches .
- attended solicitors' offices for video conferencing or obtained internet boosters
- Attending court remotely promotes a more efficient use of time. It cuts down on travel and it allows one to access the court room at their appointed time. Attendance to a physical court can involve a lot of waiting around for a busy expert who has quite a lot of demand placed on their time.
- Behaviour is worse online and things occur that would never happen in a normal situation
- being unable to properly see the expressions of all the people in the room and unable to be visibly talking to the judge put me at a considerable disadvantage.
- Benefits include given evidence on time and less of my time wasted; also, less travel. I have adapted to the strange feeling of giving evidence from home as context is important.
- Better utilisation of time (saving on travel and waiting in the court)
- can do it from France whilst on "holiday". Top dressed!
- Can usually only see one individual - mostly the judge, occasionally the barrister, never the jury.
- Can't get a feel for the Court
- Comparable experience
- Courts are not always fully equipped/set up for remote evidence. There are often difficulties in hearing or seeing who is speaking. This can lead to mistakes when addressing someone
- Courts better used to working remotely
- Didn't phase me - as relaxed as ever
- difficult to remain engaged fully remotely
- Difficulty hearing those in the court room
- easier to return to other work without the cost and time of waiting around and transport
- Easier in some respects but lacking in the personal element
- Easier to fit in with the day job (NHS Clinical Scientist). Hardest part was finding a room with a PC where I could sit undisturbed
- Easier to spread out in the comfort of your own home with respect to paperwork
- Eliminates travel time and overnight stays. No real difference in giving evidence online or in person.
- English CVP system is good as is Family Courts system , remote access to Scottish Courts is not so good.
- Far less intimidating than the court room experience despite being equipped with bond solon training.
- felt less pressure, easier to concentrate on tribunal
- Fewer distractions and Judge allowed parent and solicitor to agree terms while others muted - resulted in agreement very quickly
- For the most part giving evidence was okay, though some connectivity problems had caused some courts to delay the starts. Some courts needed to improve they systems they were using perhaps.
- Found it very difficult to engage with the court remotely. Far easier to give evidence in person.
- giving evidence in court is a whole different experience. this should be face to face
- Good to get out of the house and put on a tie occasionally
- Harder to interact; better in terms of logistics
- I believe virtual evidence and cross-examination is much easier when done remotely
- i can not turn around to face judge. I can not watch pen and there is no indication on how fast i talk. Can not see feed back. Would rather record what i got to say and send it
- I did not want to give evidence from my home so I went to Counsel's office to attend the hearing remotely. This allowed me to dedicate all of my time and mental energy to the case and not be distracted by unrelated matters. This worked well for me. The actual virtual attendance work far better than I had expected, particularly from an experts perspective as it was harder for the opposing Counsel to play with body language tricks.
- I don't feel it is any better or worse but I have only attended Court virtually on a small number of occasions. What is helpful with the virtual Court experience is that it is easier to attend more than one day of the trial before or after giving evidence
- I enjoy going to Court, however I have found giving evidence on line works very well, far better than expected.
- I feel I don't express myself as well remotely.
- I feel the dynamic is lost as is the ability to read the room
- I felt very remote
- I gave evidence in the Court of Appeal remotely. There was some dropping of the line, but it worked quite well.

- I gave evidence remotely at an inquest: it worked fine. It was less intimidating then in person. The video-link broke quite a few times through the day though.
- I gave evidence remotely on one occasion. Giving evidence was less stressful (own room),no travel was involved . Remote 'hard questioning' is less difficult.
- I have been involved in about 8 virtual hearings over the past 18 months. The process was easier without having to travel, and so long as the virtual process was set professionally.
- I prefer meeting across a table in person
- I testified remotely in a hybrid hearing in which 2 of the 3 judges and I connected electronically while everyone else was physically in court. It is the worst combination.
- I was sat comfortably in my office and did not need to travel to court.
- It felt more comfortable, less intimidating
- It has been rather strange... but overall probably adequate has felt very 'distant'.... If I was the parent I think I would like to see the witness in person
- It is a more efficient process. It avoids the costs of having to travel to and from the hearing venue and the 'dead' time of waiting at the venue and being unable to work on other matters while waiting.
- It is about the same and depends on complexity of the case. It will be important to give evidence in person, to remain close to the lived experience of the court room.
- It is always better to appear in court where the judge can assess one's evidence more closely. Problems can arise through sound or other technical difficulties.
- It is difficult to deal with pacing and body language
- It is hard to 'read' the Court and there was a high level of pausing and people losing their transmissions. Particularly tricky was working with self-representing parties. Added to this it seems that barristers who work usually in criminal and forensic Court arena have been representing in the Family Court arena and their agendas are probably more about 'winning' than negotiating the better outcome for the clients individually and the family as a whole. In a remote Court the actual process can become quite tunnelled as a result. The Court Bundles are also more difficult to work with as many devices have to be coordinated and they do not always remain 'online'.
- It is more convenient and easier to arrange giving evidence remotely, but harder to get a feel of the courtroom, and to keep an eye on both counsel and the judge. You can rarely see the judge's pen to gauge how quickly to speak.
- It is more convenient online.
- it is no different
- IT issues and technical setup to worry about. More difficult to make eye contact and connect with tribunal.
- It very easy and less disruptive to give evidence remotely, the clear benefit is the reduction in travel time and therefore reduced costs to the court.
- It was less stressful which was the only benefit. Otherwise, I'm not a fan.
- It's more clunky, there have been some technical issues.
- its OK giving evidence online but harder to be sure that a judge is understanding what you are saying. Online bundles can also make it harder to work out where you are in the documents - though this impacts face to face trials with online bundles too.
- I've not given evidence in any civil cases in the last couple of years, but in my clinical post, I've had a couple of attendances at Coroner's Court as a witness - both remote - and it's been really effective I think. Less time spent travelling, and most of the courts now have setup good VC facilities using Teams/Zoom/etc - so I think it's the way forward.
- Judge's camera kept going black or disconnecting. Unpleasant way to give evidence.
- Lacks the intensity of being in Court. Cannot see any jury or judge due to camera angle
- Less formal and better able to be heard as opposed to a big court room. Also easier access to documentation which is on screen. However, system does not allow for seeing everyone in the process; often only the barrister and judge; not able to liaise directly with own 'side' if need be.
- Less frustrating in terms of commuting and waiting, so overall better. I had no issues with giving evidence. In fact, being able to control evidence and presentations on my computer made things easier.
- Less intimidating than in person (2 responses)
- Less nerve wracking
- Less sterile hanging around
- Less stressful giving evidence remotely compared to being in court.
- less stressful!
- Less stressful. I felt more in control not having to stand in the witness box.
- Less time consuming
- Less time waiting in Courtrooms. Felt more relaxed.
- Less travel and wasted time. I can get on with housework and keep fit while on standby.
- less travel, less intimidating, easier to prepare
- Less travelling, less waiting, same evidence
- Less travelling, but poor connectivity can be a barrier
- Less waiting around but sometimes less access to bundle . Evidence giving much the same but may be a different experience for the client/defendant.
- More comfortable in office chair rather than balancing everything and standing in limited space in a witness box.
- more composure
- More convenient and relaxed
- More convenient from home
- More convenient, and if well managed no loss of communication.
- More convenient, certainly. Don't have to hang around in court all day. Experience is slightly less satisfying, though.
- More efficient
- more efficient, questions are more focused and to the point.
- More opportunities to look things up as the case went along and prepare better for questions.
- More relaxed experience- I think gives better evidence.
- more time and cost efficient

