



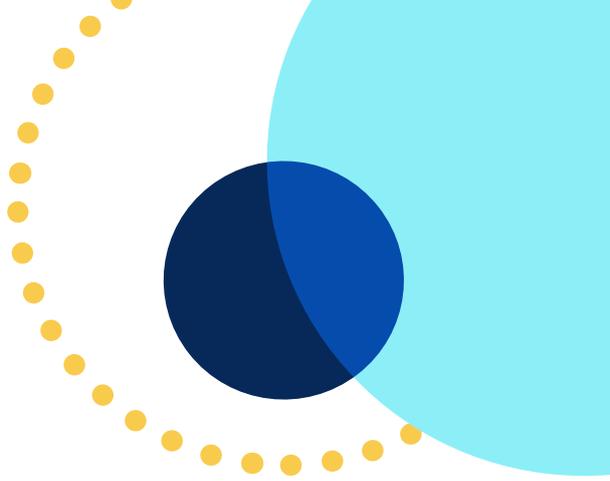
# The Bond Solon Expert Witness Survey 2023

In association with  
The Law Society Gazette

Published on 3 November 2023



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We are delighted to produce this year's expert witness survey in collaboration with the Law Society Gazette. The Gazette is a weekly legal magazine for solicitors in England and Wales published by the Law Society of England and Wales. It is provided to all solicitors with a current England and Wales practising certificate, as well as trainee solicitors. It has by far the highest audited circulation of any legal journal in the United Kingdom and has the largest circulation of any legal magazine in Europe.

Expert witnesses and solicitors must have a close professional relationship to work effectively together where issues in a dispute need expert opinion evidence. The survey looks at several important areas around this relationship that I am sure will be of interest to both experts and solicitors.

Perhaps, one of the most common situations where tensions can arise is where an expert's independence is at risk of being compromised - for although an expert is paid by the instructing party, their duty remains to the court. The survey looks at problems around this area - when the instructing solicitor wants to do the best for the client, but the expert has a duty to produce an independent opinion.

We look closer at the instructions provided to experts - examining whether the quality and timing of instructions has the potential to impact the quality of the expert report. There is also the issue of experts approaching retirement age and whether this should be discussed before taking on instructions. Controversial cases where there are potential risks for experts are considered, as well as the hot topic of fees.

There has been much discussion around Artificial Intelligence (AI) over the past year or so. Will AI lead to the end of the human expert witness? The survey looks at how experts use AI currently and how it could be used in the future.

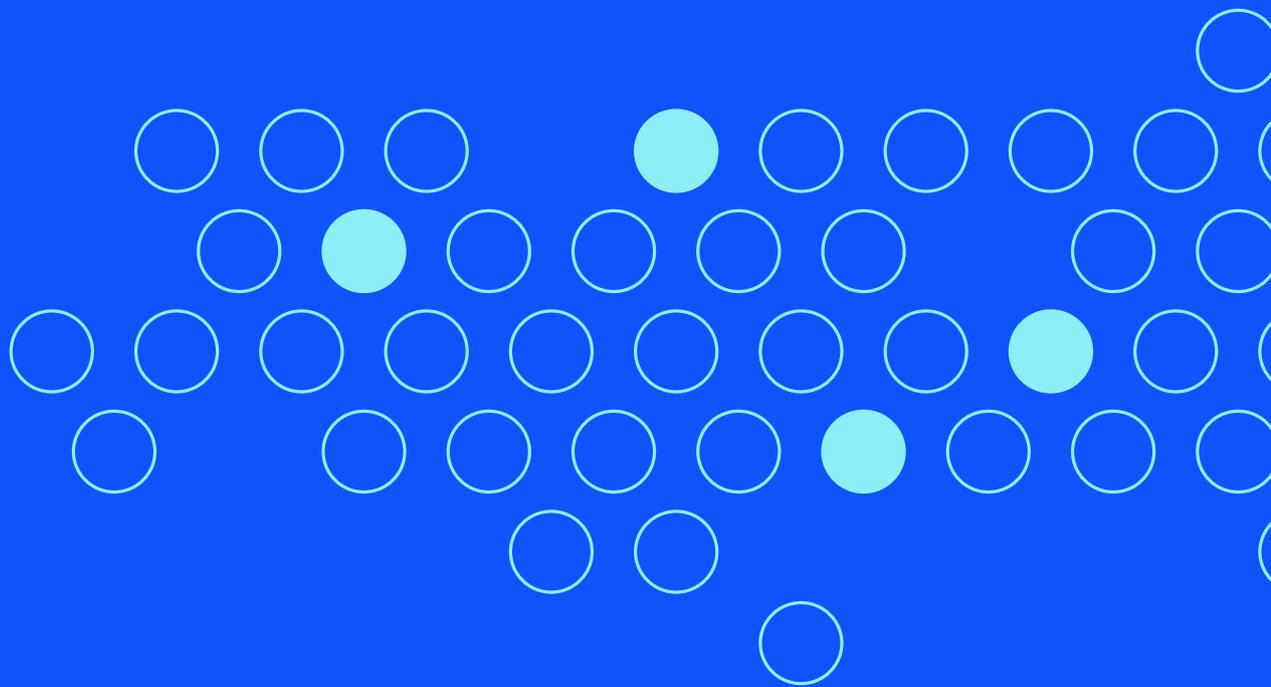
Some of the responses are set out as a percentage and others are the detailed comments of the respondents.

I do hope you find the results of interest and do feel free to email me if you have further thoughts.

