



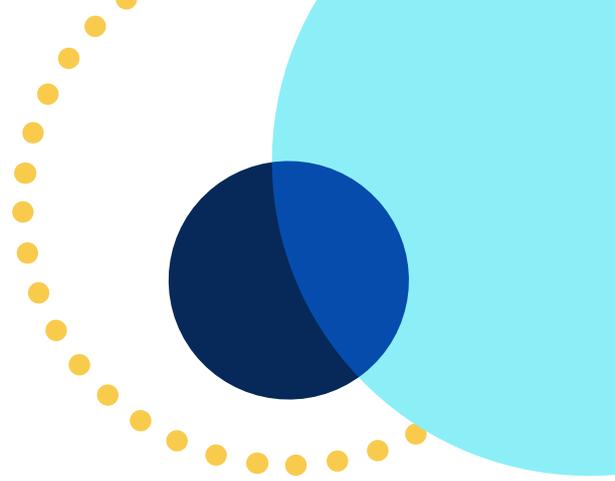
# **The Times Bond Solon Expert Witness Survey 2022**

Annual Expert Witness  
Survey in collaboration  
with The Times

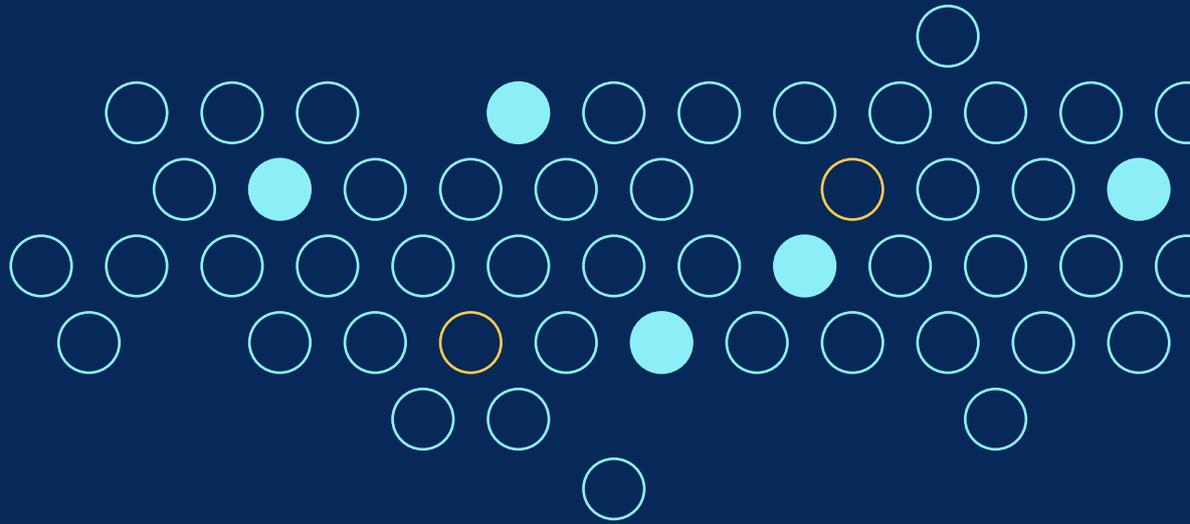
Published on 3 November 2022



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**The Times Bond Solon Expert Witness Survey 2022 was conducted online from 19 July 2022 to 19 August 2022. A grand total of 635 experts took part, making it one of the largest expert witness surveys conducted in the UK.**

**The survey covers many interesting issues, including whether experts should continue working after retirement, the roles of the courts and professional bodies in regulating the industry, accreditation, mentoring, fees and working in sensitive and highly contentious matters. This report provides some analysis of**

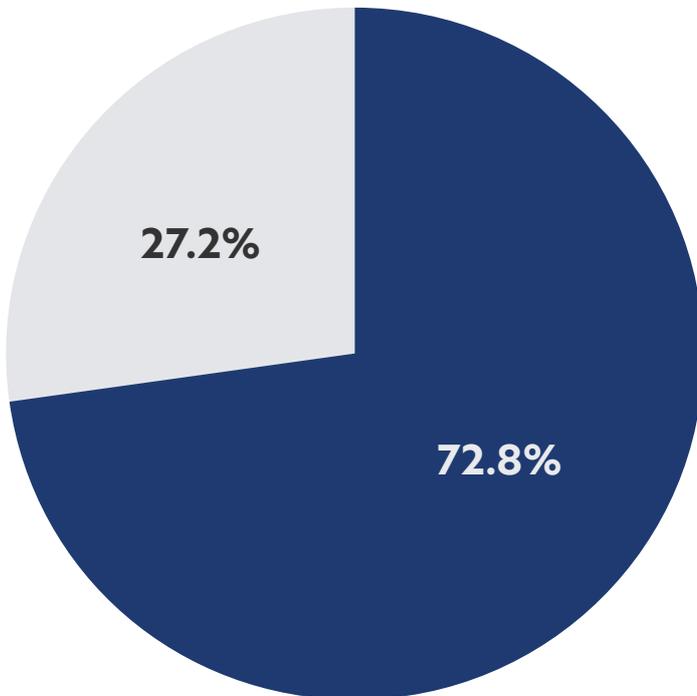
**the results of the survey that I hope you will find interesting and useful. There are also appendices where respondents have commented in more detail to some of the questions.**

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

**Mark Solon**  
November 2022

# Question 1:

Should there be a legal definition of an expert witness in the court rules?



	%	Responses
Yes	72.8%	461
No	27.2%	172

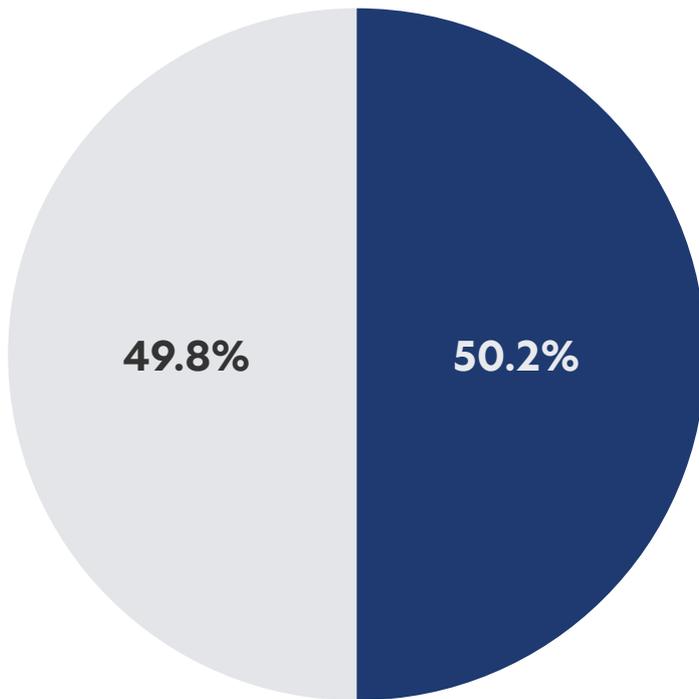
**Total responses: 633**

A legal definition of an expert witness could include issues such as what qualifications and experience is needed to become an expert, whether the expert should have been professionally trained in the role and whether someone who is retired can provide opinion evidence. Looking at the law, the Civil Procedure Rules Part 35.2 states: "A reference to an 'expert' in this Part is a reference to a person who has been instructed to give or prepare expert evidence for the purpose of proceedings". While the Criminal Practice Direction Evidence 19A Expert Evidence states: "Expert evidence is admissible to furnish the court with information which is likely to be outside the experience and the knowledge of a judge or jury". Although there are many references in decided cases as to the term expert witness, there is no formal legal divisions.

Over 70% of the respondents concluded that such a definition is needed but perhaps it would be too difficult to create an overriding one.

# Question 2:

Should there be a specified time after retirement from a particular professional field that a person can still be instructed as an expert witness?



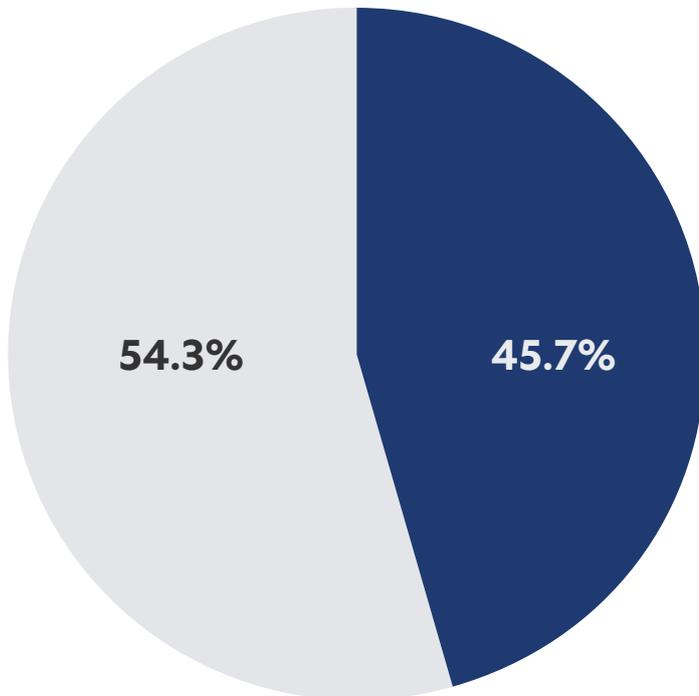
	%	Responses
Yes	50.2%	318
No	49.8%	315
<b>Total responses:</b>		<b>633</b>

Whether or not an expert witness should have a “sell by date” is a hot topic for many experts, particularly for those who are about to or have already retired. Such professionals may have considerable qualifications and experience acquired over many years, which could prove valuable in certain cases, such as those relating to historic events/issues, and therefore may wish to continue acting as an expert. It is imperative that experts have the appropriate qualifications and experience relevant to the issues in dispute at the time those issues arose. Initially, it is up to the instructing lawyer at the pre-instruction stage to ensure a particular person is right for the job. This will depend on many matters including the type of dispute.

The respondents were more or less, evenly split as to whether there should be a specified maximum time after retirement from a particular professional field. It is probable that the status quo will remain and that ultimately the courts will decide if someone is appropriate to act as an expert witness for the matter in hand.

# Question 3:

Do you think the court should play a greater role in instructing an expert witness?



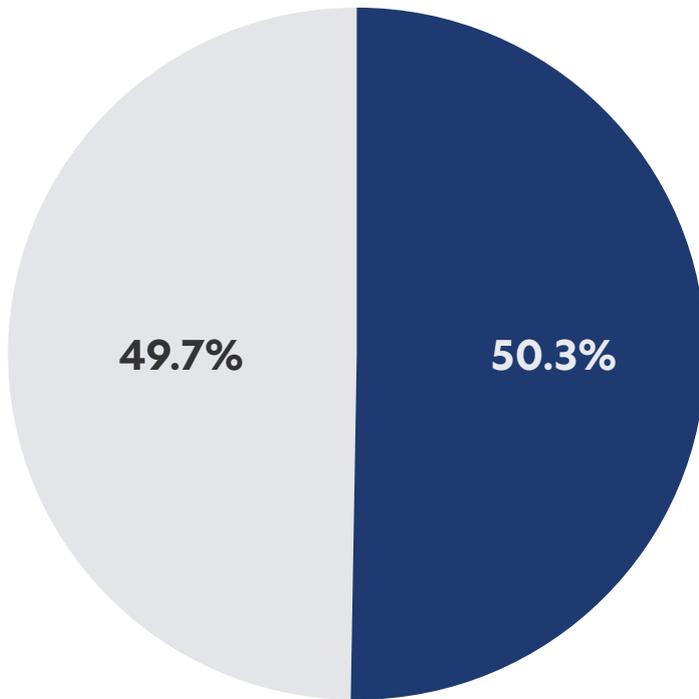
	%	Responses
Yes	45.7%	289
No	54.3%	344
<b>Total responses:</b>		<b>633</b>

Currently it is up to lawyers to instruct experts, but over 45% of respondents thought the court should play a greater role in this process. This could be in consideration of the fact that an expert's primary duty is to assist the court and not the legal team/client. The court could inform the expert where their evidence would be of most help in the decision-making process, which could potentially save time and focus the expert evidence where it is needed. There is an appetite for the court to play a greater role. This is significant and indicative of the dissatisfaction with the current system of party led instruction.

However, most respondents said the court should not play a greater role.

# Question 4:

Do you think professional bodies provide enough training and guidance for members who act as expert witnesses?



	%	Responses
Yes	50.3%	268
No	49.7%	265
		<b>Total responses: 633</b>

Many experts are members of professional bodies and just over 50% of respondents said that these bodies should provide greater training and guidance for their members. In fact, one could argue that additional training and guidance forms part of their responsibility to ensure quality of the services conducted by their members acting in their primary role. If this is the case, then professional bodies need to recognise and take action, whether it's by forming partnerships with existing training organisations (Bond Solon already work with many professional bodies in this way) or by creating in-house training divisions

This would also give comfort to instructing lawyers that their expert witness is qualified to a standard determined by their requisite professional body.

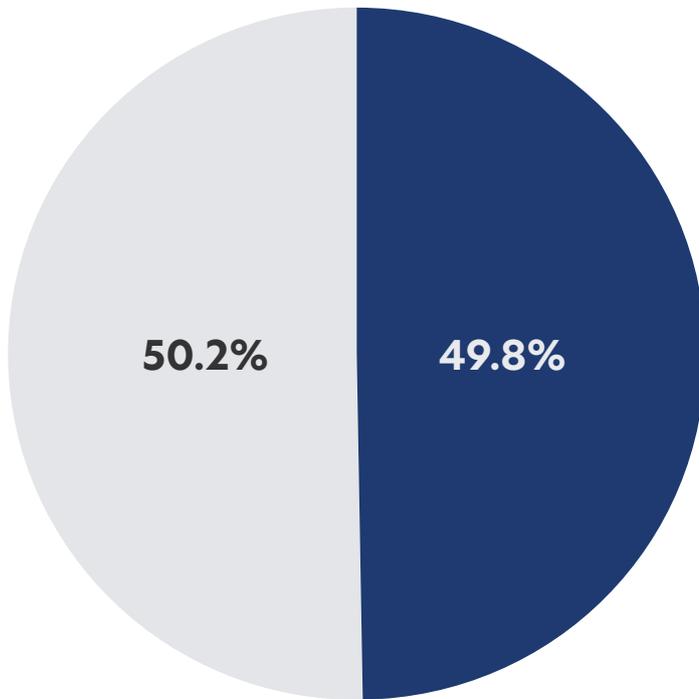
# Question 5:

What additional measures could professional bodies provide?

The appendix contains some ideas that experts have suggested. In summary, the most common examples were regular training, CPD and further guidance.

# Question 6:

Do you think there should be mandatory independent accreditation for expert witnesses?



	%	Responses
Yes	49.8%	305
No	50.2%	308
		<b>Total responses: 613</b>

The respondents were nearly evenly split as to whether there should be mandatory independent accreditation for expert witnesses. This idea has been frequently raised over the years but has not been implemented.

There are many obstacles in the way of such independent accreditation, which include:

- The requirement for an independent body to provide such accreditation, with inevitable set up costs and continuing need for oversight.
- Who should bear the financial burden for this service? If experts, would the more onerous responsibility deter them from entering the profession?
- Should one time experts be accredited and if so, how?
- Whether independent accreditation is even likely to have a measurable positive impact on the industry.

Accreditation is most likely to fall within the remit of professional bodies, however will they be able to fulfil the 'independent' requirement? And what is the appetite amongst professional bodies? The Academy of Medical Royal College's report was the first real step towards acknowledging the acute need for proper training, but it stopped well short of accreditation.

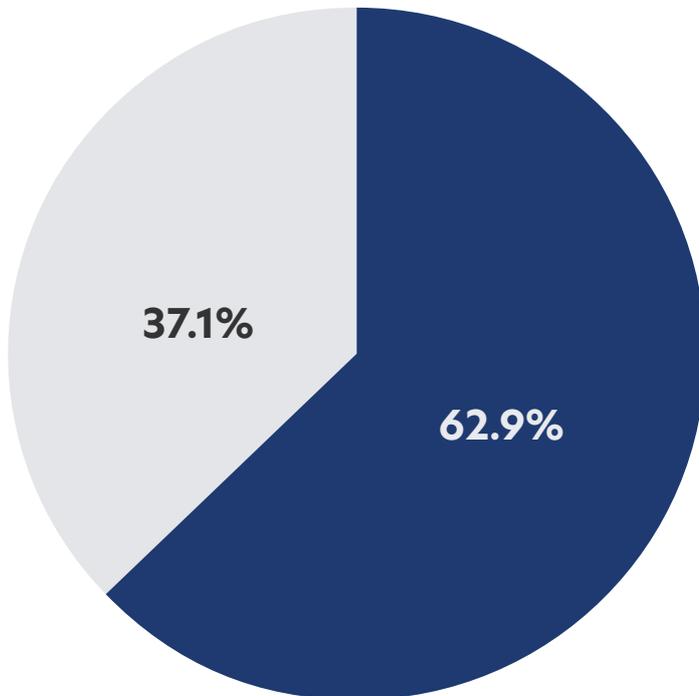
# Question 7:

How should this accreditation be carried out?

The appendix contains some ideas that experts have suggested. Some of the most common examples include accreditation by a department within the professional body, Bond Solon, the Expert Witness Institute or universities.

# Question 8:

If there is mandatory accreditation of expert witnesses, do you think they should then be required to revalidate every few years?

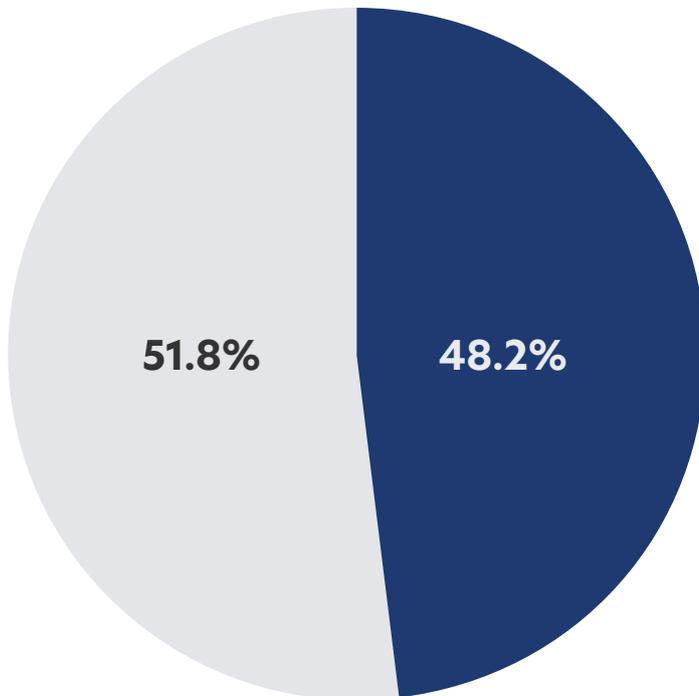


	%	Responses
Yes	62.9%	398
No	37.1%	235
		<b>Total responses: 633</b>

Interestingly the majority of respondents thought revalidation should be required every few years. Whilst this would ensure that experts keep up to date with current law and procedure as well as best practice, the additional administration and costs involved might put off some experts.

# Question 9:

Should there be more detailed regulation of the work of expert witnesses?



	%	Responses
Yes	48.2%	305
No	51.8%	328
		<b>Total responses: 633</b>

The respondents were more or less split as to whether there should be more detailed regulation of the work of expert witnesses. One could argue what other regulation is required, besides the court rules, protocols, and practice directions that are already in place, in addition to the guidance set by professional bodies and organisations such as the Academy or Medical Royal Colleges.

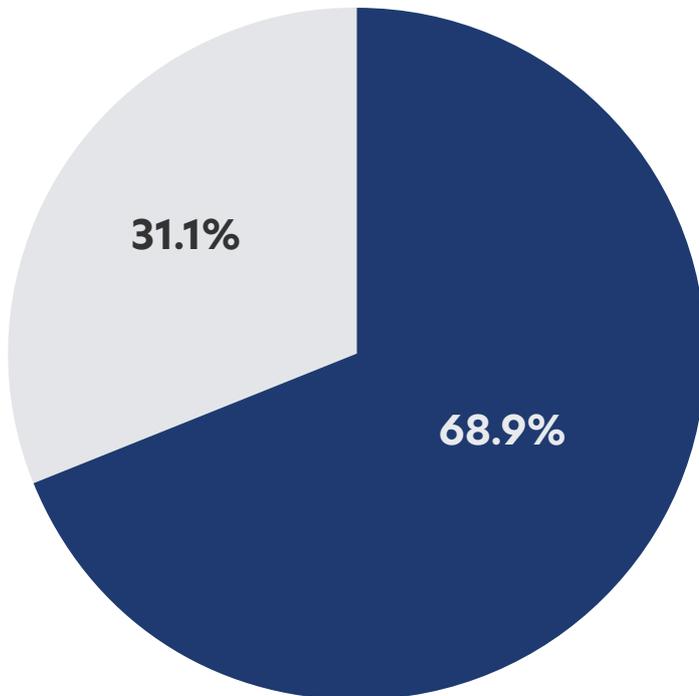
# Question 10:

## How should the one time expert be regulated?

The appendix contains some ideas that experts have suggested. Some suggested that the courts should have more oversight of the approval process whilst others suggested Bond Solon or an independent body, but this is likely to have cost implications.

# Question 11:

Should experts be able to have another expert as a mentor on an actual case?



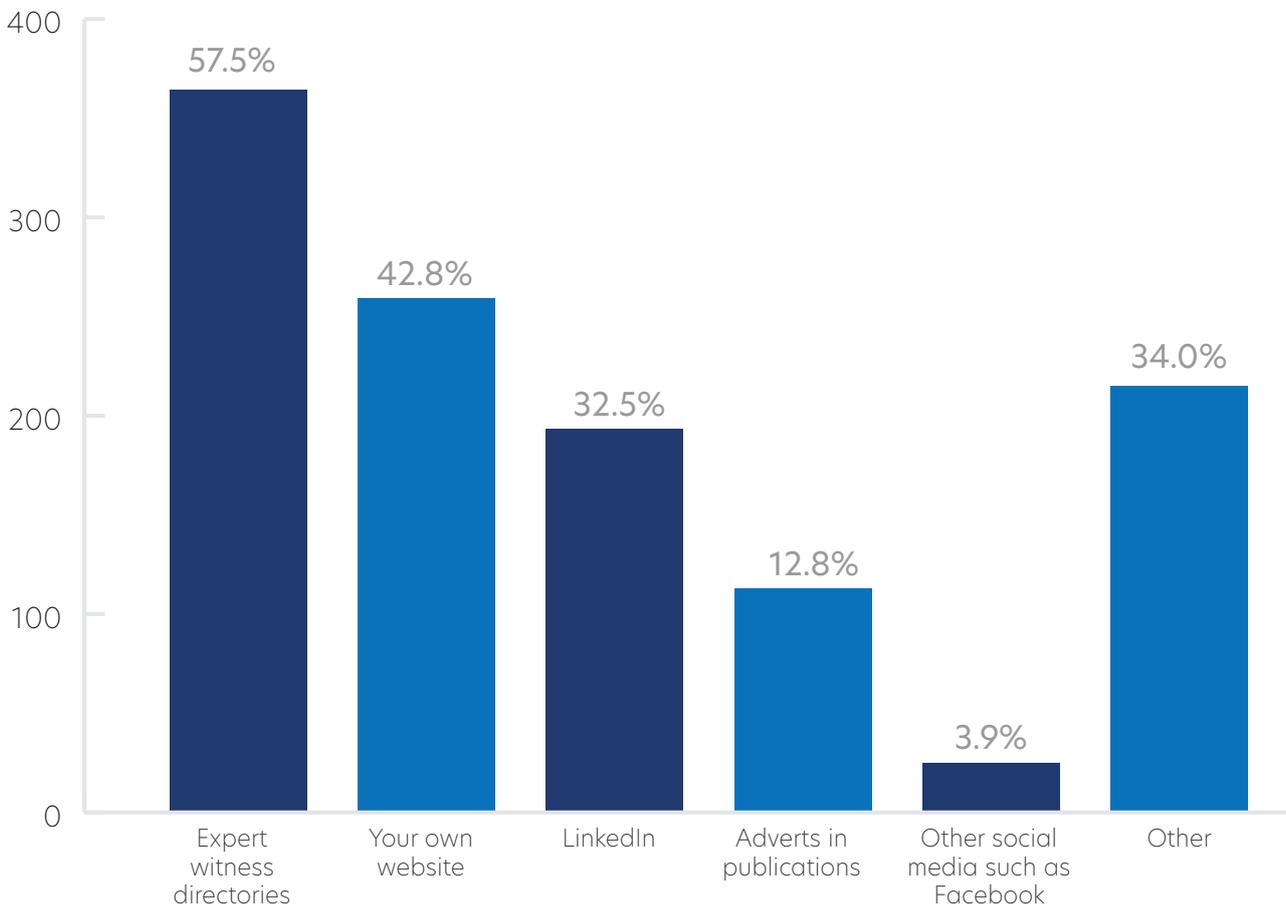
	%	Responses
Yes	68.9%	436
No	31.1%	197
		<b>Total responses: 633</b>

Nearly 70% of respondents stated that experts should be able to have another expert as a mentor, i.e. an experienced and trusted advisor on a case. In theory, this could be a valuable initiative for experts, but there are potential issues that need ironing out. Should the mentor be mentioned by name in the report? Could the other side suggest the expert's opinion has been altered because of the mentor's influence? Could the mentor themselves be called to give evidence? Should they be able to charge a fee?

It may well be that experts already informally ask colleagues to assist in the report writing process but do not disclose this. Perhaps mentoring could be better employed by using historic cases or case studies as a reactive way of learning rather than a proactive approach on actual cases. There may be costs involved in this process, but experienced experts might be willing to help their junior colleagues for free if it would raise the overall standard of the industry.

# Question 12:

## What platforms have you used to market your services?

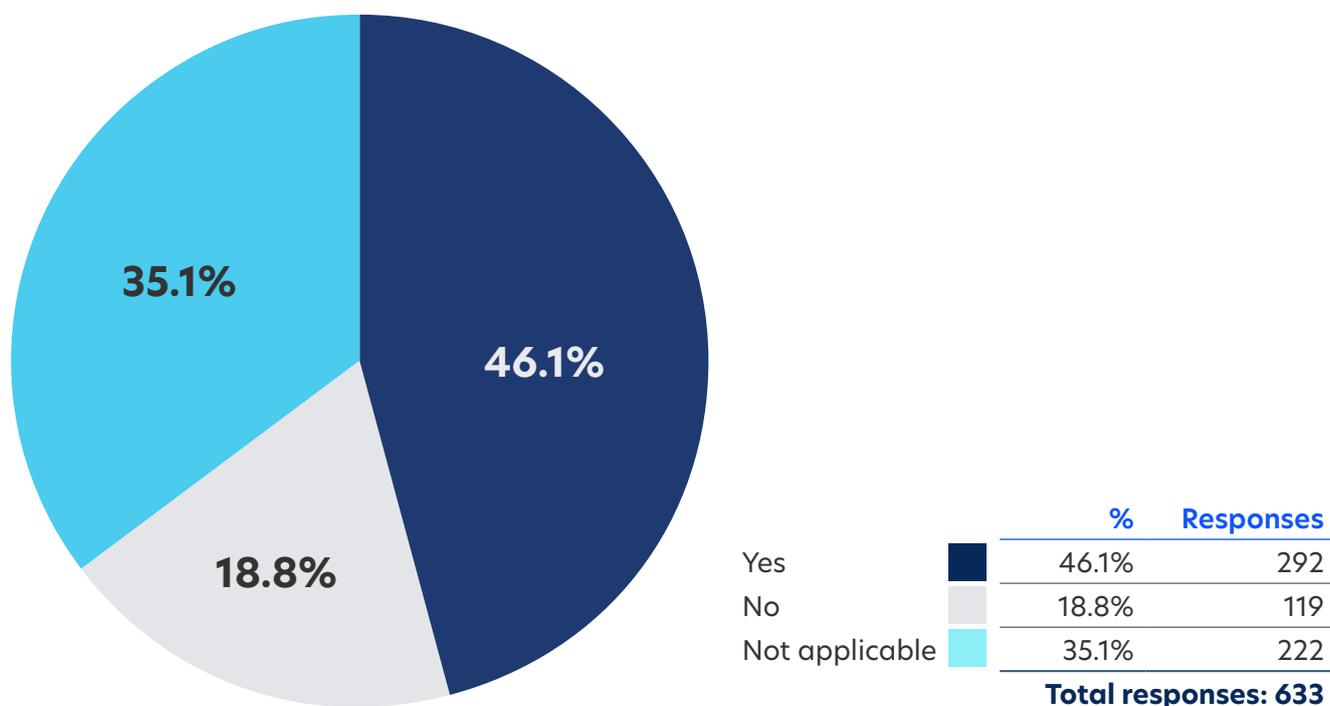


	%	Responses
Expert witness directories	57.5%	364
Your own website	42.8%	206
LinkedIn	32.5%	81
Adverts in publications	12.8%	271
Other social media such as Facebook	3.9%	25
Other	34.0%	215

The use of expert witness directories as a marketing tool is the most popular choice with respondents. Some directories are glorified Yellow Pages whereas others are more selective. Over 40% of respondents have their own website and about a third are listed on LinkedIn. It would be interesting to view the success rate of some of these options (see responses to next question), particularly as most law firms have their own "black book" of experts with a clear track record, although may well consult directories to source experts with a particular niche. Facebook is not popular as a directory tool, which is unsurprising as it doesn't tend to be used for professional purposes.

# Question 13:

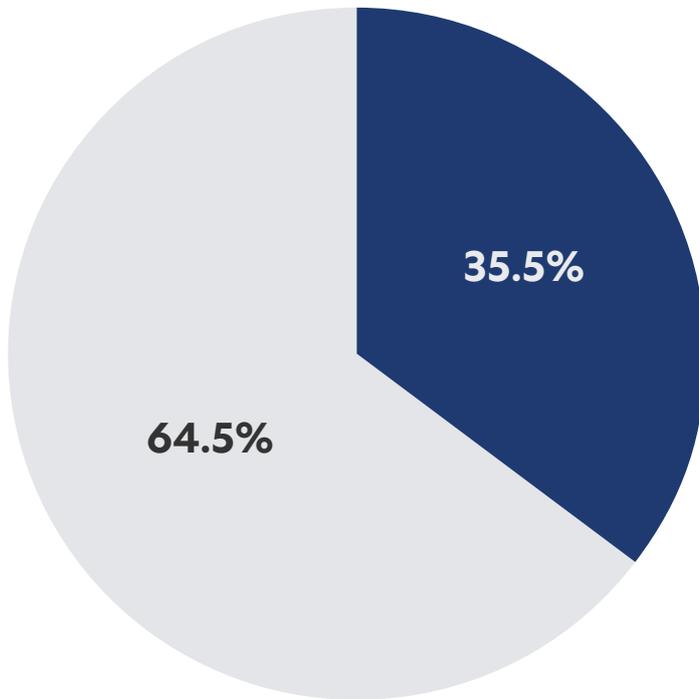
Has your registration on directories led to instructions?



Directories do seem to be worth the money as almost half of respondents have been instructed as a result of their registration. It would be interesting to find out why the 35.1% of experts who selected 'not applicable' decided against using directories. Perhaps they have been put off by the entry costs or have found other means of promoting their services.

# Question 14:

Has your membership of professional bodies directly led to instructions?

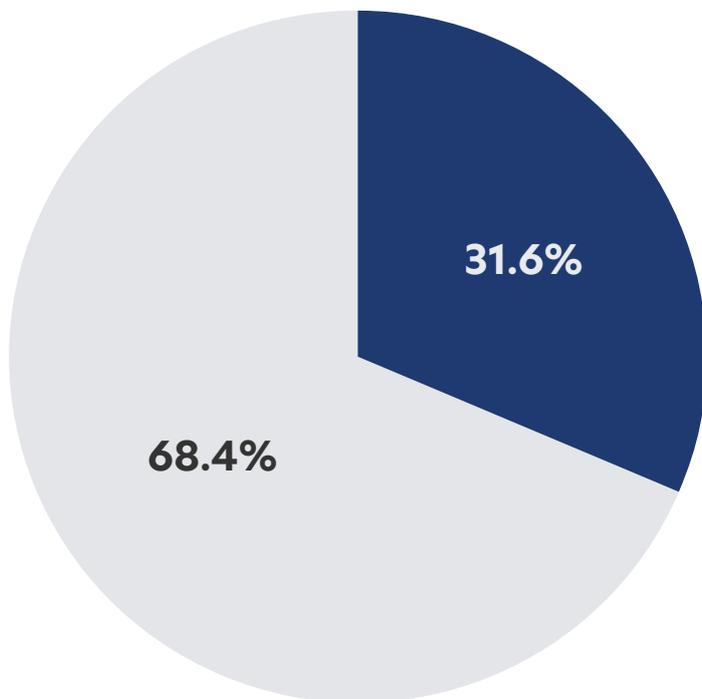


	%	Responses
Yes	35.5%	225
No	64.5%	408
		<b>Total responses: 633</b>

Membership of a professional body does not seem to be as effective as directories in leading to instructions. Perhaps this success rate could be improved if professional bodies had their own directory of members that are linked to accreditation schemes.

# Question 15:

Would you be interested in a marketing course specifically tailored to the expert witness?