- MUCH MORE EFFICIENT AND JUST AS GOOD MOST COURTS NOW HYBRID LAWYERS AND CLAIMANT IN COURT EXPERTS REMOTE AS PREDICTED AT BOND SOLON MEETING 5 YEARS AGO
- Much less time waiting in the court area. Much more efficient. Virtually my oral evidence relates to criminal cases anyway. For the Crown Court this has been much better. I cannot see why I would go back to waiting around for days in the Crown Court.
- My own surroundings during remote oral evidence were far less imposing than the feel of a court room.
- No change
- No problems in court/tribunals being online. It made no difference other than to assist me not to worry about parking/finding the room etc
- No travel Easier to refer to information from a desk.
- NO travel, you can mark up the documents
- No waiting around but the difficulties with technology in the court room, Judge's skills with technology in the face of reduced clerk support was a hindrance. Had to keep breaking off while things got sorted.
- Not got as far as giving oral evidence via video link, but have felt 'out of the loop' when waiting on standby during plea negotiations
- Not having to travel to Coroner's court and hang around. Can do other admin while waiting to be called to give witness
- Not the same rapport with judge
- Obvious saving on travel time and cost, however sometimes by not being present it can feel disjointed.
- one can see all tribunal members and certain key at the same time - easier to see how answers landing and less scope for counsel grandstanding
- only thing I don't like is being unable to see everyone
- oral evidence remotely is a much better proposition , it is easier and reduces travel hardship
- Oral evidence to the GDC, not brilliant experience
- Prefer the flexibility of informal chats and the edge of mild performance anxiety
- Remote allows me to have the floor without interruptions
- Saves the driving and easier to convey evidence
- Saves time and money travelling
- similar/better depending on the arbitrator/judge
- Some of it is on the plus side, some on the minus side. When standing in Court there is constant feedback of various kinds from multiple sources, and this is always being absorbed by the expert witness. A lot of that can be lost in remote evidence. On the other hand it is good remotely to sit with all your notes around you for reference - and again on the practical side there are many savings. Being in front of a screen for a 10am start is a lot more pleasant than rising at 5am to start the journey to faraway courts.
- technical problems aside it is less nerve wracking.
- The effect of being in court is not there. It is not possible to see the body language of other people in court. I am not certain that this is a good or bad thing
- The only difference was that there was way to turn to face the judge and ignore Counsel asking questions as other o the screen together
- The quality of the arguments and cross questioning from Counsel was less effective and the Judge was visibly annoyed with this.
- There are pros and cons, which may balance out. Giving evidence remotely is less stressful that being in person, as you are in your own surroundings. On the negative side, it is less easy to refer to documents and interaction with Counsel and the Tribunal/Judge is less effective.
- There was no personal connection to client/s
- Time difference in one case an issue
- Tough giving evidence in a different time zone (Singapore) in the night
- Unable to see the jury and judge, so unable to see reactions of jury and whether they are understanding what you are getting across. Also, it does not seem 'real' as in the court room. Also can be difficult to hear subject to position of microphones.
- Very happy to do evidence in any way requested. Prefer in person as you get a better feel for the court.
- Very much more convenient. Much the same otherwise.
- Very unsatisfactory and dependent upon the magistrates' or judge's desire for knowledge.
- Was odd but it went well. Biggest concern is not getting disturbed - when in a court room it is easier to control

Appendix 9

Question 13 – Anecdotal evidence suggests that barristers in cross-examination are far less aggressive in online hearings because the theatre of the courtroom has been removed. Please provide any comments.

- About the same degree of aggression
- Absolutely agree
- Again, only based on my experience in Coroner's Court (although some family's legal representatives can be challenging still) I'm a bit old in this role now, so no longer find an aggressive barrister intimidating anyway (in no small part thanks to Bond Solon training!), but in any event, it removes a significant degree of challenge when someone is down the end of a camera rather than face to face
- all barristers are showmen at heart
- Appeared in person at a trial but remote witness was treated the same
- as not answering to judge interrupted if did not like answer. Also took advantage of poor sound
- At an inquest one of the barristers was very aggressive, remotely.
- Barristers approach vary in either situation
- Barrister's behaviour in court is appropriate, it is there behaviour at other times that is problematic
- Barristers' lack of preparation more evident online.
- Based on 2 days in court this seems reasonable.
- Because they are more remote the body language tricks do not work as well
- Being cross-examined was undoubtedly easier and much less stressful
- But clearly less immediacy and "frisson" of being in person
- cant say i have noticed a difference. some barristers like to give a performance - they still do on the online court
- Counsel on both sides seem very respectful of expert witnesses, whatever the setting.
- Cross examination definitely not as aggressive
- definitely agree, less intense
- depends on the barrister I think
- Family courts are less adversarial in any case...
- From others experience, they say this has been easier
- Haven't had any meetings, but Not Applicable is not working.
- I agree. They can not intimidate someone so easy over zoom.
- I can disengage before replying.
- i cant speak with experience but have heard this
- I experienced extremely hostile questioning in one of the virtual Court appearances I made.
- I find most barristers about the same.
- I found one Judge to be disrespectful online and another solicitor confirmed that he'd previously been ok but had gone a bit odd during online sessions
- I hadn't thought about this, as they tend to be mostly polite to me, but I think now asked that they have been more polite and some have had to be told by the judge to be more precise in their questioning.
- I have also heard this from other experts who have undertaken online cross examination
- I have experienced some difficult challenges under cross-examination.
- I have heard comments about this in the same way
- I have heard this but not experienced court in such circumstances yet
- I have no experience of barristers being 'aggressive' in cross-examination. In my experience, experienced counsel focus on the substance, not 'theatrics'.
- I have only been cross-examined once virtually and I did not feel the barrister limited themselves in their approach.
- I have only had one appearance which was a coroner's court but I imagine this is true
- I have seen some fairly aggressive cross examination in a remote hearing (although not directed at me)
- I have spoken to several barristers who confirm the same. Wind taken out of their sails is an occurring theme.
- i haven't experienced it as 'less aggressive' but certainly felt like fewer questions, fewer challenges and less detailed responses required
- I imagine so. Haven't had such an experience online yet.
- I prepare as if I was facing them face to face. In fact my preparation is much better as I have access to much better evidence support. In Criminal cases, I have been able to access and present evidence which not have been possible previously. As an example presenting an scan / x ray showing exactly where the injury occurred is much easier for the jury.
- I think evidence is more focused generally with fewer questions.
- I think that Barristers are still finding their feet in virtual hearings but I have find them no less tenacious and adept at clever cross examination.
- I think this is due to focus not just on the case but also on dealing with the on line platform and self- consciousness as you can see yourself in the video
- I was in a hybrid trial - some physically present and some on line.
- I was in fact cross examined by the Claimant's son but I felt the questions from the judge and my QC were still as direct and enquiring