**Mark Solon**

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# Independence

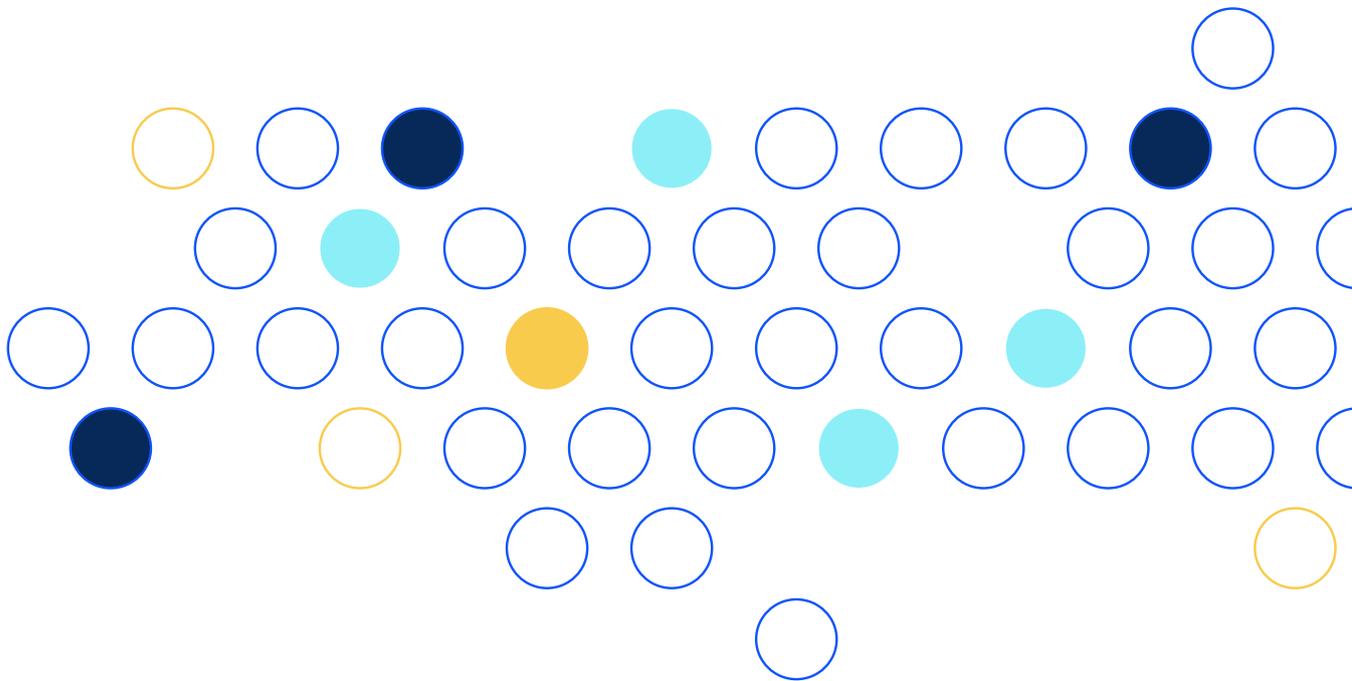




Practice Direction 35 of the Civil Procedural Rules is very clear on the expectations that the court has of experts when giving evidence during litigation. Rule 2.1 states that 'expert evidence should be the independent product of the expert uninfluenced by the pressures of litigation.' Rule 2.2 states that 'experts should assist the court by providing objective, unbiased opinion on matters within their expertise, and should not assume the role of an advocate.' There are similar requirements for independence in the Criminal Procedural Rules and the Family Procedural Rules.

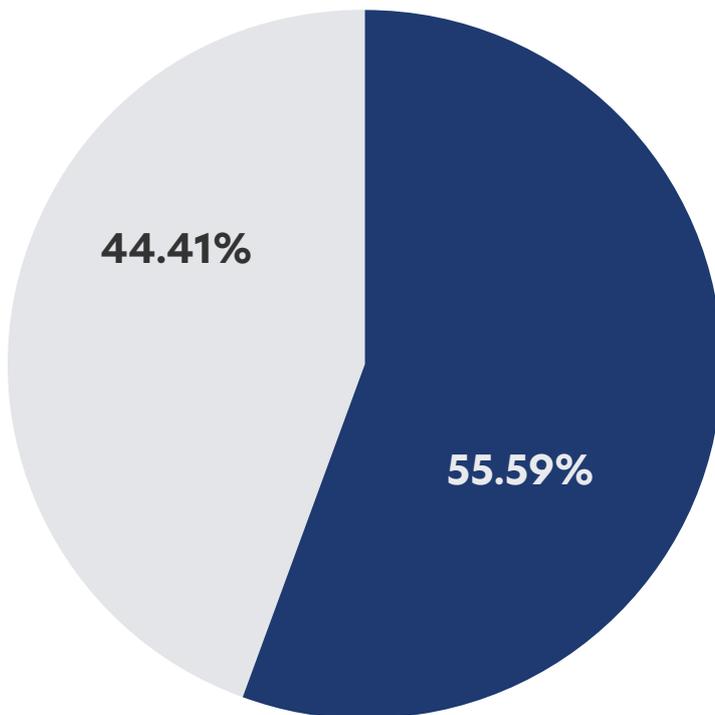
However, one of the core reasons that expert evidence may be challenged or discredited during a case, and experts themselves may be openly criticised by the court is when expert independence is called into question. This could be, for example, if an expert gives an opinion that favours one party over another regardless of the evidence in the case, or if an expert's opinion doesn't give enough weight to or fails to take into consideration all the evidence in a case. If the court is not made aware of this prior to an expert's court appearance, it is often the case that a "skilled and precise cross-examination" will undermine an expert whose evidence has been compromised (see *GKE v Gunning* [2023] EWHC 332 (KB))

In this section, we have explored the reasons why experts might feel compelled to forgo their overriding responsibilities to the court. For example, the motivation could be a commercial one - a way of maintaining their working relationship with a certain instructing solicitor, or it could be that they have been pressurised by their instructing solicitor to change their opinion. Another factor could simply be a lack of training or awareness of their duties to the court. This factor is of course less credible if an expert is experienced, and nevertheless all expert reports must contain a statement that the expert understands and has complied with their duty to the court.



# Question 1:

Have you come across experts who regularly give an opinion that is favourable to the instructing solicitors regardless of the evidence?



	%	Responses
Yes	55.59%	323
No	44.41%	258
		<b>Total responses: 581</b>

It is one thing for an expert to fall into this trap inadvertently. But to find that more than half of those surveyed have come across experts who do this regularly is concerning and should be a matter for scrutiny by the courts and all court users.