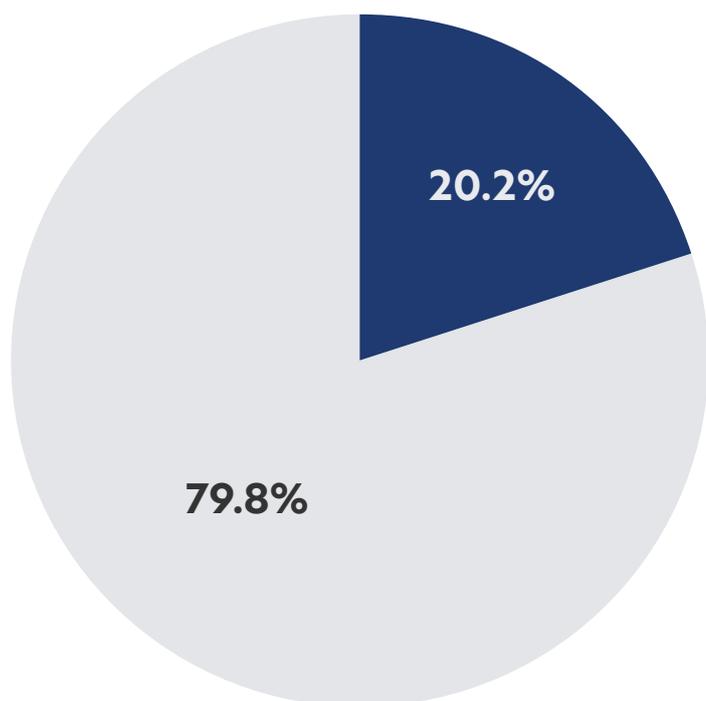
	%	Responses
Yes	31.6%	200
No	68.4%	433
		<b>Total responses: 633</b>

Despite the importance of marketing in any professional field, most respondents were not interested in a marketing course specifically tailored to the expert witness profession. This could be because that the majority of experts are content with their current marketing strategies.

For those experts who might be interested in this service, Bond Solon has a training program called Introduction to Setting Up and Running a Successful Expert Witness Practice, which covers marketing.

# Question 16:

Should the courts set the rates for an expert's fees at the instruction stage rather than by agreement between the expert and paying party?

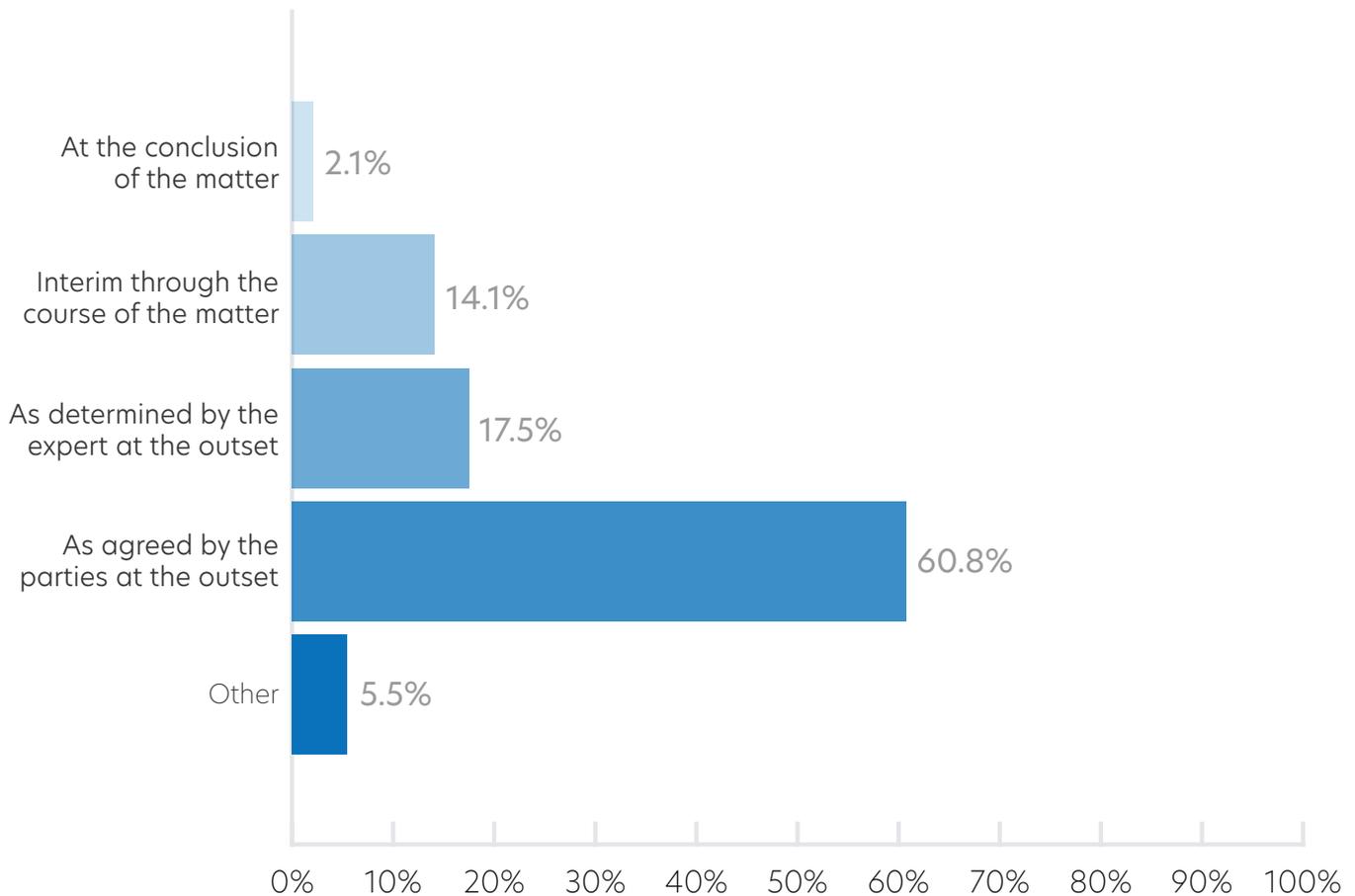


	%	Responses
Yes	20.2%	128
No	79.8%	505
<b>Total responses: 633</b>		

The vast majority (almost 80%) of respondents do not think courts should set expert's fees at the instruction stage. This is unsurprising as often it is difficult for an expert to estimate the time and costs involved in providing a report at the instruction stage as they need to have a good idea of the amount of evidence to review and what research is needed. Courts already have substantial powers in terms of budgeting and timetables.

# Question 17:

At what stage should the paying party be obligated to pay the expert for their work?



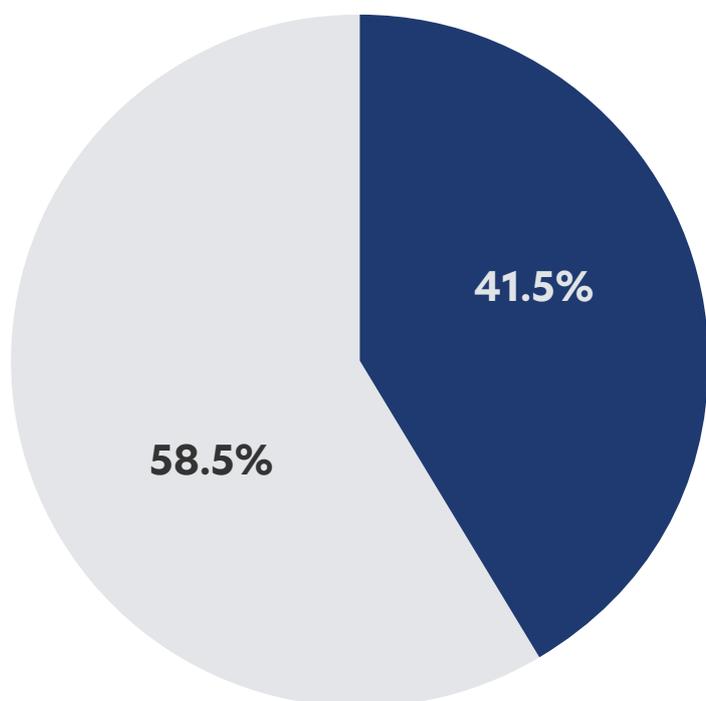
	%	Responses
At the conclusion of the matter	2.1%	13
Interim through the course of the matter	14.1%	89
As determined by the expert at the outset	17.5%	111
As agreed by the parties at the outset	60.8%	385
Other	5.5%	35

**Total responses: 633**

Payment of expert fees, both in terms of the amount payable and when payment is made, has always been of keen interest to experts as it is one of the reasons that the expert-instructing lawyer relationship can breakdown. Technically payment is a contractual matter between the expert and instructing lawyer, and 60% of respondents agree, stating that they should be paid as agreed at the outset of the work.

# Question 18:

Should the paying party be entitled to refuse payment or provide part payment if it considers the report unfit for purpose?

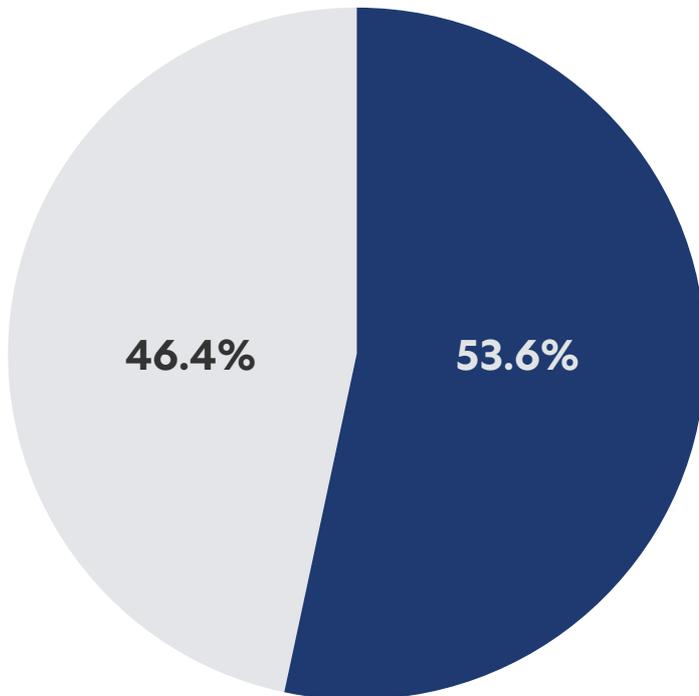


	%	Responses
Yes	41.5%	263
No	58.5%	370
		<b>Total responses: 633</b>

There have been cases where an expert has not come up with an opinion helpful to the instructing party who has then refused payment.

# Question 19:

With current high inflation will you be increasing your rates?



	%	Responses
Yes	53.6%	339
No	46.4%	294
		<b>Total responses: 633</b>

Despite the dire warnings of high inflation rates, just over half of respondents say they will not be increasing their rates.

More recently, as inflation has moved to double figures, experts may have answered this differently.

# Question 20:

By what percentage will you be increasing your rates?

243 respondents replied as follows:

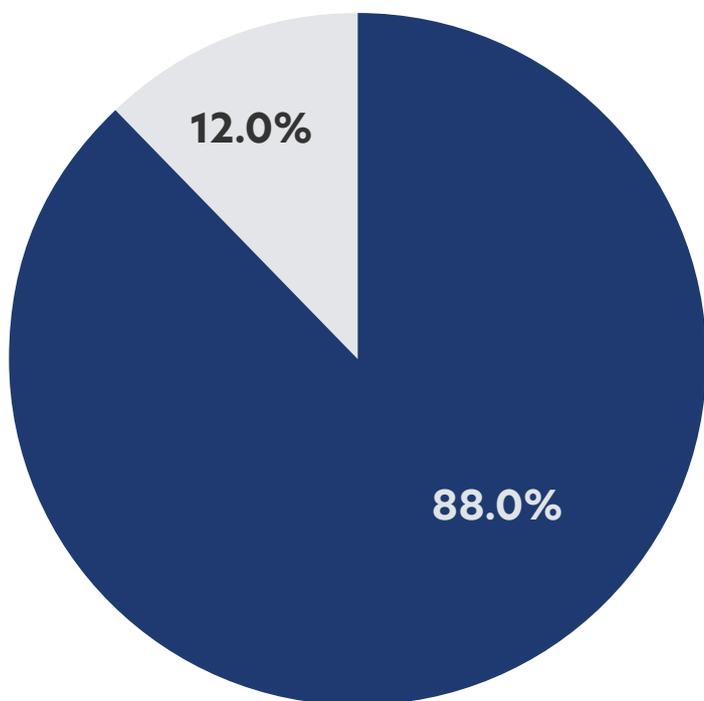
- The average percentage of rate increase was 11%
- 5% of respondents would increase their rates by 5-10%
- 5.6% would increase their rates by the rate of inflation
- 5% were undecided or haven't confirmed

It is important to note that any proposed increase is likely to be affected by market conditions, court budgeting or legal aid rates.

# Question 21:

Do you think the court system is underfunded?

*"The full value of English law, as a national asset, has barely been recognised until now. But like all important assets it needs investment to sustain it."*

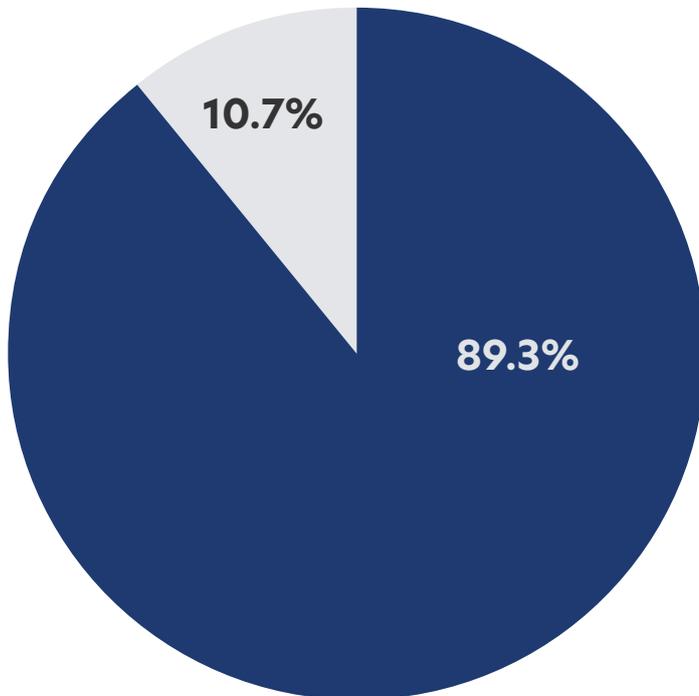


	%	Responses
Yes	88.0%	557
No	12.0%	76
		<b>Total responses: 633</b>

There are many signs that the court system is underfunded. Criminal barristers have voted to strike, there are long court waiting times, the family courts have a significant shortage of people willing to act as expert witnesses and litigants in person are increasingly starting proceedings. It is unsurprising therefore that experts too are facing the repercussions of this with nearly 90% of respondents agreeing with the Lord Chief Justice's statement.

# Question 22:

Do you think that legal aid rates should be increased?



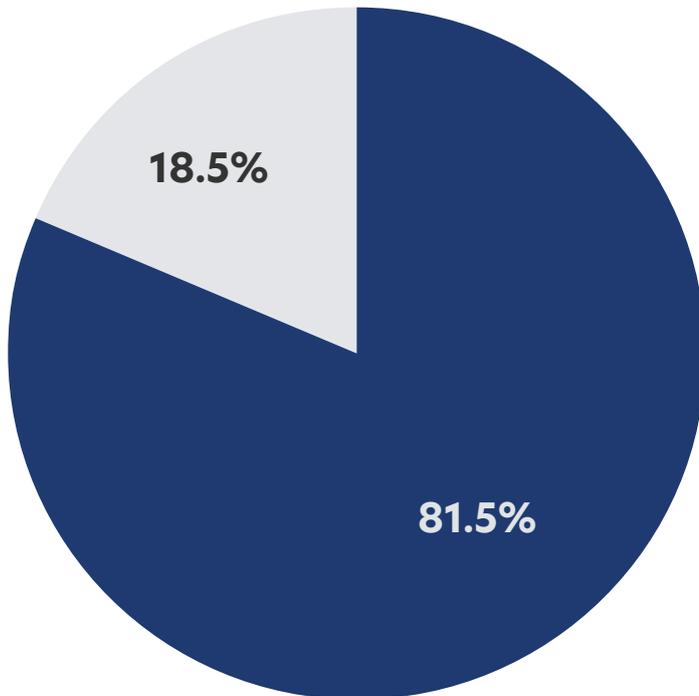
	%	Responses
Yes	89.3%	568
No	10.7%	68

**Total responses: 633**

Unsurprisingly nearly 90% of respondents thought that legal aid rates should be increased. Rates have been low for years and many experts refuse to take on instructions for legally aided cases. Criminal barristers have even gone on strike for an increase in legal aid rates in the criminal courts and recently their pay has been increased. Many expert witnesses have a day job and so can just refuse instructions, in effect engage in passive strike action. If justice is to be done, then experts should be rewarded for their work, even when the parties to a matter cannot afford to pay privately.

# Question 23:

Bearing in mind the current high rate of inflation, should rates allowed for expert witnesses on taxation of costs be inflation linked?

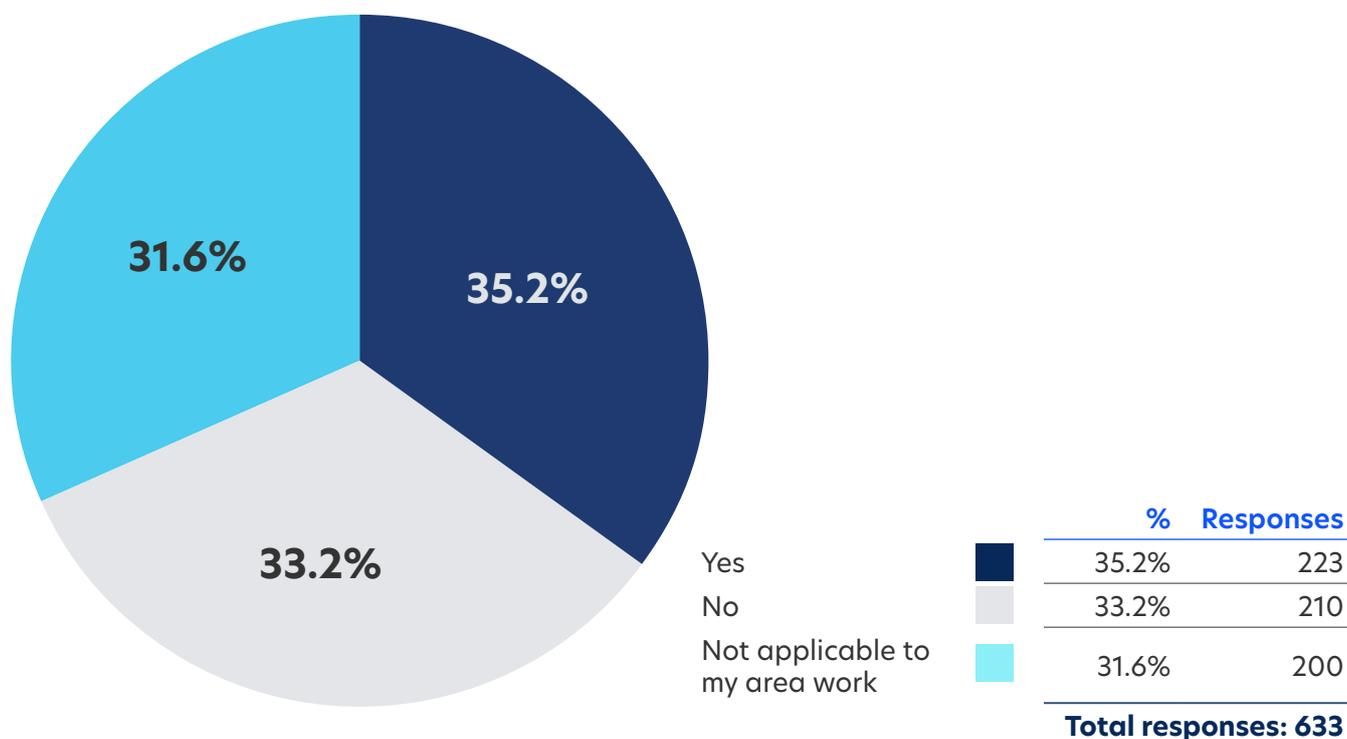


	%	Responses
Yes	81.5%	516
No	18.5%	117
<b>Total responses: 633</b>		

Some 80% of respondents thought rates allowed on taxation should be linked to inflation rate increases. Costs judges are cognisant of many factors including inflation but always consider what is reasonable and proportionate. It is unlikely that there will be a specific provision to require consideration of inflation rates and it could be argued the "reasonable" test covers this. The problem is that some good and busy experts may not take on low value matters, again having an impact on the availability of appropriate experts with a consequent impact on justice being done.

# Question 24:

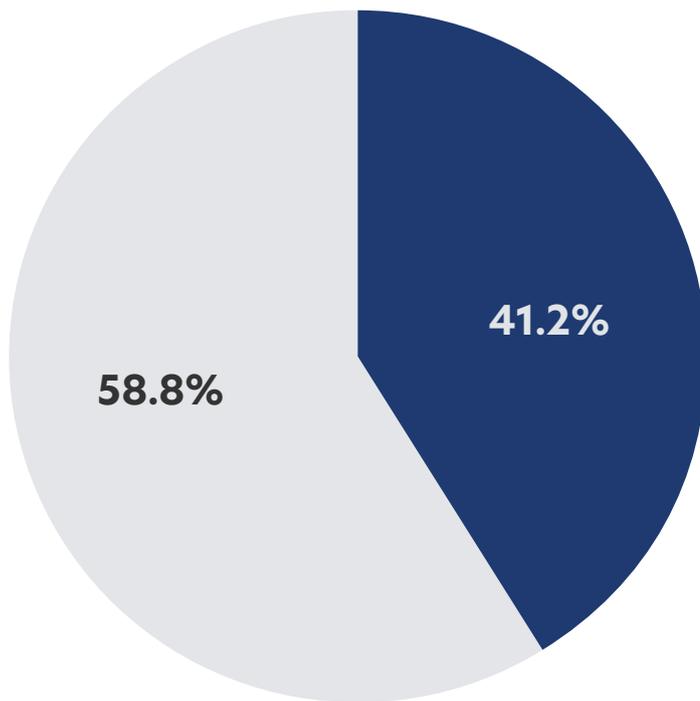
Would you agree to work at legal aid rates?



About a third of experts who currently could be involved in legal aid matters say they would not work at legal aid rates. This is of concern and the problem has been highlighted particularly in the family courts. Justice must be funded properly but this is a political decision and national finances are not in the best shape at the moment. It may be unlikely that further funding for the justice system will be forthcoming.

# Question 25:

Would the emotional publicity around cases, for example where there is a dispute over the continuation of life support for children or young people, put you off accepting instructions to provide expert evidence?

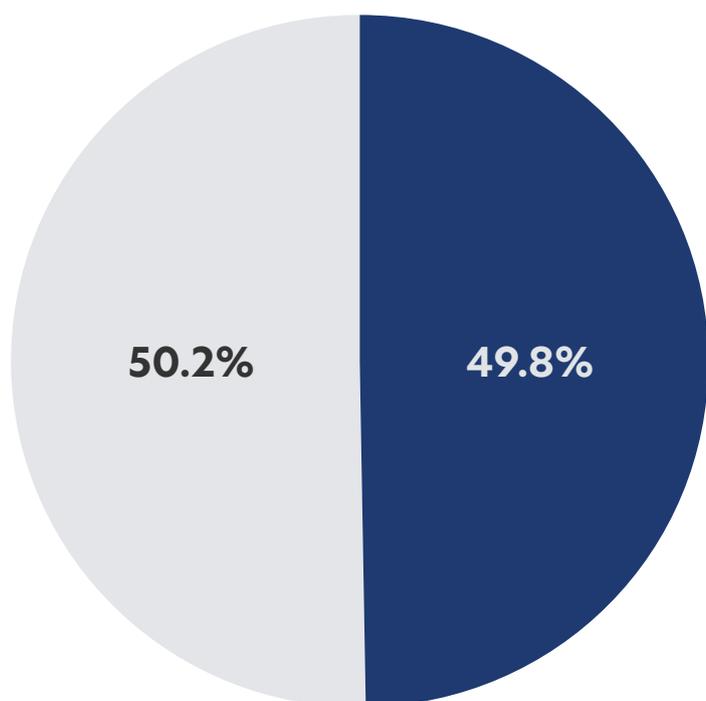


	%	Responses
Yes	41.2%	261
No	58.8%	372
<b>Total responses: 633</b>		

There have been several cases over recent years where patients have been taken off life support after courts concurred with doctors who deemed them to be brain-stem dead or incapable of recovery. In 2022, perhaps the most prominent was the case of Archie Battersbee, aged 12, who had been in a coma since early April. Over 40% of respondents said they would be put off accepting instructions in circumstances where there is emotional publicity around a matter. Perhaps on balance, they consider the fee for their work does not make up for the potential negative consequences of being involved.

# Question 26:

Would you be sufficiently concerned for your safety or reputation about giving evidence in highly contentious matters, for example those involving transgender issues or, that you would refuse to act?



	%	Responses
Yes	49.8%	315
No	50.2%	318
<b>Total responses:</b>		<b>633</b>

In the current climate of social media, 'cancel culture' and armchair activism, it is no wonder that about half the respondents would refuse to act if a matter were highly contentious. This is concerning as expert witnesses provide a vital role in court cases, and one that is intended to be inherently independent of the facts of the case (and the parties concerned). Their primary role is to assist the court in giving their unbiased opinion. So if experts are fearful of the consequences of accepting instructions through concerns for their safety or reputation, then justice may not be done.

# Appendix 1

## Question 5 - What additional measures could professional bodies provide?

- (1) Provide a programme of professional expert witness training to members; (2) maintain a public register of members who have completed this training; (2) require members acting as expert witnesses to subscribe to a Code of Behaviour.
- 1. recognize expert service as a part of their offering; 2. adapt services to members to include experts' need for admin support
- A professional specific guidance or course relevant for that profession
- A REGISTER OF EXPERTS
- A structured series of training provisions and ongoing incognito reviews of experts practicing in the field/ court can provide evidence that expert witnesses are performing to a high level and providing impartiality to courts.
- Access to related CPD
- access to remote learning
- Access to training such as that provided by Bond Solon
- Accreditation
- accreditation however this is very difficult and not something that we have for practice areas so it would be very difficult agreed guidance is helpful
- Accreditation process
- Accredited courses
- Accredited training within the subscription fee
- Active recruitment and training for beginners
- Additional optional training and accreditation
- Advice lines, training courses with simulation
- Advice to courts regarding how to work with manage vulnerable individuals
- Affiliated training for each specialty
- affordable courses
- Annual training, post grad qualification
- Any training would be helpful!
- Assessment of training / competence and a register of Expert Witnesses associated with their body
- At least guidelines if not specific sets of rules
- Awareness of the unique requirements of the role, signposting to providers of training, provision of training in house.
- awareness that role exists and outline what is required & signpost to trainers
- be more specific
- bespoke training
- Better guidance on skill set and training required and where to source these scrutinised courses
- better partnerships with companies like BS
- Better training and explanation of court/arbitration procedures including structuring and writing reports, rights and privileges of the expert, and addressing the reality of what most judges, lawyers and arbitrators know about the expert's field (i.e., next to nothing).
- Bodies such as GMC and GDC should have a specialist register for expert witnesses
- Book of Knowledge or Guidance Book
- By running advisory conferences and determining those of their members who act in this capacity
- Case studies and results / effects
- certification for those who want to be regarded as an expert witness
- Clear criteria and guidance as to legal matters. We are experts in our clinical area not how to apply this to the courts
- Clear frame of reference on what their expertise covers \* required CIPD \* |Including guidance in presenting information /evidence
- Clear guidance specifying the training required to be an Expert Witness.
- clearer guidance about what would be considered expertise in our specific fields
- Clearer guidelines regarding suitability and competence to perform as an Expert Witness, particularly regarding registration versus licensing in the GMC: a grey area!
- Codes of practice and conditional membership
- Continuity of training
- Courses and resources online
- Courses and training, however these are already provided by Bond Solon etc
- Courses for members of those professional bodies who act/ wish to as expert witnesses
- Courses on the qualities experts should demonstrate in their reports
- courses/accreditation
- Court etiquette, respectful to all who are present, acceptable
- Court room skills, legal report writing et al.
- Court room training
- CPD
- CPD training courses and professional articles summarising evidence and outcome of cases with rationale

- CPD, have a specialty group for those interested in expert work
- credentialing
- Defining the roles of an expert witness and basic training in understanding how to fulfil them as part of overall medical practice
- Description of training required/revalidation evidence
- Design the CPD online records to enable relevant time experience to be captured
- Details regarding the role, CPR35 expectations and training requirements
- Don't know
- Education, Initiation, Participation
- E-learning programmes, assistance with indemnity insurance, tax, GDPR/ICO registration, accreditation, peer support forums
- Encouragement to attend formal courses before embarking on expert witness work.
- Encouragement to undertake further specific training
- Ensure a code of conduct, webinars regarding expectations of an expert witness and signposting to relevant courses
- Ensure any expert that they present receives suitable training and accreditation from a reputable provider. Government agencies within my field of expertise have only recently adopted this process following my recommendations after attending a course.
- Ensure that any expert instructed does have a minimum level of training and competence
- Ensuring appropriate annual trading during appraisal. Requiring a recognised attendance at a trading course
- Essential qualifications for expert witness work
- Examples of high-quality reports that can be accessed by experts to support quality control
- Expert Witness Training
- Expert witness training - from a professional and clinical perspective.
- Expert Witness Training and Expert Witness Guidelines. Additional training on dealing with evidence on their profession.
- Expert witness training at a reasonable cost
- Explain what an expert's responsibilities are and if keep a register of those members who are prepared to act as experts.
- Explanation of the role and function of an expert witness
- Extra training
- Financial repercussions when it is clear that an individual's claim is spurious.
- Focussed training courses. Formal and ongoing approval of members to act as expert witnesses
- For allied health professions - formal guidance, support and relevant courses
- Formal accredited / CPD courses
- Formal court room skills and how to present evidence
- Formal training
- Formal training and accreditation
- formal training and professional recognition of standards achieved
- Formal training of P35 rules before expert witnesses can be appointed.
- Formal training.
- Free training courses
- Free training for senior trainees and accreditation programmes also; plus, support for people working as experts
- Full training
- Further discipline specific training could be provided
- Further training on process, procedure, etiquette, common things to ask, defining tolerable conduct vs intolerable (both to self, and to others).
- Further training re report writing and court proceedings, eg cross-examination
- generally more advice particularly on ramifications when issues arise
- Greater guidance on control of expert meetings. A format/template for the expert memo that is consistent with Part 35, i.e., Section A - case reference, names of experts, household matters (such as the draft memo not to be discussed with solicitors); Section B - Agreements (with x-refs to disagreements); Section C - Disagreements; Section D - Reasons for Disagreements; Section E - Signatures/dates. Who met
- Greater regulation - a register of expert witnesses by organisation for example. All bodies should have a clear definition of what an expert would be within their profession
- Guidance and training
- Guidance and training in the importance of impartiality
- Guidance as to the function of an expert witness in matters arising under that profession and the importance for their members choosing to become expert witnesses/advisers to be properly able to carry out the duty of an expert. And in so doing emphasising the importance of technical qualification/experience.
- Guidance in where to obtain training as an expert witness.
- Guidance notes; Regulation; Training leading to Qualification.
- Guidance on professional conduct and role definition when working clinically and as an expert.
- Guidance on responsibility i.e., to the court, basic training on legal aspects
- Guidance to members on what minimum training their members need to undertake & guidance on how their members can gauge their suitability and competence to act as an expert witness.
- Guide them towards training courses
- Guidelines and courses from the royal colleges for medical doctors
- Guidelines as to how / when / why you could be considered as an expert witness in your field.
- Have accredited training.
- Hotline to phone

- I am a member of the Royal Institute of Naval Architects (RINA). Expert Witness is presumably a small sector of the profession and as such there is little support or directing from the professional body itself. Whilst I think the primary information and training is best done via dedicated organisations and companies, some more specific guidance for the particular profession would be useful. Small gatherings or sessions for experienced expert witnesses to share their learning.
- I am not aware of any guidance provided by my own professional body specific to being an expert witness and my training has been either on the job or from external training agencies such as Bond Solon
- I believe my professional bodies BAPRAS AND BSSH provide a much advice that they are able to do, considering that they have clinical duties too. These professional bodies could liaise with others such as Expert Witness to improve this, but legal facing bodies often have a commercial interest
- I can only speak from an asbestos expert perspective, but I don't believe either of the professional bodies, of which I have membership, offer specific expert witness support, advice or training
- I don't actually have a designated prof body, but I do think more training is needed
- I think that professional bodies should include legal training within the training modules, so that good legal awareness is built, to prepare for the step towards expert witness training
- I think there should be clearer guidance and regulation all round.
- I would suggest that in Medicine the Royal Colleges should become more involved.
- I'm not clear that many of them provide any at all!
- I'm not sure it's their role to do that anyway
- If by professional bodies the Royal Colleges in medicine etc this is outside their Charters. Similarly, the GMC as regulator does not have this statutory role.
- Include specific EW elements as prerequisites for CPD assessment
- Inclusion of medicolegal/expert training in syllabus of postgrad training
- Increase the level and intensity of training; offer it as part of professional training
- increased awareness and clarity re the role
- induction in law should be part of curriculum
- Industry specific training and experience
- Information about what is required to be considered an expert in their specific field - e.g., level of training / knowledge / skills / experience etc., advice regarding liability and professional indemnity,
- Information about what should be included in the report relevant to the profession and how much detail, consequences of any inaccuracies, how to deal with approaches from counsel for defence or prosecution.
- Information on the role in terms of expectations, training & indemnity.
- Instruction in what the CPR demands.
- Instruction or guidance on legal, documentary and court procedures
- Insurance cover perhaps if the expert witness has not performed in the duty properly and professional negligence has occurred
- Introduction to expert witness work at undergraduate level.
- It depends on the professional body, of course, and the extent to which members of it might be expected to act as expert witnesses. I am a member of two of relevance: the Institute of Physics, which I don't think does or should take much notice of expert work; and The Institute of Traffic Accident Investigators, which is exclusively for experts in that field. The latter sets standards of behaviour but doesn't provide direct training - I suspect they would say that is better done by dedicated training companies.
- It is not the responsibility of Professional bodies to train experts in witness skills. The training should be left to expert witness organisations such as Bond Solon who specialise in this.
- Keep a register of experts
- Learning modules, training days, some sort of formal accreditation procedure
- Leave it to the Expert Witness organisations
- Legal aspects could have greater prominence in professional training schemes to raise awareness of this part of a professional role.
- linked training with, for example Bond Solon - so partnership arrangements
- List of accredited courses
- List of checked experts
- Make it part of higher training curricula
- Making it clear what doctors bodies expect of their doctors (e.g., to follow the GMC guidance)
- Making sure that reports that are written are correct by random reviews of reports. Or when more than one report is flagged up as poor
- Mandatory courses
- Mandatory CPD
- Mandatory enrolment/register to complete expert witness work which can/may be audited.
- Masterclasses and basic teaching on the need for the role
- Medical Expert witnesses are essential to assess medical negligence claims (mostly NHS) and personal injury claims. To gain the necessary experience to become an expert witness necessitates the experience only available through the NHS. Many expert witnesses are now post retirement and few new ones are replacing them because NHS demands make it impossible. A crisis will come. should there be special training for experienced doctors wanting to take this on?
- Minimum level of practice, competencies
- Minimum standards and registration
- more medicolegal training from medical student throughout junior doctor training and the Royal Colleges doing an annual update
- More specific training, standardising requirements, etc
- More affordable expert witness training and ongoing CPD.