- If you have a dominant barrister they can completely take over the process. It also depends on the 'district of the Courts and the Judges themselves.
- in some cases more aggression has been displayed
- Interesting point but not personally noticed any change in XE
- Interesting point, but has been my experience
- Interestingly I have found them to be more human - possibly because of a homely back drop to their image on the screen!
- it depends on how "aggressive" the barrister is in the first place
- It is difficult to judge this without having been cross-examined by the same counsel in both circumstances (which I have not experienced)
- It makes sense - I have found people to be less confrontational and more helpful online, Also less stressed with travel / commuting / clock watching etc.
- It would surprise me if barrister's required social facilitation to dictate their performance in court. I would hope they are driven by detailed analysis of the evidence.
- It's not America! It's not the movies! UK Barristers need to understand that.
- I've been grilled remotely in a very similar way to when I have been in the courtroom. Maybe I'm just very grillable.
- JUST AS ASSERTIVE AS EVER
- Less intimidation
- Less of an audience to show off to. TV is also less dramatic than eg theatre or cinema. The same sort of thing is going on. Less likely to find a wee picture on a screen intimidating.
- makes life easier
- Much more focused and straight forward without all the irrelevant 'extras' thrown in.
- n/a
- no change noticed
- no comment
- No difference that I see
- No direct experience but this does seem to be likely.
- No significant difference
- none of my encounters in civil matters have ever seen the barristers be aggressive
- Not always! In my experience barristers can be equally challenging in remote hearings.
- Not been cross examined remotely but think remote proceedings do remove a lot of the pressure on witnesses and hide non-verbal communication
- not had any. i hope it's true
- Not in Education hearings
- Not necessarily. Some barristers are just as aggressive.
- Not our experience
- Now that you pointed it out.
- Only done it once. Insufficient to be able to comment.
- Personally, I haven't noticed a significant change.
- Physical gestures, voice tone, eye contact, dressing do not form part of the contributory factors
- Possibly true in my experience, though I think that how aggressive they are depends more on how you respond to aggression as an expert.
- Really!
- see above
- See previous answer
- The area I work in is not overly adversarial so no change noted
- The environment is less stressful however the cross examination experience remains unchanged
- The lack of emotional closeness makes for more aggressive questioning because there is less awareness of the consequences of aggressive questioning. I have found barristers to be more aggressive and more polarised in their positions.
- the most aggressive cross examination I have had recently was online!
- The staged 'clever' attacks look dafter and more obvious.
- there isn't much theatre in IT cases normally! But it is a much less human experience and much harder for a witness (and I presume an advocate) to judge how far they can go. I managed (accidentally) to have the whole court laughing in a trial in March - that just wouldn't happen online. Equally there was a moment in that f2f trial when a witness said something that caused the whole court to go silent in shock - again that could not happen online. Not theatre but a very clear and immediate message to all attendees (so clients and lawyers) that something important had happened.
- They are just as aggressive and you are even closer to them because they are right in your face when you are looking at them directly on a screen
- they are more focused perhaps and not playing to an audience.
- They are unable to stalk and move and gesture in the same way when sitting at their desk!
- They get to the point
- They were less effective
- This has not been our experience, only that there has been more scope for misunderstanding due to the reliance on audio reproduction quality at both ends.
- To a point this is true, mainly as the more careful slower phrasing to ensure we can hear takes the wind out of their sails a bit
- Totally agree . It becomes one to one and the tribunal does not seem to intercede
- While I have not been 'invited' to give evidence in Court as Expert Witness, I have been required to attend a Coroner's Inquest as a Witness of Fact. I agree that there is less aggression
- Wholeheartedly agree. No / limited scope for theatrics when giving evidence remotely.
- Yes - I deal with some very contentious cases where there can be a lot of 'theatre'. (I do much prefer the theatre and the aggressive cross-examination, but for many I think online will seem a lot more agreeable.)
- Yes that is my experience

Appendix 10

Question 14 – Do you feel that your expert evidence is given the same weight during remote hearings as when you have given evidence in person? Please provide any comments.

- All good but sadly modern the expert is not given sufficient weight given the knowledge provided.
- Any expert who is giving oral evidence has failed to provide a complete report, the judges are therefore irritated by the expert before they start, in person judges are generally more polite but remotely they lose their patience quicker.
- Because of lack of clinical testing to back up opinions.
- Being physically present does in my view carry more weight
- but the setting is very important
- Can't really tell, lack of body language clues more lacking
- Certainly I feel that the preparation is better as there is no waiting around the court, which was very distracting.
- Certainly. In fact, it seems I am interrupted less over video than in person. One can be more measured and take longer with one's answers.
- Could be, but I think being there in person is more powerful
- Counsel seem very respectful of we experts.
- Court is more formal and perhaps more weight is given to the evidence
- Criticised by judge for the first time ever.
- difficult to judge the impact of the evidence remotely.
- Difficult to read body language
- difficult to say - It is much better when giving evidence to be able to see all faces and responses - this is not possible remotely
- engagement with all panel is easier and they get up close and personal rather than being 20 feet away
- every case is different
- Everyone can see and hear you clearly. They are unable to posture and play games in the same way and have to look as if they are listening. Also less distraction as only key players are on the screen.
- Evidence is evidence!
- Evidence weight is the same
- Hard to gauge the response and engagement of the jury via cvp
- Hard to judge this. It doesn't feel to me as if I am as much part of the court process when remote, and you don't have the same chance for pre-court discussion with counsel.
- Hard to say based on only a few occasions (2 online hearings) and the importance of expert evidence varies from case to case for me
- Hard to tell
- I am not sure what weight it was given as I am not involved in the tribunals' discussions.
- I believe it would be as all parties would have read submitted reports beforehand.
- I can't really answer this one as it is for those listening to judge on that.
- I do not feel I am able to directly address my answers at the jury as I would in person. the lack of eye contact, and their inability to view my body language, must affect how they receive the evidence.
- I feel less involved remotely
- I have found no difference.
- I have had very little feedback
- I have not been involved in remote hearings other than MHA Tribunals
- I have only developed reports over the last 12 months. had one Court appearance scheduled but the client settled before the Court date.
- I haven't attended court this past year so do not know how the court has dealt with my written evidence
- I not have detected any difference but this is based on a single appearance
- I prefer to be in person at Court as I feel I cant judge the tone of the room and speak directly to juries etc.
- I see no reason why not
- I see not reason to suggest otherwise
- I still felt listened to and respected despite remote meetings
- I think so. it is more difficult to judge how evidence is read. Giving evidence in a court room gives more opportunity to assess how evidence is received, this is more difficult in remote hearings.
- I'm normally very visual when giving evidence. This doesn't come across online
- I'm a strong speaker and not afraid to interrupt but I do not feel as strongly heard
- Impossible to know what the Judge would have otherwise done had it been face to face
- IN PERSONAL INJURY EXPERTS OFTEN CANCEL EACH OTHER AND EVERYTHING DEPENDS ON THE JUDGES ASSESSMENT OF THE CLAIMANT
- In many ways this has been forced upon tribunals as all hearings have been virtual.
- In one particular instance a judgement was given stating a preference for the evidence supplied by another expert despite the fact that a clear and cogent argument had been set out with our evidence. It was the opinion of our counsel, and directors at our company that there had been a miscarriage of justice.
- interruptions and raised hands are not watched

- it is difficult to gauge how the evidence is being received remotely
- It is harder to read the responses from parties / decision makers as you often can't see any / all of them - but the less detail / time concerns me re how things are weighted
- It's about delivery
- I've not done many cases online, and very many of my cases do not ultimately require me to be in court but get worked out when my report goes in. However, the last online case I did has had the Judgment handed down and my evidence was certainly given full weight.
- Judge on last case disrespected and disregarded the experts, probably because he was insecure (he had no clue about the subject matter)
- Judge still asks hard questions of the expert, remote or in face-to-face,
- Most judgements / decisions still refer heavily to my reports rather than the oral evidence.
- My testimony seemed to carry the same weight whether delivered online or in person.
- n/a
- Nearly all evidence is by written Report with very few requiring attendance at Court
- Need more time and events to assess.
- No change (5 responses)
- no comment (2 responses)
- No experience
- not done any
- not having evidence i cannot comment
- Not sure
- On the whole, I feel it is similar.
- One can be more concise when dealing in person
- Only had to do it once in last 2 years - coroner's court
- Outcomes seem to have been as expected and where there has been disagreement it seems to have been able to be aired adequately
- People are used to remote working now.
- Personally I have not evidence to the contrary and it seems my evidence was often critical to the decisions made it seems.
- Probably not, but it is hard to tell. There is nothing quite like a Judge seeing you face to face to be confident about your integrity.
- Probably, I think... I have had some good feedback...
- Remains to be seen.
- Remote hearings are a new innovation and as an experienced expert witness I would prefer to provide my evidence in a court setting. Experts duty is to the court.
- Remote hearings are too detached. The experts need to hear, see and smell each other.
- see previous
- Seems to be.
- should be no difference
- Still referred to in summing up
- The interaction - like a university lecture - is missing.
- the judge still asks questions and the trial length is shorter
- the proof of evidence bundle has the main content to support my evidence and I am presenting them in the same manner as I would if present face to face in court .
- The questioning was just as rigorous.
- There is a lot a court does and individuals do in assessing the evidence of an expert which relates to the way the individual comes across. At remote hearings this may not be the case because again, there are difficulties 'reading' the individual remotely, even if there is a video camera. Micro-behaviours cannot be seen easily unless the camera and broadband is particularly high quality.
- There is an extent to which understandings could be reached more intuitively and briefly. Less obsessive pinning down on points. More natural conversation. I am not sure whether this is a good or a bad thing.
- there is far less scope to explore data in remote hearings
- There is nothing like being there in person.
- This is difficult for the witness to answer. It's easier to give testimony as speaking personally I was less tense, so probably appeared more authoritative.
- Why should it be any different?
- Why would it not be?
- yes
- Yes, probably as I consider that the Courts really are working to formulate longer term planning. However - there is much more sneaking in of extra addendum-type questions before the Court hearings which would be far better worked through in Court itself. I am also finding that the Judges are now really working with emotional concerns and have given themselves 'permission' to pace their own Courts to the benefit of the Family Groupings. I write this with my Clinician hat on.
- You'd have to ask the judge.