There are typically two points in a dispute at which this partisanship is exposed: in the discussion between experts and in cross examination in court.

The case of *Arksey v Cambridge University Hospitals NHS Foundation Trust [2019] EWHC 1276 (QB)* illustrates this point.

A claimant-appointed expert (Mr. S) produced a report before proceedings were issued and therefore had not seen various witness statements, which were produced later. Once they were made available, he did not change his report or provide an addendum.

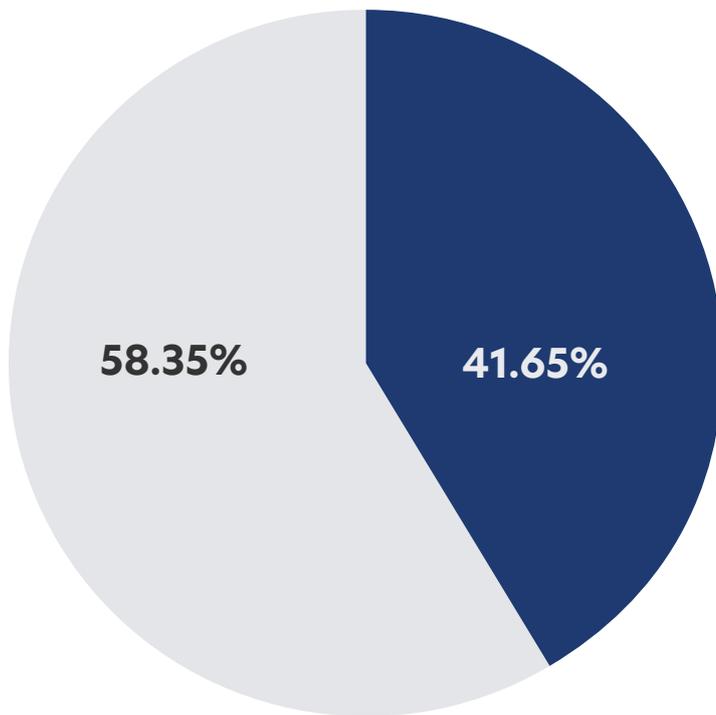
Mr. S attended a discussion with the defence-appointed expert who had read the statements and referred to them in his report. During this discussion, Mr. S did not ask to see those statements or the further records that were available. Instead, he maintained his original position.

At trial, he was cross examined on the additional evidence. The judge, Mr. Justice Spencer, was unimpressed by Mr. S, describing his evidence as falling "far below" the expected standards for an expert witness and noting that, in his oral evidence, Mr. S made "continual apologies, as the magnitude of the deficiencies became clear".

Case in point - partisanship will be exposed.

# Question 2:

Have you come across solicitors who only instruct experts who will give favourable opinions?

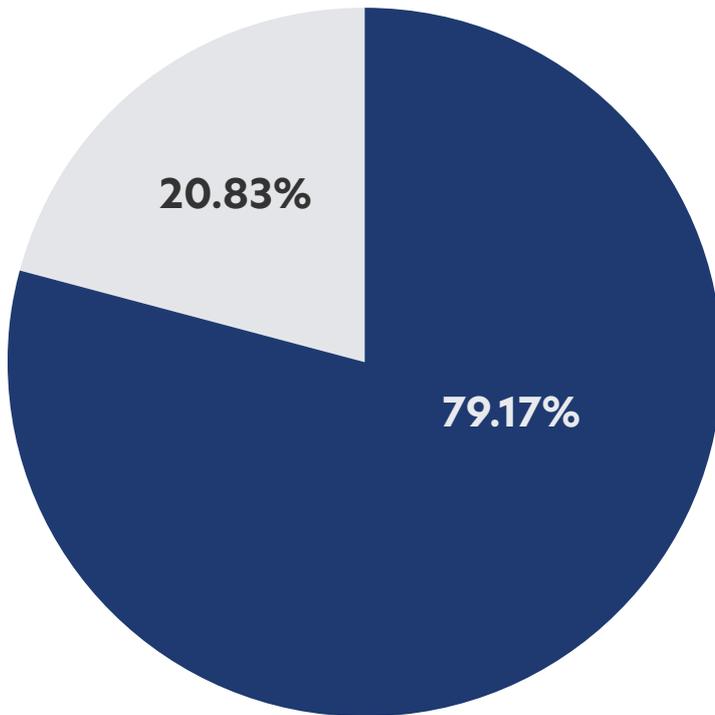


	%	Responses
Yes	41.65%	242
No	58.35%	339
		<b>Total responses: 581</b>

# Question 3:

Imagine that you are involved in a matter where another expert witness produces an improperly biased opinion, or where you are aware of or suspect that the opposing solicitors are impeding your counterpart's duty to be independent.

Should there be a formal duty on you to inform your instructing solicitors?

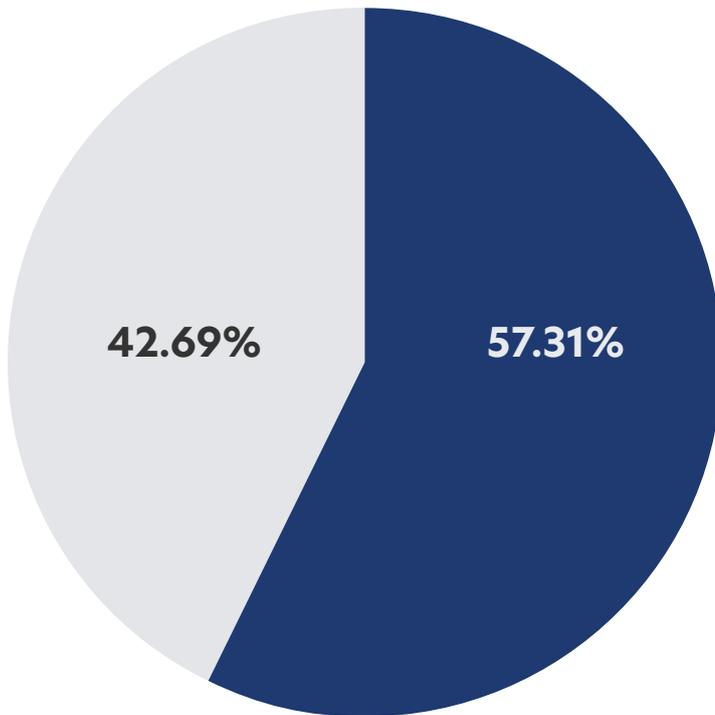


	%	Responses
Yes	79.17%	460
No	20.83%	121
		<b>Total responses: 581</b>

Regardless of whether a formal duty is imposed and by whom, experts should be actively encouraged by the court (and their instructing solicitors) to inform their instructing solicitors if they are involved in a matter where another expert witness produces an improperly biased opinion or if they are aware of or suspect that the opposing solicitors are impeding their counterpart's duty to be independent.