- More case studies. Selecting the salient points from which experts can benefit.
- More comprehensive training and support
- More courses
- more courses/ training / post grad qualifications
- More guidance on what is expected of an expert and what constitutes an expert. Plus, in line with question 2 what CPD should be undertaken to maintain that "expert" accreditation or value
- more in-depth training and tailored to specific courts (e.g., family courts)
- More lectures and open forums for sharing court room experiences. Post graduate certificates of medical training in particular areas such as child abuse
- More legal background plus potential professional consequences of taking cases
- More mandatory CPD similar to what is required in the medical professions.
- More online course either starter courses for beginners and definitely refresher courses for those already engaged to take as often as they felt necessary.
- More recognition of this role by professional bodies, set up trainings, e-learnings and also include it in structured training of junior doctors
- More specific training in each professional field eg relevant literature, case law etc
- More support, information, advice and where to find more specific support and training.
- More training
- more training / guidance
- More training and guidance?
- more training in higher training years and as consultants
- More training on the legal aspects of the role, standards and court expectations.
- most of the guidance is charged at expensive rates which is a huge investment for people starting out
- My professional body provides no training. I know the RICS offer training, but I've had to rely on my employer to provide this.
- negotiating contracts and business advice, basic understanding of legal concepts, basic report writing, basic information on giving evidence rules
- None as that is not their main purpose. Professional bodies are there for patient care and clinical training. Expert witnesses probably need their own professional body
- Not all professions prepare their members to be called upon as expert witnesses and often the training available is expensive and therefore excluding of those on low income. I think it should be an essential part of professional training to at least know the basics of giving evidence as an expert witness.
- Not training. But they should ms,e potential experts aware of what is required from an expert. It is a choice not an obligation
- Offer indemnity cover, discount for courses
- Offer training programmes
- One of the issues is that there no professional bodies for many who act as an expert witness as the definition of an "expert" is extremely broad
- ongoing competency requirements - either direct testing or asking for evidence of
- Opening up access to courses and resources that are LE only
- Optional training courses
- organise training through professional bodies rather than leaving it up to the individual expert
- Part of CCST criteria
- Partner with BS. Accredite training as CPD
- partnership with specialized training bodies for expert witnesses and competitive prices for training
- Post-qualifying education, certified training, and quality assurance procedures
- Practical Experience is essential... and maturity of understanding.
- Practice Guides, regularly updated for current developments.
- Prescribe a formal inhouse training course for the Expert....at reasonable cost!
- Profession specific qualifications
- Profession specific training
- Profession specific training and advice about role, responsibility, indemnity
- Profession specific training that can't easily be delivered by generalists like Bond Solon.
- Professional bodies are to provide standards in their professions. It is not their role to train or groom experts for a role in court. Giving evidence is often an aside to requirements within a particular profession.
- Professional bodies could put a greater emphasis on training candidates in respect of ethical behaviour. This would require experts to become involved in preparing course material and the standards which are used to assess prospective candidates.
- Professional standards and explicit competencies
- Proper CPD or close affiliation with other providers of expert training
- Provide advice forums in order that experts can check what is really needed and are they suitably qualified
- Provide appropriate training
- Provide non-compulsory training modules to lead to certification / accreditation
- provide regular workshops to keep up to date with case law
- Provide some basic training and cover aspects such as PII, which could be then enhance by the likes of Bond Solon training.
- Provide subsidised specialist training and special rates for insurance.
- Provide training such as that delivered by Bond Solon.
- Providing their own training material for expert witness
- Qualifications - certificates, diplomas, associate memberships, along the lines of the CUBS certification

- Recognition of the role would be a step forward. Also, acknowledgement that experts tend to be removed from day to business so help/assistance in keeping up to date may help.
- recommend approved courses and conferences
- Recommend verified and vetted expert witness training programmes
- Refresher Training
- Regular CPD and more specific training on the different parts of the role and practical sessions on giving evidence in courts.
- regular refresher training
- regular training and updates, accreditation at low subscription rate.
- Regular training courses and standards
- Regular training courses and updates
- regular training courses by the Royal Colleges, integrate EW work training into curriculum, set up support fora similar to peer review meeting
- regular training courses/updates on case developments
- Regular updates and learning emails, instructional courses etc
- Report writing and presentation courses and exams
- Require minimum training and certification of those wishing to appear as accredited experts in a given profession
- Require qualification to be able to be an expert witness i.e. CUBS
- Royal Colleges should have a register of trained specialist expert witnesses, EWs should still retain their fellowship of the college after retiring from clinical practice
- Sector-specific training in the collection and presentation of evidence
- Seminars, trainings, updates on case law
- Set of competencies
- Set up clear definition re training and revalidation of exp witnesses
- signpost to companies like bond solon.
- some professional bodies do not offer any, so they need to engage and provide basic training for their members
- Special interest group provides training to a point
- Specialist sections with online meetings and articles. Similar to those provided for other specialisms e.g. neurology, paediatrics etc
- Specialty training
- Specific courses online and face to face
- Specific focused training and mentorship
- Specific guidance; training eg with other relevant organisations
- specific training
- specific training and accreditation to be an expert witness
- Specific training and direction to eg. CUBS
- Specific training courses
- Specific training during an individual's specialist training to instruct about general reporting as well as the consequences of injury/professional negligence/mishaps
- Specific training for these roles
- Specific training through external providers
- Specific training.
- Standardised training
- standardization for giving evidence, ensure witness can access latest guidelines
- Standards in that profession
- Stick and carrot approach. Expert witnesses who lie or behave unethically must be strongly censured. The role of independence must be stressed,
- Sub section within royal colleges to be under umbrella of AoMRCs
- Supervised experience of real cases and mentoring as well as making engagement in Medicolegal CbD's mandatory
- support attendance at courses
- Target specific training and regular CPD. A commitment to CPD and feedback about reports and service provided
- Teaching incorporated into usual training for qualification.
- Testing & training
- The correct method of getting trained is to undertake a university certified course.
- The HCPC is used by many psychologists to police their colleagues or to stop them being successful,
- The HCPC provide no guidance at all! They could start with even a basic document.
- The ICAEW tried to create a forensic accountant qualification, but this did not take off. It is likely
- The professional bodies should identify fully the role of the expert witness and there should be a professional classification of a person within that profession when action as an expert
- The question is not a Y/N answer
- The RCSLT provides very limited guidance and zero training. Training is very expensive and prohibits appropriately skilled experts undertaking this work.
- The role of the professional body is to ensure a high standard of training
- The usual: report content and how to behave in court.
- The various institutions vary in their requirements, as an engineer that is frustrating. The Engineering council could set the trend
- Their own training courses. Certificates of competence.
- There doesn't seem to be any minimal training required. I appeared in court as an "expert witness" for the past 5 years before undertaking any expert witness training
- There is lack of training from expert witness perspective, i.e. training provided by expert witness. Currently we are told by solicitors what they expect from us.
- There is no training from my professional body for being an expert witness. My training has all come through specialist training providers such as Bond Solon.

- There is not enough of a focus between the differences in clinical reporting and legal reporting. There are different legal "tests" which are not relevant in clinical reporting that should be considered in legal reporting.
- There is too much individual presentation of personal opinion when experts are providing evidence, this is not the demand of the court but there is a requirement that detailed analysis of information is presented. I believe that there is a need for training for experts merely to provide analysis of information rather than personal opinion
- There should be somewhere to get support.
- There should be tighter regulations regarding expertise ie addition training, years of experience
- They could acknowledge the need for training and indemnity insurance
- They could arrange courses similar to yours.
- They could be more proactive in explaining the role of expert witnesses and provide an individual who could help experts.
- They could negotiate with respected and knowledgeable bodies to organise courses and assist with costs
- They could require expert witnesses to have undergone approved training in report writing and giving evidence in court.
- They do not recognize this role. I am not sure all the professional bodies understand what is required to be an Expert Witness
- They should delegate such matters to expert bodies rather than attempting to do it themselves.
- They should have a register of experts and appraise them in a different way from clinicians.
- They won't do it and it is not their responsibility
- This rather depends on the professional body.
- To run seminars by those trained for the role.
- Training
- Training & certification
- Training and information, code of ethics and guidance on areas included within professional boundaries, information in time post qualification etc.
- Training as an expert witness
- Training as to what the duties of the expert are and how to prepare to give evidence.
- Training before professionals start working as experts, supervising when starting, and appraisal by peer review of case reports every few years
- Training course and accreditation by the profession specific academic body
- Training courses
- Training courses + encouragement of experienced practitioners to take on the role;
- Training courses generally through other sources (i.e., Bond Solon). These could be recognised by professional bodies?
- Training courses in Clinical Psychology could have expert witness/introduction to the court arena as necessary lectures (which could also help with making the pathway less anxiety provoking to consider). The BPS has recently introduced a course for expert witnesses, which has been long overdue.
- Training days - lessons on pitfalls
- Training days online
- Training days, special interest groups
- Training in civil medicolegal matters, particularly negligence
- training in expert witness arena should form part of standard professional training
- Training in requirements
- Training in the preparation of medical legal reports. Training in the provision of testimony in courts. Revise the procedures for obtaining section 12A approval for mental health act purposes...
- training on crimpr and cpr.
- Training on role and standards required
- Training should be accredited
- Training support. There is a training conference day provided by the Royal College of Surgeons, but this did not include specific teaching on the areas covered by Bond Solon for example.
- Training, and 'add on' 'Competent to act as an Expert Witness' accreditation
- Training, as in fact the RCSEd has done with yourself
- training, legal insurance cover
- Training, standards, guidelines
- Try listening to members and not believe that they know it all and their view is the only vie.
- Update on law, duties and support/ mentorship
- Validated courses
- Verifying appropriate CPD
- within occupational therapy, training and support is provided by volunteers with restricted time, it would be good if the. RCOT provided professionally support/ training rather than relying on existing members to arrange training/guidance.
- Witness Training, Understanding Statute and how the law becomes statute i.e Bolam
- written guidance related to your profession

# Appendix 2

## Question 8 - How should this accreditation be carried out?

- 1. Confirmation of basic training. 2. Evaluation by an assessor of recent reports. 3. Receipt of CME
- 1. Mandatory feed-back by barristers and courts on the provided expert witness work which then must become part of the annual appraisal. Experts who are not appraised annually for revalidation must retire
- 5yrly in line with GMC revalidation
- A course consisting of appropriate training in the relevant law (civil, criminal, family), practical training and experience with report writing and courtroom etiquette.
- A course like CUBS
- A course with a certification awarded afterwards.
- A free of charge examination that can be taken a maximum of one time in any 6 month period. This will then avoid the preclusion of experts who cannot afford the likes of Bond Solon to self-study, and those who can afford courses or need to fast-track their learning can engage the likes of Bond Solon.
- A limited range of acceptable qualifications
- a professional body
- A registered body, and regular reviews of reports as meeting expected standards within the discipline. There is nowhere within the process to flag poor practice of your opposite number other than to your own body, they may not have clinically done anything wrong but may have really strayed from their expertise or experience.
- A university like Cardiff or Kings College.
- Accredited courses
- Accredited organisations that provide training
- Accredited recognised courses and ongoing CPD
- After completion of training and experience
- an accredited course
- annual appraisal
- annual review of practice, like an appraisal, either within current job (like the medical profession) or independent of full time job.
- Approved courses Mentoring of first reports
- Approved training providers
- As a competency test and assessment by a national regulator
- As part of professional body membership
- As part of the appraisal system
- As reports are for the Court, the Ministry of Justice should provide or recognise institutions eg Bond Solon! to accredit experts but this should be at a lower level than the diploma - suggest getting 3 solicitors feedback and evidence of attending update medicolegal courses. In addition if the expert has retired from active clinical practice, then evidence of keeping up to date e.g. fulfilling the Royal Colleges 5 years CPD requirement
- Assessing qualifications, training, reviewing practice report and role playing
- Assessment and experience via a relevant professional body
- assessment in line with cubs a report and procedure
- Assessment of performance as an expert witness, not track record as a professional
- Assessment of reports
- Assessment of the expert's ability by examination methods.
- Attendance at course
- Attendance at course; assessment by exam; regular review of reports
- Attendance at courses, examination and references. Having said that I hate appraisals and would probably stop acting as an expert witness. Recruiting expert witnesses in some areas such as child injury would probably be impossible
- Attendance at CPD events
- Attendance on courses covering the rules to being an expert and a well-produced CV that can be challenged as necessary. I also feel that all experts should submit documents as mentioned to gain accreditation from an independent body.
- awarding of a recognised qualification e.g., CUBS
- Based on experience - minimum of five years in their given industry / field, and them being competent to perform their duties as an Expert Witness. They must be able to write a credible Expert Report and be cross examined. This is ultimately the responsibility of the appointing law firm.
- Based on practical experience in the field of expertise, professional qualifications. There are too many academics (professors, etc.) who have never been outside of a university or college acting as experts (with no field experience)
- Basic qualification, appraisal , logbook
- bi an independent body e.g., TAE
- Bit like the Bond Solon training etc. - independently verified.
- Bodies like Bond Solon
- Bond Solon
- Bond Solon approved through examination and practical examination
- Bond Solon course accreditation is good
- bond solon or similar training
- by a central body

- By a college of experts
- By a panel of experienced solicitors looking at redacted reports
- By a professional body
- By a regulatory body
- By a University Or other Higher Education Body
- By accredited bodies such as BS
- By accredited body and record time and experience.
- By an "Accreditation Body" specifically created for that purpose - though I don't know how it would be funded.
- By an Expert Witness Academy / Institute
- by an independent body but costs should NOT be prohibitive to independent experts/small companies
- By an independent body for relevant areas of professional expertise
- By an independent professional body
- By appropriate prof bodies
- By Bond Solon and those that are able to sufficiently carry out assessment and grant accreditation.
- By Bond Solon etc.
- By certification by accredited institutions like Bond Solon
- By completing recognised training programmes at a defined level
- By demonstrating a qualification after training and evidence of annual CPD activities relating to expert witness work
- by detailed self declaration of information that can be independently validated
- by examination by the profession in which the expert reports to be an expert
- By expert witness organisations
- By expert/professional accreditors or bodies. They already exist
- By experts doing training courses and CPD
- By formal application, demonstrating and evidencing appropriate expert training/CPD
- By interview and examination
- By mandating Royal Colleges to develop and introduce a suitable training structure
- By mandatory attendance at relevant courses followed by possible subsequent tests/examinations.
- By meeting agreed criteria and establishing renewal within a period of time
- by professional bodies
- by professional body
- By requiring the expert to provide updating knowledge base.
- By reviewing education, minimum of a Doctorate and they should be supervised until they reach a requisite number of reports to be called an expert.
- By the court itself and based on the expert's past experience and training.
- By the expert witness Institute
- By the professional bodies
- By the professional body
- By the relevant professional accrediting bodies (eg the medical Royal Colleges). There is going to have to be resources made available, plus flexibility to encompass the necessary wide range of professional expertise needed.
- By the relevant professional bodies
- By the relevant professional body - in my case the RICS
- By the respective professional bodies like Royal Colleges
- By the training bodies responsible for expert education
- By their professional body
- By validated training courses, on a periodic basis.
- Central register to which Experts submit details for registration.
- Certification - which lasts for a period of time only eg 5 yrs
- Chartered Society of Forensic Sciences or other appropriate professional body
- College or Society or Association
- Competence assessments and direct feedback from tribunals or dispute determiners.
- Competency testing
- Completion of specified courses with refresher training.
- Comprehensive training courses and regular CPD ( e.g. Bond Solon )
- Continued assessment
- could be a review board or accreditation
- course and exam
- Course modules and exam eg Bond Solon followed by annual training
- Course such as BS one
- Course with certification
- Courses with final assessment
- Cpd
- CPD and registration
- CPD assessment on a yearly basis
- CPD courses
- CPD/Appraisal
- CSFS or similar body
- CUBS
- CUBS does this
- Demonstration of initial acquired skills set (e.g., CUBS) then an accreditation process - every x amount of years to demonstrate year on year CPD such as attending relevant conferences and training events
- Dependent upon profession
- Depends on the field of the expert.
- Difficult in practice, though in my view, the accreditation should be co-shared between a legal body and the expert's professional body. In a similar way with the higher education accreditation, the training courses for expert witness should be co-accredited.

- Difficult, but annual evidence of cpd in medicolegal work
- Diploma by examination
- don't know
- Don't know, but it seems sensible
- each professional's body should do this
- Eg Bond Solon style accreditation programme
- Either by the relevant approved professional body or by an approved third party organisation.
- Entry exam, e.g. Bond Solon
- Every 3 -5 years with review of reports, attendance at court, and Training courses attended annually.
- Evidence of ongoing training
- evidence of report writing, cpd, mock cross examination
- Exam
- Exam / coursework based assessment by an accredited expert witness body
- Exam, CPD and course work
- examination
- Examination and/or impartial review of reports.
- experince
- Expert witness training, with certification.
- F2F, simulation assignments, with legal professionals as mentors
- Follow the Bond Solon model
- For those experts who are claiming membership of particular professional bodies, the first part should be by the professional body; however, the legal awareness side of things needs to be undertaken by legally aware specialists such as Bond Solon
- Formal assessment of reports issued in past work undertaken in confidence before appointment.
- formal training
- from independant body
- government body / regulator
- Government endorsed program
- Having different divisions of specialists vetting experts, checking their professional development and so on
- I think if the expert is accredited with their own professional bodies then this should be enough. for example, as an educational psychologist I am accredited by the BPS and HCPC. i think that reflects of standard of training and professional experience and conduct. I think that having that accreditation is a good thing but I wouldnt want to also have to seek accreditation from another body also. Its too much. Its feels like working privately means a lot of paying subscriptions and fees to independent bodies and its off putting when in actual fact, the BPS and HCPC are the main two professional bodies that provide guidance on our practice and monitor it.
- I think it should be based on exam and time on the job (like chartership). I'd like to see something like chambers guides where counsel and solicitors can provide references and comments on experts (as I do frequently for lawyers)
- I think yes but I don't really know how it should be accredited. I think in the same way as professionals are accredited generally.
- I would encourage experts to undertake training with Bond Solon. Key topics around report writing, joint discussions and cross examination are all important
- I would say that he professional bodies should not be involved.
- Ideally professional body oversight
- Ideally through completion of a course and ongoing cpd
- Ideas are for the EW to undertake a minimum number of training sessions that are delivered by companies or organisations that would need a level of accreditation themselves. To have a minimum number of cases per year to maintain skills.
- In a similar manner to chartership but with a review board including both field experts and legal experts
- In conjunction with the MoJ, key civil service law enforcement departments and key private industry stakeholders.
- In my view, the most objective basis would be on hours of work committed to a specific field.
- Independent professional body
- Independent regulator
- inspection
- It could be carried out jointly by medical and legal bodies to ensure that the expert has both the medical knowledge and a clear understanding of their responsibility to the Court.
- It should be multifaceted including special field and current knowledge of law by providing evidence of ongoing cpd etc
- Like I did for IAEA , by exam
- Like in anyother field You attend an instruction course(s) then you sit a test Bond Slon do this really well with theoretical lectures and a mock court appearance to see how you perform which is marked.
- Like the bond solon certificate
- Linked to professional bodies. A mixture of training and assessment
- Mainly based on qualifications plus register by professional body
- Mandatory training course covering specifications of expert evidence and reports as required by the court, facilitated on behalf of MoJ/HMCTS.
- MCQ's and submission of a report
- Medco
- NMC and current clinicians
- Not sure
- On line
- On line training?
- On line virtual module
- On line. Similar to Bond Solon Certification.
- Online learning and examining such as MEDCO
- Online or in person training

- Online training and Q&A
- Organizations registration should include , cpd, training courses which should include practical skills , legal updates .To make sure that the expert is an expert in their field and not just on paper
- Peer assessment
- Peer review and submission of verifiable experience
- Peer review of a sample of expert reports
- Peer review of reports, interview.
- Peer review, feedback and reflection
- Perhaps by a professional regulatory body or something like CUBS certification but for expert witness organisations accreditation instead.
- Portfolio certification and revalidation
- Possibly re-accreditation by mentoring
- Professional review
- Pro. bodies.
- Professional body
- Qualification and competence verification in field of practice
- Qualifications and continuous CPD
- Register with specific qualifications and years of experience in the relevant field
- Regulated government body
- Relevant courses
- Relevant professional bodies
- Relevant professional bodies should impose it, in-house, but at reasonable cost !
- Relevant Supervisory Body
- Requirement for formal training
- revalidation and CPD
- Review of performance of experts by peer and legal groups
- Review of reports plus evidence of training.
- Self assessment of competencies such as those provided by the Expert Witness Institute. A record of self assessment should be kept on file and undertake regularly until full competent
- Set out criteria
- short course and exam
- Similar to CPD accreditation
- Similar to GMC appraisal system
- Similar to how chartership accreditation is carried out (I.e. Proof of competencies). Or perhaps being chartered in a specific field could be accreditation enough.
- similar to the Academy of Experts and BS Cardiff and Abredeen Unis courses
- Simulated cross examination, mentorship, re-evaluation/ submission of written report for peer review
- So that it is relevant to Expert Witness work
- Something like the Bond Solon course - attendance at training, requirement to show that you meet standards and evidence of continuing professional development
- Specified training programme with assessment
- Standards in lay out of a report have been defined by Bond Solon. There should be further definition of how facts derived from the submitted documents are referenced. The process of forming an opinion should be clear to a reader and must be defined. Evidence-base is what defines the clinical practice today. Similarly medical expert evidence should be evidently evidence-based.
- Submission of medical reports to a regulatory body, evidence of training, assessment of caseload
- Taught and Assessed with revalidation required after a period of time
- Taught including on line, examination and mentoring
- teaching and assessment
- The bond solon courses are a good example of what standards should be
- The CUBS certificate is a good way because it means that a complete training package has been delivered by lawyers. However, an expert witness needs not only the training to be a competent expert witness but also the highly specialist knowledge in their field which their field.
- The GMC process for assessment and appraisal
- The training, assessment and accreditation provided by Bond Solon.
- Theoretical lectures, seminars, all forms of academic training and be able to demonstrate practically that you can interpret a patient's injuries truthfully and not dismiss or cover up severe nerve injuries.
- There should be some minimum standards, an evaluation of the person's qualifications and experience and definition of which fields they are qualified to give expertise in. Carried out by an appropriate body qualified to make this judgement.
- They should be accredited by governing bodies so that there is some quality control and somewhere any concerns about an expert can be raised - not possible if they don't have any formal accreditation or require accreditation to practice. Mandatory expert witness training would also be helpful.
- This could either be through the GMC or through the FFLM - they would have to widen their remit a bit as currently very much geared towards forensic pathologists, "normal" doctors acting as experts in their field do not really count as Fellows for the Faculty
- Through a centralised accreditation body responsible for registration of ALL experts. A person NOT on this list cannot be appointed.
- Through a professional body for expert witnesses.
- Through a professional body such Bond Solon
- Through a university as is the case with Cardiff
- Through accreditation from an approved programme.
- Through accredited bodies and organisations e.g. courses and submission of work.
- Through an assessment process that considers if the person has evidence of expert subject knowledge, and also training and awareness of the relevant legal processes. This could be carried out through an agreed accreditation scheme, which may be offered through a range of providers, but meets the same basic standards.
- Through an independent body recognised by the courts

- Through an independent organisation. CRFP was a great idea.
- Through appraisal
- Through participation in training and obtaining a qualification from a provider such as Bond Solon, who can in turn receive accreditation from an body such as UKAS.
- through professional organisations
- through relevant colleges
- Through royal colleges
- Through structured training and examination of key aspects of the role and function of an expert and their understanding of and ability to produce appropriate reports, joint statement engagement etc.
- Through the experts professional body, not by the courts.
- Through the Professional Bodies i.e Royal College of Nursing and the Nursing Midwifery Council
- Through the professional body who would have a greater understanding of the roles (s) of that particular profession.
- Thru accredited bodies
- training & achievement of a qualification
- Training and assessment
- Training and assessment as per CUBS training.
- Training by registered providers
- Training courses - including new training and CPD refresher/update training, the same as you would to be a first aider
- Training courses and regular CPD to maintain legal knowledge
- Training courses and verification of work
- Training courses, Sample reports -
- Training organisations in cooperation with ISO
- Training through a registered provider and accreditation from a suitable academic body.
- treat the accreditation as a professional qualification subject to a validation process
- UK court exam and a professional body accreditation too.
- Undertake an accredited course and reaccredit via CPD on a cyclical basis.
- University accredited such as the CUBS via Bond Solon
- University accredited, such as Cardiff University Bond Solon (CUBS) training and accreditation
- Unsure
- Updates
- Vetting in terms of qualification on the role and responsibilities of the expert witness role and relevant procedure rules
- Vetting process, examination - theory and practice, followed by mandatory CPD
- Via a process of assessment or exam
- Via a training courses specific to defining the role of an expert witness and how to act as one. (Such as those that already exist now)
- Via academy of medical royal Colleges?
- Via accredited training centers supported by law academia
- via Bond Solon would be a good start
- Via courses and/or examination
- Via industry regulatory bodies
- Via professional bodies
- Via professional body
- via regulators
- Well what a question! This needs first of all discussion and arriving at a comprehensive and inclusive set of criteria. Doctors who are not licensed (but registered) should not be compromised on that basis alone.
- With Expert Witness bodies that are regulated to carry out such accreditation.
- Would presumably need to be administered by professional bodies at some level
- Yes there probably should. At considerable expense, many of us have undertaken training with Bond Solon to ensure we know our responsibilities and yet we keep hearing about these cases that go terribly wrong for experts. I haven't trained or registered with other bodies due to the additional costs and uncertainty about what this truly offers me over and above keeping my Bond Solon training up to date. Accreditation will need to offer value for money for experts and not feel like a money-making venture for those in charge of doing it. We already pay considerable professional registration and accreditation fees. If the Courts and legal profession want our continued expert services, then this needs to be fairly priced and monitored.
- Yes.
- Younger people starting as expert witnesses need to be assessed.

# Appendix 3

## Question 11 – How should the one time expert be regulated?

- 1. Confirmation of basic training. 2. Evaluation by an assessor of recent reports. 3. Receipt of CME
- A decision for the Court
- A one off contract with the Court?
- A one time expert is a contradiction in terms
- A one-time expert is not an expert
- a regulatory body should be created
- A relevant body or within the governing body of their profession
- Access to training should be provided by the courts. An allowance for the time spent taking that training should be provided in areas where it would otherwise be difficult to find suitable experts.
- Accreditation followed by regular re-accreditation
- Accreditation would assist
- Accredited register
- adequate and relevant CPD
- Again Bond Solon courses are good for this
- Again difficult, but their report should be accepted as a medical report with an opinion specific to the question asked of them, rather than as a medicolegal report.
- all experts should be regulated regardless of the length of their commitment to this type of work
- Already regulated by professional bodies/ethics
- An expert witness should be accredited by their relevant professional and regulatory bodies. This should be evidenced as part of the instruction process
- An investigation as to their qualification/experience in the subject.
- Appraisals and revalidation do nothing for quality of clinical care and there is no regulation that can ensure expert witnesses produce unbiased high quality reports.
- As above
- as an exception to the rules
- As far as medicine is concerned, I don't think this is something that could be devolved to the various Royal Medical Colleges. We could do with a faculty of medical law to deal with all the different components that would be involved
- As I am not in favour of specific regulation of expert witnesses I don't think the one time expert needs to be regulated.
- As I do not consider that experts should be regulated this is not appropriate
- As it is done now. The courts decide whether to accept them or not, it is incumbent on the
- As normal by the professional body, no different to clinical duties.
- as part of their professional regulation eg GMC for Dr
- as they are - signing up to the Civil Procedure Rules
- Assessment by peers or requirement for an expert in a related field to review their work before it is submitted as evidence.
- Assessment of competence in that subject undertaken by the court?
- Assessment of their report by one of a panel of experienced experts
- At the very least required to meet the qualifications of the role they suggest they are expert in! To have supervision from an appropriate colleague if acting as a one off case
- Attended relevant courses and updates, be aware of civil proceedings rule
- Based on hours of work committed to a specific field.
- By a council
- By a local expert
- by a mentor
- By a practicing expert?
- by a professional body
- By accreditation
- By assessing their level of qualification and experience and membership of any professional body with an appropriate code of ethics and an overseeing role.
- By checking s/he meet the expert standard in the first place and then by evaluating the work done. This can be done by regulatory body (if any) along with the the instructing parties.
- By common sense.
- By declaration on the hypothesised national register, and by completion of an on line virtual learning process to demonstrate an understanding and compliance with the court process.
- by direct contact with expert particularly when the expert has immense experience in his field
- By ensuring the experts been given the "fit for purpose" training
- By ensuring they understand what their duties are and how to provide good expert evidence. Also only used for exceptional cases where their (rare) expertise is needed
- By his or her peers
- By his or her professional body
- By means if regular yearly appraisal
- by medco
- By mentoring

- By more experienced independent peers
- By peer review and by discussing joint statements
- by peers and his/her instructing solicitors.
- By performance
- By periodic voluntary accreditation
- By professional body
- By providing a relevant c.v. illustrating his/her experience within their field.
- By relevant professional bodies ensuring people meet basic criteria and giving them accreditation. For doctors this might be the GMC or relevant Royal College.
- By review via court or professional body
- by reviews of reports provided
- by scrutiny of their credentials allowing them to be accepted as experts.
- By seeking opinions from solicitors, barristers, courts who have been provided with reports.
- By showing they have undertaken a specific and targeted expert witness training such as that of Bond Solon.
- By suitable training before accepting instructions.
- By the appointing person
- By the common sense of the Court and instructing solicitors.
- By the Court
- By the court and those instructing them
- By the court involved.
- By the court to which the evidence is given.
- By the court, as at the moment
- by the Court?
- By the Courts
- by the GMC and general revalidation/appraisal
- by the instructing solicitor
- By the judge on the case
- By the judge's opinion
- By the membership of the relevant professional body.
- By the order of the Court.
- By the process of the litigation
- By the professional bodies
- By the quality fo their report which if substandard should be rejected
- By the trial result.
- By their instructing solicitors
- By their own applicable professional bodies
- By their own professional body - cannot expect NHS clinicians to be separately regulated for one court report
- By their professional bodies
- by their professional body
- By their professional body or their peers.
- By their professional body to which they belong i.e., RICS
- By their professional council or body
- By their regulator - depending on which UK regulatory body they are registered with e.g. GDC/GMC etc.
- By their training body
- Cannot
- cannot answer
- Cannot really envisage this occurring
- Careful examination by the instructing parties of the technical qualifications and level of experience and expertise of the expert.
- Case specific exception at the discretion of the trial judge if the expertise needed is so niche that there is only one expert that could provide it
- certification
- check CPD
- Clear guidance from the court on requirements - support from a court appointed specialist to provide guidance to ensure one-time expert is meeting the expectations of the court - like a "buddy" from an unrelated specialism
- Clinical practitioners have a duty based on their codes of practice so this is not needed in my view.
- College, Society or Association
- Competence/experience compliance and completion of recognised Expert Witness training.
- Competence should be considered by the Court prior to presenting oral evidence. This system is used in Canada.
- Completes independent accreditation prior to giving evidence.
- completion of a number of CPD hours every 5 years
- Completion of e-learning and mentorship/peer support
- Course accreditation to ensure the expert is familiar with their duties. How the expert carries out those duties is up to them.
- Court accrediting the expert before instruction is given.
- Court approved to use them
- Court should maintain discretion as to whether an expert really is an expert. Perhaps there could be two categories of experts, "statutory experts" and court appointed.
- Court to provide feedback to centra EW body who hold register of all experts.
- CPR rules
- CV and current job roles
- CV and resume of relevant experience cross examination
- CV? Letters of recommendation? Not sure
- declaration at court that person WAS an expert but not competency tested since a certain date.
- Defined criteria set out by the court rather than their own say so.
- demonstrate some training and comprehension of what is expected. Solicitors often provide this in letter of instruction
- Demonstration of a minimum number of training hours
- Depends upon the definition of a 'one time' expert

- Difficult
- Difficult & would depend on the area of expertise. CV is the key here.
- Difficult one - I guess the courts could approve a CV for a one off.
- Difficult to do
- Difficult to say
- Difficult to see how
- Difficult. Contemporaneous feedback from instructing parties
- Difficult. Instead make it known to all parties and the court.
- Difficult. We're all a one time expert once. But presumably training before becoming an expert is reasonable.
- Difficult.....
- Do not know.
- Do they need to be regulated?
- Doctors and many other health professionals go through annual appraisals for their revalidation. This should include their expert witness work as part of the totality of their practice and their performance should be measured along with feedback from the Claimants/Defendants and the instructing solicitors. Doctors need their licence to practise to work as experts to be indemnified and and the GMC can use this as another way of regulation.
- Does this mean an expert who is providing a single isolated report. This ought not to happen.
- Don't know
- Don't know what is meant by the 'one-time expert! If this is because he is the only expert available in that field but not yet accredited then the court should decide whether or not he has the expertise to provide expert evidence and how it should be provided.
- Don't know, but any expert or someone claiming to be an expert, should be able to demonstrate knowledge, training, skills, and expertise in their subject matter.
- And be able to show they have undergone basic expert witness training.
- Many an expert has been undone in the court room, not because they do not know their subject, but because they do not understand the arena in which they are in.
- Experts need to undergo expert witness's training and which should be mandatory.
- Things can always go wrong for various reasons and that needs to be understood in the wider realm. Sometimes the expert is the scapegoat for the failings of others.
- Don't understand the question
- don't know
- Don't know what you mean by one-time expert.
- Dont know!
- dont know.
- Don't understand the point or relevance of this question.
- Don't understand the question
- Dont understand the question. I very occasionally do expert witness work I would not do it if it required onerous or expensive training or qualification
- Dunno
- ensure appropriate CPD and continued registration as a practitioner in their field.
- ensure minimum CPD/ education
- Ensure that they are regulated within their profession and have attended training on being an expert witness
- Ensuring that they undertake the required course
- Every expert should comply with the defined standard.
- Everyone is a one-time expert the first time. Get training. It will put people off starting if there is heavy regulation.
- Evidence of competence in the particular issue
- Evidence of principles trianing and the law as a minimum
- Evidenced Appraisal
- Evidenced through competency
- Exams, tests, mandatory CPD and records of the mandatory CPD?
- exemption
- existing law and regulation is sufficient
- Experience
- Experience in years
- Expertise in specialist areas can only be judged based on direct experience and knowledge within those specific areas
- Expertise in technical matters where the expert achieves this status by way of qualification is easy, where experience, or a lifetime in a particular field is the grounding for the expert status, this then becomes harder. Scope needs to be sufficient to allow both, both have a place and are of value.
- Expertise, experience and, eventually, cross examination.
- Experts are already regulated by their respective professional bodies.
- Experts are regulated by the courts on a case by case basis. Artificial barriers to prevent a one-time expert being instructed would compromise court efficiency
- Experts should be defined as such by others and not self appointed. Perhaps, as with QC, there should be an appointed term such as CE (Court Expert)
- Fact check citations
- For the court to decide
- From my perspective it should be via our backgrounds and certification, but generally its horses for courses
- God knows.
- Good question! Presumably pretty rare so the judge in the case should approve
- Guidance
- Have their qualifications checked and o on a sort course so they understand the role expected of them
- Have to demonstrate knowledge of the role of expert witness
- He should be a member of a professional body and have at least 2- 3years of providing reports to Lawyers or Courts.
- He should provide adequate information about his being an expert
- I am not convinced that they should be.