Appendix 11

Question 15 – Are you more likely to accept instructions for a remote hearing because of the lower costs and greater convenience?

Please provide any comments.

- I have been in court during the pandemic to give evidence but watched the trial remotely for the days when not giving evidence. Court is always stressful in new surroundings etc.
- A remote hearing on its own would not be a deciding factor for me
- A significant proportion of my work was already paper/ notes based - the rest really demands a face-to-face interview to provide value for money
- Absolutely. I would be very in favour of this.
- All my cases are funded by legal aid and so there are massive cost saving to the public purse of me not travelling all over the country and overnight stays. It is also very convenient for me as I can get on with other tasks in my office while I am waiting to be called on and I can walk my dogs over the lunch break!
- All my cases since Covid have been settled out of Court, or postponed or stayed. I will attend on proceedings by whatever method is chosen or possible subject to Covid etc. I am however concerned that the body language of the cross examining Counsel may not be visible, making it too easy to fall into the typical 'bear trap' when Counsel tries to push you into saying black is white by incremental steps of not quite covering the relevant points when insisting on a YES or NO answer.
- Although you don't have a choice if you have already reported in the case
- As a company we are keen to help our clients in whatever way we can. Whilst we do not wish to incur unnecessary fees and would be happy with remote meetings wherever possible, we would not advise our clients to have expert evidence provided entirely remotely as we feel it would disadvantage them in the setting of a legal hearing.
- As a disabled expert, remote is much more accessible to me.
- As a professional I do not mind how or where my evidence is provided/delivered.
- As above, I am no longer accepting new instructions due to preparing for my retirement in 2 years.
- As an experienced expert witness I would always prefer to provide my evidence to the court in person.
- As said before less expenses and better attendance rate and better participation by vulnerable groups like elderly or physically handicapped etc
- At stage where no more instructions are being accepted in any event.
- Attending court in person is part of my job (it hasn't happened recently because all my cases settle!). It is understood that a court attendance by whatever means is part of accepting instructions.
- Avoids travel for 1.5 hours to London. Some Claimants so affected by facial scars etc and prefer remote appointments.
- Better to actually attend Court and get a feel for the general mood on the day
- But I have not had this to date. I need to do site visits initially.
- But perhaps more likely to be instructed?
- cases accepted are determined by interest. the same amount of preparation is needed. Some travel costs and time may be avoided. There will be some flexibility over time, but if a case is being heard over a number of days the same or similar planning issues will be involved.
- Certainly very welcome benefits to working in this manner
- Considerable saving in travel time and travel, accommodation costs. Also little waiting around for remote hearings.
- convenience (responses)
- Cost is not an issue - my rates remain the same.
- Cost is not supposed to have anything to do with the rate of accepting instructions. The people who answered yes to this are cowboys.
- cost saving and more efficient
- Costs and convenience are irrelevant. It will be about whether or not I can conduct a useful assessment remotely that allows me to provide meaningful opinion.
- Costs the same, but remotely helps when the instruction comes from 200 miles away!
- Court hearings are more inconvenient and time consuming, but I rather like preparing on the train and enjoy the journey back.
- Definitely
- Definitely this will be my first preference
- don't consider this when considering instructions
- Don't know in advance whether hearings will be remote. In any case, would not affect decision to accept instructions.
- Don't mind either way but appreciate the convenience of not having to travel.
- Easier
- Easier to coordinate
- equally likely
- fees are counted on hours in court plus travel time
- For a hearing, yes but this is no longer applicable as I am now retired.
- For Crown Court cases I could give evidence at a distance with a vast amount of time saved.
- generally lowers barriers without disadvantage in my view
- greater convenience
- Happy to travel if necessary.

- Happy with either - I have no preference
- hard to answer really not given remote evidence in court but i can see it would be less stressful on one hand but not another
- Hearings are the smallest part of my work in this area, as most Local Authorities settle before hearings. Makes no difference to whether I accept work or not
- I accept based on my ability and availability
- I accept instructions and those either do or do not include remote hearings. It is not for me to decide how the hearing is undertaken.
- I accept instructions to assist the court in areas of my expertise not to save either side costs and only if I can give the case sufficient time not convenience....
- I always prefer a some degree of face-to-face time.
- I am happy to attend Court in person. The instructing solicitors are currently advising whether attendance in person is required or whether remote attendance is required.
- I am happy to go to Court and whilst my experience of on-line evidence has been good, I would rather be there in person
- I am happy to receive instructions for any type of hearing, although clearly it is more convenient for me to attend remote hearings.
- I am not likely to accept instructions for a remote hearing and therefore have no other comments to make on this matter.
- I am not more likely to do so, but i think there will be a change towards more remote court work, because an awful lot of time is spent travelling.
- I charge the same attendance fee regardless
- I charge the same rates
- I consider all instructions
- I consider it easier to give appropriate emphasis to evidence and to answer questions at the hearing venue.
- I do not do remote hearings. In personal Injury I have not been in Court for 5 years.
- I do not think it makes any difference. If I accept an instruction to prepare a report, it is a long way from a possible Court hearing. Once accepted I would make a Court or Virtual appearance if required as part of my responsibility as an Expert.
- I do what I've got to! Remote much easier logistically, especially as the local authorities are strapped for cash and therefore are reluctant refund the NHS for my time (or travel)
- I don't have control over how the hearing would proceed at the initial point of accepting instructions
- I enjoy the real-life experience.
- I feel it is a compromise on quality - it is adequate especially in more 'straight forward' matters but I would always prefer face to face - and i am very concerned about the impact of remote hearings on the ability of vulnerable / disadvantaged individuals (e.g. due to learning disability, mental health) to fully participate and follow hearings. they are massively disadvantaged in any case but i feel the remote aspect amplifies this significantly.
- I feel that the choice is not mine to make.
- I find I like to avoid faraway cases unless it seems obvious I'm the right person to do it, but if it's for online work it does make some cases feasible. (Some of this is because we offer a discounted rate for legal aid cases, and they also only pay half-rate for travel. Faraway legal aid cases with several hours of travel do tend to be unattractive when there are easier alternatives available to us.)
- I have always preferred remote because of the last 10 times I was called 9 times they decided that they did not need me when they read my report. As barristers only read the report on the day of the case this means a wasted trip (although I still get paid).
- I have complex child care issues so working from home suits me better
- I have no financial incentive whatsoever to positively opt for lower costs. Inconvenience = earnings.
- I have no particular preference and sometimes enjoy the challenging Court room experience
- I have not been to any face-to-face hearings, or remote hearings.
- I have not done a remote hearing, therefore have no comparison.
- I have not had the experience however would imagine it is less stressful
- I have not made decisions on this basis if I have the relevant expertise. A fair proportion of my work is desktop.
- I have rarely had to attend a hearing because my cases get settled out of Court. However, the principal is good.
- I have some guilt about having made good use of the convenience during the last 18 months but I would not prioritise my convenience over giving the parent a fair hearing, so to speak, in Care Proceedings
- I haven't reduced my fees or costs for remote hearings
- I imagine that all the technical problems would make it an unsatisfactory experience for all involved. And God help the judges.
- I like hearings online, no travel, no parking, no uncomfortable seats and if I'm waiting around I can get a coffee at home
- I like to meet personally the people who have had an alleged injury, or treatment which they claim did not meet their expectations.
- I live in a remote and rural location. Removing travel time is a huge bonus.
- I much prefer court attendance
- I no longer travel for expert assessments as I do not have time. Clients either travel to me or it is done remotely
- I prefer giving evidence in person, but it would it would not affect my decision to accept instructions.
- I prefer remote working as it is far more convenient, but I was always prepared to undertake face to face clinics, over 80 cases per month for several years.
- I prefer to do face-to-face assessments
- I take instructions for both types, but prefer face to face. Occasionally, remote is more convenient
- I will accept instructions for a remote hearing if that is what the judge requires, presumably if it is simple, but not just in order to save costs, or greater convenience.