# Question 4:

In the same scenario as Question 3 above, should there be a formal duty on you to inform the court?



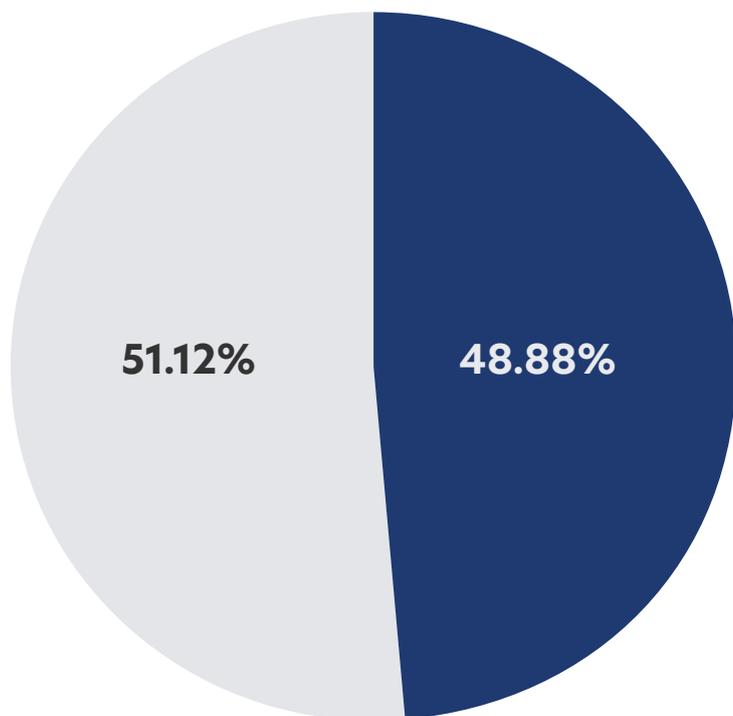
	%	Responses
Yes	57.31%	333
No	42.69%	248
		<b>Total responses: 581</b>

If a formal duty exists for experts to inform the court directly, there is a risk that they may be drawn too close into the battle of litigation, and therefore compromise their own impartiality. Perhaps, instead, a more prudent solution would be for an expert to demonstrate their independence through their own evidence-based reasoning, which will assist in exposing the partisan approach of their counterpart.

# Question 5:

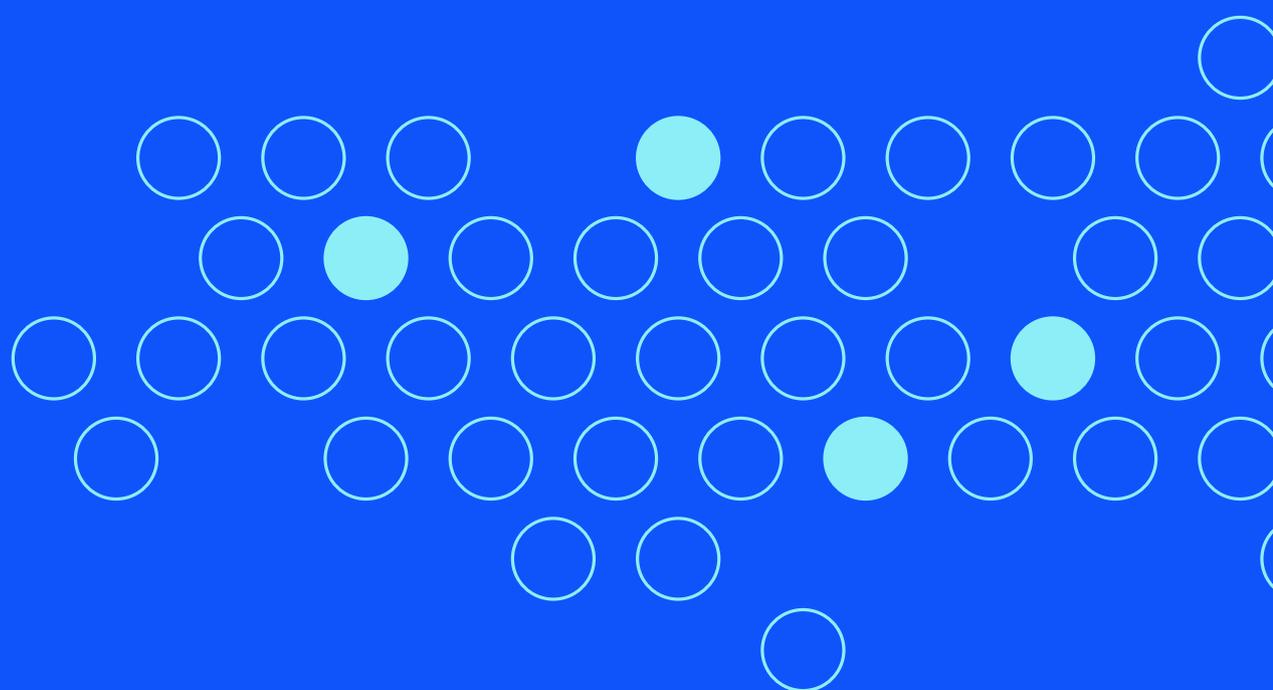
Some experts have told us that they feel pressured by instructing solicitors to alter their opinions before finalising reports or joint statements. They say they have felt "bullied" and "intimidated" by their instructing solicitors or that the solicitors make overly strong "suggestions."