- I am uncertain how any person could be effectively regulated, whether they regularly act or do it only once. There is no one size fits all for all possible professions acting as an expert witness.
- I am unclear who would do this - Q9 - detailed guidance I think should suffice
- unable to answer q10
- I am unsure - maybe through review of their experience and CV.
- I am unsure what one-time expert means.
- I assume you mean someone who does not regularly prepare reports. I have no experience of these but regulation is best by comparing with an equivalent from the same expertise.
- I believe that EW Accreditation is extremely important but it should be down to individual solicitors to ensure reliability of an EW's expertise and suitability.
- I believe that any 'one-time expert' should be eligible for accreditation only in rare and justifiable circumstances
- I cannot comment on the one time expert but with regard to a company that has associates, we complete rigorous recruitment and training which should account towards regulation and any accreditation.
- I do not believe regulation is necessary.
- I do not envisage how this can be done, but expert conferences and outlining recent or historic cases should be regularly offered.
- I do not know
- I don't feel qualified to answer this however, I could never have understood what was expected of me without conducting initial training. I believe training is, or should be mandatory with, or without accreditation
- I don't know.
- I don't think one time experts are experts
- I don't think they should be regulated.
- I don't understand the question sorry
- I don't understand the term "one-time expert". Does this mean first-time expert, in which case it would be under supervision:
- I don't have an answer for this. There are highly niche areas which require very occasional experts. Over-regulation might make it impossible to source appropriate experts in niche fields.
- I don't know enough to answer this
- i dont know this is difficult
- I don't know what a one-time expert is.
- I don't see a practical way for a 'one-time' expert to be regulated. Every expert is a 'one-time' expert immediately after their first expert appointment.
- I don't think it can work. Expertise is many and varied.
- I don't think they should be regulated.
- I don't understand the question
- I dont understand the question - what is a 'one-time' expert. Also I have already stated the work of EW should not be regulated in the question before, which surely makes this question N/A
- I don't understand this question
- I dont understand this; how can an expert witness in general fields be instructed?
- I don't understand what a one-time expert is
- I don't understand what is meant by one-time expert.
- I have no idea
- I have no opinion
- I hold the Cardiff University EW certificate. The course was immensely helpful and I would recommend all EWs do something similar. And of course I put it on my CV. Courts can take account of all the training an EW has had, and take a balanced view. A regulation requiring solicitors and courts to thoroughly review the CV would be a good idea.
- I put yes to above as wanted to tick box option not given with "unsure". Not sure what this questions 11 means..... someone who does a one off piece of EW work...there needs to be something to protect and support people in this situation.
- I think all experts should be accredited.
- I think all experts should have to undergo expert witness training - this seems to me to be the biggest issue in my area of expertise.
- i think if we are being called upon as an EW and have accreditation from our own professional bodies then that should be enough. in my case the BPS ensures that all psychologists who are registered MUST have completed an undergraduate degree validated by the BPS (so the baseline knowledge is the same for all) but the HCPC ensures that whilst specialist interests may vary and some psychologist may be more experienced in one area than another, the practice guidance, CPD guidelines etc are the same for all and service users can make a complaint via that body if necessary. I dont see what more regulation is needed. Perhaps all expert witnesses should complete bond training also to ensure that there is a specific standard of report writing but other than that i dont see the benefit.
- I think that the court should have access to advice regarding the choice, instruction and evaluation of the quality of expert testimony. I do not think this should be left to professionals with only a legal training background to evaluate the quality of clinical testimony.
- I think that they should be given more assistance by the judge and their instructing solicitor . They will not be fully aware of their duties, but will undoubtedly have the technical skills to assist the court. They should be given a little latitude in their approach
- I think that this concept is flawed. While i have come across some shockingly-biased (for the instructing party) self-styled experts, I cannot see how any form of accreditation or revalidation will address this matter for the established expert, let alone the one-off.
- I think the court should decide on a case by case basis if appropriate expert chosen
- I think the provision of an accreditation for a certain period of time should suffice.
- I think this is difficult s many would not take the time to be accredited and maintain the status during, for example, the pandemic, when every medic was under huge pressure. This would be likely to result in expert-experts who. no longer are in touch with the real-life working of active practitioners of the skill
- I would question if a one time expert is an expert at all.
- Ideally there should never be a "one-time" expert as any expert witness should be doing it as a choice with the intention to continue after getting appropriately qualified.

- If an expert is required as a one-off due to their specific expertise I don't think they should be required to carry out the same expert witness training but more perhaps given guidance.
- If an individual only acts as an expert in a single case, it is very difficult to see how they could be subject to regulation.
- If he / she has the knowledge and experience to be an Expert, then there is no problem in using them.
- If parties choose to select such an individual, the judge can object
- If there is detailed regulation, it should be possible for the one-time expert to provide a statement to the effect of how they meet the criteria within the regulations.
- I'm not familiar with the 'one-time expert'
- I'm not sure how someone could be a one-time expert and provide a good service. Surely some responsibility should fall on the instructing party finding someone who the Court would consider an expert and ensuring that person understands their responsibilities. It's a massive undertaking and myself and my colleagues strongly discourage other psychologists taking this on casually without good training.
- I'm not sure regulation is the answer
- Impossible. Far too many potential scenarios.
- In engineering, sometimes issues arise where particular expertise may be required and the person providing that expertise may not have acted as an expert before. I would expect their instructing solicitor to provide the necessary guidance.
- In my discipline it is rare (if ever) I come across a non other expert who is not completely independent. If they are, I am sure they soon run out of work!
- In the same way as all other experts
- In the same way as any other expert. Just because an expert does the job only once should not mean that a lesser standard of competence can be applied.
- In the same way as every other expert witness
- In the same way as everyone else. A one-time expert is obviously at risk if they are found to be non-compliant with the rules.
- In the same way as non-one-time experts (is there such a thing as a one-time expert!)
- Independent audits that are instructed by the courts
- Independent body
- Independent expert review panel, based on CV and publications etc
- independent peer review process
- Infrequent experts should not be regulated, but would need to prove their expertise and knowledge of their responsibilities as an expert.
- Instructing parties should take more responsibility for ensuring the expert understands their duties/ responsibilities
- Instructing solicitors should do more to ensure their experts are actually experts
- Interview to appraise their understanding of the role.
- ISO accreditation
- It could be done via an appraisal with another expert
- It doesn't matter if the expert is one-time. It only matters if they are instructed a second time!
- it is for the court to scrutinise qualifications and appropriateness in such cases but they must adhere to professional and court guidance
- It is not clear why regulation is necessary. Every time an expert witness gives evidence the judge will form a view as to his or her credibility, and litigation lawyers are aware of that that when they choose whom to instruct. It is hard to imagine how a regulatory checklist could supplant that process. The required experience and expertise of an expert witness varies from case to case so substantially that it is hard to imagine that generalised regulation would enhance the quality of expert witnesses that parties choose to appoint.
- It is not possible
- It is the norm for the court to decide if the expert has adequate background to present evidence for the assistance of the court. Agreed there have been some cases where the expert has been found lacking as you have mentioned above but doubt these numbers justify a radical change.
- It is up to the parties to select the right expert; regulations will result in too much bureaucracy.
- It may be more prudent to nominate another better qualified expert
- It should be up to the Court to decide if the Expert and their opinion will be accepted
- It should remain a decision for the judges/magistrates presiding the trial.
- It's a matter for the Court
- It's difficult. I get very little expert work, so anything that adds to financial burden of experts like me could cause them to cease practising to the detriment of the courts.
- Judges determine if an expert is allowed in the court. How could an outside body over rule the Judge? How could one regulator oversee all the different types of expertise required by the courts? It is impractical.
- Letter of explicit skills and experience
- Light touch
- Like every one else
- like the other ones
- MARKET FORCES AND POTENTIAL LITIGATION ENSURE HIGH STANDARDS
- Medical registration and licensing through the GMC is supported by Appraisal and Revalidation. This process requires submission of information about the whole of the specialist's practice, including expert witness work. This is adequate in my opinion.
- meet a set of established professional standards
- Member of professional body
- Mentored by an accredited expert but also need to be accredited through courses
- Mentoring would be more effective.
- Mentorship/collaboration with accredited expert witnesses.
- Min 10 years of experience in the field, evidence of medico-legal courses attended

- Minimum accreditation
- Recommendation by colleague
- N/A
- Need to be assess prior to being an one-time expert
- needs to fit specific criteria and expertise
- NMC
- revalidate via exam / e package
- No
- no - however rules and expectations of them must be different
- No answer
- No comment
- No idea
- No need for specific regulation
- No need. This is just industry creation by a few. Life is complicated enough as it is.
- No regulation
- No regulation is required for expert witness as they are already regulated by a regulatory body
- No!
- no, one-time expert should be banned
- No. That expert must be chosen for a particular reason.
- Regulation would reduce the number of experts a court could call on.
- No. The Court should assess whether a proposed expert is qualified for the particular purpose in hand.
- None
- Not
- Not a question I'm qualified to answer
- Not applicable
- Not certain
- Not necessary
- not possible
- Not realisticv to do so
- Not sure
- not sure but a good start is qualifications and what training has been done and of course did they pass
- Not sure CV based
- Not sure how
- not sure i understand this question - you mean someone who's never acted as an expert before? regardless, should be held to the same standards.
- Not sure that it would be practically possible.
- Not sure that that is
- Not sure what is a 'one-time' expert.
- Not sure what reference is to one time
- Not sure what you mean by this but all experts have their first case. Very unlucky if they go to Court.
- Not sure whether detailed regulation is required for all experts. Accreditation of an expert will mean that some of the responsibility of the expert behaving in accordance with the rules will fall onto the accreditor.
- Not sure, maybe a standardised questionnaire that needs to be completed before being instructed.
- Not sure. Based on experience & qualifications?
- Not sure. Should they be practising anyway?
- On practical grounds there will have to be a process for use of appropriate expertise in highly specialised cases where experienced experts are not available - mentoring would be one way to achieve this, maybe with a single-joint expert.
- On same bases as question 8 above.
- On the basis of a CV.
- On the basis of their expertise in a particular field.
- On the same basis as the above.
- One- time expert should be covered by current arrangements.
- One-time expert by the court
- Only able to write reports after training
- Only accredited experts or those with chartered or equivalent status should be accepted by the courts.
- Only on performance by a court if necessary
- Own professional body
- Peer
- Peer analysis of qualifications and appropriateness
- Peer review
- Peer review of reports written.
- Peer review, plus! Depending on the area in which the expert works
- Peer reviewed, on professional body register.
- Perhaps an abridged course
- Perhaps he shouldn't. If a professional is so specialised and his EW is infrequent, why exclude him as a possible candidate for the sake of someone who has 'qualified' as an expert but has less relevant skills? Better to ensure that any expert in his field is briefed and made aware of the CPR requirements prior to giving evidence or opinions.
- Perhaps Through their professional body
- Perhaps to work under the umbrella of an agency who provide experts in that field. So that their work can be overseen and regulated. The agency therefore take responsibility for the quality of their experts work in addition to the experts themselves.
- Possibly peer review of a report from another professional in that field. This would be difficult to organise as there may be a conflict of interest though.
- prevented
- Primarily through his/her confidence in being able to competently understand the relevant expectations of his/her engagement related complex technical matters pertinent to his/her education and ethical professional experience.
- Prior training and shadding.
- Probably should simply be flagged-up as a one-time expert.

- Probably should not be an expert witness
- Professional body
- professional body/standards
- Professional judgement does not depend on number of appearances
- Professional oversight bodies.
- Professional qualification
- Professional qualifications and experience agreed by all parties involved as in family cases
- professional reference
- professional references from clients, number of instructions etc
- proof of suitable accreditation
- Proof of training and competence.
- Proving to the court that they have the requisite expertise to be cross examined
- Q9 - That is why I do not agree with mandatory accreditation. However, a minimum level of training e.g. on part 35 and report writing could work. This could be confirmed by instructing solicitor who could signpost suppliers of training.
- Qualification
- Qualifications
- Qualifications and continuous CPD
- Plus experience of work in that field.
- Qualifications and experience should be considered by the court
- Random audit of reports
- Register entry records as much.
- Regular appraisal
- Regular reassessments and updates
- Regular training and review of practice.
- Regulated and registered the same as every other expert. Essentially, no ifs or buts.
- Regulated training by providers such as yourselves.
- Regulation not required. It is for the court to assess the credentials of the expert.
- Regulation should be mandatory prior to undertaking work.
- Relevant course
- Responsibility rests with those that appointed the witness
- review of their Qualifications and experience
- Same as any other expert
- Same as everyone else
- Same as regular
- Same process and procedure as everyone else.
- Same way as regular experts.
- Scrutinise the CV by both sides to evaluate whether truly appropriate or not
- Scrutiny of the Expert Evidence work
- See 7
- ~~Seems to me anyone acting as expert should have some regulation~~
- Self assessment.
- Short-term validation of standard of training - temporary certification
- Should be appointed by the Court only
- Should be assessed by the court through CV and, if necessary direct questioning by the Court
- Should have a central standard that that person should fulfil. Things like working in the field for a certain number of years, Working on projects/issues that are transferrable to the case.
- Should not
- Should not be a one time expert
- Should not be doing work - defer to regular expert witness
- Should not be regulated
- Should not be used
- Should one-time experts be allowed?
- Should that be acceptable?
- Should there be one time experts?
- Should there ever be a one time expert. Surely an expert should be someone well versed in his or her field providing a range of opinion in a series of cases. I certainly have adapted reporting over the years with changing rules and better knowledge of the legal process. That takes years so one time - really !
- Shouldn't be a one time expert
- Shouldn't be such people
- Shouldnt be a thing
- Similarly
- Solicitors should do their 'due diligence' and not instruct 'one time experts'.
- Some feedback after would be good, maybe then they would repeat and we get a pool of experienced expert witnesses for the courts
- special permission of the court in a case where the expert is unique
- Specific requirements and possibly a second general view.
- Specific training course
- submission cpD logs
- Submit evidence of an independent review?
- Supervision by an experienced/accredited witness
- Supervision by others such as the revalidation process for doctors.
- Surely what matters and what is most important is the experience of the Expert. I have come across lawyers who believe that Expert Witness accreditation and experience in court is more important than their experience in the field of the matter in dispute. This is wrong. The Expert should be able and capable of strongly presenting their opinion in court based on their experience in the field of the dispute, not primarily based on their appearances in court.
- Temporary certification to certify skill, expertise and understanding of expert role

- That is for the Courts to assess the suitability of the expert
- that is hard, but perhaps by the instructing solicitor to take the time to explain in detail the ramifications
- That is the difficulty there will always be niche areas where a one of expert is needed.
- That is the issue - how regulation would function as there are numerous regulatory bodies now for various professions but they do not prevent bad practice or repeat scandals. I think the Courts and solicitors should be more open about who they appoint and why - that is the only measure which has real-time relevance.
- that is why my answer to Q6 is no. The judge's experience is pivotal here : assisting the one time expert to assist the court in the face of barristers exploiting the inexperienced. Who would consider being a one time expert only to be questioned aggressively to discredit the expert?
- That kid very difficult to answer. Through peer review I suspect
- The assessment of any such expertise should be the prerogative of the court - certainly not the FSR or any other professional body.
- The biggest issue is people who are not true experts in their field giving incorrect opinion.
- The court can judge if an expert has done their work to a satisfactory standard
- The court regulates such experts by listening and providing judgment
- The court should be informed of the lack of accreditation
- The courts should be made aware of the level of the qualifications and experience of a witness. This may be difficult when experts are early on in their career when individuals will have little experience to recommend them. This is when mentoring could be used, however issues of confidentiality would need to be addressed.
- The expert is the choice of the client. No regulation is necessary other than by selection by the client or his solicitor, who would be expected to choose someone with the appropriate expertise, or lose.
- The expert witness report should be scrutinised by his/her peers
- The Instructing Solicitor has a responsibility to ensure that the Expert is suitable for the case
- the judge should be able to decide for himself
- The one time Expert is likely to be in a very niche field and difficult to regulate or assess
- The one time experts should be carefully instructed so that its duties are clear
- The question is hypothetical - It would be most unusual for an Expert to be instructed once only. The Instructing Party would have to explain his duties .
- The question is unclear.
- The reason I have answered no to q7 is that it is there will be a case whereby an expert is needed in a field that no expert has ever been required before. Therefore, you can't make it mandatory for experts to be regulated. This would inherently limit the pool of experts and risks parties being appointed who are not true experts but are available and accredited. For this reason I would not regularly one time experts.
- The same
- The same way as a "first-time" expert, or any expert.
- The system will self-regulate, experts who do shoddy work will not be instructed again
- Their expertise, reasons and qualifications to act must be clearly defined and stated with reasons
- there are niche areas of work of course. However an approval process by a professional /specialist academic body should have standing. The Court could also be asked to decide / ask for a letter of standing from a professional / academic body
- there are rare diseases where expert medicolegal cases are few
- There is going to be a necessity for the one time expert regarding eg historical cases or niche expertise cases. I don't think they are going to be able to be regulated.
- There is no need for regulation. One-time experts should understand that the responsibilities are onerous, those who make their profession here will understand these responsibilities and, in essence self regulate.
- There is no sensible way to regulate the one-time expert.
- There is nothing wrong with the Court deciding whether someone is sufficiently knowledgeable to act as an expert witness, and as is clearly demonstrated by the cases you cite, when the Court does not think that an expert has acted appropriately, sanctions will be applied.
- There should be a board of mentors to assist one time experts
- There should be a set of clear mandatory guidelines for all experts to follow, and the courts should not shy away from making clear remarks on experts who fail in their duties, as this would probably end their expert career. It will be difficult to sanction one-time experts, especially if they do not belong to a professional body.
- There should be no one time expert
- there should be no such thing except for exceptional circumstances that would mean the expert was so eminent it would be obvious they had the correct expertise and they should then have to show they were familiar with CRP
- There should not be a one-time expert
- There should not be one time experts
- There should not be regulation but there should be an increased responsibility (and liability) for the instructing parties and the expert to satisfy themselves of their competency to act as an expert. Regulation will likely lead to the role being limited to a pool of "full-time" experts rather than encouraging "part-time" input by those with particular expertise and more importantly practical experience.
- They already are by hte GMC
- They are there like a witness to explain technical matters to the Court and most professional people are regulated anyway by their professional body so their qualifications and professional accreditation should be enough. I am concerned about the danger of creating a 'professional expert' who does not earn most of their income from their profession, but as an 'expert' becoming more and more out of touch with their profession if they are not spending most of their time working in that profession.
- They can't be. But they should undertake some basic training to ensure they understand the role.
- They can't. It depends on the matter at issue, which may require an individual with very special knowledge. The court will then have to decide.

- They need to declare they are a first-timer and show that they are aware of the minimum legal responsibilities.
- they need to demonstrate through their CV/expert profile that they understand their role as an expert and duties to the court.
- They should be able to evidence their skills, qualifications and competence to comment on the matters to be addressed.
- They should be assessed by a solicitor or better still a barrister
- They should be forced to have obtained some accreditation in the form of a recognised training course
- They should be fully trained in expert work before being allowed to call themselves an expert
- They should be registered under a professional body e.g. HCPC and through this demonstrate adequate CPD and maintenance of their qualification and ongoing relevant experience.
- They should be required to register as any other. The costs for this should be borne by the court.
- They should have a mentor
- They should have a regulatory body if they have an expert field, that would confirm the expert's credentials, if basic legal training is given from the start then the groundwork is there to build on and can be recorded on the register
- They should have to have a mentor within the same professional group for quality assurance
- they should not
- They should not be allowed to do that. I am a full time expert witness and this is the main problem. Folks who dip in and out should be more heavily regulated.
- They should not be used
- They should not be.
- They should not. It is the role of the solicitors to ensure that the expert is suitably qualified.
- Also, experts sign a declaration to the effect that they are suitably qualified.
- They shouldn't - if there is a niche expert then it is unreasonable to expect them to be regulated. If there is regulation then such experts will cease to be available for the court. An expert is defined by their level of knowledge and the CPRs.
- They shouldn't be
- They shouldn't outside of their duty to the tribunal and possible sanctions by the court
- This is a difficult one as this might put a significant number of potential experts off
- This is a very difficult area. An individual who wishes to undertake EW work may take on a case and find that the work is not something they want to do. It is important to avoid putting up barriers to those interested in doing the work but also important that the individual is safe.
- This is for the court to decide
- This is the problem of course with mandatory accreditation
  - the highly specialised or unique situation. Perhaps an expert without accreditation should be obliged to undertake a brief on-line course on duties and CPR rules? Could be administered by their instructing solicitors.
- This is where, in my opinion, it becomes difficult. There may be academic experts in very narrow fields who are academically the right person to provide an expert opinion but could be prevented from doing so by regulation. I firmly believe in the ethical and moral approach of accreditation and personal responsibility rather than mandating
- This is why there should not be mandatory independent accreditation, there can always be the need for a one-time expert.
- This is why there shouldn't be regulation - some topics are highly specialized and I would argue it is for instructing solicitors to ensure that their experts are aware of the applicable rules and follow them.
- This must be a process of acceptance by the court on the Experts background and not on whether he has attended a training course. Legal teams should have a duty to ensure that their Experts are suitable.
- This type of expert is likely to be an acknowledged expert in their field, but there should be agreed 'expert' standards in addition to this - perhaps in this situation the Court and legal team would need to agree that the person met the required standards
- This would make no sense. The legal profession needs to be the "regulator" since fail to properly evaluate in advance will impact lawyers' reputations.
- Thorough checks on their professional accreditation and relevant experience.
- Through a governing body - A register
- Through a register
- Through accreditation
- Through an agreed portfolio related to the specific field and with guidance on how to structure the report and the boundaries they work to. clear TOR are essential for any expert instruction.
- Through courts
- Through CPD to demonstrate up to date knowledge re Court procedures, CPR, etc.,and auditing.
- Through his/her Professional Body
- Through NHS employer appraisal system
- Through the court
- Through the GMC
- Through their professional body.
- Through their professional membership revalidation
- through their registering body
- Time in the field
- To discuss their case with a more experienced colleague
- Tricky - also there are so many different fields that it is likely that generic regulation would be required
- Tricky..
- Ultimately an 'expert' will be engaged by a client, typically a solicitor. There needs to be some onus on client's to satisfy themselves that a person engaged to provide such

opinion is suitable for the role. I believe that much (if not all) of this information is already in the public domain.

- Uncertain
  - Under CPR and the FSR if conducting a Forensic Science Activity (FSA)
  - University course
  - Unknown
  - unsure
  - Up to the instructing solicitor
  - Updates
  - V good question . Suggest a one time expert in a g highly specialised field should be "chaperoned" by an experienced medical expert with generic skills. The one time expert will be medically very knowledgeable, it will be the specifics of "answering the specific question " and relating this to specific legal requirements that they will lack skill in .
  - Veracity only
  - Very difficult this one.
  - Very difficult to achieve
  - very specific instructions and the information about responsibilities should suffice
  - Via a mentor/shadow expert
  - via a teaching body or independent regulator
  - Via an peer appraisal system through the Royal Colleges
  - Via professional bodies in collaboration with legal experts
  - Via professional body
  - Via the court case in which their opinion is presented
  - Via their professional bodies (eg NMC/ GMC)
  - Via their regulatory professional bodies
  - We are professionals who are already regulated and expert witness work comes under current appraisal and revalidation. I do not think duplicating this is needed at all.
  - What do you mean by 'more detailed regulation'. That appears to be a downward path to tighter and tighter controls on independents with the intention of making the use of 'experts' centralised and controlled by the civil service blob.
  - What is "the one-time expert"?
  - What is a "one-time expert"?
  - Who provides ONE TIME expert evidence???
  - Why not
  - why should there be a one time expert they should be a witness of fact
  - Within the supervision of another.
  - yes
  - Yes or mentored if not
  - Yes, even more so, as this expert will have less medico-legal knowledge and experience.
  - Yes, since in becoming accredited, the system and acts are evolving and this would keep the "Expert" up to date with changes in the law. The last change was during the Pandemic where F2F assessment were conducted by Zoom, Paper or over the phone depending on the complexity.
- Yes. The one-time expert is likely not to be formally trained or accredited.....this is borne out in the critical cases we read.
  - You cant - they'll either float or sink







- 5-10%
- 5-10%
- 5-10% - have not increased rate for some years
- 8-10%
- About 5%
- Approx 5-10%
- around 7.5%
- as per inflation rate
- By about 10%.
- By the rate of inflation
- by the rate of inflation
- Currently undecided
- Decline to answer
- Depend on each case and time overall 15% because of the inflation
- Depends on competitors. Rates for experts are far too low to start with
- Depends on inflation.
- Depends on the circumstances
- Depends on the work. My minimum fee has increased.
- Don't know yet.
- Have already around 15 %
- Have not yet decided.
- I am looking at this for work with deferred payment terms. I cannot now afford to wait 24 months to be paid and have my fee depreciate so much in that time. I plan to request 5-10% more for waiting over 12 months. However, much of my personal injury work comes via agencies and I consider it unlikely that they will agree any increased fees at this stage. I plan to review these fees in the next 6 months.
- I just did by 9% earlier this year
- I just have increased my rates by 15%
- I shall increase by 10-20% but inflation is not the only factor. Increased expertise and experience should be factored in any increase
- I would like to increase fuel allowance rate
- In accordance with annual salary increases which take place in April each year.
- in line with inflation
- In the next financial year by RPI
- increasing 2% for 2023.
- inflation
- Inflation only
- Inflation rates
- It depends upon the needs and the case complexity
- Legal Aid cases, doubtful increase. Private cases by 5-10%
- Linked to inflation
- My fees and costs used to be set by legal aid boards back in the days when legal aid was available. Now I charge flat rates per activity based on a day rate and the price of fuel.
- Not a percentage but I have adjusted prices for travelling due to increasing costs. I did increase my costs beginning of 2022 in line with my clinic fees increasing.
- Not made a decision yet
- Not sure
- not sure yet
- not sure, around 5%?
- Not sure...10-20% but mainly because I have not increased my rates in quite a while.
- Perhaps 10% next year.
- Phased
- possibly 5-10% with the aim of keeping round figures
- Rate of inflation plus 10%
- Rates set by company.
- Remains to be seen
- Slightly above the rate of inflation.
- Still thinking about this, perhaps by the rate of inflation.
- Subject to length of work expected 15-20%
- Tbc
- This is a theoretical question for me as all expert witness within context of paid employment. However, I would set increased fee at rate of inflation
- To bring in line with fees for private work Currently court sets the rate at 95£ private work for a clinical psychologist is 120-180£
- unsure
- Unsure yet
- Up to 8 percent
- What I think I can get!
- Where possible 5-10%. A lot of my work is via agencies who will exert pressure
- With legal aid there is much outdated fixed set of fees. With private cases I will be looking at a 10 to 20% increase as my fees have not been increased for many years.
- Work in progress ; We haven't finished yet

# Appendix 5

## Comments relating to question 1–5

- "Danger is in point 1 the answer falls back on academic achievement. Experience in the field should also be a criteria but it will all depend on the particular field"
- 1. I thought there already was a legal definition. 2. No, that would be ridiculous, and would in any case depend on the particular discipline. 3. No, the courts are not competent to decide such things.
- "1. If expert witnesses are to be viewed differently to members of the public in relation to the evidence they give then the difference between expert witnesses and the public should be clearly defined.  
2. Subjects that expert witnesses give evidence on can change over time with the development of new techniques etc. A retired individual must be able to demonstrate that they are an expert on the subject as it stood at the time of the 'offence' (if after the commencement of their retirement). This may be difficult to define in terms of simply a specific time period but would relate more to the developments and changes the field has undergone during the period of their retirement."
- A legal definition would not be easy - but it does seem sensible
- a number of professionals within my area of expertise undertake medicolegal work as they think it lucrative - this is done without formal training in the area of working and can lead to difficulties both for clients, the Court and for colleague experts
- A person can still be instructed as an expert witness if they have maintained their CPD following retirement
- A simple Yes or No answer to Questions 1 and 2 is not appropriate. Defining an expert is very complex, and is not just limited to those whose main career is as a forensic expert but those who undertake expert work in addition to their main duties. The same applies to Question 2. If someone is working as an expert in a forensic laboratory, their competency may only be valid when they are working, albeit they will still have knowledge of a subject but no involvement. This can be compared to someone who still follows a subject and research into it after they retire who will still be competent long after their retirement from casework - the court in those circumstances should satisfy themselves of the competence of the individual.
- A small number of hired guns out there are employed by defendant lawyers and cause great damage. Though generally acknowledged in the profession, nothing is done about it.
- Although I've answered 'yes' to question 4, it depends on the professional body and the area of expertise. As a principle though, I think that training is available for those who require it.
- Am really not sure about Q1 ie would have preferred that each question also had an 'I don't know' option as would have chosen that. It seems to me that the system works without a legal definition and I imagine that if one were made that it would only give the lawyers more to argue about and take longer and make things more expensive. I am 60 years old now and firmly believe that professional expertise is only valid for a few years after retiring - would suggest 5 or a simple age limit eg 65 or 70 be ideal for this kind of work so you can see that my answer is not 'self serving'!
- An expert is a person who professes to have an in-depth knowledge of his subject. He should be able to defend his report.
- An expert is, or should be, a specialist in his field. Provided he meets that hurdle of possessing appropriate specialist knowledge, the bodies that promote expert witness ('EW') accreditation only really need to ensure that the expert is aware of and familiar with the relevant CPR rules that impact on experts generally.
- An expert witness should hold a certain level of qualification and undergo continuing CPD, I believe that post-retirement many practitioners would lose interest in maintaining their CPD and so lose touch with new developments.
- answer 2 the GMC appraises and licenses- therefore the definition of retirement is loose-senior and most experienced doctors with time are the best experts
- "Any limitations on time for which an expert witness can continue act needs careful consideration. Some will remain valuable for longer periods than others according to individual abilities, whether they can demonstrate they have remained current, and their health.  
  
There is also the important consideration when instructing any expert witness, and by the expert witness themselves, who have medical conditions resulting in cognitive impairment. They should not act as an expert witness. "
- As a dentist and solicitor (who did defence claims and regulatory work) and who now works for an indemnity provider, I am particularly interested in experts, their instruction and their training. I have seen a number of experts get into difficulties due to lack of understanding of their role and a lack of suitable training and experience.
- as above
- As an expert working in construction, at times, one needs a certain physical agility to inspect buildings. I think broadly it should be up to the individual but with a cut off age of 70.
- "As an Expert, under the current system, you are always acting for one side or the other. Even though we are all told we are not. One expert against another.  
  