- i will accept instructions for any hearings.
- I will always prefer being in court to a remote hearing
- I will be happy to accept either
- I will present my evidence in whatever format the Court directs
- I will take any instruction and live the impacts
- i will try to avoid remote courts especially in complex cases where there is a range of opinion
- I will work with what is on offer.
- I work from home office
- i would accept remote or face-to-face equally
- I would attend hearing where it was ordered.
- I would be happy in either forum.
- I would be more able to attend but would give the same weight to evidence and otherwise treat the case the same
- I would do it based on the case and instructions of the solicitor. I don't mind a mixture of the two.
- I would not give any weight the hearing type in deciding whether to accept an instruction
- I would not lower my fees even if the hearing is remote
- I would prefer direct contact as engagement shows honesty and integrity
- I would prefer to attend the Court in person to ensure that I am fully absorbed in the case and can provide weight to the matters that are important
- I would say this is a marginal advantage but not a deal breaker.
- I ws happy to travel - expenses and time paid.
- I'm no longer accepting instructions because of late payments, non payments, solicitors giving little notice and the abundance of non-Medicolegal therapy work available.
- If I'm paid, I'll go where I need to go.
- If instructed on a case, one must fulfil all the duties that that involves and this cannot be influenced by cost or convenience.
- If it helps to control the unnecessary aggressive behaviour of barristers it can only be for the good.
- If London based hearing it wouldn't affect things. But I sometimes give evidence abroad, and in these instances remote hearings are much more convenient (and cheaper for the client)
- If that is what is required
- I'll do one in person too.
- I'm happy to attend hearings in person and would prefer this form of interaction
- In general, I feel remote hearings are personally more convenient. The surroundings are more comfortable and there is less 'waiting around'.
- In my area of expertise it is almost always necessary to examine the claimant.
- It does not affect my decision. At the outset of a case we don't even know if it will result in a hearing, and if so if it will be remote or not.
- It does not change things for me.
- It does not impact on my decision to take on a case
- It is always difficult scheduling time for court appearances.
- It is an easier system for everyone and there is no impact on time such as for travel etc and if things get cancelled or rearranged last minute
- It is better to attend remotely because it eliminates long travelling time, possible hotel costs, loss of opportunities to do other work and sometimes not even being called after having sat in Court for several hours or just being asked a few questions and then dismissed.
- It is certainly more convenient (and less intimidating!)
- It is easier but probably wouldn't stop me for accepting instructions if I knew I had to attend unless a great distance.
- It is less concerning when taking on a case to consider that the pre-trial meetings and Court attendances may be virtual and how these may then fit in with my other commitments.
- It is more convenient
- It is more the convenience of not having to travel
- It is much easier to find time to meet for a 2 hour or so conference call. A 2 hour meeting in London occupies most of the day and much more difficult to schedule
- It may eliminate travel at awkward times to remote locations, conflicting with other work
- It saves on transport, accommodation, subsistence costs
- It will not influence me one way or another
- It won't make a difference to me. I'd accept either
- Its easier to do more work.
- its the new way of working
- I've saved a lot on travel and time by working remotely. Before the pandemic I had to make a four hour train journey to have a 1.5 hour meeting with counsel and the defendants.
- Just as likely as look to recover costs.
- less travel time , able to fit in other work and family more conveniently
- Less travel, more time to prepare. Less stress
- losing the need to travel is a good incentive
- Lower costs are a benefit to the payer not the expert. However remote hearings are easier to fit in, less disruptive and with several screens allow better access t the evidence
- Makes no difference (2 responses)
- makes no difference for the vast majority of my work.
- Makes no difference, so as likely either way.
- More convenient
- Most cases settle after experts meeting
- most likely
- Most of my appearances at hearing at cancelled at very short notice, which is not a problem with remote hearings
- Most of my income is for the time spent in the Court Building and for travelling there and back.

- Much easier if the tech works
- Much greater convenience. Maybe hybrid mixture best.
- My accepting instructions depends on whether I have the required expertise to be able to help and the spaces in my diary.
- My experience is that I'm not informed the likelihood of a remote hearing at the point of instruction.
- My specialty of plastic surgery needs face-to-face examination to assess scarring and injuries 3D. Also, one gets to meet the Claimant and can assess their truthfulness and the reliability of their claims to be unable to do particular tasks.
- My understanding is that most hearings in Family Law will be conducted remotely.
- My work rarely ends in Court so irrelevant to me either way.
- No
- No difference (5 responses)
- No difference except for waiting times at court
- No difference to whether I accept instructions. I will not accept instructions for a remote assessment though - not adequate for neuropsychology
- no difference. remote hearings are not necessarily more convenient. Court hearings are without outside interruption and flow better.
- No doubt we all have been affected by the pandemic on various levels. In this context, less time spent on a commute in a busy city is very important to me. It is so much more than convenience.
- No time to set aside for travel and hotel. Far less disruptive to family life.
- Not a consideration
- Not a matter of choice or convenience for the Expert. Whether remote or not depends on the lawyers
- not applicable as I rarely attend court
- Not because of costs to me, but certainly greater convenience not to have to travel. But there is also the sustainability issue which is an important consideration.
- Not because of lower costs/convenience, but because of lower likelihood of gratuitous challenge by 'opposing' barrister - oh for the continental system of search for the truth!
- not been asked to do so, so can't really say
- Not having to travel is a real bonus.
- Not influenced by this
- not keen on a remote hearing but would do if necessary
- not more or less likely - equally likely
- Not more or less likely.
- Not my call, as my instructions come through Hill International
- Not on basis of costs but efficiency of time as now I receive cases from all over the country and not just the South East. What it saves is travel costs and time
- Not our choice
- Not relevant.
- obvious advantages
- Of course
- Only in the sense that I can get more instructions done that way.
- Prefer face to face as I feel you get a more robust report
- Prefer face to face assessments for reasons given
- prefer face to face discussions/questioning
- Prefer to attend in person.
- Probably I would
- Remote hearings are less disruptive to my schedule. I do not have to take the whole day off work
- Remote hearings waste less time.
- remote is better, for environmental and time reasons
- remote options improve many equality issues, such as opening up the workplace for people who may also have other responsibilities and/or required adjustments for which remote hearing are far more conducive to engaging in the workforce.
- Remote working negates travel and in my case the need to arrange appropriate childcare, on which basis I sometimes have to turn down work.
- Report and assessment taking approximately same time, minus the travel time. I prefer face to face as it is difficult to confidently recommend a prescription (and costs) without accurate assessment information .
- Reputation and area of expertise still places high bar on likelihood of taking on work.
- retiring
- saves travelling in these times
- So much easier not to have to travel to London for hearings
- Some of the Courts are difficult to travel to, there is more waiting around and the time can be better used elsewhere.
- still takes up out time
- Taking a half day or whole day of leave to attend Court which is then cancelled last minute as case settles is very disruptive to my clinical practice
- That doesn't enter into any considerations made
- The ability to engage directly and gauge feedback outweighs cost savings
- The factor is public contact at the moment.
- The format of the hearing is not a factor in my decision making.
- The intensity of remote work requires variety and face to face work.
- The process of completing work depends on the nature of the instruction and in most cases, I look to the opportunity to carry out what work I can remotely. As my charges do not change, this is purely for efficiency.
- The saving on travel time is significant, although it depends how far the travel is. For example, travelling to Scotland would require several days and hotel stays, whereas travelling within England can be done in a day (in some cases).