Have you experienced solicitors making "suggestions" about the content of your report that have a subtext of pressure to produce a favourable opinion?



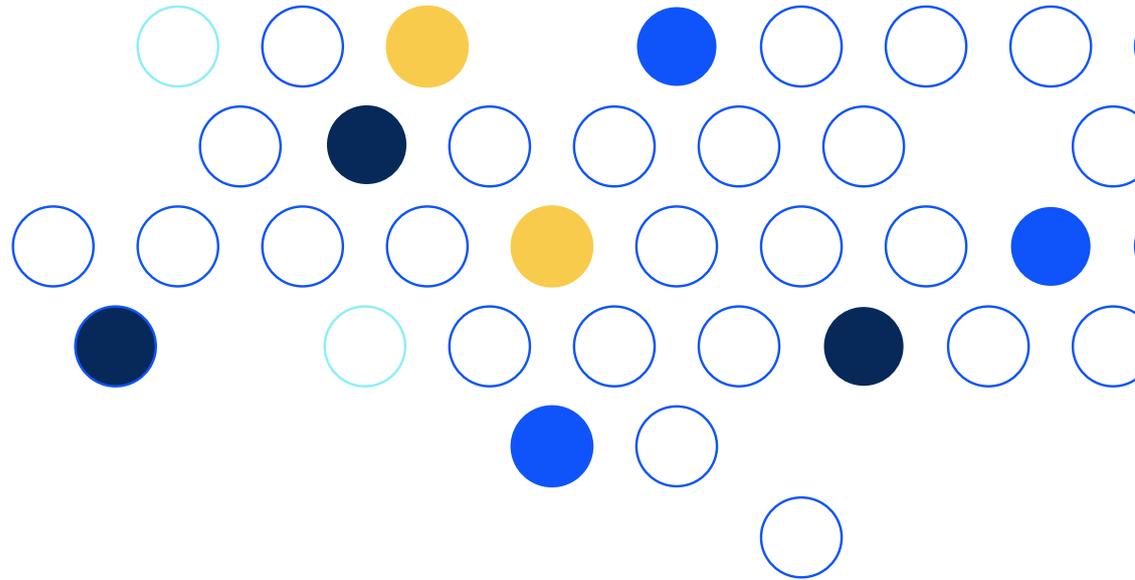
	%	Responses
Yes	48.88%	284
No	51.12%	297
<b>Total responses:</b>		<b>581</b>

# Receiving Instructions





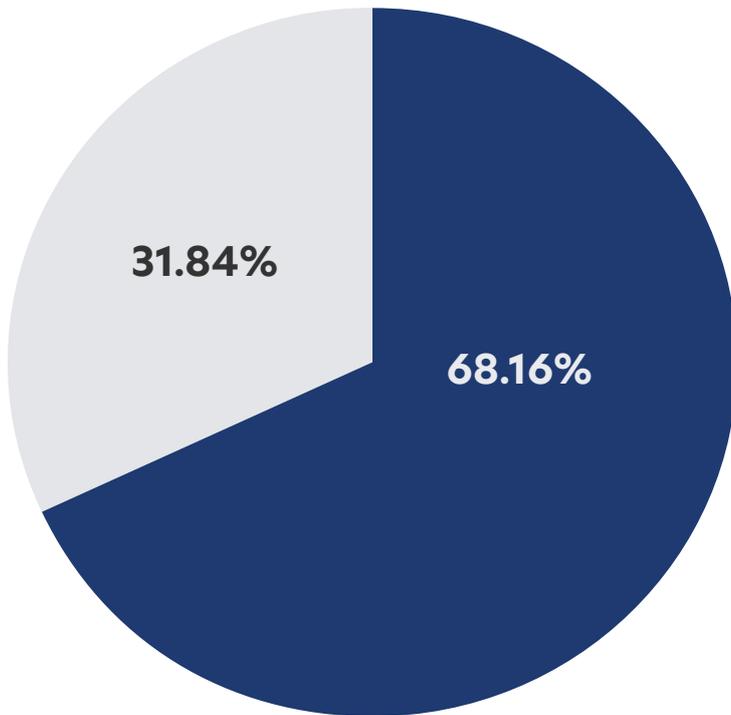
Whilst the court rules state that an expert's overriding duty is to the court and not to those instructing them, on a practical level, there are many elements of an expert's role and practice that are dependent on their working relationship with instructing parties and the nature, timing, and quality of the instructions they receive. This includes, for example, the quality of an expert's opinion, their overall experience relevant to the issues in dispute, the regularity and volume of instructions and accordingly, the profitability of their practice.



# Question 6:

The quality of an expert's opinion is dependent on many factors, including the nature and quality of the instructions and materials received, and the deadline given to action said instructions.

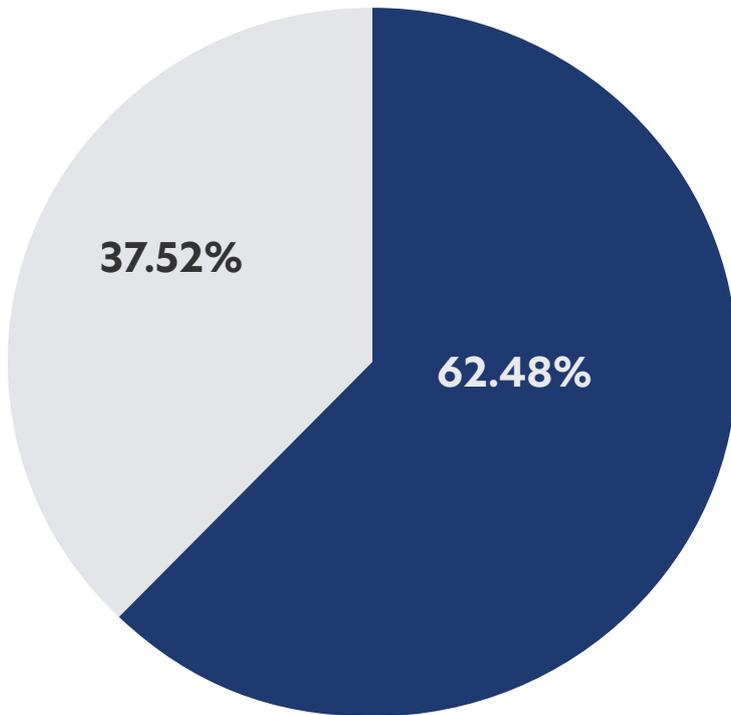
Have you experienced a case where it became apparent that the materials you were provided with were insufficient/incomplete, and/or, you were not provided with the same materials as your counterpart?