Experts should be appointed by the courts, then they truly can act independently and with impartiality "
- Bodies need to assure that experts are experts to those that instruct and courts.
- Bond Solon is the correct body to train Expert witnesses
- Choosing the appropriate expert is apart of the adversarial process. Regulate and you restrict. The judge is the appropriate person to know who is an expert and who is a conman.
- close affiliation between professional bodies and other providers of expert training

- "competence is so difficult to define, and depends on the specifics and type of instruction (breach, causation or C&P; negligence or PI), that creating a tighter definition is impossible. Currently the expert must be clinically competent, in good standing, and aware of and able to deliver the Duty to the Court
- I suspect the workload would be prohibitive of the Court appointing experts - unless the reform leads to enforced appointment of SJE in all cases, which would make it difficult for either side to challenge the expert opinion"
- Courts routinely ignore expert qualifications and even Part 35 requirements. it is a complete lottery for claimants.
- "Courts should be more ready to suggest experts on single joint basis. Professional bodies should provide access to Short CPD on role and duties, familiarity with CPR rules. Need not be more than 1/2 or 1 day type course, as accreditation hurdle."
- Currently expert training is largely the premise of the legal profession
- "Defining a set period after retirement for expert witness work is bound to lead to ridiculous anomalies. For example, what about a medical expert who is only providing opinions on causation aspects of cases - as long as they can demonstrate they are fulfilling CPD requirements including in the 'scientific' aspects of this work, why is it relevant whether they continue to be employed to work with patients? What about employment doing academic medical work - would that fit them any better? Surely, continuing employment performing clinical work with patients is only relevant experience for opinion in that area (ie on clinical liability). Why is that relevant to scientific aspects of causation?"
- Enhance Education and Support services
- Experts in a specific field are experts by their knowledge and professional experiences. A knowledge of the working principles of court protocols and expectations are essential and there are valued agencies who provide that. Turning Expert Witnesses into paralegals does not appear to me to be helpful in reaching decisive expert opinion.
- Expert witness needs to be nominated according to the degree of experience someone possess and the insight the person can contribute.
- Expert witness should be recognised as a profession.
- Expert witnesses may say the correct thing in training/ interviews regarding impartiality and objectivity yet in practice, may be biased and partial.
- Expert Witnesses should have undertaken training from an accredited institution before instruction.
- Expertise can be book learned or through practical experience. Retirement does not mean that an Expert stops reading and learning on the subject
- Experts who are past contemporary practice and competence will be of limited assistance, I trust instructing solicitors would identify this early on in proceedings
- Family Courts favour EWs in contract with Local Authority
- For clin neg they shou have benign practice at the time of the event
- For me, the answer to Q2 depends on what field they operate in. If expertise involves an ongoing involvement in a continually developing field (eg property values) then the individual clearly needs to have current involvement to be an expert. This will not apply to all fields where expert evidence arises, though.
- For those consultants who take up NHS expert work to ring-fence few sessions a months for EW work
- Frankly some "experts" I have come across are nothing of the sort and there should be a legal definition so that aspiring experts understand how important the role is.
- Getting the Court's approval of experts will delay an already prolonged process and restrict the case put forward by the Claimant's and Defendant's legal teams. These teams already know of the experts' areas of expertise and will learn more quickly of their potential as witnesses than the Courts could ever do.
- Guidance from GMC on expert witness
- Have testified as an expert witness in a dozen or so states in the USA varying from regulatory agencies before county, state and federal judges, arbitrators and administrators. The determination as to where an individual is qualified to serve as an expert is best left to the individual and his/her sponsoring attorneys. I testified in a high-dollar LCIA arbitration earlier this year - both direct and cross examination - to the apparent satisfaction of the engaging law firm, my client and the arbitrators. I am 87 years old and received my engineering degree in 1957.
- Healthcare professions would benefit from legal requirements from early training
- I am a member of the CSP and there is no guidance currently available from them with regard to working as an expert witness. It would be helpful if they had some guidance specifically for physiotherapists to direct them to appropriate organisations for training in this area. It would also be helpful to outline basic requirements for being considered as a physiotherapy expert.
- I am a member of the RICS & they provide information & guidance on acting as an expert witness
- "I am aware of ""expert witnesses"" who retired from surgery up to 25 years ago, and who are hopelessly out of touch and practice. An absolute upper limit of practising as an EW 10 years after retirement would be sensible apart from exceptional cases where a witness has specialist knowledge eg of an old technology or process.  
I do not believe that the court should appoint EWs directly, but there should be a national register of EWs from which the court can validate any expert put before it. "
- I am going through a clinical negligence case for injury myself, also a nurse of 40 years still practising, and I have experienced club culture as a patient in the interpretation of neurophysiology, orthopaedic and peripheral nerve surgery reports and I personally feel I have wasted a lot of money on expert opinions who are rogue trading to cover up my case.
- I am in current clinical practice. Many expert witnesses who provide reports do not seem to be in active clinical practice
- I am not in a position to judge if a 'legal' definition of expert witness would be helpful. it might reduce choice and suitability without improving quality. what would be the greater role proposed by the court?
- I am retired and have been now for three years. I keep myself up to date by a variety of means. What is equally relevant is that I do more research into questions asked by solicitors and barristers than I ever did as a working consultant. Of course clinical practice changes and that is an important aspect to address but fundamental errors are just that they do not change e.g. operating on the level in a spinal case is a wrong level nothing more or less So why would someone who is retired not comment on such a case?

- I believe there should be a time limit on Expert Witness's following retirement. One should be working clinically in my opinion.
- I consider that a medical expert witness should be expert in the relevant field of medical practice. This should require a consultant position and at least 5 years of practice as a consultant. Subspecialty specialisation should be utilised when instructing an expert to avoid unnecessary further clarifications and numerous reports
- "I do not agree that expert witnesses must be ""qualified"" before they can act. This is because quite often very specialist professionals are required to act. It would not be reasonable that they would need to qualify as an expert before acting. There must be flexibility.

I don't feel the Court should determine which experts are used directly.

Clearly completely out of touch retired experts should not be used - but in many cases the views of a retired expert are at least as good as a current expert"

- I don't think the BMA/GMC/Defence organisations/the courts provide enough training but there is ample training available through their expert witness organisations that anyone can access.
- I feel that requiring the courts to select experts would be particularly burdensome on the already stretched court system. It would be helpful to have an expert register which is kept up to date and available to those involved in the litigation process.
- I feel the courts should not engage experts but it should remain with those seeking to introduce the evidence, if courts were to instruct then it would be difficult for the expert to be robustly challenged. Training and CPD are ongoing and should be a matter of course for experts whether still employed or retired if they can demonstrate maintaining the current knowledge and expertise.
- I find the expert witness training amazingly helpful. However, more legal training is required FOR NON LEGAL/LAW specialists to produce acceptable by the courts reports.
- I had thought that individuals had to be on specialist registers before working as expert witnesses. E.g. I am an occupational therapist so on the HCPC register and RCOT member. This covers my insurance and gives professional guidance. I am not sure I would want to be an EW as an OT without this support.
- I have found certain companies Much easier to work with than others from the expectation of time and effort involved and instructions with guidance. It would be great to have more universal training on both sides so the system could be more efficient
- I have noticed and increase in training and guidance in the last five years
- I have only had limited experience with dedicated organisations for EW training; however, the quality of this was very good.
- "I have retired from clinical work ages ago, I have had minimal training (a few pretty irrelevant Bond Solon courses). But I am an excellent expert witness. In court I have often been able to persuade a judge that my opinion is more valid, more relevant and more correct than other experts (who have on occasion been super specialists in the applicable area of expertise, whereas I am a generalist).

Any regulations re training, retirement from clinical work etc, would probably exclude me from doing reports, and that would be a pity. Solicitors keep on telling me how

good my reports are and that is probably because I only do medicolegal work and I do it well. "

- "I have worked in the Family Court for 10 years in expert witness teams. I am deeply concerned at what appears to be an open market regarding experts. I think this means that there is a huge variance in the quality of reports, some of which are very poor quality which given the seriousness of the nature of the proceedings is highly concerning. I realise that there are many colleagues who carry out and deliver very high quality assessments. However, my experience is that the lack of any meaningful regulation opens the system out to a number of significant issues which I have listed below:

1 - No minimum level of experience, training nor type of clinical experience. I am particularly concerned about people for e.g. adult forensic backgrounds giving evidence about parental capacity when they have had no substantive experience of child and family/parenting work. I am also very concerned about relatively recently qualified clinicians acting as experts. This is very difficult work.

2 - The choice, instruction and evaluation of experts is done by legal professionals who may not be able to evaluate the quality of the expert or whether that expert's background and experience does qualify them to give evidence.

3 - The decisions about what type of expert and what questions to ask again determined by legal professionals in situations which are often clinically very complex. I think it would be very helpful for legal professionals and courts to have access to a body/team of clinical qualified people to advise on when/who/what to instruct. Otherwise it becomes a rather algorithmic decision - mental health = psychiatrist, learning disability = psychologist and so on. Also in my experience the choice of expert comes down to availability, rather than appropriateness or quality, which in situations where the termination of parental rights is at stake seems to me to be unethical.

4 - The monetisation of the field of expert witnesses is a huge concern to me and seems to draw it into ethically questionable areas. I think the lack of regulation makes this open to abuse.

5 - In some areas I would welcome a greater evidence base about the validity and outcomes regarding expert reports themselves (rather than what experts base their reports on). By this I mean we have not evidence that the opinions given in the family court regards reunification bear any relation to outcome. But we continue to rely on this process as a means of making life changing and potentially risky decisions about children and families.

6- The lack of trauma-informed approaches - within care proceedings there is a very high prevalence of significant trauma in both the children and parents. I am concerned about the lack of trauma-informed thinking with regards to both the process of instruction/assessment/feedback, as well as in the thinking of some of the expert reports. With some experts eliciting huge and distressing trauma histories in their assessments, detailing these histories to be shared with all the parties, but then not acknowledging any role of trauma in the diagnosis or formulation, nor recommending any trauma-informed treatment.

- Apologies if this comes across as a rant, I have spent ten years trying to find ways of delivering trauma-informed and evidenced based assessment within the family court and in the course of this I have seen some excellent practice, but I'm afraid I have seen a great deal of problematic practice also. Given the stakes, I really would welcome much greater regulation and guidance across the board, and more ready access to psychological/psychiatric advice to the courts around the instruction of experts.

- I see reports from professionals not really understanding what they are getting into and not understanding that they may be cross examined on what they are writing.
- I suspect that any training courses provided by professional bodies such as the Royal Colleges would be inferior to for example Bond Solon.
- I think any steps to reduce the diversity of expert opinion available to the courts would potentially reduce our potential to inform courts across the entire breadth of issues and shades of opinion which are held
- I think as long as a retired professional engages in CPD and can show evidence of this they are competent as an expert witness
- I think devising legal definition of an expert witness would be overly restrictive
- "I think that an expert witness must continue to be registered by their relevant professional body and for many professions you cannot remain registered as an active clinician after retirement.  
  
I am sure different professional bodies provide different amounts of training. My profession does have adequate access."
- I think that even if someone retires, as long as they maintain their professional development and remain registered in that regard, then this should be fine.
- I think that someone who is not practicing could still act as an expert witness for a period after stopping clinical activity but there should be a limit on this....10 years?
- I think the courts are perfectly capable in assessing the credentials of expert witnesses. I do not think that further burdens should be placed on the courts, which are already struggling with their workload. Good quality training is available to all who seek it.
- I think there is a big difference between 'professional witnesses' eg forensic accountants, who are specialised and regularly trained in their duties (and receive plenty of guidance from professional bodies), and those working in niche areas who may be instructed to provide expert evidence a handful of times in their career.
- I think they do but there needs to be some specialist training. Private Law cases are becoming more and more adversarial and frightening for many professionals yet not so many have expert witness training which leaves them vulnerable.
- If a person is active professionally after the retirement, they should be allowed to continue (Requirement should be that the person is active professionally and has appraisals and revalidation from GMC)
- If a retired person can remain current with CDP in their field then i see no issue with that person being considered an expert.
- If Expert Witnesses were expected to conform to a precise definition, it would eventually produce a corps of professional Expert Witnesses who are remote from their areas of expertise. Medical professional bodies such as the BOA and BMA in my experience do not provide adequate training in medico-legal work. Their approach is rather amateurish in my experience.
- If the expert is accountable then we shouldn't need one for each side rather just an expert per case.
- I'm sure that some professional bodies do provide enough training and guidance for members who act as expert witnesses. However, many could do more. Of course, there are other places that members can turn to for the relevant training and guidance; however, in my experience having that training and guidance provided by the appropriate professional body could be invaluable.
- Impossible to have a specific maximum time after "retirement" for doctors and hospital based dentists as many of them continue in private clinical practice for a long while after retiring from their NHS post
- In the interests of justice both prosecution and defence need to be able to call on any person who may have specialist knowledge even if they have not previously served as an expert witness. We all have a 'first time', it would be ridiculous to assume that every potential expert witness has to be approved and listed before they can give evidence. The final arbiter of the status, qualification and relevance of the expert witness must rest with the court not some bureaucratic civil servant.
- In my opinion no expert should undertake clinical negligence work more than 5 years after retirement. Personal injury is a different skill set from clinical work, in that the the expert deals with cases many years after the accident, when most NHS patients will have been discharged: this is a different perspective than that of an active clinician. Courts can reasonably expect that all experts are registered doctors, who are assessed and appraised and have malpractice insurance.
- In my opinion, MedCo has too much power, which is not channelled in appropriate directions, so as to promote excellence in medico-legal practice.
- In my view accommodation experts do not have the level of scrutiny afforded to the medical experts. This imbalance needs to be addressed.
- In relation to mental health and aspects of child protection, lack of knowledge on part of court/lawyers can create issues for instruction as they can be too narrow or too focused on 'diagnosis' which is then used (at times) by legal profession to infer prognosis for parenting. Needs to be a much wider recognition of the appropriate knowledge base and roles of each profession and each profession not allowed or asked to comment outside their field of competency (eg social worker commenting on mental health prognosis or impact of specific conditions on parenting.)
- In relation to Q2 - it depends on what the expert is instructed for. If its current practice then its likely that someone who retired 20 years ago would not be appropriate.
- In response to question 5, it is better that training is standardised accross all industries, however professional bodies could advise the courts of minimum recommended qualifications and experience for an expert. It should not be fixed as there is too much variety and exceptions to do this but general guidance would be useful.
- In the Surveying profession, as in others no doubt, expert evidence is a niche add-on discipline for which members are all-to-often inadequately prepared.....often at a cost to themselves and the Case.
- Inclusion of nature of expert role in postgraduate medical training programmes - for medical royal colleges.
- Instructing of an expert witness - I believe that there should be much greater use of expert witnesses as assessors, to advise the judge on the principles involved. It should not tie the judges hand in making any judgement he/she wants but it may improve the decisions. This should not detract from having Party Appointed Experts or SJE's.

- Instructing Solicitors should be left to judge an Expert's experience and capability, regardless of age/retirement.
- Instructions and choice of experts lie with the parties.
- It depends on what is meant by professional bodies. In my field, the professional organisations provide no training and at times, I wonder if people understand what an expert witness actually is.
- "It is a (good) basic legal tenet that anyone can be an expert witness (it is up those cross-examining to probe and challenge the relevance, authority, reliability, expertise etc of anyone proffered as an expert witness, and the quality and weight of the evidence, examinations, analyses, conclusions and opinions provided in and by the sworn testimony of that expert witness.  
  
Professional bodies, membership thereof, and training by them, have little to do with the professional discipline and practice of being an expert witness, and nor should they. The court should be more involved - indeed, should routinely appoint its own expert to advise the tribunal in many complex technological cases, eg software and systems"
- It is difficult for medical professionals to obtain indemnity for expert work.
- It is difficult to set a maximum time after retirement (I am retired from clinical practice, so vested interest!) as it is dependent upon so many things. I would agree that you should not act as an expert for a case that post dates your retirement, but you may be the only person who was in practice at the time of an historical case - so old experts still have a role.
- It is not clear to me that it is the job of the professional bodies to provide training on how to act as an expert witness. It is the job of ICAEW, for example, to make sure that its members know everything they need to know about accounting. It is less clear that it is their job to make sure that accountants can express themselves clearly to a lawyer or understand Court rules. There are plenty of other bodies that can provide such training.
- "It is not necessarily the duty of the Royal College but guidance in general is welcome. Rules are not the remit of the professional bodies (i.e. how long after retirement etc)."
- It is not the role of professional bodies to provide expert witness training
- It is not the role of the "professional bodies" to train expert witnesses
- it would be far better if there was only one expert per trial as the expert is accountable to the court not the interested parties.
- Legal definition- been practicing in the area of expertise, probably published in that area, regarded as an expert in the field by colleagues within the profession, remains current with evidence of CPD
- Making sure that accredited personnel include within their reports what is medical fact and what is their opinion and what is outside their remit but still a valid opinion. They should also take ownership of their report. and not be influenced by the hirer, so that the report should also be signed and a Valid Registration ID Shown on every report similar to headed paper used by NHS.
- Maximum 3 years post retirement. And also a stop to elective surgeons who do not treat trauma reporting on trauma cases.
- Maximum time after retirement would cause issues with paediatric case especially- eg standard of care 20+ years ago
- Much of the training is second rate and the real impetus is financial gain.
- My answer to Q4 relates only to my knowledge of guidance provided by the Institution of Structural Engineers
- My own professional body provides some training that is accessible.
- Need professional bodies to be more involved in regulating those that can act as experts in their given field.
- Need to formalise CPD for the profession in which you are medicolegal expert. Also need to stop finger pointing at individuals. Lots of systems failures at play and no accountability of operational leaders (ie COO, CEO, duty nurse managers) who have the greatest influence over patient flow in a hospital when things are delayed or go wrong.
- Obstetrics develop new strategies very quickly anyone who has retired is unlikely to be able to keep upto date
- On 4 my answer relates to my professional bodies, I cannot comment in general.
- On item 2, I think there should be a limit, but I don't think that limit should be universal. For example the stone masonry and thatching professions don't change as quickly as IT and artificial intelligence.
- "Post-retirement a person may still remain an expert in their given field if the technology remains unchanged or they keep themselves up to date with new developments. It would be up to the appointing law firm to decide if the individual remains current and relevant, otherwise, they can all be discredited.
- If an individual has undergone some expert witness training like CUBS then that is to their credit, but law firms generally do not train experts, they 'coach' them in a particular case and proceedings."
- Professional Bodies - Being an expert witness can be a lonely job. There should be a professional body "for us" to go and get support.
- Professional bodies and University degrees do not prepare Expert Witnesses. In practice it is the people's experience that makes them experts.
- professional bodies need to maintain a register of expert witnesses and ongoing CPD to support that standing
- Professional bodies need to offer loose guidance but strong regulation of experts. The expert seldom has guidance from the Court which, somewhat ironically, is the institution they are instructed to assist. There needs to be greater judicial involvement in explaining the needs of the Court in reality, not just a list of legal expectations and definitions.
- Providing expert testimony is a steep learning curve for professionals and mentorship, peer support, guidance is essential to provide robust experts for the courts.
- Q 2. Should be yes for clinical negligence but no for personal injury work
- "Q1 - a definition could be too restrictive and could impede access to justice
- Q2 - being out of the profession means you quickly become out of date
- Q3 - The court has quite enough things it has to do as it is"
- "Q1 - I think a minimum level of training would be better than a legal definition.
- Q2 - This would be unfair as it depends on the definition of retired and how the expert maintains his training and CPD.
- "Q1 - The inclusion of a definition may place more of a

responsibility on the appointing solicitor to ensure that the expert satisfies the definition including a duty to confirm the expert's understanding of their responsibilities  
 Q3 - There may be some occasions when the court should play a greater role for example in proposing a single joint expert witness who can be directed by the court to provide opinions on specific issues rather than be at the whim of the instructing solicitors to lead the questions that the expert is asked to address "

- Q2 - I think so long as a person retains the expertise in the relevant field, they can still be called an expert
- Q2- there are some areas in which an experts knowledge and experience remain long after they retire or move on from the role. excluding them would be unwise especially if they have gained credible reputation amongst peers and Instructing bodies. they also set the benchmark for up and coming experts.
- Q2. No time limit but I would expect Expert to be able to provide evidence of ongoing CPD.
- "Q2. Subject to updated practices and working experience relevant to cases.  
 Q3. Appropriate definition see Q1 should suffice"
- "Q2: An individual does not necessarily need to be actively employed in an industry or profession to be an expert in that field. Despite retiring from professional practice it is possible to remain topical and current within a field.  
 Q3: The Court does need to challenge the status of experts to ensure that experts are who they say they are, however instruction should remain as it currently stands.
- "Qu. 1 - I do not understand why this would make a difference
- Qu. 2 - if retired from the profession it is essential CPD in that profession is continued as knowledge is constantly evolving"
- Question 2 Ok to provide opinion if expert was practising at time of incident.
- Question 2 should have a depends option - it can vary according to the requirements of a particular field
- "Re Q2 It should be left to the expert and the instruction solicitor to decide - 7 years out from clinical practice I am still able to give I believe accurate opinions with regards to basic medical practice e.g. giving my opinion that it was negligent not to look at the CXR prior to discharge when the bloods showed increasing inflammatory markers and the XR showed increasing consolidation! However I would not comment on new techniques etc.
- However causation and life expectancy calculations do not require active clinical practice but a knowledge of statistics and the relevant papers"
- Regarding professional bodies, they do have terms for experts in their constitutions (which are referred to in CPR 19 compliant reports. Other bodies/companies such as bond Solon/EWI provide plentiful advice for experts.
- "relevance at the time is one reason why experts may continue beyond X number of years this context is very important given the passage of time that can occur between when the case / care may have happened and a case is brought to Court

I would not want the court to be prescriptive and have to manage a register but there could be some criterion i.e. relevant qualifications etc on a checklist

legal definition should be for guidance only otherwise may end up being restrictive in changing environment "

- Retirement : difficult one to answer but some things are fundamental and I would still prefer the opinion of someone retired 5 years than someone who is in the first few years as a consultant. Current trainign does not deliver consultants with the equivalent experience to 10 yrs ago for 5-8 years
- "retirement age cannot be age specific but should be clinical practice specific  
 if nhs probably nhs specific as well"
- Retirement age is not a universal barrier - I and some others continue to work, research, publish, teach and engage with CPD etc. Others for whom retirement means stopping work in all its aspects should indeed not act after 12 months.
- Retirement is hard to define. Does leaving the NHS constitute retirement for example
- Retirement status is less relevant than evidence of continuing professional development and staying up to date. It might be Breyer to say - evidence of annual PDP.
- RICS provides good training options
- see above
- So long as an expert is working in private practice although no longer working for a statutory body (e.g. NHS) then there should be no specified maximum time post retirement. However, this may apply to psychiatrists and psychologists but not to specific areas of medicine where new technology is tantamount to the case.
- Some already do e.g. RCPCH
- Some questions need more than yes or no options. Court guidance can be useful in Single Joint Expert cases, but in other cases following CPR35 requirements and your own technical expertise is sufficient.
- Surely an Expert Witness should be left to provide their opinion without it being constrained by the Court? I had one case where the court had already specified what part of the case should be considered so i covered that section but then said if you really want to get to the bottom of this you need to look outside this limited section. While i was not sure if they would aggressively eliminate my extra considerations the court accepted it and accepted my opinion on the total case.
- The agencies should be instructed to treat experts with more respect
- The Bond Solon Expert Witness Training was the best learning event I have ever attended!
- The Code of Behaviour should be tied to the body's code of Ethics.
- The Court's current volume of work is such that they have enough to do.
- The courts have always decided expert status on a case by case basis. Much expertise of service to the courts is vocational and outwith training companies training modules.
- The CPS have a legal definition of an Expert Witness. I was under the impression that definition was more widespread than just prosecution experts.
- The current rules are both flexible and responsive. Requirements relating mainly on qualifications would be too rigid, exclusive and unreliable because an inexperienced recently qualified person probably lacks the depth of understanding. It is sufficient and more comprehensive for the expert witness to be considered on the basis of their CV, which will of course include their qualifications.

- The Expert should be actively in practice and not retired - this is in the context of medicine
- The expert witness should effectively have a qualification beyond that of their profession
- The focus should stay with 'knowledge', not 'intellectual capacity', i.e. lets not make an industry out of the requirement for expert knowledge and chase all the really knowledgeable people (genuine experts) away.
- The HCPC is corrupt and the licensing of protected titles should be the sole domain of the BPS
- The ICAEW has a Forensic & Expert Witness Community that holds an annual conference for members in which it provides training. The ICAEW and other accountancy bodies have ethical obligations with which members have to comply. The problem is that it creates an uneven playing field when accountants have on the opposite side experts who have no ethical obligations to comply with, e.g. economists.
- The issue of retirement all depends on the nature of the case and what needs to be investigated. I do not think the Court should play a greater role - I believe in the adversarial system and this would move us nearer to an inquisitorial model. There is plenty of training and guidance available but not everyone chooses to make use of it.
- "The legal definition of an Expert may include an element of seniority...e.g years in that profession, status? Difficult to legislate across all special areas.
- I have always thought there was an unspoken rule that working for three years after retirement was reasonable. This seems about right to me."
- The medical consultants are able to devote far more time and effort to their medico-legal work after they retire from their time-intensive clinical work. I know a number of senior consultants who are highly regarded as medico-legal experts well after their retirement from clinical work. I see no reason for an arbitrary age-discriminatory cut off limit so long as the expert continues to attend CPD in his/her specialism and Expert practice and remains fit to work.
- The professional bodies are generally good. I would encourage experts to become members of bodies that can provide training. I hesitate to make it mandatory as there are different aspects to being an expert, depending on which court you are involved in.
- The professional bodies available do provide training and guidance, although there may be individuals working as experts who do not access these bodies.
- The quality of experts still varies greatly , more professionalism is needed across the board.
- The role of an expert witness is too variable for a specific legal definition but there could be more oversight by the courts on who would be appropriate for cases in terms of qualifications and expertise as some solicitors do not have sufficient knowledge of this.
- The role of the expert witness is already well defined in law (Part 19,25 & 35 for criminal, family and civil areas)
- The roles and experience for expert witnesses should not be rigidly defined. This is better left to counsel.
- The solicitor is experienced enough to know which experts they wish to use for their cases based on the type of case and previous experience of selected experts. I think we need retired experts for help on historical clinical negligence cases - particularly cerebral palsy. An expert should be able to comment on cases that occurred during their time of clinical practice even if no longer working as

they still have the knowledge of what was acceptable practice at that time.

- The training I have received from a number of professional bodies has been good. However, there is no requirement for an 'expert' to do any training. This should be mandated and if a lawyer instructs an expert who has not received any training this should be made known to the court and the opposing solicitors.
- There are a lot of bad experts out there who provide evidence in areas they do not practice. If a definition was developed which explicitly said they have to have practiced in the area, that would help.
- There are certain times that an expert would not be a chartered professional, who would be the better expert on domestic heating, an architect or a plumber?
- There are dangers in over regulation in this sector, particularly by those with an agenda, ie the selling of training
- There are many available training courses
- There is a difference between expert witness bodies and professional standards bodies
- "There is a difference between experts who have retired vs those who are full-time experts.

Medico-legal work has become an area of practice in its own right for many professionals and many now work full time in the field, such as Case Managers, Care Experts, Neuropsychologists and Neuropsychiatrists, etc, and so specifying a maximum time out of the NHS during which they can be instructed would be inappropriate.

Many who work full-time as experts are also more knowledgeable about legal matters, and can devote more time and attention to cases, than those who are part-time and still working in the NHS and essentially dealing with reports in their weekends and evenings.

With regard to those experts who have retired, then by definition they have stopped working in their profession and therefore will no longer be acting as experts.

"There is a lot of high quality training available but it is not mandatory for experts to have completed any so making this mandatory would be helpful.

Massive problem with experts who don't have the necessary qualifications/experience ie taking on cases outwith their areas of expertise - court/lawyers often unaware so standards regarding this and information on this for courts also helpful - however this is partly driven by a lack of suitable experts. Colleagues also tell me it's very difficult for people to gain access to suitable experts using legal aid due to the caps on remuneration being so out of touch, experts can't afford to work at this price. For context I am a Clinical Psychologist."

- "There is adequate definition and supporting case law to define what is an expert. The professional bodies are simply not qualified to define, manage or select, expert witnesses.
- The institutions have a long history of establishing 'minority interest' specialist 'clubs' which make it difficult to join and limit fresh blood.
- It should be left well alone. "
- there is confusion over what constitutes an expert witness and expert in a subject. Sometimes an 'expert' report may end up being used as one written and presented by an expert witness.

- There is confusion regarding whether a doctor needs to be registered and/or licensed. registered: certainly. Licensed for example after retirement from practice is a totally unclear area. Needs addressing ++
  - There is guidance and training available which given the importance of the expert role should be part of CPD for those undertaking the role
  - There is training available for those who need it
  - There needs to be more vigilance regarding hired gun reports. The exception to maximum retirement would be regarding historical cases.
  - There should be consideration given to the retirement of witnesses - often "experts" continue as "independents" after they have retired. Many continue well into their late 70s. Some may well be competent, others not.
  - There should be no restricted time to give expert report, after retirement or at any time, so long as the expert is capable of doing what s/he supposed and up to date about the case issues.
  - These questions imply that there may be problems that occur in relation to these issues. It may be that there would be a case for introducing some sort of guidelines to avoid problems cropping up but I think it would be better for there to be a consensus view on this based on a discussion of specific instances of problems.
  - They do not, but i do not think that either the Royal Colleges, nor the Scientific Societies should interfere.
  - this area is still largely unregulated.
  - Time after retirement specified by the court should be lengthy (e.g. 10 years) - solicitors (and the 'market') will dictate who they choose to instruct within that time frame anyway. It could also be flexible - e.g. if a case relates to practice many years ago, a retired expert who practised at that time may be especially relevant.
  - Time from retirement doesn't equate to competence or keeping up with the field and developments. I know many professionals full-time within the NHS who I don't think are competent so blunt descriptors or attempts to define what constitutes expertise don't work. It should come down to reputation in the field and your work on a case-by-case basis.
  - "Time from retirement is less important than evidence of Continued medical education. More up to date the practitioner better will be the quality of evidence. Busy clinicians with large practices are often churning reports and are not the ones who have sufficient time to address this area in an individual case as thoroughly as a retired consultant who has more time and motivation for keeping up to date.
- Statements made by experts that are not underpinned with evidence should not be accepted. If there is no evidence, there should be an explanation for why such is not provided. Such statements can mislead unless tested in the courts but most cases do not get that far."
- too many guidelines and rules in this area already. some experts are not able to do expert witness work while in NHS work as too busy
  - "Too many people "" try it on"" especially when they see compensation from a medical standpoint.
  - "Trying to apply a legal definition to an expert witness may inadvertently exclude people who would otherwise be suitable. For retired professionals, whether or not they could continue as expert witnesses very much depends on their specialism and whether this is one in which practices changes over time. I am a forensic accountant, but do not work in general accounting practice. However my ability to analyse and interpret numbers does not change.
  - "Trying to define an expert is a pointless activity, there needs to be flexibility for the most suitable individual to provide the evidence required which in some cases may be very niche.
  - It is not the role of professional bodies to train people for expert work. "
  - We should guard against allowing intermediary organisations from setting mandatory standards which simply serve to enrich their organisations.
  - "Whilst the above suggestions may be desirable, I have not found any specific reason to formally introduce them.. Court having greater role instructing expert could restrict client's choice in a currently open market and challenge the court's neutral position."
  - Why is it that discredited experts continue to be instructed?
  - With regard to retirement, this depends entirely on the continuing professional activity and engagement in their specialist field by the individual - in my view. some people stay very active even if 'officially' retired
  - With the caveat that some training is superior to others
  - Would have been good to have 'don't know enough to say' for all of these
  - Would have liked to see a "not sure" option or wider spectrum of answers

# Appendix 6

## Comments relating to question 6–11

- 11. In my work all our reports are closely scrutinised by a colleague before going out, whilst the reporting expert may be assisted/advised during its preparation. But it still remains the report of the issuing expert and his responsibility.
- 12- as long as the mentor does not interfere with opinion just help with process
- "9 & 10. Doctors and many other health professionals go through annual appraisals for their revalidation. This should include their expert witness work as part of the totality of their practice and their performance should be measured along with feedback from the Claimants/Defendants and the instructing solicitors.  
  
11. If expert witness training is undertaken during specialist training, then doctors will be mentored.
- A balance has to be struck between expert regulation, expert support and demands on the regulation process itself or there simply will not be enough experts available and willing to progress cases. Therefore a light touch and a degree of flexibility will be essential.
- A mentor can be very helpful if the expert is young or inexperienced in the world of expert witnesses.
- A mentor is a good idea - I have acted as such for colleagues wanting to start and have critiqued their draft reports.
- A mentor is a good idea BUT much family court work is funded by legal aid and expert fees are already very low compared to the private sector.
- A mentor may influence the expert's opinion, and may impact on their independence.
- A mentor on a actual case could accidentally impugn the independence of the expert witness
- A mentor would have to explain why the instructed expert was not able to provide enough information to the Court alone.
- A niche area may need underlining
- above step will help gain experience
- "Accreditation negates the 'one time' expert role and too many accredited parties will get preference despite their less suitable experience.
- Q9 clear legal guidance should be sufficient for an expert to work within and report independently and within court rules.
- Q11 An expert mentor can help with peer review and guidance prior to final submission of any report"
- Accreditation of experts has been tried and failed. Accreditation by the United Kingdom Accreditations Service (UKAS) has become a financial and bureaucratic nightmare. UKAS has been handed a monopoly by the Department for Business, Energy and Industrial Strategy. UKAS is a not for profit company that is answerable to no one and does not serve its customers. Without competition it is free to charge what it likes and does not give its customers the timely service they need.
- Again I can only reiterate that the expert witness needs to be someone from another profession (ie not a legal person), that the CPR are very clear on what they should do and how they should do it. Experts who write 100 reports a year cannot have much time to keep their knowledge up to date and be aware of current practice etc in their own profession in my view as they are busy just being an 'expert'! I believe that expert witness work should be very much a tiny little bit of someone's work - where they assist the Court with their professional expertise (which in my opinion is nullified if they spend most of their time being an 'expert!').
- Again not all experts are going to be professionals or going to give evidence of opinion on multiple occasions. The use of expert witnesses must be flexible to allow this.
- "Again simple Yes and No answers are inappropriate because experts cover such a wide range. Those working in conventional forensic labs and where are full time experts comply with UKAS/ISO regulations which are assessed annually. Whilst this would be useful for those in private practise who undertake regular expert work, it would be far too expensive with the current requirements unless the standards are modified to cover just the professional expertise. The expertise of an individual in principle should be reviewed periodically, but again this depends upon the expert. There is a difficulty in those who are extremely knowledgeable in a subject where expert work is only part of their responsibilities. Mandatory accreditation for those experts is unlikely to be workable, and it may force some experts to withdraw, as per Q10.
- A mentor on an actual case - mentoring as such is something I would expect before an expert is qualified. A peer review of findings in many fields of forensic science is exceptionally important and should be undertaken whenever practical"
- Again we must guard against empowering and enriching middlemen organisations;
- Against further regulation as in some expert fields - markers of expertise already exist eg medical....
- All experts should be able to prove their eligibility for the subject
- All sensible experts confer anonymously on difficult cases. You could not regulate or stop that.
- An EW should, by definition, be appropriately qualified and accredited and answerable to an overseeing professional body that will ensure an appropriate level of CPD is undertaken. No EW should need a mentor in court, their report and testimony should be theirs alone.
- An expert could be assisted by a more experienced Expert who can perhaps help them consolidate their report, but the Report must be their own work.
- An expert mentor is OK provided opinion is not sought or given. only advice on process or report quality.