- the time and costs related to travel and the stress of timing the journey, finding parking and the relevant hearing location are removed in remote hearings. Additionally I have declined some cases due to the potential distance in attending in person - this issue would be removed if remote hearings were advised at first enquiry
- Then whole fee system has become unsatisfactory
- There is significant savings on rental for examination rooms and also travel costs and time involved.
- This does not influence my decision to take on an instruction.
- this is not a consideration when accepting instructions.
- This is not applicable to me.
- This is not useful in my role
- this would have not effect on whether i accepted the instructions, but might be a welcome bonus if less travel.
- To be honest, when accepting instructions for reporting, the expected Court environment isn't even highlighted, so this would make no difference to me.
- travel = lost revenue and lost energy
- Travel costs are less, but arranging the appointment takes far more time and it is not necessarily more convenient, particularly if the patient has children and is trying to fit a consultation in with home-schooling
- Travel takes a lot of time and is inconvenient.
- Travel time used to be significant
- Travel to UK from Spain is expensive and time consuming, and rarely can be recovered 100% in addition to fee.
- Travelling and waiting is not good use of time or for the environment.
- Travelling has , in the past, restricted the instructions I would accept. Now I am able to see clients wherever they live, if my experience is considered relevant
- Travelling, especially for Court Hearings is often arduous and often results in the Hearing not going ahead
- Unable to comment without experiencing same.
- Unable to travel more than 90 minutes or so due to disability, so remote hearings essential outside the North West region
- We don't know when we accept the case whether or not it will be a remote hearing
- We get to choose whether we accept the invitation to Court - I never knew!
- What about the Client?!
- When seeing the Claimant, for the physical or other specialist examination, is needed, then limitation to remote assessment is not an option.
- Will accept instructions regardless of likely arrangements
- Will always be available to defend my reports either in person or remotely - otherwise I would not accept the work.
- Won't make any difference to me
- work involved no difference - overnight stay and travel always invoiced separately
- work is work
- would avoid if possible
- Would make no difference to me. I would prefer in-person
- You just have to do what is required

Appendix 12

Question 16 – Overall, do you prefer working remotely as an expert witness?

- Again advantages and disadvantages
- Although I do miss meeting up with people, but working from a home office remotely is much easier.
- Although it is more convenient some of the time, it does not always enable me to carry out the same level of assessment.
- An office environment is more conducive to productivity.
- Anxious patients are harder to deal with. Some get wound up finding the clinic and getting parked. Less potential for underhand stuff in a face to face interview
- As a part time NHS and expert witness I have been able to schedule my work for both groups much more effectively.
- As a disabled expert, remote working is preferable to me.
- As I said above, in my work developing rapport with a young person and parents is essential and gives me opportunity to determine what and how I will assess that young person. I do not work like many psychologists, seeing a child in a clinic miles from home solidly over a day, I see them in their environment (school and home) and break it over two days (afternoon, morning)
- As long as the work and expertise can be appropriately delivered, both modes of working (remote and in-person) are tenable.
- As mentioned earlier, there are additional difficulties with remote work i.e. establishing rapport, avoiding unsuitable tests.
- as per previous comments
- as stated counsel conference is convenient
- as with patient facing consults in hospital, remote working is all round better
- Assessment of clients needs face to face contact within their environment. Working remotely for preparation of reports or case conferences is not that different to life before Covid
- Assessments are sometimes better carried out face2face, but evidence is better remotely
- Avoids travel but loses some value
- Background work and analysis of the case is always remote after an initial face to face meeting. Presentation of the report and discussion of questions to be posed to the other Expert are best discussed face to face.
- Because I am not living in the UK
- Being in Spain, it's not practical to work physically in UK.
- Better than working from photos but not as good as a face to face consultation
- better use of time, more cost effective, makes timings much more flexible. I much prefer this.
- Both ways of working have advantages/disadvantages
- But I do prefer not travelling to London
- can do it in my own time. but no real preference
- Cannot make an accurate assessment of the injury without a physical examination
- Convenience and efficiency. However, if it is a long/complex case there is value in having even a small proportion of F2F time.
- convenience overrules disadvantages
- Convenience Vs more artificial environment.
- Convenient but don't always get as full a picture
- Convenient but sometimes concerned I'm missing something (gait, nonverbals), IT can be unreliable and tiring
- Convenient for me, less travelling, but also more convenient and less stressful for the clients.
- Convenient. I don't have to see a person and touch them to carry out my assessment. Some agencies are being difficult and want a blanket 'no remote' approach, due to GPS/orthos needing to see people face to face (frequently) which is frustrating. Being face to face Vs online as a mental health professional, there is really no difference to the quality of my work and assessment.
- Definitely not
- During this pandemic, I think remote working is likely to be the safest way to proceed.
- ease, lower costs , any time delays can be adjusted , safer in regards to covid risk management . saves so much travel time - client and expert
- Easier ,less stressful and better access to all information than in a courtroom setting.
- Easier to fit into other aspects of my work. Remote attendance at court will be significantly easier than extensive travel to give evidence.
- EASIER TO WORK REMOTELY. MORE FLEXIBLE AND CONVENIENT FOR CLIENTS AND ME
- Easier, cheaper, more convenient for claimants.
- Easy to manage logistics
- Examinations I still do and always did face to face whenever possible.
- Face to face assessments are more in-depth in my opinion
- Face to face assessments are overall better and more enjoyable but the saving on travel time/cost and the ability to accept instructions from a distance offset this
- Face-to-face is my preferred way of working.
- Far prefer it for the planet, myself and the clients
- Fits in some cases
- For a med neg report - yes. Would not undertake an assessment remotely.

- for all the reasons I give above.
- For all the reasons previously stated - can work well in some situations (conference with counsel/notes reviews) but not others - eg physical examination of clients/defending evidence in court
- For Condition & Prognosis type assessments I need to be able to see the Claimant in person as neurological examination remotely is not possible. Otherwise, Conferences online work well and having electronic records also works well.
- For me there is more to be gained being in the presence of the legal team and other experts
- For most aspects, yes, but as cases progress it is much better to be face to face with the solicitor/barrister/other experts. I also miss the professional interaction that comes from a face to face meeting.
- For personal injury work a face to face meeting is mandatory in my view but no for negligence work
- For the majority of my instructions, which require cognitive assessment to be completed, it is worse. For those that it needs only an interview, there is only minor disadvantage to a remote assessment. Remote/in person court attendance does not matter to me either way.
- Gathering the data from the Claimant and their existing property remotely, to provide the Court with the appropriate answer is incredibly difficult, sometimes impossible. Working with solicitors and barristers who I know and know me is usually no problem, but it can be difficult to interpret nuances of comment with people you have not previously worked with face to face.
- Good for conferences.
- Got used to it!
- Happy to accommodate whichever is the more appropriate for each case
- Having a virtual component has been helpful to reduce length of appointment for clients. I interview on zoom and see people for testing (face to face). I have concerns about the validity of my assessment doing the whole thing virtually. Much prefer case conferences and joint statements virtually and the prospect of being cross examined is less daunting virtually.
- I am happy to work either way. Most of the my work is medical negligence, providing reports based on medical records alone - this is always performed remotely. Electronic patient records take up far less storage space than printed documents, however it is more time consuming to process electronic records than paper ones. I accept that the documents could still be printed in the home office if preferred. Condition and prognosis reports need to be done in person.
- I am losing considerable income. There is less interactivity with the lawyers.
- I believe that remote hearings /conferences are not as helpful to the parties (or to the courts) as face-to-face interactions.
- I can fit in expert witness work around personal commitments and work commitments
- I definitely avoid remote meetings for psychiatric assessments. I like the ease of setup of remote meetings with solicitors and counsel. Slight preference for in person oral evidence in court. I do remote Mental Health tribunals (as medical member of the panel), and most of us dislike this and feel the tribunal is of poorer quality than F2F.
- I do like the convenience - no antisocial hours in stations and airports and being able generally to have a coffee in front of me. However, a lot of the type of work I do (especially if small children are involved) really needs me to be there and not on a screen.
- I do not feel I can give the highest quality report from a remote assessment
- I do not work remotely.
- I don't miss travel
- I don't have to fund a commute and I get more work done in a day
- i don't like the assessments being remote, however i prefer the remote court experience
- I enjoy the face-to-face interactions with the teams I work with.
- I feel some of the aspects can be carried out remotely however much more information can be gleaned through face-to-face assessments.
- I feel that the overall assessment is as valid but I miss the "Human" interaction and the more rounded sense of the person assessed which is less possible remotely. I don't miss the travelling and wasted appointments when people don't turn up.
- I feel under less pressure, and can give better, clearer evidence.
- I gain a lot more from face-to-face contact with the client and the family, as well as learning from my fellow experts
- I get a better reading of people and complex issues when meeting face to face
- I get more time with my family and can work from where I want to be and not have to be within a moments notice away from a trip to London.
- I have always worked remotely in a virtual office with f2f meetings with lawyers when I felt such is necessary
- I have not yet attended remotely
- I have worked from home for 25 years so this is no different
- I like a bit of both. For convenience and lifestyle reasons. Ideally I will keep a hybrid way of working going post-pandemic.
- I like both ways and some direct work will remain important. The lived experience in the consulting room and in the court need to remain a feature during the assessments.
- I like the flexibility. Although I still think some things are more effectively done face-to-face.
- I like the interaction with other members of the team to produce ideas and sense check theories
- I like the mixture, working with colleagues is easier in the office
- I like to see the claimant and gain an understanding of their circumstances first hand.
- I love on the North Yorkshire moors, travel is difficult to main line station
- I maintain good professional relationships with the lawyers who instruct me and have strong supervision link with my colleagues. I undertake regular CPD and do not feel that remote working hinders my practice.