	%	Responses
Yes	68.16%	396
No	31.84%	185
		<b>Total responses: 581</b>

# Question 7:

Have you experienced a case in which you were not given enough time to prepare your report and felt pressured to adhere to very tight timescales?



	%	Responses
Yes	62.48%	363
No	37.52%	218
		<b>Total responses: 581</b>

An overwhelming 68% (Question 6) of respondents stated that they have experienced cases where the materials provided to them were insufficient, incomplete or they were not provided with the same materials as their counterpart. In addition, 62% of respondents stated that they have experienced cases where they were not given enough time to prepare their report and felt pressured to adhere to very tight timescales.

Neither of these findings are good for the administration of justice: experts working with incomplete materials and without sufficient time cannot fulfil their duty to help the court.

The causes are numerous: inefficient working methods by lawyers; lawyers working with too high a case load; the unpredictability of caseloads. The list goes on and would be worth understanding.

But what options are available to the expert when faced with these issues?

1. Refuse to take on work with an unrealistic timetable.
2. As soon as you realise there is missing material, tell your instructing solicitors and request it (as well as an extension so you can properly consider it). Keep the email audit trail.
3. State in your report the limitations under which you are providing your current opinion, i.e., provide a qualified opinion, subject to seeing the missing material.
4. In your report, always itemise the material you have been provided with as well as the dates of the material (see [Guidance for the instruction of experts in civil claims](#)).
5. Where necessary, make an application to the court for directions under the Civil Procedural Rules (CPR) 35.14 - the court has power to direct that one party provides information to another under CPR35.9.

# Question 8:

Expert witnesses often ask us how to increase the number of instructions they are given. Ideas include entries in directories, writing articles, networking with lawyers and advertisements in the legal press.

What have been the most effective methods you have used to increase instructions?

(See Appendix 1)

In last year's survey, we asked experts what platforms they have used to market their services. The use of expert witness directories was the most popular choice (57.5%), with 46.1% of respondents saying that their registration on directories directly leading to instructions. This was closely followed by experts' own websites (40%) and LinkedIn (32.5%).

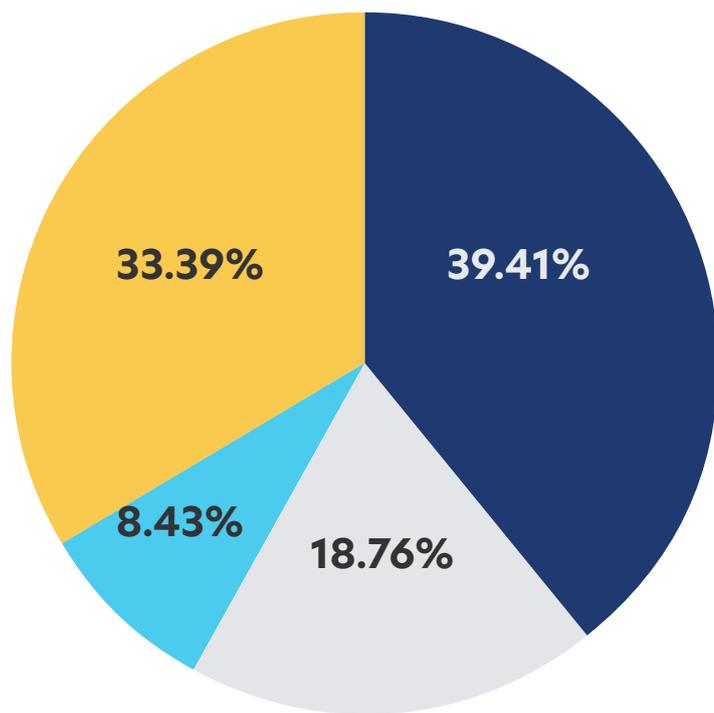
This year, respondents were very forthcoming in sharing their most effective method to increase instructions.

The most popular suggestions were:

- **Networking with lawyers.** If you would like more information on how best to reach out to prospective instructing solicitors, please watch our [short video](#) on how to market your services.
- **Registering with a directory.** There are many expert witness directories to choose from, depending on your specialism. If you have been awarded the Cardiff University Bond Solon Expert Witness Certificate and/or the University of Aberdeen Bond Solon Expert Witness Certificate, we would highly recommend that you register with the [National Register of University Certificated Expert Witnesses](#).
- **Building one's reputation through quality of work,** leading to recommendations and repeat instructions.

# Question 9:

What has been your experience of the volume of your instructions received this year compared to the same time last year?