- An expert should be an expert and done the training necessary to be one and experience coming from ongoing repeat instructions. At present we have a system where the dots are not joined resulting in a number of cases where there have been catastrophic consequences for the case at hand.
- An expert should not need a mentor.
- An expert should not use a mentor for an individual report. Who is writing the report? The 'expert' or the mentor?
- An 'independent' regulator will not be independent, they will have a background in a specific profession and will also probably be representing an expert witness training and accreditation business so have a vested interest. Each profession should be regulated by their own professional body and an expert witness accreditation aspect could be added as a specialist supplement to general registration. Psychologists should not be 'regulated' as experts by lawyers or social workers and psychologists and psychiatrists should not be regulating social workers for example. Basic competence in the legal aspects of giving evidence and writing independent reports is relevant but if that is too elevated as a regulation then you may get people who are able to fulfil that criteria but not be good at the actual content of the work (psychological assessment etc)
- "Another expert as a mentor is ok provide they are referenced in the report including what advice they have given.
- Re mandatory training: this is already in place with MedCo PI claims although I believe this is a bit OTT and too onerous - perhaps every 3 years. In medicine, a doctor's appraiser also has responsibility to ensure 'CPD' in the area that the doctor practices."
- Any involvement of a mentor must be explicitly revealed
- "As a doctor, I do not find the revalidation process helpful and do not consider that it weeds out the people it purported to do at the outset. I have no confidence in revalidation of experts achieving the intended goals"
- As a new EW, I have access to a mentor figure - I sought this person out myself. She has helped me hugely & has helped me to reflect on key issues
- as above
- As per above, the mentor should be non specialism or industry experienced - mentor role is to support on court procedures/ expectations
- As professionals, we can separate the process from the content for a particular case and therefore supervision or mentoring should not be viewed negatively by the legal professionals who instruct us. Demonstrating our continued professional development is a necessary part of our professional registration as practitioner psychologists and our own supervision is part of this. It would not mean that our clinical opinion expressed in an expert report is not our own clinical opinion.
- Being a novice expert witness can be anxiety provoking and it would be helpful to have a mentor. In addition, there are issues which do not come up in professional work but often arise in court cases and it would be helpful to be able to have a mentor in cases involving these new areas of knowledge.
- Cases vary on their complexity and detail, so mentors would be very useful.
- "Claimants should provide:
  - routine feedback
- updates on case (i.e. has it been resolved)"
- Clarity is required as to the particular qualifications to be an expert witness in whatever discipline
- Clinical supervision is a professional requirement for members of HCPC - mentoring and supervision is a way of ensuring standards
- Clinical supervision is standard in psychology and discussing cases with colleagues is good practice. supervision can also focus on procedure rather than opinion but is important in developing expertise as an expert witness
- Clinical work is supervised as long as Independent opinion is maintained it could work
- Clinicians learn by apprenticeship in hospitals, I believe solicitors and barristers do the same.
- Currently difficult to have a mentor as the court would then consider the report to be no longer a single opinion, but in any difficult case, whether clinical or medico-legal, being able to discuss it with a colleague can be tremendously helpful.
- "Despite the legal complexities of having a non- instructed person assessing privileged documents, experts could professionally develop by mentoring on specific issues of a case "
- Either an Expert or an Examiner/Analyst. An Examiner/Analyst should be overseen and reviewed by an Expert.
- Even an expert needs a second opinion
- Experience is the key
- Expert witnesses should have regular meetings with a supervisor, like counsellors and therapists
- Experts and mentors should have a doctorate. It is unthinkable that people with Masters degrees can be a psychologist.
- Experts are responsible for their own opinion, not to be influenced by others or so-called Mentors, less still those instructing them !!
- Experts being relied upon must be able to show they are their worth
- Experts may be in very rare areas. Rules should not make it impossible for these experts to appear in court.
- Experts must be independent and a third party mentor would influence their own expert view. This is absolutely not acceptable
- experts need to grow the same as any role. A mentor should give the court confidence, perhaps a useful role for 'recently' retired experts
- Experts should be part of a process of training and updating
- Experts should give their honest opinion and should not be influenced by others, although things like procedure could be learned from others,
- Experts should have sufficient expertise to be able to perform their duties properly without the need of a mentor.
- "Experts who are seen, based on workload instruction, to be either heavily biased to Claimant or Defendant ought to be highlighted.
- Having mentors just increases cost. Training is the key before being an accepted expert. "
- For 'new' Expert Witnesses, mentoring/supervision is vital to ensure compliance with CPR 35, Practice Directions and Guidance Protocol

- Good experts already employ and provide mentorship
- Having a mentor does not mean the person is being told what their opinion is or could be - a mentor can help them to structure their report appropriately, ensure that they have considered the full range of opinion, and help with understanding what the court expects and needs. A mentor can also help with the anxiety and isolation this work can lead to.
- Having a mentor/trainer role for newer expert witnesses is the model that we use in our ML consultancy.
- Having another expert witness to discuss the case would be useful
- how else do you learn? The practical aspects of not being mentored through your first steps in the field could mean that public sector financing of experts will become unviable.
- "I agree with a degree of regulation. However, the accreditation will complicate things. What does it even mean?"
- Accreditation as in the UABS training where one is checked on their skills to write a report or make it through cross-examination? That is doable.
- What will not work is to have generic accreditors decide the specifics and individual skills they do not possess and probably do not understand.
- Accreditation for each category of experts (ie Digital Forensics) by their professional body, is something more likely to have a positive impact."
- I am a sign language interpreter and I am registered with NRCPD, my governing body. I think there should be one for expert witnesses and be separated into 'civil' or 'criminal'. There should be properly trained mentors (as in interpreting) to support another expert. We should also have professional supervision.
- I am absolutely horrified by the implications behind some of these questions. It is for the courts to determine the relevance and quality of expert evidence. Experts often disagree and will continue to do so. What is important is for adequate information to be available to the courts to be able to assess the significance of the data.
- I am looking to retire and am currently mentoring a former colleague to go into the role.
- I believe as long as it is declared then an expert witness should be able to have another expert as a mentor
- I do not know the background to this so difficult to give a yes/no answer. Who decides and who pays?
- I don't believe that having a mentor on a case would need to be a disclosable matter, as the expert has to stand by their own opinions, whether they have sought a second opinion or not by a mentor. I see it as the same as having a peer review, particularly in complex matters, where being able to talk through with someone else can help to focus the mind.
- I don't think more detailed regulation is necessary, however mentoring for new experts would be helpful.
- I had a mentor when I started out in medicolegal work and it was invaluable to me
- I had entered this field through personal recommendation - perhaps the best way to start. However, I simply cannot see how any form or regulation will help. It will simply create an unnecessary industry. One just has to look at GMC appraisals and revalidation to see what a total waste of time the whole thing is - well done in some places, little short of a joke in others.
- I had no exposure to producing expert reports as a trainee. whether that has changed I do not know but I doubt it. I was asked by a group if I would be interested in acting as a mentor to newly qualified consultants who wished to do this kind of work . I said yes.
- I have just started on my journey of undertaking expert witness work. It would be very helpful to have a mentor to help with my initial reports & for ongoing support.
- i have used former colleagues as a mentor on a number of occasions. i do not mention them in the report, as their contribution is only as a sounding board, not a formal opinion
- I instructed my Dad in a firearms case to confirm to a court that a light patch on a farm courtyard was where cement had been mixed and not, as the prosecution alleged, whitewash covering bloodstains. he identified the cement under a microscope from the sand particles in it which were not present in the control sample of whitewash taken from a nearby building. He was qualified to give that evidence - museum curator & archaeologist. To require him to also have attended professional witness training as well would have been a pointless expense. In firearms cases 'peripheral' evidence might be required from another expert. I suspect all the questions in this survey so far were drafted with trying to restrict who appears in medical negligence cases in mind. Advanced witness training and a restriction of losing the franchise after retirement might be relevant in medical negligence but would severely compromise defendants in firearms cases and probably most other areas of law.
- I participate in a mentoring scheme which is very useful
- I prefer informal ways to guarantee a high standard, relying on professionalism.
- "I realise these issues are difficult and expensive but the whole culture should be changed with an emphasis on candour and experience, not manipulated by the - inevitably - partisan lawyers."
- I recently "won" a court case for the defence where the clinical expert witness for the claimant was embarrassingly bad and indeed seemed seriously unwell. A properly regulated system now seems overdue for the protection of all parties, including elderly EWs will little or no insight into their own mental capacity and currency.
- I think an update might be helpful re accreditation but I'm not sure that is necessary unless relevant points of law change - much more important that they can show they are up to date in their own field ie carry out CPD - most regulatory bodies require this - the difficulty arises with unregulated experts (ie not regulated in their field)
- I think critical friends and mentorship are really important I would not expect this to within the court or meeting process more as part of professional supervision
- i think having small 'supervision' groups of expert witnesses may be helpful. perhaps organised by locality where expert witnesses within the same field can share good practice and seek support from others. perhaps an online forum might work too.
- I think that having a mentor would weaken their credibility as an expert to a certain extent. Perhaps better to shadow an experienced expert on their case. Similar concept but without the responsibility. Who would pay for 2 experts?
- I think that standards and regulations are important, however in my work context, we work alongside the professionals who are requesting expert witnesses. In this case, we would possibly not be considered completely independent, but we do endeavour to remain objective and I believe the work we do is almost more valuable because we have the expertise and experience of working within this role.

- I think there are strong regulations in place. Whether each expert chooses to adhere is a different matter.
- I think there is a difference between a mentor and clinical supervision. A Mentor can lead and provide direct advice (in which case they are the expert witness), whereas a clinical supervisor provides a reflective space in which a person can explore their thoughts and how they reached decisions, almost like holding up a mirror for the expert to consider their formulation in the widest terms. My experience is that Courts do not understand this and do misinterpret it.
- I think this might confuse things. One expert witness who is properly trained and monitored should be fine. A completely new Expert could have access to a Mentor.
- I would be concerned about significant revalidation burden on top of existing professional revalidation
- I would have concern about independence, balance and impartiality under such circumstances
- I would not be insulted if asked to monitor a Fresh Experts work and assist in preparation etc etc
- I would see this as part of standard of good practice
- If an expert needs a mentor they are, by definition, not an expert
- "If an expert wants to produce a biased report they will do so regardless of rules and regulations imposed upon them. NB Mr Patterson was revalidated and yet he is now in jail for undertaking inappropriate breast surgery. It remains impossible to hold an expert to account where there is clear bias demonstrated in Court and only by allowing the Courts to impose a fine on an expert who demonstrates inappropriate reporting will anything change."
- If giving opinion, it needs to be your opinion, not a mentors.
- If the expert is suitably qualified, I see no advantage in a mentor, in fact I see this could cause difficulties presenting the report in court and prohibited by additional cost
- If the process is made more challenging or difficult it will result in fewer experts coming forward so a balance needs to be struck
- If there are unusual or rare circumstances it would be helpful at times to have support around this.
- If there is a mentor it should be stated and the person and their credentials identified
- If there is little by the way of expert witness in a field having a mentor may assist
- If this does not bias the case and the expert remains independent without being influenced by the mentor, this would be very helpful.
- if you make accreditation so onerous then there will be no place for one off experts and this will reduced the number of expert witnesses.
- If you need a mentor then why are you posing as an expert? Also an expert may be swayed by the mentor. its a daft idea
- If you need a mentor to do the case, then the mentor should be doing the case!
- I'm not sure how more regulation of experts would work in practice. As noted above, there are already multiple sources of information for both 'experts, and clients who engage them, to read and guide them in a suitable direction. Whether people choose to find and use such guidance is up to the individual. Such 'experts' and clients who do not satisfy themselves as to the suitability of persons engaged ultimately end up damaging their own reputation.
- In most cases Experts will have a history of working with the courts. There will also be cases where the technical knowledge required to advise the court will be for a very few people who have no interest in court work but who may be one of the few who can provide guidance to the court. This must be a process of acceptance by the court on the Experts background and not on whether he has attended a training course.
- In Q10 I have in mind that experts ought to be able to discuss matters to review and test their opinions
- In reference to Question 12, having another expert as a mentor on a case would undermine the credibility of the expert being mentored.
- In relation to answer 11 it would be key to ensure the mentor acted in that capacity (i.e. challenging as may occur in cross examination) rather than coaching or otherwise influencing the acting expert's opinion. All parties would have to remember that the opinion is that of the expert not the mentor
- In relation to Q.11. Those expert witnesses with less experience than others may find it helpful to discuss matters with colleagues who are more versed. This may already occur where colleagues discuss a case anonymously.
- In some fields there may not be enough other experts to act as a peer reviewer or mentor
- In terms of a mentor - this should not be about the expert's opinion but more about the process
- In the early stages of carrying out expert work
- Informal discussions between experts is likely to happen particularly when cases are complex. This is normal practice for doctors. It would reasonable to have a mentor possibly as part of the accreditation process where discussions regarding a case can be shared and discussed outside the legal setting. This would be valuable particularly in the early stages of an expert's career where the process is new.
- It can be reassuring to confirm your own experience with someone else. If something in your experience is highly unlikely, or unlikely in an area that you have some but not lots of experience and this matter is only a small part of the case (i.e. you are the right expert for the case, but you may not have as much depth as you would like, and possibly no-one does) it can be useful to confirm your "direction of travel"
- It could be useful in some cases.
- It is a basic tenet that experts are free to define (and must evidence and explain) their own expertise, their own practices, and their own methodologies - that is the whole point of being an expert. Of course, all of that is open to probing, justification and challenge - see earlier comments. It is senseless to have some sort of external 'accreditation'. By definition, the expert can only be self-accredited - providing clear evidence of his/her background, education, scholarship, expertise, experience, track-record etc, and delivering testimony, reports etc that carefully explain how the expert's reviews of evidence, analyses and conclusions lead to the (hopefully objectively justifiable) opinions arrived at to assist the court on the defined issues within the expertise of the expert. And all of course delivered and written in clear and compelling, good English, understandable by a layperson.

- It is always helpful to discuss a case with a clinical Colleague but the use of Mentors becomes complex.
  - It is always nice to have once completed your report, another Mentor to look at the report and comment on the content good or bad, since the only way to evolve is to allow the system to be changed depending on its format. Ideas you may have could be of interest in revamping paperwork for ease of access to all including the claimant/hirer.
  - "It is clear that most experts understand the requirements. Publicity of fines for experts who ignore the requirements are an adequate way of regulating this. Yes I think being able to use other experts for advice and stating what mentoring has occurred in the case can only improve the quality of the report and the likelihood of a sound opinion."
  - It is for the courts to decide on the admissibility of expert evidence. We must be careful that we don't tie their hands as each case may need to be taken on its own merit. Accreditation in itself does not guarantee the standard of evidence being given by an expert in their field.
  - It is increasingly difficult in many medical cases to find experts willing to act. I think putting up extra barriers will further dissuade people. Many new doctors expect and want mentors to help when setting out. I think this ensures best practice at the start of an expert witness career.
  - It is the expert who is instructed bases on their experience
  - It should be possible for an expert to have a source for procedural questions - such as how far a solicitor can direct the content of a report, or what to do in a given situation.
  - It would be beneficial to have a mentor for the first eg 10 reports
  - It would be beneficial to have another expert as a mentor on an actual case, however, this could have an impact on the role of 'independent witness'.
  - It's all about funding. Experts in niche specialisms who can't be expected to make a living out of expert witness work should still be provided adequate training (or the ability to work with an expert mentor from a related field) without being put out of pocket.
  - Judges and arbitrators should be required to take training on what an expert is and isn't and how the experts relate to an area of expertise. There should be clearer explanations of what "expert" means, how an expert is evaluated and what constitutes "expertise". Based on my ten or so years of experience as a expert, I don't think any two judges or arbitrators agree on what an expert is, what his role is, or how his work should be conducted.
  - "Let the market decide. No regulation. If an expert does a good job, then solicitors will instruct that expert again.
- I suspect these questions on this survey are actually intended by Bond Solon to be used to increase their business. Frankly, having attended a few courses, I don't think they are as good as Bond Solon think they are.
- I have known experts who have been on loads of courses, and even have that Cardiff certificate, who when it comes to analysing a case, and reaching a fair opinion based on what a court needs, have been pretty darn useless.
- It is that same in clinical medicine, doctors may have all of their continuing education, appraisals and revalidation up to date, but still be pretty bad at their clinical job. After all, medicolegal work is more or less based on the existence of poor doctors (who still exist in droves, despite the huge amount of regulation re continuing education etc etc).
- "Mandatory accreditation is likely to reduce the pool size of expert witnesses and may lead to professionalisation of the field i.e. would keep out those who work clinically or professionally.
  - Mandatory accreditation would be overly restrictive on new potential Experts
  - Many organisations that provide expert witnessing services will have a mentor and technical reviewer in place to ensure a high level of quality is maintained by the expert, even if the mentor's contributions are not visible to the court. Where mentors are used this needs to be recognised in the EW report.
  - "Medical experts (e.g. doctors, psychologists, neuropsychologists) are already subject to mandatory accreditation and expected to complete CPD relevant to their work (e.g. medico-legal work). Having an additional body overseeing them would introduce an unnecessary further layer of accreditation.
- There was a recent case when the court criticised a Neuropsychologist for discussing the case with another Neuropsychologist in the course of Joint Statement discussions. As I recall, the gist of the criticism was that the expert alone is being instructed, and their opinion sought, and so it would be difficult to see how a mentor's involvement in a case would work given the courts' expectations."
- medical experts are required to undergo appraisal every year and revalidation every five years. This should include their expert witness work, so a separate system of validation would be duplication
  - Medico-legal work can be onerous and very stressful. Mentoring and guidance are needed throughout a career as medical expert.
  - Mentor or supervision for cases is important but I think this is choice of person working.
  - Mentor- really good idea but expensive
  - Mentor role is too vague and could amount to a breach of the terms of instruction
  - Mentor should come in training
  - Mentor would be impractical and lead to excessive cost in pension expert on divorce cases - leading to individuals bein unable to get proper advice, and arguably leading to females (who are the beneficiaries of most pension sharing orders) living in poverty in retirement.
  - Mentoring and sense check should be key. We do it in everyday practice.
  - Mentoring during training
  - Mentoring goes hand in hand with peer review and QA of all reporting experts do. How can an expert learn and grow without this process.
  - Mentoring is essential. Not to change or inform opinion but to guide new experts as to how to apply their clinical expertise to legal settings to a high standard
  - Mentoring is helpful and adds to the efficacy of an expert
  - Mentoring is particularly relevant for those entering expert witness practice and developing the skills related to this role
  - Mentoring may help to improve standards and consistency
  - Mentoring should be acceptable, but not obligatory.
  - Mentoring should be possible for the early years
  - Mentoring should be supported; how else does the new expert learn other than by going on courses and

workshops? I have mentored two colleagues over the last couple of years and it has been beneficial for all of us. In one case, my mentee referenced my input in the draft report which was accepted by the instructing solicitor.

- "Mentoring, or discussion with expert colleagues provide a degree of consensus on individual cases... to reassure the expert that they are not an outlier in terms of their opinion. This is not often required.
- If it became routine, funding would be needed."
- Mentors are a very good idea - it is very difficult to 'break into' the world of experts, even if you have plenty of expertise.
- mentors might help, but be careful not to reduce choice/ access. training in what is expected is good but the expert field may be a specialised so only a few exist with that perspective
- Mentors MUST be declared in reports, and should not influence actual expert opinion.
- Mentors must know their role to advise but NOT influence opinions and must be stated as having participated in report.
- Mentors should be named in the report
- Mentors would be helpful for new Expert Witnesses, and for complex cases, particularly when it comes to Joint Statements .
- Mentorship is a good idea especially for people starting out - otherwise it's a bit 'sink or swim'.
- Mentorship is complex. As things stand, an expert who seeks advice runs the risk of being severely criticised by the court if he/she does not declare it versus a likely sustained assault on his/her status as an expert in the field by 'the other side's' lawyers if he/she does declare seeking advice. Individuals can be experts in their field but they will frequently be disadvantaged in their early years due to their lack of real experience in the medicolegal arena. Costly mistakes could be avoided. Mentorship has the potential to help experts avoid foreseeable difficulties caused by their inexperience without the mentor influencing the expert's professional opinion in the case. However, as I said, mentorship is complex, and it is not at all difficult to see why the courts have significant concerns.
- Mentorship is key to professional practice.
- Mentorship would be useful for those new to EW as part of familiarisation of the EW process (ie as an extension of a training course). But I do not feel this needs to be formalised. The involvement of others in the same area of expertise helps ensure all perspectives of a particular issue have been considered and covered by the specified EW.
- Most clinicians have a specialist area of practice and are unlikely to be expert in all areas
- must be declared and not seen as a sign of inexperience but rather a contribution to quality and reflectiveness
- My concerns about mandatory accreditation would be that it would probably come at a cost to myself, and I can't afford any more professional fees, especially as court work is not particularly well paid and I often have to wait a very long time to be paid.
- My view is that for newer experts, mentorship and quality assurance of reports is necessary, however, the mentor is their in a supportive role and not to change the opinion of the experts report.
- "newly qualified expert may need a mentor to assist and ""mop up"" any issues. Might be needed as a separate witness.
- I have done this as a mentor and given evidence separately."
- No conflicting EW reports
- No further comments
- No mentor, but it is very sensible to have a peer review both for quality control and to review for reasonableness and balance
- No this would be perceived as coaching. However if there were support groups within each NHS trust and colleges as mentioned above similar to peer review session, learning and support can be provided to foster best practice.
- not sure "mentor" is the word, but second/ peer check absolutely!
- Opinion needs to be maintained as independent if there were a mentor the opinion can no longer be considered independent. The process for mentoring has to concentrate on the evaluation and accreditation of expert witnesses.
- "Over-regulations are not the answer and it might become an obstacle. Not all experts do their work regularly, and what if the courts want to appoint an expert who has never been exposed to legal proceedings before??"
- I believe experts should always be made aware of their responsibilities by whoever is instructing them. It should be sufficient guidance. "
- Panel of experts
- peer group review should be promoted
- Perhaps a mentor for first one or two cases would be useful
- "Present system OK. More regulation introduced, more with cost, even less fun, it will put people off.
- "Professional bodies should support/endorse expert witnesses in a symbiotic relationship, and provide training, mentorship. A central accreditation framework endorsed by the courts should set standards for accreditation of expert witnesses, including peer review
- Providing there is no additional cost to the person instructing the expert
- Q10 - A good mentor can guide the crafting of the report without influencing the opinions and recommendations contained in the report.
- Q10 is not a simple answer. An EW is giving their own opinion based on their own expertise. There is no place for a 'mentor' to provide that opinion or a foundation of experience on which to base an opinion. However, mentoring on the practicalities of being an EW (rather than forming an opinion) would no doubt improve EW evidence in many cases.
- Q11 - The expert himself/herself should not have a mentor but it would be appropriate for them to mentor someone supporting them.
- Q11. Only if the mentor is part of the formal instruction and is acknowledged and accepted by the Court as being a mentor. However, this could prove difficult for the mentee?
- "Q7 & Q8 - not mandatory but should be strongly advised
- Q9 - yes, but by whom and who regulates the regulators? Q10 - It's down to instructing parties or their solicitors, in my view
- Q11 - I don't see why not"
- "Q9- Not exactly a full re-validation but evidence based CPD and formal up-skill on legislation changes and Court Rules.

- Q10-In most fields yes, but there will always be times when bespoke areas are required outside of the generic regulations.
- Q12- We have all received mentorship in some form but ultimately we all have to stand in court and give evidence for the first time at some stage. I have coached several colleagues through the process and will always attend as a support mechanism, but ultimately it is their report and their evidence."
- "Qu. 6 - I think it's essential the expert witness has some training however the solicitors surely check CVs and relevant training/experience?"
- Qu. 7 - expert witnesses should however, do relevant CPD training and earn so many points per year to show they are keeping up-to-date with knowledge
- Qu. 8 - not entirely sure what this question means
- Qu.10 - this could be useful especially in the early days of report writing"
- Question 11 would depend upon the individual
- Re 11 - how else do you learn?
- re 11 goes against the whole idea of being an expert although perhaps it would be reasonable to have a mentor for the first year of medicolegal practice , rather like a pre-registration house officer
- Re- mentor, this probably already happens on an informal basis "...behind the scenes..."
- Reasonable to expect that EWs have undertaken training but a step too far to ask for accreditation.
- Refresher training every 2 to 3 years may (or may not) be relevant with respect to keeping abreast of the CPR. Much more importantly - and this is something that the various EW institutes will struggle to address - is ensuring that an individual's technical knowledge is up to date in the field he promotes himself as an expert.
- Regarding point 10 - this would be useful for experts with no previous experience of the legal process. There is a shortage of experts particularly midwifery in clin neg cases - if we put too many regulations on their expert work then there will be even less.
- Regards mentors, NO, many experts are a one man band.
- REgualtion just becomes a money making exercise for someone. Look at the medco fees have now rocketed and I am repeting the trainign i did a few years ago to make up an arbitrary number of hours.
- Regulation cannot guarantee integrity. It is up to solicitors to appoint experts best able to advise on their case
- regulation may appear to be a good idea and its easy to say yes but it may be a disincentive to professionals wanting to become witnesses. regulation then becomes a business in its own right.
- "Regulation of experts is a slippery slope and I think it risks affecting the legal process.  
Solicitors should be free to instruct whichever expert they wish.  
Mentoring is fraught with difficulty because it raises issues of the expert's own opinion.  
The expert would have to declare that they had been mentored in any report. This may lead to deterioration in their evidence in Court."
- Regulation would reduce the field of those willing to provide expert evidence but it is appropriate that experts should be trained. There is a difference between general mentoring and looking over a specific case as a mentor
- reports are a transparent output on which reputations stand and fall (unlike clinical practice which is generally a private process)
- "Revalidation may not be necessary with clear guidance and requirements (e.g. recent clinical practice etc) and with proper regulation and quality control.  
Supervision should be a requirement for anyone carrying out ongoing expert witness work, not necessarily mentoring each case. But mentoring may be appropriate for e.g. first few years of expert work. "
- Same as previous section.
- Say a 2 year period at beginning, bit like trainee solicitors and the first 2 years of medical training
- Some cases I have worked have used a number of experts with different expertise and they have worked together. I see no problem with mentoring or getting your report checked for errors.
- Some professionals in high positions may not be experts themselves, but have a lot of influence.
- Specific mentor is overloading. The expert should have a peer group available for advice; I do and am grateful.
- Supervision by a more experienced mentor has been invaluable in my development as an expert. Far better than attending courses.
- "Technically, experts should not have mentors on actual cases without the mentors name being included in the assessment and report if they are providing advice and guidance relating to the opinions made within the report. From my experience and referring solely to care experts who work as an associate within a firm - they already have training or mentoring from the firm they work with, particularly in the early years of working as an expert often with no reference to the mentors name in the report who has offered and often added their guidance and opinion within the reports."
- that becomes coaching
- That could lead to some bias unless they were able to discuss anonymously
- That would risk breaching the ideal that it is the experts opinion and not someone else's
- The appointment of an expert by Claimant or Defendant is usually the responsibility of solicitors. Surely they should be taking further steps to ensure that their experts meet requirements and if not, then they should be made to face the consequences.
- The Expert has to own their own opinion, this is what makes us independent, I cannot see how a mentor on specific cases would work, as this will dilute the expert opinion.
- The expert should be experienced enough to go to Court
- The expert should be mentored retrospective on settled cases only
- The expert witnesses who are found to be dishonest should be investigated fully.
- the instructing lawyer should be able to mentor guide the expert, provided the expert has been trained regarding objectivity, and the general rules of evidence.
- The mentor role should be done by the Court, this is a legal process.

- The mentor should be able to provide guidance to the expert on report writing, expert meeting procedures (including drafting of expert memo), and giving testimony. But not interfere with the giving of testimony.
  - The mentor would need to give general rather than specific advice
  - The newby needs support and guidance and this would be one way to achieve it, would lift the quality
  - "The objection to any kind of supervision or mentoring in expert cases feels outdated. It is incredibly beneficial for an expert to test out their opinions / hypotheses with someone in the same field. There should be allowance for mentoring as long as this is declared within the report or other communication
- In terms of regulation, it would be impossible to imagine that a single entity could regulate experts from every profession. It would be better for professional bodies to issue standards for experts in their field, and instructing solicitors should ensure that their experts meet those standards. Regulation beyond this would simply be a money making exercise for some company."
- The revalidation process for doctors run by the GMC does not really assess a doctor's ability. It has become a time consuming tick box exercise and I fear that this would occur should a similar system be introduced for regulation of experts.
  - There are dangers in over managing this, parties are free to choose their experts, that is a fundamental principle
  - There certainly is a case for basic training and then supervision for collective reporting. This may be especially valuable in high value cases. All this however will burden the witness/es with time and expense which will have to be borne by the instructors or courts. Witnesses will have to develop their own firms whereby collective reports are furnished. Courts may act to instruct a joint witness in that situation.
  - There is little or no evidence that increased regulation increases standards of ordinary practice. It merely creates another barrier to new experts starting, at a time when there is a shortage in many areas of expertise.
  - There is very little regulation of experts and the FSR's attempts in the past have been woefully inadequate and based on laboratory accreditation which is totally unsuitable for individual professionals especially those already regulated in Law. Due to a total and complete lack of understanding by the last FSR who introduced 'Standards' which were in fact nothing like a 'proper' standard but were more or less a re-iteration of CPR or in some cases standard operating procedures and not actually ensuring the person was appropriately qualified to undertake the work at all, so you have the status now that some people with little to no basic knowledge and understanding of a subject matter are being allowed to act as 'experts' because they have undertaken some half baked subjective boys club assessment!
  - "There seems to be a strong bias to regulating and controlling experts. Even in more common fields there are often highly individual points that are outside of everyday experience which it would be impossible to regulate. Experts can discuss their views with colleagues, even more senior personal, to both get a reality check and sound out possible options. With a mentor there may be more of a risk other experience being introduced, beyond that of the expert."
  - There should be a mentoring scheme for experts so that they can get support and advice from a more experienced person anonymously
- There's no need to revisit a basic course - once you've written a number of reports it's like undertaking a number of hip ops or the like - experience and mentoring from within your organisation/ peer support/ judge feedback is what should be the measure
  - These suggestions will greatly increase the cost of producing reports.
  - This is a complex area, but regulation of medical or other expert witnesses would be welcomed. Defining an expert could be difficult but there should be standards that any expert adheres to.
  - This may apply for trainee expert, if there is such a thing. My understanding is that an expert is expected to be able to do a case s/he is an expert about without mentoring.
  - This probably happens in any event, with firms of experts having quality control processes, and sole experts bouncing ideas off other experts in the subject matter.
  - This should be voluntary
  - To be an medical expert requires training, like any other aspect of medical work. It's very hard to learn how to be an expert if you can't discuss cases with peers or supervisors while working on them. Doctors learn every other medical procedure by observing, doing and being supervised.
  - To begin with
  - To help with the legal system a mentor is a good idea
  - when starting a mentor would be good
  - When starting out it would be helpful to have a mentor
  - Whilst a lot of these ideas are great and I agree in principle - regulation etc., the costs associated for someone who works for themselves - ie is not part of a larger organisation - could be considerable. Many experts have to do all their own admin, accounts, advertising, report typing etc., with no additional help. They may not make a huge amount of money - especially if they do a large amount of legal aid work - so if the cost of regulation is too great, they may choose to retire. Thus reducing the number of experts.
  - Who pays for accreditation? who does it? Mentoring as long as mentor shown on report.
  - Would be good to have someone to clinically reason thoughts and opinions.
  - Would be helpful when starting expert witness work
  - Yes, but it should be confirmed in writing that there are no conflicts of interest.
  - Yes, but it would then be a collaboration. The expert acting as mentor would need to have suitable expert experience on the subject.
  - You appear to want more regulation.