- I miss the chance to chat generally with those I work with
- I mostly work from home, anyway, except for meetings which I prefer to have in person
- I much prefer face to face interaction
- I much prefer the real thing. The theatre of it all is magical
- I need to see the claimant undertaking activities within their home environment which is far easier with a face-to-face assessment
- I need to see the ground. I need to collect evidence.
- I only assess Claimants in person. team meetings online work very well with meeting of experts and solicitors. I see no need for the time and expense of those meetings face to face. I have never attended a court as all cases have settled out of court.
- I prefer an office environment where I can more readily confer with colleagues and they can confer with me.
- I prefer completing meetings with other professionals remotely, though I much prefer doing assessment appointments in person if I can
- I prefer it for Court, hate it for everything else.
- I prefer the interaction face to face and I believe this is desired given my work is in the psychological arena
- I prefer to meet clients, Counsel and experts face to face
- I provide desktop reports and reports based on a home visit or video/telephone interview. The reduction in travel time is more efficient use of my time and does reduce costs to clients.
- I recognise that it has a value and there are times when it is adequate / a viable alternative - and bluntly over the last 18 months often the only option - so better than nothing. But not a preference for me, or on behalf of those that are further disadvantaged by it.
- I sometimes want to have a face-to-face, but working remotely has simplified parts of my work
- I still prefer face to face.
- I think that it is very important to see people face-to-face. Remote assessments (interviews) only feel partially done. However, does highlight the importance of trying to be less formal with clients when seeing them face-to-face to shift the power imbalance.
- I was working remotely quite a bit pre-Covid.
- I work alone.
- I work from home and do not mind travelling to courts.
- I work remotely anyway (prior to the pandemic). For our work, this works very well as we than travel where/when we need to.
- I would prefer both
- I would prefer hybrid working
- I'm happy to do clinical interviews online but the bulk of my assessments involve psychometrics which are far more robust done face to face
- I'm chilled
- In a not too distant future some Expert is gonna get hung out to dry about remote working. One a client is to be assessed, remote working is very very limited for all sorts of reasons. I'm not going to give a dissertation here.
- In my experience, remote working has reduced to extent of interaction with the legal team, to the detriment of the impact that expert evidence can have on the case.
- It affords me more time to travel away on business. That is the only benefit. After years of working in this field I think the in person experience is more beneficial for the entire process - for all parties concerned.
- It allows me to take instructions and fit around my day job much easier as travel time reduction makes less wasted time and scheduling problems
- It applies only to court attendance not to the assessment of a client.
- It can be more convenient if the circumstances lead themselves well to undertaking a remote visit, as it negates the need for travel which can reduce the assessment time considerably.
- It can be particularly challenging trying to assess children remotely.
- It cuts down travelling and train fares. I can get more work done now as have time before conferences to work
- It Depends on the Claimant and your ability to identify what needs to be captured/observed during assessment.
- It is a more efficient use of my time.
- It is all work, just different.
- It is better overall but harder to pick up Claimants who are likely to be faking symptoms
- It is certainly convenient to not have to leave the office, but more difficult to engage people.
- It is difficult to carry out a high quality assessment
- it is easier to avoid being caught out by counsel
- It is impossible to carry out a physical examination remotely
- It is more convenient in some cases but does lack a more informed approach
- It is more time efficient due to reduction in travel times
- it is much more readily managed from a time perspective
- It is nice not to travel but also it is nice to get out of the house as well.
- It loses the personal interaction of a physical appearance in front of a jury.
- It really does depend what kind of information the Court needs at the time.
- It saves on travel costs and time
- It's what I've mostly done to date, even pre-COVID.
- It's good as it brings the expenses down and better attendance as well
- It's much more convenient and it cuts down on travel time.
- It's very convenient. Failure to attend is less of a problem.
- I've saved an enormous amount of time in travel and I can move around my house while on audio, with my camera turned off: it's much more convenient.
- just as effective assessments, but lower costs and travel time, means more efficient

- Lack of direct contact with the client is a concern, as people are often less open when discussing matters via video link rather than in person
- Less / no court room theatrics. No down time dedicated to travelling and overnight stays.
- Less disruptive to my other work, could be something to encourage for psychologist as there is a shortage of expert witness psychologists as it is hard for them to fit this into their NHS work. Remote working might make this easier as they will have less time away from their other work.
- less personal contact and reduced details as regards mental state assessments
- Less travel and associated stress
- Less travel and less costs
- Less travel is good with less time required but much better to see people face to face
- Less travelling for meetings means lower costs for clients and also provides more time to be working on all office based work. The downside is limited to attending hearings which are better attended in person.
- Less travelling to court is helpful but I am slowly attending more so I can exert more influence
- Like remote court attendance but need to see my particular client group (children) face to face to carry out the most informative assessment.
- Marginally
- medical examination is never as good
- Meetings can be more efficient but I prefer face to face assessment
- Minimal advantages
- miss out on seeing their environment, (as per home visit) or the cues from face to face meetings
- Mixed feelings will always offer face to face if requested over next year will probably resume full face to face unless virtual specifically requested
- More challenging to explain my point of view doing it remotely rather than in Court
- More convenient
- more difficult to relate to the papers and people involved in the case
- more efficient, fits in with family life better
- More flexible for multiple engagements
- Most of the report work was always remote. Assessments for Physiotherapy claims still need to be 'hands on.'
- MUCH MORE EFFICIENT AND JUST AS EFFECTIVE
- Much better to attend court on person rather than remotely.
- Much better use of time and easier to present evidence
- Much better work life balance. I can spend time doing actual work not travelling to endless meetings. A Teams meeting takes half an hour where as before the same meeting would take most of a day with travel.
- much easier in person except for the aspects of time taken to attend remote sites
- Much less time away from home.
- Much more convenient to all involved. Less tiring for the Claimant especially if very impaired. Less invasive with Claimant into their home initially. Time to develop trust and communication before arriving covered in PPE and a mask.
- My clinical (Private and NHS) practice is less disrupted in so doing.
- My forensic role necessitates a hands on approach
- My office sucks. My home is much nicer. Plus, my team works just as well remotely.
- My report writing has always been remote - interviews need to happen face to face though
- My speciality requires in person examination
- My work is largely remote currently.
- Need to assess clients in person, but conferences can be held virtually as I believe it is more convenient for everyone. Court I am uncertain because I have not had a virtual court appearance
- Need to continue face to face assessments because of nature of my role but meetings and Hearings via video are excellent
- Needs to be a mix
- new to the role
- No comment
- no overnight stays. while it is nice to see different parts of the country, i prefer to stay home
- No preference
- No real option due to recent disability, no commuting is a big bonus.
- No travel and consequent better work-life balance is attractive.
- Non verbal cues more difficult Can't examine Clients on more wifi or out in car!
- Not for claimant examinations but yes for meetings with Counsel / joint report writing.
- Not for meetings or potential hearings, as more distractions and less informative.
- not much difference noticed
- Not possible to do all of examination remotely. I don't mind the other parts of the process eg meetings with counsel and joint statements etc.
- Obviously, it cuts down on ancillary costs for instructing sols so it might make you marginally more attractive.
- only w r t discussions between experts, solicitor/barrister conferences - much preferred in these situations
- Orthopaedic examinations are compromised.
- Our job is to deal with what is in front of us, so I can cope with it either way
- Overall I prefer the face to face contact and the technical hitches are irritating and sometimes disruptive
- Overall, the client is calmer, less perturbed (due to not having to travel) and there are anxious, agoraphobic and obsessional patients that would not have coped with a face-to-face interview. Surprisingly, assessments of patients with cognitive impairment have been possible remotely - they seem less distractable when talking to a screen than they do in person