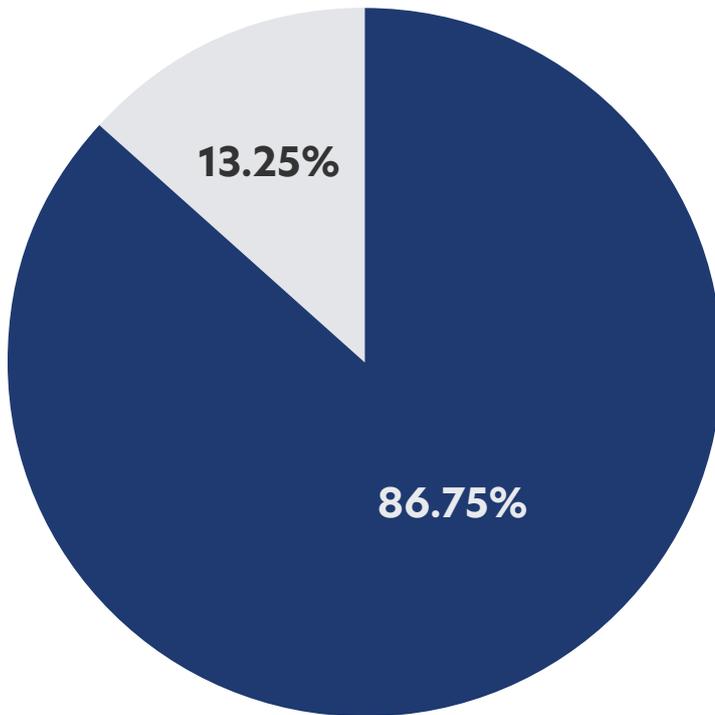


	%	Responses
Higher	39.41%	229
Lower	18.76%	109
Not applicable	8.43%	49
The same	33.39%	194
<b>Total responses:</b>		<b>581</b>

# Question 10:

All expert witnesses at some point retire. Problems can arise if this happens after they have been instructed on a matter that has not concluded. Often cases take a considerable time to come to an end and an expert is needed for additional reports, discussions, or to give oral evidence after they have retired.

Should an expert witness inform the solicitor before accepting an instruction that they may retire within a certain time scale?



	%	Responses
Yes	86.75%	504
No	13.25%	77
<b>Total responses: 581</b>		

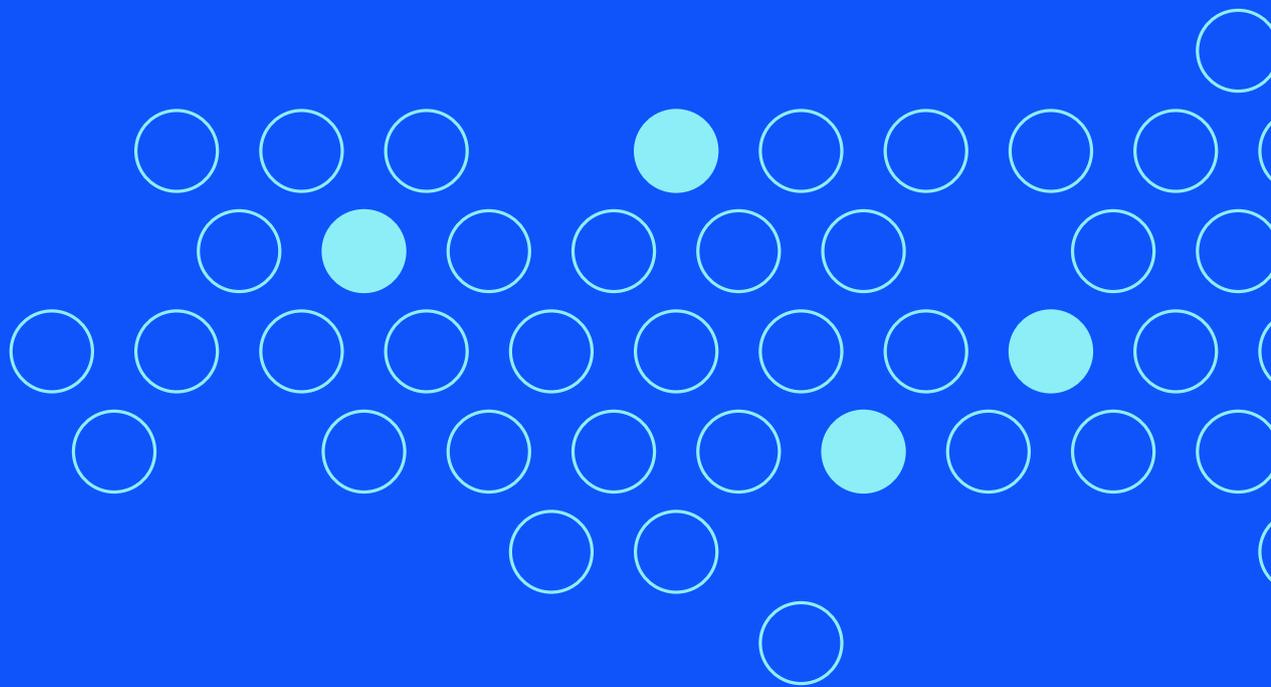
The "sell by date" of an expert witness and how they should "manage" their retirement from a particular profession continues to be a hot topic, particularly as the courts have recently placed considerable value on the current practical experience of experts in their field, over other factors such as academic qualifications. Last year, respondents were evenly split as to whether there should be a specified maximum time after retirement from a particular professional field.

But how should expert witnesses manage their relationship with instructing parties if they intend to retire from expert witness practice within a certain timescale?

Nearly 87% of experts said they should inform potential instructing solicitors if they may retire within a certain time scale.

The response numbers are interesting here. This has been an increasingly asked question on courses and from queries sent in by experts. Experts will inevitably want to retire at some stage. As they approach that point, they may want to reduce their practice hours. It is worth having that conversation with instructing solicitors so that that process can be managed successfully.