# Appendix 7

## Comments relating to question 12–15

- "Speculate before you accumulate. I am a long term regular writer and advertiser in 'Your Expert Witness - the Solicitor's Choice'. This investment pays me substantive dividends; I get more Expert Witness work with every issue. Not only solicitors and barristers but also judges seem to read it. It is a win-win situation. Success breeds success; I must continue to write and advertise."
- 14 & 15. One never really knows, actually.
- A course in business aspects of expert practice to include marketing, but also receiving instructions, secure and efficient data storage and communication, insurance, invoicing, tax, etc would be useful. I have run courses and workshops of this kind.
- A few years of advertising and you get known by certain solicitors and have a regular correspondence with them - far easier and beneficial for all parties. At that point word of mouth is the way forward
- about to retire so no wish to market
- Advice on getting paid would also be of benefit.
- Already more work than we can deal with!
- Although marketing has provided a few instructions, most have come from word of mouth and those who have previously instructed me.
- An expert witness should never accept an assignment if he/she is aware of a more qualified individual who might be available - if invited and has no conflicts.
- Any marketing course would need to be non medical
- As an accommodation expert my work has come through word of mouth and recommendations from others. Once an approach has been made solicitors then check my accreditations and listings. In effect it's a back to front process, rather than a traditional marketing strategy.
- as far as I know all by word of mouth
- At my stage not relevant.
- Being registered with APIL has lead to new instructions.
- Best and most effective marketing is always WOM in this field.
- By directories I include expert witness panels such as Premex
- Clinically , I am so busy at present . If however pay not improve, I will reduce clinical work and increase medicolegal
- Directories and reputation lead to my receiving more offers of instruction than I am able to cope with. I have not therefore sought to advertise by any other means.
- Directories only very occasionally lead to work in my field. I find solicitors only look when their 'usual' expert is unavailable/conflicted.
- Does the court want full time expert witnesses. or practitioners who do some legal work? Over regulation, whilst tempting will drive towards the former. I think a current or recently retired (5yr) practitioner would be more relevant for the client. A full timer expert would have different motivation.
- Established in my area already
- "Experts in particular specialist fields, in my experience, tend to have day jobs, which lead them to have current relevant experience.
- The concept of a 'universal expert' would ring alarm bells for most solicitors or lawyers. "
- Experts need a holistic training/ refresher package
- Experts ought not to advertise as this is against GMC regulations. They ought not to have anything to do with social; media.
- For the past decade, or so, the great majority of my instructions have been repeat business from solicitors or recommendations from Counsel or other experts.
- Get enough work without marketing
- Grooming experts to hone their in-court performance is a money-making activity for course providers at disproportionate cost to the return from instructions.
- Having ones own website gives an element of Independence
- I already have enough work as an expert Witness and do not require any further marketing at the moment.
- I am a Member of the Baltic Exchange Expert Witness Association and have been instructed on one or two cases since its inception
- I am almost retired with only two unsettled cases so further marketing is irrelevant to me. I think it would help new experts.
- I am already adequately recognised by legal professionals in north Wales and beyond, and it is surprising from where instructions emanate.
- I am already registered as an Expert with the RICS. I have also been not impressed by so called members of EWI and such like. They may have passed the accreditation course but they are certainly not experts in their fields generally.
- I am an associate within a company that specialises in expert witness work
- I am an expert employed by the police but my overriding duty is to the courts
- I am currently a professional Midwifery advocate not an expert witness
- I am hoping to do the expert witness training to review neonatal cases next year
- I am near retirement so do not need more work!
- I am not interested in marketing courses
- I am only interested in marketing courses to see what others are doing.

- I am totally disillusioned with the court system and will not continue for much longer.
- I am well known in my field of metal commodities so do not need to advertise.
- I believe a competitive expert market is healthy as it is for lawyers. Any niche that gets me an instruction is a good niche.
- I consider membership of and registration of professional bodies fundamental to my operation.
- I do not know why solicitors choose me.
- I do not do the marketing.
- I don't know if my professional memberships have led to instructions
- I don't need any more work!
- I frequently take up EW work and would not be able to increase my commitment to any further EW work. In order to improve EW for the Family Courts I also work within one of the regional FJC expert witness group.
- I get as much of this kind of work as I can manage while keeping my professional expertise current by continuing to work in my profession! Also I am well established in my field (v small and niche), thinking about retiring, so sorry I will not be doing any more marketing.
- I get more than enough instructions without marketing
- I get three times as much work as I can take so I don't want to advertise more
- I had very few instructions and am not sure how they arrived at me. Not interested in training as retiring
- I have a portfolio of word of advocates that i have either worked with, or against that will be a source of work when i retire, should i be inclined to stay in this field.
- I have always had too much work and never been in any directory listings.
- I have been giving evidence regularly for over more than 40 years
- I have been instructed only once through a directory listing.
- I have enough work already
- I have enough work and cutting down as approach retirement in next 7 yrs
- I have enough work without having to advertise more widely or effectively.
- I have had many successful years as a consultant and am frequently called as an expert witness. I would have welcomed a marketing course years ago but am reducing my workload and now only work with solicitors/CPS or companies with whom I already have a working relationship.
- I have had no need of marketing
- I have more than enough work to do, I turn down cases regularly, I do not need more marketing.
- I have never not had enough work. Having work coming through word of mouth ensures I do a good job!
- I have now stopped advertising with expert witness directories as I believe I was too honest in my responses to solicitors calls, giving them lots of free advice including who would likely be the most appropriate expert.
- I have only recently applied to be on Expert registers, so cannot yet say whether those listings have led to instructions.
- I have registered with an Agency & they forward referrals to me
- I have said "no" where ultimately I have no idea. I can say that the vast majority of my instructions do not arise from those aforementioned sources.
- I now concentrate on treating clients which is my preference, not searching through masses of documents
- I only act as expert witness on my own casework i.e. I am instructed to undertake analysis at the investigation stage. I do not comment on other people's analysis.
- I only had instructions from recommendation of my colleague
- I rely on word of mouth and engagement through colleagues who are working with instructing solicitors - I do not go "shopping" for work
- I signed up with a directory for a year but did not get any instructions from this. I am on the MLACP website as I am a member and I have had a couple of instructions from this. Most of my instructions have come about via enquiries through Maggie Sargent & Associates
- I think a heavy marketing approach negates the idea of expertise and independence. Solicitors should be encouraged to use experts with the best credentials for their case, not those with the shiniest website or biggest marketing budget. Agencies who do lots of marketing also often churn out standard reports with little thought.
- I think all health care professions should have this course as a requirement
- I think this is one of the problematic areas. I read so many CVs where somebody is an expert in vitally everything when they clearly are not. This should be a warning flag. Again, the legal profession needs to be more discerning e.g. don't appoint somebody to complete a specified risk assessment for offending if they've never worked with offenders or in that area.
- I tried directories but they led to strange enquires, not very helpful but word of mouth very helpful.
- I undertook such a course a few years ago but it could probably be refreshed with social media updates etc
- i wish the Royal Colleges would train and accredit expert witnesses; and provide basis for revalidation; and then they could also be source of instructions
- I work for a medico legal consultancy so we market ourselves as a business and market our own expert witnesses
- I would definitely be interested in a marketing course
- I would prefer it if this survey were more focused on the specifics of the job than on the market research for bond solon as an expert witness training and marketing service
- "I'm about to become time-expired - i always said I'd stop Expert work 5 years after stopping practice and will stick to this"
- I'd be interested in knowing more about moving away from agency instructed work and working directly with solicitors. My experience of working through agencies has been very poor this year, in terms of number of instructions coming through and the professional standards of the agencies.
- I'm trying to retire....
- In my opinion, expert witness work should be a very small part of time engaged doing the day job. An expert valuer, by way of example, might not be an expert on valuation if he spends too much time writing reports as expert. He needs to be out there valuing, at the sharp end, if he is to be a truly valued expert.

- In question 16 what is meant by marketing? I do not need all the rules that surround an Expert Witness or the Bond Solon Rules so the biggest interest would be price and whether there was funding available since the services I give are for everyone to use including non-union UNITE members.
- Initially applied to various directories but now deal only with a small number of solicitors with whom there is mutual respect
- Instructions are usually from solicitor enquiries and existing clients. Little marketing is done, with plenty of work from the day-job.
- Instructions frequently come when a solicitor or barrister recommends one on the experience they have had when working on a case. Also the agencies who handle large numbers of cases for solicitors will channel referrals depending on the feedback from solicitors they are working with.
- involvement with a commercial element is open to misinterpretation
- it appears the IP have a few selected EW, need to have more EW so there is greater competition
- it is a listing within the field of my expertise
- It is my experience that most of the work that I now attract is on the basis of word-of-mouth or follows on from previous instructions. However, this is after spending quite a number of years in this field. A marketing course will probably be of more value to new entrants to the field.
- It is very difficult for an expert to understand how and why he or she is commissioned in many instances, and as to what value advertising actually has. Word of mouth is probably still a very important tool.
- It would be very helpful to have the right guidance on this topic
- It would help if experts could have formal feedback from Solicitors about the quality of their reports and performance
- It's hard to know if my directory entries have led to referrals.
- I've never had a single enquiry that has led to anything from the Bond Solon register.
- Marketing in very difficult area, and although I have got registered with several directories, I have not received any instructions through them. My main instructions source are Solicitors directly, or Premex, Speed Medical Mobile Doctors
- Marketing is great - but it can generate too much work! And you end up with people being dis-satisfied if you can't do the work quickly enough for them. Leading to negative reviews etc.
- Marketing of Experts is very important but so is word of mouth. Our Experts Witnesses are told that "you are only as good as your last report."
- Memberships of professional bodies helped indirectly, showed seniority and peer approval.
- more work than I can do at present!
- "Most experts are selected, then tried then used regularly . In my own case by a few City firms only. To accept instructions from High Street solicitors (non-specialist) is asking for trouble. I refuse all such requests nowadays. "
- Most instructions received via barrister/ solicitor recommendations
- Most of my appointments are by word of mouth and recommendation
- Most of my work over the last 40 years has been based upon word of mouth although AvMA and The Expert Witness Directory have been good too.
- Most referrals come from key contacts and from involvement in other cases.
- my expert witness work has been produced simply through word of mouth with lawyers
- My expertise is a small niche and I have no shortage of instructions.
- My impression is that my reputation as an unbiased expert who provides high quality reports continues to increase my instructions through solicitor recommendation
- My instructions always seem to be by word of mouth.
- My instructions have come about through medical agencies that have found me and not the other way round. Most instructions have resulted from recommendations of clinical colleagues or from lawyers who have used me in the past. My biggest challenge is managing the number of requests for expert work due to the shortages.
- My job is unique, as I am the only forensic lip-reader in the UK. I deal with mainly criminal cases, either the prosecution or defence. I don't know how you can market my services as I need to be discreet.
- My only marketing has been word of mouth from instructing solicitors - in the long term that is the only reasonable endorsement.
- my particular area is much less competitive than some, so I do not need any more advertising
- My secondary job is that of a marketer so I would not be interested in spending the money to attend a marketing course.
- My work is in huge demand. Advertising is not necessary.
- My work mostly comes from referrals, and from solicitors who I have worked for in the past. The odd enquiry might come through a directory or possibly via a professional body, but very few.
- No doubts listing and advertising is important at the beginning. When one has done certain number of reports, reputation is the most powerful marketing tool.
- No further comments
- No marketing; the expert should stand alone by reputation and performance
- no need for marketing now - I did use Dr Pamplin's UK Register info
- None
- none
- Not sure how is this related
- Obviously any litigant must be pleased and likely to rely on a proven expert
- Our approach to marketing has been discrete as we do not wish to appear to be professional experts. We are, instead, experts in our respective fields.
- Police witness
- Profile raising is important with defined areas of expertise. Looking through the directories, the inventories are still very generic and broad. The tree needs to become more refined and detailed.

- Q 15 my actual answer would be 'not sure' if you had given that as an option
- Q13 &14 - there seem to be so many competing directories all bombarding one with emails, I've lost track of which ones I'm on and which I'm not. But I don't think any have actually resulted in any instructions so maybe they're a bit of a waste of time. Q15 is a yes, though
- "Q15 as a Fellow of IChemE this has influenced being selected but has not directly led to instructions Q16 as an expert witness from a technical engineering standpoint I have been disappointed at the standards of some who actively chase and market for expert witness work in my field"
- Q16 - marketing will be useful to some (esp early in their expert witness career), but I have more than enough business, so ticked no!
- "Q16- I now receive requests from a wider spectrum after evidencing my accreditation and experience. Q17- Would be useful for private work once retired."
- Qu. 13 - I have only just registered on directories so it's too early to say
- Social media marketing is questionable. I observe Expert Witnesses in my own field exaggerating, falsifying, misleading, and disclosing personal information on social media. It should be frowned upon by the Courts and if necessary Experts should be discredited.
- The answer to 15 is, really, 'don't know'
- The best advertising is actually doing the work, being visible and building a reputation. There are very few instructions I receive where I have not been recommended, was already know to one or more of the parties or known to the Court.
- The best marketing is experience in the field, along with a good reputation.
- The best marketing it to do a good job.
- The current system relies too much on peer recommendation which means that people are potentially reliant on others and there is a risk of 'networking' influencing work recommendations
- The databases are not a good thing at all, save for who's who
- The expert witness market is NOT competitive- that is the issue. There are not enough experts prepared to undertake ML work. Thus the the poor quality experts continue to get instructed. If the legal profession (especially The Court) acknowledged the importance of experts (other than expert in law) in the legal process and thus dictated sensible timeframes and remuneration for what is almost by definition a second job then more good quality experts would enter the market and do so with the aim of providing high quality evidence to help the court rather than purely a means to make a few extra quid
- The extent of my medico-legal work is governed by the VAT limit of £85K in a rolling twelve month period which has not altered in a decade.
- The HCPC has hindered my life let alone professionalism. They never question the motivation for people to complain.
- The idea that a retired consultant is not as credible as a non retired one is ridiculous
- The main marketing is through word of mouth from solicitors who have previously instructed and/or through knowledge and reputation of my organisation and my personal experience in this field.
- The majority of my work now comes from solicitor and barrister referrals
- The more obstructions that are put on the way (regulation & registration) the harder it will be to get experts and the higher the cost they will charge.
- The reason I saw NO to question 16 is because of I am very busy indeed. Perhaps when I have cut down on clinical work I can rethink.
- The role of the expert should not be subject to marketing on social media. Such does not reflect the profession
- The various directories that sell an 'expert' entry for £XX or half page for £YY should be banned. They bring the whole concept of expert witness accreditation into disrepute. If there is to be regulation, it should be to ensure that any service offering a listing of an EW takes responsibility for ensuring that an expert has undergone the necessary EW training. Currently only two organisations do that. The Academy of Experts. and Bond Solon.
- There is a problem with people in the business who are professional "expert witnesses" rather than being witnesses who are experts in a field. I don't generally mind since it makes my job easier when dealing with incompetent ""experts".
- There is a shortage of experts working in my field
- There is too much work to do and not enough psychiatrists ready to do it as things stand. Any further obstacles will exacerbate this demand supply mismatch
- There should be national registers listing all 'expert witnesses'. You should be on one of these registers before being allowed to give evidence in a court of law.
- This is an area best answered by the Solicitors but word of mouth is probably the most important ie " I suggest you approach ....."
- We attract nearly all our expert work through word of mouth and recommendations.
- We get more requests than we can fulfil for psychology assessments for court, through word of mouth
- We mainly communicate/network directly with national Law firms to promote our services
- With regard to point 15 - only because I don't need it as I have enough work. I am turning cases away, but if I wanted to increase my workload this may be useful.
- Word of mouth and court appearances are the keys
- Word of mouth and lawyers recommending me has worked best. I have been approached by being on just one directory. I have enough work without having to advertise further
- Word of mouth is best form of advertising and our reputation is our advert
- You appear to be marketing your company
- Your reputation as an expert is only as good as your last report. Solicitors need training in the principles of instructing. Poor instructions = poor report

# Appendix 8

## Comments relating to question 16–24

- The Legal Aid rate of £40 per hour is far too low
- "I am answering as if I were still willing to act as an expert witness, but I do not participate in this now"
- 20. Experts provide their opinion and it will create problems if solicitors refuse payment on the grounds of not fit for purpose. This could be construed as simply not fitting the legal team's case. Experts reports are addressed to the Court and not the instructing solicitor, so refusal of payment would have to be generated by the Court. More work, more time spent!
- 27 Depends on the case and the work needed to complete the report
- 90% + of my work is legally aided, so my rates are set by the LAA and are lower now than they were 20 years ago.
- A lot of expert witnesses are just in it for the money and care little about justice
- Access to justice is important for everyone and legal aid, including civil legal aid - still available in Scotland- should be available everywhere
- All of my work is legal aid funded so I don't really have any choice. However, realistically, it is still high so I'm not complaining.
- "An experts fees and agreements on payment are between the expert and instructing party and no-one else. Because an instructing party doesn't like a report doesn't mean they aren't required to pay. This will lead to request for payment prior to the piece of work being forwarded. "
- An instructing party should be able to refuse a report which is patently unfit for purpose. This does not include those cases where they disagree with the opinion.
- As a clinician who only does civil work and who has only once been in Court, I am unable to comment on legal aid or court funding in a meaningful way. "Dont know" should have been an option in Qs 23 and 24
- as above
- As long as lawyers can control their charges, expert witnesses should be subject to the same privileges
- Cannot comment on legal aid
- Court system not necessarily under funded but often funds seem to be wasted.
- Courts have made themselves important and meddle in each area of life now.
- criminal is just not worthwhile
- Depending on the case
- depends on what the legal aid rate is
- Despite having undergone training and really enjoying the field, I never accept instructions for criminal cases due to low remuneration
- "Expert witness payment should relate to the work undertaken and be paid at interim intervals and not be subject to any final conclusions from the court etc. Q18 Court should not set rates as different specialist fields have different base rates for employment etc Q20 The reporting has to meet expectations and standards the paying party should be able to withhold payment for poor quality of report - but this should be seen as distinct from a paying party commissioning a report that does not deliver their desired outcome this should not delay/prevent payment."
- Expert witnesses need tighter control to stop cub culture as rogue trading and dishonesty, they tried to cover my case up, this cannot be acceptable that I have to then go to another expert opinion who also rogue trades my highest bill for one of many dishonest reports was £4.536! Orthopaedic, retired and pure attitude evident in that report saying CRPS is not important, it is to a patient I who has severe pain all day every day, they risk being exposed by someone like myself.
- Experts should stand alone; and be seen to
- Fees should be modest, but reflect the experience of the expert and time spent on the case.
- For most full time clinicians doing expert work is an extra. It is very stressful, it requires hours of additional training often at high rates eg Bond Solon and carries risks professionally and personally which must be accounted for in the fees set. For me, I am in the independent sector, I can not wait for years for payment, my fees need to be settled when I submit the report. Intermediary agencies such as Premex+, MAPS are equally as hard to get your fees from as the solicitors who instruct!! I do not think the court can set the fee for a report, I am often having to set out how I will need to assess the person ie in their own home to reduce the stress and impact of fatigue of travel to my clinic in a busy city so that I can assess their actual underlying cognition accurately. Sometimes if someone is unable to do the tests I administer I may need to pause and return at a later date or split the session to give them a break and return after an hour or so. these are clinical nuances that will not be apparent at the outset to the court or the solicitor.
- For Q 21 and Q 23 I really don't know and would have liked that as an option. I used to do Legal aid work but stopped as the pay was so low it hardly covered by costs never mind time. I just pay tax on all earnings lumped together - I believe Judges are not taxed on their income and it certainly would help if expert witness work wasn't either, but suspect for that they would need to be employed by the Court not individual lawyers. Also if part of anyone's income is differently taxed their accounts would be more complicated (and thereby more expensive) so am not sure how that would work out.
- Gender biased legal aid has serious consequence for children in family court proceedings
- Having fees regulated by the legal aid process (aka Her Majesty's Government) has been nothing less than disastrous

- However my daughter is a family law barrister and occasionally high quality experts will agree to do a 1 off but not be regularly instructed.
- I always worked at legal aid rates until they were abolished. The main problem was always over travel and accommodation costs as legal aid boards would not pay mileage and to appear at the Old Bailey, for example, via public transport I could not get a train home on the day a case finished - so an extra night's accommodation.
- I am a forensic psychologist so all my work is legally aided. I have no choice but to accept legal aid rates
- I am also a member of the judiciary and the funding is appalling. I do it out of a sense of duty rather than the money. one of the reasons for poor expert evidence is that anyone who is is any good will not want to do the work at the rates expected of them
- I am busy. Legal aid work was the first thing cut when I had to drop something to deal with demand
- I am fortunate in that I do this work because I love it and payment is a bonus; but I wouldn't continue without payment except in rare pro bono cases.
- "I can very seldom afford to work at Legal aid rates so do not often take these cases.

I've had solicitors use my reports and not pay for them - having to take them to court to get the money. No concern about quality, they just don't want to pay. This is frustrating- there is no recourse for solicitors like this. The solicitors regulation authority aren't interested. What is an expert to do? "

- I can't afford to do legal aid work and turn down these instructions. I am aware this could lead to injustice and inequalities. Legal aid funding needs to be urgently increased to address this.
- "I can't raise my hourly fee rate on legal aid cases because they are fixed, however travel / hotel costs for attending court need to match inflation. Legal aid rate insufficient and is turning experts away from that arena. "
- I do a proportion of legal aid work as I believe that I have a professional responsibility to serve the community.
- I do not charge for legal aid cases that I take on. The last legal aid case I undertook for a fee was in 2017 and I still have not been paid.
- I do not set my rates as I accept instructions through a company that set these and they pay me a proportion of the rate.
- I don't know if inflation should be linked to the pay of expert witness. The response therefore is a false positive. I would like to increase the rate paid to me as an expert witness but I work for a company that gives a flat rate regardless of what is agreed.
- I don't get asked to do any legal aid work.
- I don't have a view on Q25 but it insisted on a response
- "I fortunately have so much work that I can charge a reasonable [not excessive] rate. If a lawyer questions or does not want to pay my rates I just decline and get all the work I need elsewhere. For me there is no issue as I don't haggle at all over fees... never!!

I occasional accept legal aid fees for some cases that I take on on good will. I do some pro bono work"

- I gave up criminal work because it was so unpredictable and poorly paid

- I have a great deal of respect for those willing to work at legal aid rates, however that simply would not allow an organisation like mine to stay afloat.
- I have frequently declined taking on cases at legal aid rates, and i would urge all experts to do the same as the rates are derisory. I would also understand if all solicitors and barristers refused legal aid rates.
- I have had to apply for LAA approval for higher rates (£200/hr rather than the £105 they offered)
- I have my hands tied as I only deal with Legal Aid, when going to court. They have a maximum fixed rate and find it difficult to charge what other experts are charging.
- I have never been paid for my work by the courts or tribunals. yet the reports written by the Assessment companies are of poor quality but still used. None of the reports are used by the courts as they say they realise they are of poor quality? Yet do not contact the assessor to validate the report.
- I have taken on legal aid work when it had a special, personal, interest. The legal aid rates are so low taking on the work would impact negatively on my cost centre. Legal aid work can be equally taxing technically and requiring proper investigation. However, the limited fee rates and limited time time to deal with the issues means that the expert effectively ends up subsidizing the client for more challenging cases.
- I have worked at LAA rates once and they less than a jobbing therapist gets in independent practice and it takes forever to get paid.
- I insist on £135 per hr, the old legal aid rate, reduced unilaterally to £108. I won't work for that.
- I never accept legally aided work as both the fees and hours are capped without reference to the expert's experience, standing or opinion as to what is necessary for them to carry out their role in the matter
- I only do a small amount of legal aid work as it is not viable on its own and is being subsidised by my non legal aid work
- "I only undertake public law family courtwork, so my work is already capped at the legal aid rate - I am aware of many psychologists who no longer undertake this type of work, because it does not make sense financially given the time it takes to write reports. If courts want to improve the quality of expert witnesses and ensure that competent and qualified clinicians stay in this arena, than fees need to increase. I continue to work in this area because I feel it is important that the most vulnerable children and families have access to good quality psychological assessment - despite the fact I could earn at least twice this rate undertaking therapy work.

In the question about being entitled to refuse payment - I would be concerned that this would be a way of experts costs being squeezed further (report still used in court, but lawyers finding a way to reduce their cost of doing so) - so this may need thinking about in terms of an independent arbitrator between the two parties to examine the complaint, otherwise I would say no and suggest that they work on ensuring that only competent, good quality experts are selected. "

- "I ONLY work to legal aid rates - even on private cases - Personally I believe it morally wrong to charge extortionate fees"
- I only work with legal aid rates that have not increased for over over 10 years! Clinical work now pays more.
- I re-iterate that the courts require the assistance of expert witnesses to function. Good experts will only do the

work for appropriate remuneration as for example in the medical arena with a failing NHS they can earn much more undertaking private clinical practice. It is not for the court to decide what an expert witness should be paid it is for the expert to determine what they are happy to do the work for. It is a sellers not a buyers market.

- I said yes to work for legal aid rates only if my profession rates increased to be comparable to other experts of similar standing as there is disparity and unfairness in the system as it is. For reference I am an OT.
- I set my terms of payment at the outset, but NHS Resolution also set theirs and I have to accept those, so it is a 'give and take' situation.
- I simply do not believe the legal aid rates are adequate and I would not invest sufficient time in preparation of my reports.
- I solely work for legal aid; the rates are awful.
- I specify my rate and that it is not subject to any reduction by the court. If the law firm does not like that then I do not accept the appointment.
- I stopped working with LA about 3 years ago due to low rates and inflation.
- I strongly feel that the NHS invested a considerable amount of time and money into my training and allowed me to live a comfortable life. When compared with other disciplines I find some of the expert witness rates of £ 250-350/hour (or more!) inappropriate.
- I take a small amount of legal aid work in order to support the courts but due to the low fees (at less than half my normal rate) I need to limit this. I would take far more if the fee reflected the level of my expertise and specialist area
- I think that any reduction of the fees submitted by experts should only be made by the courts not instructing solicitors
- I think the courts should set a standard rate for Expert Witness work
- I used to do a lot of Court of Protection work until legal aid rates were cut from £156 to £100
- "I used to do family court work and criminal work. I stopped this during the pandemic to take on more therapy work and also because I wasn't finding family court work satisfying. Ideally it would be great if expert witness fees were linked to inflation, but I'm aware that some legal professionals are shockingly underpaid, particularly criminal barristers and I'm pretty sure family court solicitors aren't well paid, and therefore I don't think experts can reasonably request higher fees until the whole system is more adequately funded. Personally, I'd feel very uncomfortable raising my fees if I knew that this would just mean that the legal professionals instructing me made even less money. "
- I virtually only work at legal aid rates
- I will be raising my transport rates from 45p/mile to 50p/mile
- I will not complete legal aid work because the rates do not reflect the work required at a commercial level.
- I work according to LAA but there are agencies who squeeze on rates and this leads to seeking cheaper experts. It's a travesty
- I work at LAA rates - as my work is entirely funded in this way - this is a real barrier to entry to this field at this time
- I work at legal aid rates but their hours are frankly ridiculous and totally unrealistic.
- I work in criminal arena and rates are dictated by LAA

- I work in fixed-fee personal injury / MedCo work, and the MoJ has not authorised an increase in fees since 2014!
- I would agree to do work pro bono.
- I would like to increase my fees, but my instructing parties would not accept this and find a cheaper expert. I don't think Courts should be allowed to set fees because they might not be an appropriate level for the Expert.
- If a client has a complaint against any experts report, then it should be open for the client to bring a complaint through the experts professional body for an independent review. Let the professional body determine, in whether or not the expert has met his obligations. And if the expert doesn't belong to any professional body, more fool the client for employing him to begin with.
- If a paying party were to refuse to pay, this should only be on the basis of a breach of an agreement made at the time of accepting instructions and there should be an opportunity for an independent adjudicating opinion to be given if there was a dispute.
- "if courts set fee rates experts will be squeezed and rates will fall as happened with Legal Aid restrictions on payments

if the instructing party is allowed to withhold payment this could be applied arbitrarily if an opinion is unfavourable I have no knowledge of Court funding and whether it is sufficient so cannot answer 'yes'

Legal Aid rates are too low, but every time I have challenged the rate offered, the solicitor has been able to obtain funding for my full fee. The low rate means that it is very difficult for solicitors to find an expert willing to accept instructions"

- "If I work at legal aid rates I will actually lose money- especially if Court attendance is required.

For that reason I do not produce reports in criminal cases.

I think this works against the interests of the defendants."

- If lawyers don't want to be for reports that they find unfit for the purpose there will be even more hired gun reports.
- If money is the main motivator, I don't think people should be doing this work. But I do think that people need to be properly remunerated. In particular as it takes much longer than allowed to properly read documents, formulate and write good quality reports. People either end up out of pocket/working overtime or cutting corners/spending less time in F2F assessment.
- If the case does not arrive at court when is the best time to agree fees?
- if the court should decide if the report is unfit for purpose then payment should not be made or should be recoverable
- If the courts set expert rates I think we could see a big increase in independent experts because the large expert witness firms would not be able to make so much money and would be unwilling to carry many experts on the payroll.
- If the report is unsuitable the expert should, subject to the rules, be asked to revisit relevant parts at no extra cost to the instructing party
- If you want a rock star expert, they cost, you pay your money and take your choice, but it's your choice...
- I'm unable to comment on some Qs (23/24) so I've ticked "No", my opinion is "uncertain" but option not given
- Impossible to do at the rate

- in 2009 we billed £112 per hour LAA rate, this was then cut to £95 per hour. We have been reduced to £72 per hour LAA rate for last 10 years without an increase. This does not give us financial flexibility to address issues such as ISO accreditation etc. All LAA work should be subject to an interim payment. Judges should not be involved as they rarely have a realistic appreciation of the work involved or the complexities and logistics. Customers should be able to refuse to pay for poor reports but not simply because the report isn't in their favour
- In Family Law it's all Legal Aid and the rates haven't increased for 12 years.
- In family law, unless the hourly rates for Legal aid are stuck to instructions generally don't happen. In private law Legal Aid 'enforces' its cap rate which is completely inadequate for the work. Lawyers have recently started to issue Letters of Instruction with a pro forma reference to the Legal Aid cap rates (25 hours for 1 party, 35 for 2, 45 for 3 or more) and are not informing experts that this in effect is their payment contract and so if another higher quote has been given for prior authority and the instructing lawyer has not put this on the LOI the expert is only guaranteed to get the completely inadequate cap amount. This is totally unacceptable and I wrote to Bond Solon about it several months ago and the email was ignored. Legal aid rates for a child and family psychologist are £100.80 per hour, cut in 2012 and never raised again. This is less per hour than I earned as an expert in 1997. I have taken a sabbatical as I am disgusted by the lack of respect and value placed on experts in highly complex cases (ones which resemble at times the horrific media reports of abuse and neglect which have been inadequately identified and responded to by Local Authorities) and will not come back to the work unless and until this situation changes. I have 30 years experience in the field, 25 as an expert in highly complex family law and it is a terrible waste to lose people of my experience due to lack of respect and value in a child protection system that is continually shown not to be fit for purpose and where children are being endangered as a result.
- In my experience, it is important that the party paying the expert has sufficient confidence in them before the engagement; thereby, limiting any requirement for the paying party to refuse payment or provide part payment, stating that a report is unfit for purpose.
- In real terms, those of us who accept legal aid funded instructions have suffered a year on year pay cut as the rates were set in 2013 and have not been reviewed since then.
- Inflation linked standardisation of an expert witness rates should be consistent with the defined standards and commensurate with the work involved in meeting them. Who is funding the case should not have an impact on the fees charged by the expert but there can be an early assessment of whether the case should receive legal aid. Solicitors should not have the ability to reject the report for this would lead to abuse of the system. The solicitors however do have the right to receive report that meets the standards but these are presently vague and not published.
- Instead of legal aid rates a fixed price report fee should apply. Minor adjustments to reports should not be charged
- It does depend on a case by case what is required and by whom I review my fees intermittently sometimes on a 6 monthly, sometimes yearly, sometimes 18 months
- It is a market and markets should be only lightly regulated.
- It is important that the public are never denied access to the best representation on grounds of cost
- "It is ludicrous to expect an expert witness to wait until a case concludes to be paid, this could be years. I am fed up of instructing parties agreeing my 30 day terms and conditions and then ignoring them and I will not work for some companies because of this. I still have bills and mortgage to pay!
- I do undertake some legally aided work because otherwise some people would not be able to access the law but this is usually undertaken at a loss for me. If the paying party can refuse to pay for a report it deems unfit for purpose, we sail too close to the loss of independent reports from experts."
- It is not worth my while to take on Legal Aid work
- It should be a national standard that medical reports are paid for on receipt by the instructing party.
- it's about like 'pro bono' work - now and again I feel obligated to help where I fear one side is hopelessly disadvantaged
- LAA and SLAB rates are set, otherwise negotiate. Legal aid rates should be increased as expert witness rates relate to value many years ago.
- LAA rate is too low.
- "Late payment of experts (by lawyers) appears universal. Weeding out of monies due is also by belatedly finding fault is also prevalent.
- It is entirely reasonable that an expert is paid timeously for work properly executed. Once a report has been received, checked and accepted by the client. It should be paid for.
- If an expert is appointed to attend court, he should be paid on a day rate. Lawyers are normally paid regardless of outcome.
- It is, in my opinion, wrong for competent, expert reports, written to a high standard, to be subject to retrospective criticism because a claim wasn't successful. Especially when the sole purpose, appears to be the withholding of professional fees.
- The court alone should be the judge of the competence of the expert witness and the expert report. "
- Lawyers working under legal aid have abused the system which is why the rates are low. It would be better to have salaried lawyers paid by the Courts.
- Leading
- Legal aid rates create a deficit of top experts and barristers
- Legal Aid fees are too low
- Legal Aid in Northern Ireland does not yet set rates! So an expert is still eligible to set their own rates.
- Legal aid is sometimes the only way certain Claimant's can obtain fair resolution of cases. Many are deserving and as an expert, I feel one should not take more out of the pot than one puts in. I do some work pro bono and have done legal aid cases when I think the case merits it.
- Legal aid rate need to be increased
- Legal aid rates are an insult
- Legal aid rates are derisory and impossible to make a living if one simply took such cases so I usually say no but I will sometimes (rarely) take a legally aided case even so if it is very interesting and if I feel that I can help in a complex and difficult case.
- Legal aid rates are half of what I charge out at.