- Physical examination is vital and virtual assessment is sub-optimal in my view
- Please see my previous comments. Pros are: I can hear people better, I can see people from a broader geographical reach, I don't have to hire rooms and pay for them which is a welcome saving, I can fit remote more efficiently into my own life. Cons are occasional technological glitches, I have had 1 instruction for someone who has no means of accessing the appropriate technology, appointment (especially the complex ones) generally take longer, people sometimes feel anxious about remote assessments however, every single person I have interviewed who felt this was happy with the remote process.
- Prefer opportunities to collaborate, which is easier in person.
- Prefer person-to-person contact.
- Prefer the Case Cons remotely but like to visit clients in person.
- prefer the conferences held remotely. Prefer face to face assessments
- Prefer to have company of others and to see clients face to face.
- Pretty much always been remote as my reports are all desktop, no examinations required.
- Probably I would
- Pros and cons
- Pros and cons. Assessment not so good, but a great deal more convenient.
- Quality of assessment is worse. Reduced level of confidence in findings when progressing to discussions with counsel or opposing expert. Additionally, it is worse when one expert has carried out face to face and I have completed an on-line assessment. Query whether the quality of my assessment is in question and harder to defend
- Reduced chance of covid infection
- Reduced travel and better for environment.
- Reduces travel time and costs but the actual assessments are more difficult.
- Reference material and extensive facility, assistants and support staff are not readily to hand.
- Remote assessments are not ideal however, less travel to conferences makes for better use of one's time.
- Remote working provides quieter and more conducive environment.
- retired
- See above- some limitations imposed by remote working but some advantages such as reduced travel
- See my previous answer. I have on more than one occasion travelled 200 miles to London only to then be asked a few questions which if done remotely would have involved me in no more than 1 hour's work. Also on one occasion got on a train to London only to then be phoned while on the way there and told I was no longer needed and then having to just get on the first train back home. Now if the conference is booked remotely cancellation is a lot less bother.
- See previous answers. I need face-to-face examination of Claimants, and may see if their inability claims hold water.
- SO MUCH EASIER AND INSTRUCTIONS HAVE INCREASED MUCH MORE EFFICIENT AND USER FRIENDLY
- So good some not. Curates egg!
- Some advantages
- Some aspects such as remote meetings have worked well, although cases that require physical or functional assessment, or for people with cognitive or communication difficulties, a face to face assessment is still preferred.
- Some work can be completed effectively by remote working but given my field of expertise face to face assessment would be my preference. without the face to face stuff its harder to triangulate my findings (subjective reports versus objective observation and clinical testing
- Still think that in person appearance is needed
- subject to good AV and coordination, remote expert witness presentation allows for adequate transfer of information and questioning with less logistics of transport and availability
- The ability to conduct meetings and discussions with other experts remotely saves significant valuable time. However, there are on occasion times where being able to network and carry out site visits is preferable in person.
- The ability to undertake work effectively but in a more time efficient way. This assumes video conferencing and meetings rather than telephone meetings.
- the convenience and the fact that I can assess more clients overall.
- The nature of the expertise requires physical visits to see the claimant's property.
- The sense of occasion is lost when working remotely. It can detract from getting your sincerity across to the tribunal.
- the technology is improving
- The vast majority of my work has been done remotely, in terms of report writing and email communication. There is now an added advantage in having meetings and Court attendance virtually.
- The whole of my time is spent working for the client, not driving to clients, airports, hanging around terminals, picking up rental cars etc. This is better for me, better for the client and better for the planet.
- There are benefits of not travelling, being able to have more time to work productively. But some cases need direct face to face involvement. Achieving the balance is really positive.
- There are benefits to remote working- low cost, less stress and more convenience to the Court itself (potentially). Drawbacks include the absence of the Judge/Jury, and the inability to fully engage with a topic compared to doing so face to face.
- There are benefits to remote working, but these are mostly convenience based.
- There are pros and cons and I prefer a nice balance which thankfully I have
- there are pros and cons of giving evidence remotely. its great not having to sit around or be messed around when court dates/times change. Most of the report preparation has always been done remotely.

- There are significant advantages of flexibility but there is no one-size-fits-all. Many experts abuse the privilege so it is likely that it will be withdrawn.
- There are some assessments which can be completed virtually eg loss of service. However the majority need to be completed face to face eg Paediatric cases.
- There have been many challenges to doing this type of work but one of the most enjoyable aspects of the work has been interviewing and examining claimants in person, attending case conferences (and court) meeting other experts, lawyers, insurers, etc again in person. All this will be lost in the sad and remote world of Zoom and Teams!
- there is a balance
- This is especially in the current COVID situation because I would like to avoid travelling in public transport and stay in overnight accommodation booked by employer
- This is new technology and a new way of working to which everyone, solicitors, barristers, experts etc have yet to become accustomed. It remains the case that most of the people I deal with are aged over 45, and are not 'tech savvy'. It is also the case that we are only just now forging the way in which discourse takes place in the remote conversation when many of the normal subtle cues are missing. We should set this against the fact that remote working is cheaper and (usually) more convenient for all.
- Travel Referencing Environment
- Travelling very tiring and overall not well paid for the hours away from home.
- Video is nearly as good, but something is lost when communication is not in person.
- Where possible, it is helpful but lab time remains essential
- Where travel would involve long distances, prefer to work remotely as more convenient and travel time/ costs reduced.
- while meetings and court hearings were never that frequent for me they add a level of understanding and engagement that video calls just can't provide. Even though the people I meet are all technical and have no difficulties with the technology the interpersonal communication elements and interpretation of jargon (which are key to my work) are much harder online. The two site visits I did do last year were much, much more effective than equivalent sessions done online.
- why travel ?
- Will endeavour to work solely remotely going forwards
- With new mobility problems, this is much easier for me
- With the exception of the face-to-face assessment of the Claimant, which is definitely second rate by video link.
- Work to my own timetable
- Working remotely has its role, especially in preliminary or short discussions. It is a tool, similar to using DX, the post, fax or e-mail but should not be allowed to be the default..
- Works better around my home commitments to do both
- Yes I do but still don't mind the face to face examination also
- Yes, it's less time consuming, but I enjoy the journey and find Court appearance more meaningful.

Appendix 13

Question 17 – If you started doing expert witness work since March 2020, was the decision to do so affected by the ability to work remotely? Please provide any comments.

- Because I live overseas
- combination including desire to avoid covid 19
- Due to covid-19 restrictions, social distancing was compulsory
- Enforced by COVID-19!
- I am happy to do whatever is necessary.
- I did decide to complete the bond solon training because it was virtual though. Would not have managed to do this with young children if I had to go to London.
- I moved into the field of conducting expert work within the last 12 months. The ability to work remotely has come naturally with the position, however i compare this to my previous role in consultancy which worked on a similar basis. The charge out rates i have used, to my knowledge, have not altered.
- I was working towards expert witness work regardless of the pandemic, therefore the idea of working remotely had not been considered prior to this.
- I work in my own office so remote working is not an issue.
- It made the work more attractive as it fits better with my other commitments than it would if I needed to factor in travel time
- It's easier and less stressful to work remotely
- I've been wanting to be an expert for a while.
- no change
- No travel time
- Started earlier
- The company was carrying out expert witness work prior to the start of the pandemic and whilst the ability to work remotely clearly affected some of our expert witness work (court dates were delayed etc...) this had no bearing on any of our staff deciding to take on any expert witness work during the pandemic.
- We now have little or no choice



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