- Legal aid rates are poor but we occasionally take cases
  - Legal aid rates for experts, solicitors and barristers are ridiculously low and devalue professional services.
  - Legal aid rates for occupational therapist is so undervalued, it is ridiculous e.g. £54 per hour as against £145 per hour and significantly lower for travel time. However, I feel that I should take on some legal aid cases because people should have fair access to justice, but I limit these cases to 2 - 3 per annum.
  - legal aid rates have not changed for many years , the rates between professionals seem to have no parity and appear relatively arbitrary. The worth of a Social Worker is considered to be £30 to £33 an hour, and this is a sad reflection of how such a profession is valued- or rather devalued. However the contribution of Social Workers as experts in Court often involves high risk cases and complex care issues. This lack of parity really needs to be addressed.
  - legal aid rates have not changes for more than 10 years
  - legal aid rates in my field of expertise are below any fees imaginable for work (outside of the NHS, which now also has problem retaining most experienced professionals). I worry the current legal aid fees mean that only those who do not have enough expertise/ are relatively new to the field of work would like to work at such fees. Legal aid rates eliminate senior and most experienced professionals to help the courts. It is devastating, to say the least.
  - Legal aid rates too low for medical experts as do not even match NHS rates for additional work
  - Legal aid rates were set by lawyers which I presume had little understanding of what support is necessary to allow an expert to carry out the work required by the Courts. Usually this requires a secretary or PA to run the administration of the cases including often the complex payment required when the multiple parties are involved and the chasing of the payment from each party. Additional significant costs are required to pay a medical defence organisation.
  - Legal Aid Rates: we accept few cases on this basis because they are barely commercially viable. Doing so is not much short of working pro bono. Otherwise we expect to be paid for our work as it is done and not have a court etc. decide what we are really worth (how can they know or understand what is involved in doing our investigations?).
  - Legal Aid system needs a complete overhaul, fees are derisory and payment is haphazard. although I have undertaken LA work, found that this could vary depending on where case was and also how good instructing lawyers were at arguing case for your fee or in some cases arguing that they could not get 3-4 quotes as limited number of appropriately qualified experts in area
  - Legal Aid the way it works, it restricts the defendant's access to good experts. Comparable quotes for the cheapest expert work (with SLAB setting the threshold to £800 per instruction), force experts to either lower their rates or not take the case.
  - Legal aid work is almost half of my normal fee but I think it's important to provide the service because some people would not have access to the best experts otherwise. Not quite pro bono but giving something back.
  - Let the market decide.
  - "Like any market, rates will find their level. Legal aid rates must be urgently reviewed."
  - Low rates
  - More funding should be provided to the court system from non-legal aid
  - Most of my work is at LAA rates which means there is sometimes insufficient time allowed but the work has to be done to produce a valid report.
  - Most of my work is done at legal aid rates.
  - Most of our work is at legal aid rates but the London rate for psychologists is too low.
  - My answers here reflect my answers to page 1. In the current ways of working I believe that fees should be agreed between instructing parties and the experts. Should the court take more of a role in instructing experts then it would be more appropriate for the court to be involved in the fees. The thorny question of not paying if the expert report is "unfit for purpose" opens up the, already well trodden, path of not paying for an answer that is not what is wanted or is not advantageous to the instructing party. The definition of "fir for purpose" would need to be tightly defined and be open to independent scrutiny.
  - my biggest issue is the length of time solicitors take to pay the bill
  - My fees are governed by my waiting list, anything else is market inefficiency
  - My legal aid work is subsidised by my fee-paying work
  - My rates are determined by a longstanding service level agreement with the Courts (NHS work but paid in addition to usual contracted work for supporting psychiatric reports in criminal cases). Also capped at claiming for 6 hours work for a report although often takes longer. Rates have not changes in many years but I have no influence on this.
  - My work is in Family Court and I am only paid legal aid rates.
  - No further comment
  - No further comments
  - None at this time.
  - Not sure about court funding
  - Obtaining payment from solicitors on legally aided cases is slow.
  - On condition that legal aid fees are increased
  - "On Q24 clearly some aspects of the court particularly some aspects of criminal courts are underfunded, but in general the legal profession is still highly lucrative.
- The adversarial system generally means that the party able to pay the greatest fees has an unfair advantage. To make the system more fair in terms of expert witness work, and to avoid bias, the courts should mandate joint experts. The fees for the experts should be agreed by both instructing parties. If the courts set the fees then many of the most capable experts will decline to take expert witness work, as happens with legal aid rates.
- On legal aid rates, I have answered no, but I would consider working at legal aid rates if I believed the party I was instructed on behalf of was a suitable charitable case, up against a party with an unfair advantage."
- pay peanuts get monkeys. Equally one does not want the motivation to be money. There should be sufficient funding to attract suitable (professional) experts
  - People should be fairly reimbursed for their time and expertise. Expenditure could be reduced by online court proceedings to mitigate travel and fuel costs for heating court buildings
  - Please disregard my response to questions 23 and 24 as they are not relevant to me

- Please see comment in previous section.
- Please see my upcoming article in a leading legal journal (due to be published September 2022) on the incorrect 'presumption of the reliability of computer evidence', and the paucity of legal aid funding for defence experts, in the context of the PO Horizon civil prosecutions disaster/misarrange of justice.
- Q 19. who defines unfit for purpose?
- Q 22. I have never encountered this situation myself but I have seen reports from other experts which have come close to it. Refusal to pay should be a last resort if, following advice and guidance from the instructing party, an expert is still unable to fulfil his/her duties and responsibilities. Ultimately, refusal to pay is and should remain open to litigation by the expert against the instructing party.
- "Q19 As determined by the expert, and interim during course of matter - cashflow is king.
- Q20 'Unfit for purpose' often translates as 'Not saying what they want it to say'  
Q21 & 22 - Already have, did so in March"
- "Q19- It should be agreed at the outset by both parties, although the risk is some experts undercutting in order to obtain work.
- Q20- the size and scope of the instruction may require payment at different stages, especially if additional costs are incurred by the expert for their report."
- Q19 who decides it unfit? Or just doesn't say what is wanted - difficult!
- Q20 - no plans to increase in 2022. Will be reviewed in 2023.
- Q25 - an annual increase in fees (rates) would be applicable in most cases I am involved with - not necessarily linked directly to inflation rate but to cover anticipated cost increases
- "Q26 is difficult - generally I do not accept legal aid rates, but sometimes a case is so bad that I feel I just have to take it on as an expert, even if at legal aid rates.
- Q25 - no idea what this question is about!
- Q21 - another difficult question - clearly if you pay for a service/product and it is not up to standard then you should be able to refuse to pay for it, but who is going to set the standard for a report? What if the client just does not like the opinion and claims it is of poor standard and therefore refuses to pay? If it gets to court and the court say it is a poor standard they can fine the expert, also, the client should be able to get a refund +/- compensation."
- "Qu. 18 - this should be set out in ts & cs but many expert witnesses are self-employed and simply cannot wait for one or more years before being paid.
- Qu. 19 - surely a solicitor could request a sample report prior to employing an expert witness?  
Qu. 22-25 - I'm out of my depth here and am not experienced enough to answer these questions. There was no option to state don't know"
- Rates are set by most by agencies who have been allowed to corner the market and take much of the fee. Their take should be limited - I would put a maximum of 20% (for Gp reports it is currently 70)
- Re 20 only if the report is flawed. If it doesn't suit the instructing party but is sound then that is not a fit for purpose definition
- 
- Re fees for services increases note that my rates have not increased since 2010
- re Q20 I think it should be reasonable for the judge in the case to order a reduction in fees if he/she believes the report to be inadequate
- Re q21 - reports should be proof read prior to court hearing - if unfit for purpose - it should be sent back to EW with requests to amend
- Re: Q21 - refusal to pay should only be discussed if the report does not adhere to the instructions received.
- Refusal of a payment for a report is becoming more common, particularly in the world of medical negligence. If the report does not find a breach of duty, the aggressive e mails and questioning of opinion is becoming much worse, bordering on harassment. Had never been shouted at in my expert witness work until recently, when a barrister screamed at me on a call - that I had to change my opinion because of x,y and z. He did not disconnect the call before he was heard to say to his PA - stupid bloody bitch. I declined working for them and the 15 hours of work already done they refused to pay for.
- "Regarding fees, it would be reasonable for the court to agree an hourly rate, but not set a fixed number of hours. It is difficult to predict how many hours will need to be spent on complex cases, and there is a risk of corner cutting if an expert is trying to squeeze their work into a set number of hours.  
  
It is reasonable for payment to be refused as long as there is clarity about what 'fit for purpose' means from the outset, and this should be made with reference to professional guidelines rather than the paying party's individual opinion."
- Regarding the Q19, my answer is no, as the court might not be aware of additional work carried out by the expert, such as part35, conference, additional evidence review and so on.
- "Regards Q. 19 If the report is 'unfavourable' they should still pay. If it is of poor standard, maybe not. LA rates have gone down and have been the same for about 5 years. Time for an increase."
- Simply because someone requires legal aid, it does not make the service provided by the expert any less valuable and the professional skills of the expert should be recognised. I realise that this also applies to the solicitors and barristers!
- "Since there is inflation rapidly changing globally, it would sound reasonable the rates to be increased. I do not know how much.  
  
Also, I am always open to discuss because I may be wrong"
- So far I have requested payment for my work before I submit the medical report. This might have reduced the volume of work, but I have got rid of the stress of chasing up payments or not getting paid at all.
- The benefits of being a public sector worker ( nhs doctor) are massively diminishing- any funding increase to public services ( eg paying nhs docs or the courts ) will be paid for by tax increases. I'm not prepared to. It only work for decreasing returns but more importantly- with every clinical decision made , I run the risk of error - criticism, litigation or even prosecution; all these can occur even if I am trying my very best to do the right thing
- The big issue with fees is the hike that agencies add to them. Some solicitors will use agencies as they defer payments but I know that if I complete a report on instructions of the agency and charge for example £2,000, the agency will double this fee for the solicitor. Solicitors also under estimate the time needed to complete a thorough report. Payment should be on the experts terms.

This creates a good relationship between expert and solicitor. I have one firm that pay me the same day and this is amazing! After all one of the reasons I do expert work is to top up my income. Clin neg claims take years to settle and I cannot wait that long. There is no incentive to do the work. I don't mind working for legal aid and reducing fees as long as payment is prompt.

- The courts are not under funded, they are inefficient
- "The fees ( £ 420 + VAT ) for the MOJ / RTA / ALPL portals for < 25 K claims have remained static for many years. These need a significant increase."
- "The issue of a party not paying for a report if it is unfit for purpose is difficult as there is a risk that parties will not pay because they are unhappy with the expert's independent opinion because it does not support their case. However, there have been clear instances of wholly unqualified 'experts' providing reports and subsequently being exposed."
- The LAA should not be permitted to peddle for the cheapest available Expert. This makes instruction difficult when inexperienced or unqualified Expert's are significantly undercharging.
- The legal aid rate is too far below the rate I charge, also the type of cases often do not fall within my area of expertise.
- The legal aid rates are disrespectful to the courts and to the work; they were slashed by 50% in 2020 for no reason; and it is now difficult to get experts; especially those who work in NHS trusts..
- The legal aid rates are not fit for purpose and contain weird anomalies. Why is the legal aid rate for London lower than for outside London when the cost of doing business is higher in London?
- The Legal Aid rates were last reviewed in 2013 and were in fact a reductions in most specialities. Many , many experts will no longer work at LAA rates. Quotes are refused by the LAA if an expert has to travel more than 2 hours to assess a client, two quotes are insisted on and so many experts ( who do work at these paltry hourly rates) are constantly being asked to quote with little chance of instruction. The LAA only care about the cheapest expert quote with no interest about the experience of the expert, complexity of case or timings. Prosecution cases pay higher rates to experts which is ridiculous' as by that measure the Public Purse is paying for better justice than defendants have access too!
- The nature of my work is linked to legal aid rates
- The question of fees is always controversial. I believe that reports which fail in an experts fury should not be reimbursed however reports which meet the duty need to be remunerated despite any detriment to the instructing party as the report is independent
- The questions are too narrow and are poorly written
- The rate charged can be expected to be the market rate. I may try to raise it, for any reason, including inflation. If I raise it by too much then I will loose instructions to competitors. If by too little then I will cease to be in the market. The rate has to compete with the rates available other types of instructions, adjusted according to risk
- The rates for very experienced experts on legal aid cases are lower than for trainee mechanics. It cannot serve the interests of justice to have work performed by inexperienced experts who are desperate for work at uncommercial rates.
- The Secret barrister vilifies the Magistrate system but ignores the fact JPs give their time for FREE. It is akin to saying our GPs should not be paid. There is no doubt the court system needs a massive shake up.
- The system is collapsing. The Tories have destroyed it
- There are Experts who, after or during a professional career turn to Expert Witness work as an extension of their life work. There are professional experts who provide a business of writing reports. Within a framework Experts should have the latitude to set their fees according to their level of knowledge and ability to serve the Court well.
- "There is greater scope for joint instruction. I frequently prepare a joint statement with an opposing colleague.... but we seldom disagree!... Implying that one opinion would suffice."
- There is little need for regulation - the Expert market should remain a market and that will be self-regulating. The paying party needs to be protected from poor quality work by being allowed not to pay. The key is a good professional relationship between lawyers and experts.
- There is a difference between a report that a party may not like and one that is not fit for purpose
- There must be justice for all. That means access to a barrister and all their support elements. It is essential that the CJS is sufficiently funded to enable a robust defence, preventing any miscarriage of justice.
- There needs to be a mechanism by which money is recouped if a legal agency liquidates after work has been done for them
- There should be an adjudication body where there are disputes relating to payment
- There should be direct payment to the expert and any agency fees should be claimed on top
- These are really poor questions
- This year I have restructured my business so as not to pass on additional costs to my clients.
- Unfit / biased reports shouldn't be relied upon
- Way too low legal aid rates I do difficult murder and child protection cases
- we charge all of our work at legal aid rates, whether privately funded or reliant on legal aid. we are lucky to be in a position to do this but it is not profitable and we make up the shortcomings elsewhere. Rates need to go up but not to the extent that the private market states
- We must guard against greed.
- We rarely undertake legal aid cases.
- We stopped doing legal aid work several years ago. It is underpaid, takes months to receive payments and does not allow efficient travel arrangements to be made. Solicitors can also abuse expert witnesses doing legal aid work. we have been pressurised to attend tribunals for free and also had relevant information withheld at the instruction stage.
- We work in a system where competition also drives fees. Although inflation erodes monetary value it is not always possible to increase ones rates accordingly since that is not how the market works. If there were standard fees that applied to all for similar types of work then such a system might work but I doubt the present group of experts would buy into that.

- When the fees are regulated, that means they are capped, and gradually become unrealistic. This is not our main job, we can always go back to doctoring. That's why there is problem getting experts for criminal and family. Unrealistic fees. Short notice. Disruptive. Unpleasant.
- When were legal aid rates last increased? There needs to be a overhaul of the system - both in England and Scotland.
- While some Solicitors may be slow to pay my personal failure to be paid/write off percentage gas been very low.
- With current court timetables, payment on conclusion is unworkable.
- With respect to Q20, if the report does nor comply with legislation or does not answer the issues raised then Yes. However, if the paying party does not like the conclusions reached by the expert then No.
- With the inflation rate and cost of living, each profession need to be compensated accordingly
- you get what you pay for. In my field (oil trading) there are few true experts. I charge fees based on my 30 years of experience. I don't need to work and would assume that any true oil trading expert would not need to work either, so the rate would have to be high to entice that expert to do the job. In my experience, cheaper experts are not experts, at least in my field.
- you haven't asked about forming a limited company
- "you should be able to not pay if you feel the report is not to standard  
however if you use it and then refuse to pay that should be seen as contempt"

# Appendix 9

## Comments relating to question 25–26

- 28. Don't know, but this is not within my field of expertise anyway
- Accepting certain instructions would be very dependent on the individual details and circumstances
- Actually I would be unlikely to be involved in cases such as these.
- Again difficult, would depend upon the case. I have accepted high profile cases in the past, but not likely to accept one involving continuation of intensive care.
- An expert witness needs to always be aware that they may have to give evidence and therefore must be comfortable that they have the necessary expertise to take any case.
- Any decision to take on a case in my view needs to be grounded in an ethical consideration of whether you have the expertise to assist. I do think though that certain complex cases should be assessed by a team which provides an additional safeguard re quality and safety.
- AS a civil engineer, generally N/A
- As a construction professional it is highly unlikely that I would be asked to give an opinion on either terrorism or transgenderism.
- As a senior expert I have the necessary additional skills for dealing with difficult cases.
- As a surgeon, I have no experience of these matters and am unlikely to be instructed in such. However, it would be reasonable to assume that many experts would be bvery cautious in taking any assignment where they might find themselves up against the real or the virtual mob in a section of society which cannot easily distinguish between a paediatrician and a paedophile on the street.
- as above
- As an experienced expert I would not hide from controversial cases. I feel if you are asked to assist the court you have an obligation
- As an OT, my opinions would still focus on the clients functional abilities and needs rather than the cause of their injuries.
- As I am reducing my hours, I am no longer attracted to high profile and contentious cases, although I was when younger.
- As I work in the under funded and emotive area of child protection, there is a shortage of experts in my field and I feel that better training and protection be offered for those of us working in this field.
- As I work with sexual offenders, I get enough flack from the public as it is
- As long as the report is written based on facts, accurately refers to the best published knowledge at the time, and states if there is a valid differing opinion, then there shouldn't be an issue
- Being a care expert it would be unlikely that I would be instructed in these type of cases
- Both scenario unlikely for a breast surgeon!
- Cases I decline as those outside scooe of professional practice or where I have no capacity to complete report/commitment
- Court anonymity orders are vital and underused
- Each case I would have to decide on the merits of the case. I'm not averse to taking high-profile cases, however I would not wish to take these if there were excess attention provided to them in the absence of the need for absolute clarity of evidence been provided. Often cases become highly contentious without clarity of evidence, I would not be prepared to be involved in such cases.
- Easy for me to reply because it's most unlikely to come my way. I would not be deterred by many things if I felt strongly - but don't ask my wife.
- Expert reports should be unpolarised and dispassionate. If one's opinion is truly unbiased one should never be afraid to give it.
- Experts are often not treated well in a very public manner
- "Experts are often raked over the coals by the courts, but there are no repercussions for the solicitors in these cases, who are more than complicit in the behaviour of the experts.  
  
We also hear about the "bad behaviour" of experts time and time again, but those who need the lessons aren't the ones who attend the training / conference events. It's frustrating.
- The courts also need better training - judges and barristers
- about a number of issues especially related to the family courts "
- Experts serve the Court
- Experts should be allowed to request anonymity.
- Ex-Police and confident that my field is relatively black and white, based on fact based opinion rather than speculation so leaves little room for anyone to take issue with the facts
- For the above, it is completely dependent on if my expertise is suitable or not for what I am being asked to do, nothing else.
- have done it on numerous high profile cases, not a problem. duty is to the court.
- have to do the right thing for the court
- Having worked in industries that attract highly emotive response, some of which have extended to emotional pressure, media campaigns and physical violence I am acutely aware of personal safety. In some very high profile, or very highly emotive cases, I would consider personal safety as part of my decision as to whether to accept an instruction.
- I accept all types of cases but immigration cases.

- "I already act in the Court of Protection in reported matters, I think it's important that experts are available for these high profile cases. I would avoid transgender cases."
- I always have a relationship with the client and would state from the onset that I would look at the case and instruct them as best I could the probable outcome and possibilities of any information that could be sent to help another review. when filling out forms always answer truthfully and to the best of your ability, then allow me to review and discuss the answers to see that all the information available is made available.
- I always welcome appointment in high profile cases. That's how you get to become better known.
- I am a working mum, need to protect my kids
- I am approaching retirement and am no longer interested in controversy
- I am relatively early in this career and might feel more comfortable when more established.
- I am salaried by the Police so do not charge fees, as a general rule I am not allowed to do private expert work in order to avoid any conflict of interest. I cannot refuse instruction unless for exceptional circumstances.
- I am unusual in having served in the Royal Navy in several wars. I only get upset if someone is actively trying to kill or maim me.
- I am used to dealing with high profile criminal cases and have procedures in place to support and protect my mental health and wellbeing
- I believe I must stand up to support my traditional Biblical Christian views.
- I carefully look at all instructions prior to agreement
- I consider it would be my duty/responsibility to act regardless.
- I consider the nature of each case individually and if there are aspects I am not comfortable with, I turn down the instruction.
- I currently have two cases involving transgender claimants.
- I do accept instruction on cases with a transgender element- most of my colleagues will not. When I do I am concerned about potential backlash and so it is a high risk decision. Terrorism would be easy in comparison!
- I do not need the grief from media, nor their witch hunts.
- I do not think these issues are relevant to my field of expertise
- I do not work in the above areas but I would more than likely take on a complex family case where my personal safety could be threatened. It has happened in the past.
- I feel it is important to provide access to representation to marginalised groups, whether or not my opinion ends up in their favour.
- I have a family with children. My expert witness work is tiny compared to my NHS work. Not worth the hassle.
- I have answered but the examples shown are not within my discipline
- I have answered these questions, based on my personal views, but these issues are outside my area of expertise.
- I have been involved in many high profile and contentious matters. If you've set yourself up to do a job, do it.
- I have been involved in some high profile cases and in some, the court has ordered anonymity to protect all concerned. Most of my work falls outside of this area and whilst I am less concerned about personal safety, I have concerns about the safety of my family.
- I have declined to accept a couple of cases recently where I was given a strong indication that I was going to be provided with selective information to limit the scope of the report I was likely to prepare. I make it clear to whoever instructs me that I expect to receive full data enough to enable me to obtain a clear picture of the events and then carry out a full professional assessment.
- I have found q27 and 28 very difficult to answer any case can become a high profile case and could become very contentious I think we access through twitter etc the emotional burden of what we may do can be very difficult I have taken an approach regarding fairness however I would definitely be cautious
- I have given evidence in these sorts of cases and usually get supportive feedback if opinion withstands scrutiny
- I have had my home extensively vandalised many times and dogs killed. I grew up in NI with terrorism. I continue to tell the truth and do the right thing. However, I also try really hard to keep my life private to protect myself, my home and family and in particular am very selective now about the work I accept. For example refusing some criminal work. I also used to prefer SJE work but now that either Party can sue, and one Party may well be upset if opinion does not support their case, I prefer not to do this either. ie if Court protection is removed, an expert has to do what they can to protect themselves and in my case (as I always do everything by the book strictly correct and properly) that results in refusing some work.
- I have no issues or biases
- I have no particular expertise in these matters. I would need to see clear guidance from my professional body on what would constitute good practice in clinical work with these kinds of matters before getting involved.
- I have recently provided evidence at a high profile public inquiry whilst understanding the possible risks associated with it. The level of threat and the type of case would always generate some form of self-preservation analysis before committing to it.
- I have refused instruction when my children were threatened
- I have refused instructions because of the potential risk.
- I have seen how peers and colleagues have been abused by the media and the public because they have provided expert witness services in highly emotive cases. As I work with very vulnerable clients, I believe I have a duty to protect them from the distress of having their Psychologist publicly examined simply for doing their job.
- I love my job. But safety of my family & I will always be a priority. Social media provides forums for aggressors & I would feel anxious about accepting big contentious cases
- I only take up instructions which fall into my area of expertise and many of the cases are emotional challenging for the all involved.
- I refuse cases likely to involve unethical conduct by Solicitors, such as covert/overt tape-recording of consultations or unreasonable demands for personnel to sit in during the assessment.
- I regularly refuse instructions
- I see no value in facing the criticism of the court and then add in that of the press and public
- I take the view that to be an Expert involves accepting a full range of cases including complex, high risk and contentious matters

- I think it would be helpful to consider how the court would work to protect the expert witness in these circumstances (as best as they can do) - given that fear of these types of situations/cases are already a barrier for many psychologists to enter expert witness work - we wouldn't want to lose people out of this following a challenging experience.
- I was approached about someone who was accused of involvement in 9/11 and I turned it down. I felt that I could not be objective and I was fearful about the sort of scrutiny that might ensue.
- I will never accept instructions that could lead to a negative impact on my family.
- I would be very careful but would provide expert evidence if it was within my expertise in contentious cases
- I would choose carefully what I accepted being aware of the consequences
- I would not accept a case that might be considered high profile and that might receive media attention.
- I would not act in very contentious cases. I have more than enough other work and don't want to put myself or my reputation at risk
- I would not want to court publicity.
- I would only accept cases in areas of my expertise
- I would refuse anyway because the subjects are way outside my area of expertise
- I would refuse instructions in cases where the overall issue is against my faith beliefs. This is different to some cases which may be contentious but not be contrary / against what my faith stands for...Gods word in the bible.
- If a solicitor or barrister could accept the instruction with a clear conscience then there is no reason why an expert should refuse. After all their duty is to the court.
- If deeply questioned about transgender matters, I would probably be found unsuitable.
- If experts refuse instructions on highly contentious issues it diminishes the prospects of justice being served
- If it is in the UK, I would likely accept, since it is comparatively safe. But, not in less stable or war-torn countries.
- If your evidence is correct and defensible there should be little to fear. Sometimes, unpleasant issues are unavoidable.
- I'm already involved in cases where parental alienation is alleged, there is a highly coordinated movement to discredit professionals. This scares people from working on these cases. Some form of support and mentoring is needed.
- impossible to answer 27 and 28. the examples are not relevant to my expertise, nor have I encountered these dilemmas in 30 years as an expert
- In all the above the specific circumstances would dictate my response
- In my profession usually there are no high profile cases.
- In relation to Q.29. When accepting, or before accepting, instructions in criminal cases on behalf of the prosecution, experts must be informed on the risk of reprisals from those against whom they are giving evidence and particularly when this involves organised crime networks who engage on the long term harassment and intimidation of experts aiming to prevent them from giving evidence.
- In relation to question 29 I am unlikely to be instructed on such cases.
- Interestingly I have a family member who was put off carrying out similar expert witness work due to safety concerns but still carries out work for other types of case. I can see why experts given most are fully booked months in advance, would not want to take on work where their safety or that of their families was at risk.
- It has to be an independent evaluation
- It is a minefield for all concerned.
- It is not always clear at the point of instruction if a case may become high profile. My primary consideration would always be if I thought I was the right person for the particular case, and had the necessary expertise.
- It is really important to serve the court. No matter the subject. Someone has to do it. You deal with the grit as well as the cream within your field of expertise.
- It seems a bit odd that an Expert Witness would turn down a case because it is 'high profile'.
- It would be unusual that I would be asked to comment but I am confident in my work and opinion and facts are facts at the end of the day.
- It's part of an expert's role to stand by their opinion, it's an aspect of integrity so I see not accepting 'difficult/controversial' cases as betraying the role.
- Items 26 and 27 are seldom applicable to my area of work (Engineering consultancy providing opinion in structural integrity matters). Regardless, I have answered honestly.
- Last question not really relevant to me.
- Many of these questions are not directly relevant to the field in which I work as an expert witness
- Most unlikely to arise in my field. To be honest, I have declined to take on covid-related cases, even though the subject is in my field - I have declined as I am certain in my mind that government bodies (PHE), NHS bodies (NHSE/I), JCVI and others have given plainly wrong advice.
- Much would depend upon the particular circumstances and would need to be assessed on an individual case basis.
- My area of expertise is more around food safety and related regulatory matters so religious matters (eg halal vs non halal) may arise but medical/ security matters are not likely to
- My duties are to the Court and I will do my best to provide it
- My duty is to the court, I will let the evidence take me to where ever it takes me without fear or favour
- My expertise is solely related to technical/financial/regulatory matters.
- My line of expertise would not cover the type medical examples above, however I have been instructed on several cases involving high profile personalities and not experienced any difficulty.
- My response is predicated on an assumption that anonymity was not assured or that some other form of protection could be arranged.
- My role as a doctor in occupational health & health and safety is to be objective, fair, legally bound, and make decisions without fear or favour.
- My specialty would not be required for the cases set out in 29. I do limit the number of child murder cases I am involved in to very few because of the emotional impact of the cases.

- Neither of the above are likely to be highly relevant to my circumstance
- Neither transgender issues nor terrorism are within my field of expertise as a general adult psychiatrist
- Never been involved in such cases
- No comment
- No further comment
- Not actually involved in any of these. I procure expert witness training
- not applicable for collision work
- Not hugely relevant in my field.
- Not likely to be relevant to my area of work
- Not my area of work
- Not really applicable to my area of work
- Not sure how in my field of dentistry that gender issues would be significant, but I am aware of many colleagues who would be afraid to state an mainstream opinion if this was at odd/or questioned that of the LGBTQ+ lobby
- Not very relevant to my area of work
- Not within my field of expertise
- Not worth the potential trouble.
- People should not be so timid.
- Personal safety is an issue
- Politics should have no influence on the facts of a case; as in the Grooming Gangs given licence to gang rape schoolgirls
- Preserving anonymity within practical limits may be helpful. Consideration should be given to the point at which the expert is named.
- Private practitioners can accept or refuse work as they see fit. Taking on work that is a serious headache is better avoided
- Provided the instruction were of professional interest and not contrary to my personal values I would act as for any other client.
- "Publicity is not the province of experts. It attracts those who want attention. That is not the same as avoiding scrutiny
- Turnover and traction might be more important to an editor than truth"
- Q27 I have colleagues who have had unjustified problems with these cases as such I would avoid
- Q27 is not relevant to my area of expertise
- Q27/28 are irrelevant - I am a Marine Sale and Purchase Expert
- Q28 & 29 - Hypothetical in my case as these situations are unlikely to arise for me, but if I'm a coward at least I'm an honest one
- Q29 - not really applicable to my area of work
- Q29 is highly unlikely to be applicable in the type of expert witness work I undertake.
- Q29 unlikely to apply to me
- Q30 not relevant to my work
- Qu. 28 - these questions are not relevant to my business. I have tried to be mindful of my answers but would consider each case individually
- Questions 27 and 28 are irrelevant to my field of expert witness work - maxillofacial surgery
- questions 28/28 not applicable to my line of work - should have this option
- Questions above are not really relevant to my specialism
- Re 30: However, I would not put my family at risk and would have to weigh up the pros and cons for each case.
- "Risk : reward
  - Not my main line of work
  - Currently do as a supplement
  - Money at the expense of the safety for me and my family - I don't like money enough
  - Re public duty and. " obligation " I feel do my fair share "
- See above. A well qualified and experienced expert should be able to deal with the stresses inherent in the job. I have withdrawn from the profession currently not because of such stresses but from lack of adequate pay and respect for the position.
- Someone has to stand up and be counted
- Someone has to stand up and give voice to those that cannot.
- The above examples ( or similar cases ) are unrelated to m practice.
- The above situations are not likely to be relevant in my role
- The adversarial legal system in the UK is very unpleasant for clinicians working in my area of expertise and I have colleagues who have left the medical profession because of their experiences in court
- The answer to both questions 26 and 27 is really Not Applicable for damages experts
- The Courts deserve the best impartial assistance possible to enable them to reach a proper conclusion on any matter. That cannot happen if experts decline to assist the process.
- The courts have often freely criticised experts, often with good cause and after this work is almost impossible for an expert to get, getting on the wrong side of something contentious can be damaging for the expert, but it should not be as it is not for counsel
- The expert witness is a human being and there are issues of personal preferences which may not be in line with what is been expected/hoped for, therefore the expert is unlikely to remain unbiased.
- The remuneration does not meet the risk
- The risks go beyond reputational damage - in some instances there may be a real risk of harm to experts or their families
- The specific level of "emotional publicity" and "contentious matters" is highly case-by-case dependent and is difficult to give a yes/no or similar style 50/50 answer to.
- The time and emotional impact of participating in such a case would definitely put me off.
- There are other cases I would not do, as they might be too traumatic for me. Such as medical negligence.
- There is insufficient protection for the Expert Witness. In

fact the change in the society's norms are such that not only they but their families can be at risk. The identity of the Expert Witness should be protected.

- There is little opportunity or likelihood for me to be instructed on high profile cases.
- There is not enough protection for expert witnesses in these cases.
- These are just my general thoughts, my area of expertise can often be contentious, but perhaps not as much as the examples given above. I would assess instruction on an individual basis.
- these are not really relevant to my practice
- These are often very emotionally charged and contentious issues, where decision making is at the intersection of legal, ethical, moral, humanity and gaps in science. You do not have anonymity in the court records, you can be openly disagreed with by the judge and that is forever the "facts" (even when the Judge could well be wrong!)
- These are rarely issues for us.
- these are not applicable in my line of work
- These questions are highly unlikely to be applicable to my area of expertise
- These questions confirm the direction of travel for this survey - medical issues. The survey's plan for restricting expert witness work to trained/honed experts may work in medical but would be extremely damaging in most other areas of law.
- these questions do not apply to me as a neuropsychiatrist working on civil cases, but I would refuse instructions if I thought they would endanger my safety or reputation.
- They are not matters on which I have the necessary expertise
- This is more about the expert witness than the case.
- This is why I stick to civil litigation, and don't do criminal or family. I only do this to educate kids & hours away need to generate max return and not disrupt family life, as far as possible
- Though I have never been asked to be an expert for the above difficult cases. So only giving my answer based on my feelings now, not having had to personally consider it.
- Too many opinions, all unhelpful as they detract from impartiality and objectivity
- Transgender and terrorism issues fall outside area of expertise so question not applicable
- "Transgender issues are relevant only to the tiniest minority of experts and irrelevant in my field.

The potential impact of Terrorist events is relevant. I would accept such an appointment, if I felt it was in the public interest.

The issue however is worthy of further debate. Acting as an expert witness can expose a professional to unwanted, inexpert, criticism.

The potential impact of such criticism, especially in these days of internet based harassment, should not be underestimated.

Few commissions are financially worth such exposure. Certainly I would only consider such an appointment if it was overwhelmingly in the public interest. "

- Unless there is a gross dereliction of duty (Meadows, Zafir) experts should be anonymous to the general public.

- Very often these contentious matters are secondary to the case. We have information regarding one of the issues mentioned withheld.
- We all have to make pragmatic and commercially sensible decisions
- We are professionals and should not be intimidated
- While working for the police, there was a certain degree of anonymity and knowledge that you had their support. As someone who works for themselves, you are need to take extra care when meeting clients - this is even before considering the nature of the work being undertaken.
- With regards to risk of safety/reputation I am sure I might find some cases I would think are more trouble than they are worth, regardless of fees.
- You have to have fairness across the board, there should be facts. No discrimination when looking at the evidence/case, there has to be transparency, equality and diversity, practicality and logic also factor into the circumstances. A systematic approach is required which must be meticulous.



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