# Controversial Cases

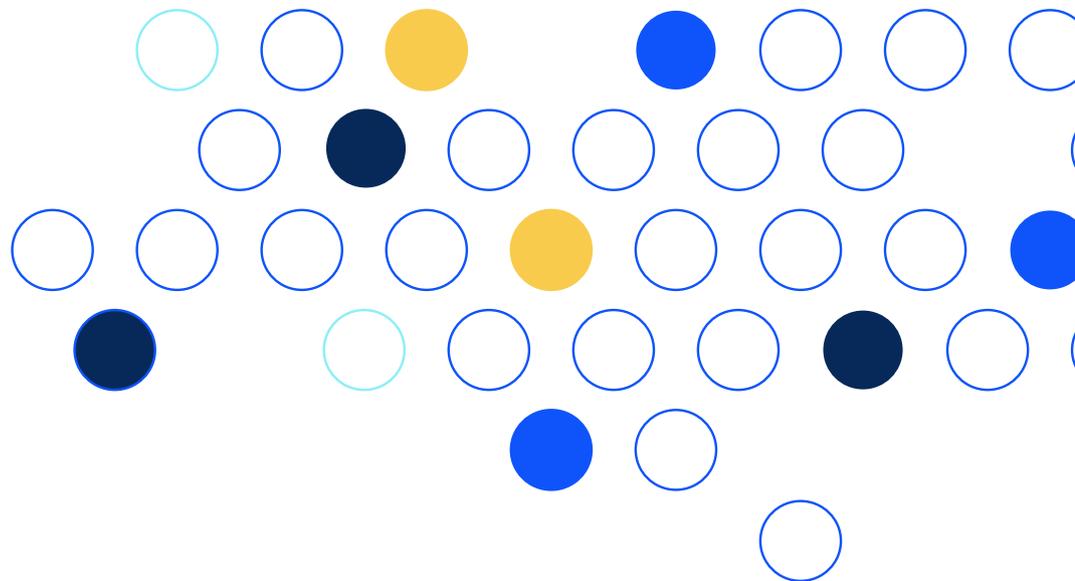




Experts are instructed to give evidence in a wide range of cases, many of which can be emotionally challenging, highly controversial, and sometimes potentially dangerous. For example, in the recent trial of 33-year-old nurse, Lucy Letby, a consultant paediatrician who acted as expert witness during the trial described the experience as "long and harrowing". She continued, "I have acted as an expert witness for many years, but this was by far the most significant case I have been involved in. What should have been six-month trial was extended to nine."

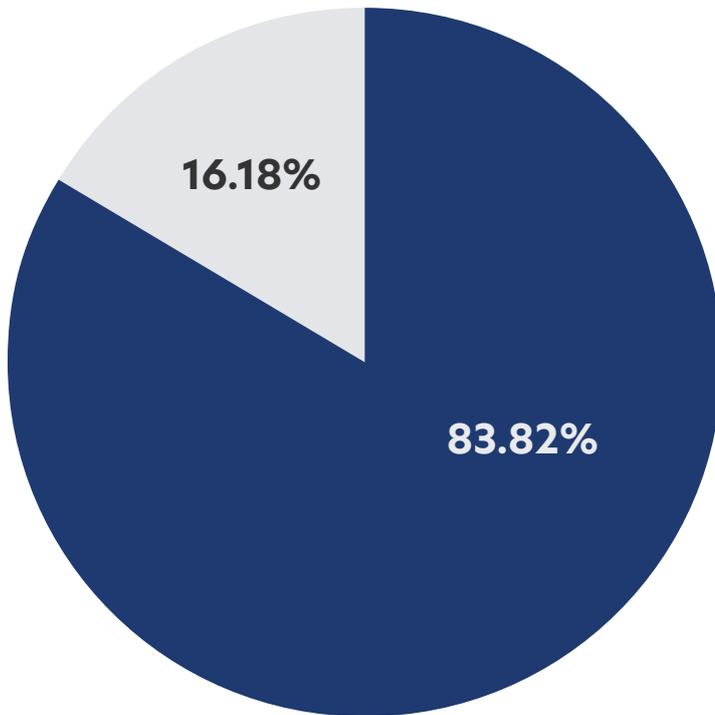
In last year's survey we asked experts whether they would be deterred from accepting instructions in cases like this due to fears for their safety and/or reputation. Around 40% of experts stated that they would be deterred from accepting instructions in highly emotional cases and almost 50% of experts stated that they would be deterred from accepting instructions in highly controversial cases, out of concerns for their safety and/or reputation. This provided a clear indication that more needed to be done to protect expert witnesses in their roles.

This year, we went even further and asked experts whether measures such as anonymity orders should be ordered more frequently in highly controversial or criminal matters, and whether these anonymity orders provided sufficient protection for experts or whether other protective measures, such as a risk analysis



# Question 11:

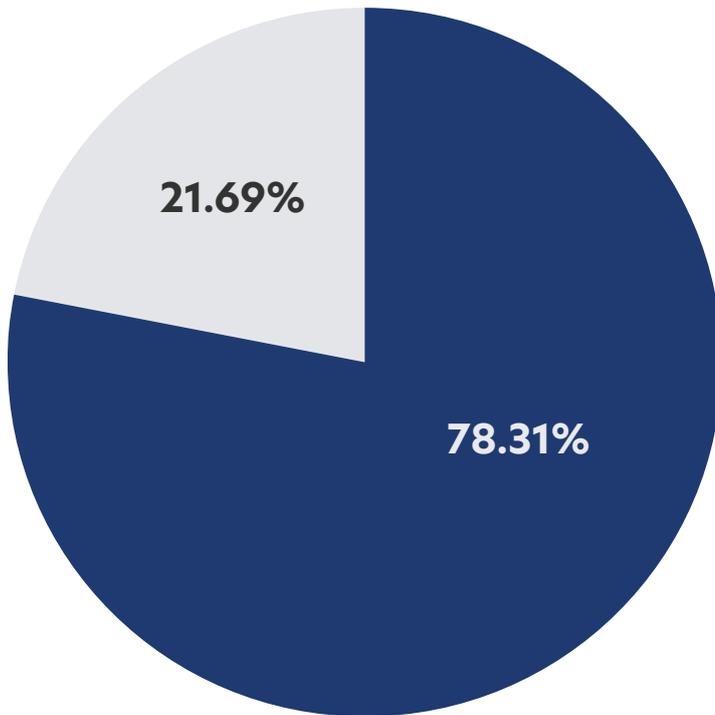
Given the potential risks to expert witnesses, particularly in highly controversial or criminal cases, do you think judges should be more willing to order that an expert witness be given anonymity?



	%	Responses
Yes	83.82%	94
No	16.18%	487
<b>Total responses: 581</b>		

# Question 12:

Do you think anonymity provides expert witnesses sufficient protection in sensitive or controversial matters?



	%	Responses
Yes	78.31%	455
No	21.69%	126
		<b>Total responses: 581</b>

# Question 13:

What other protective measures do you think should be considered by the court?

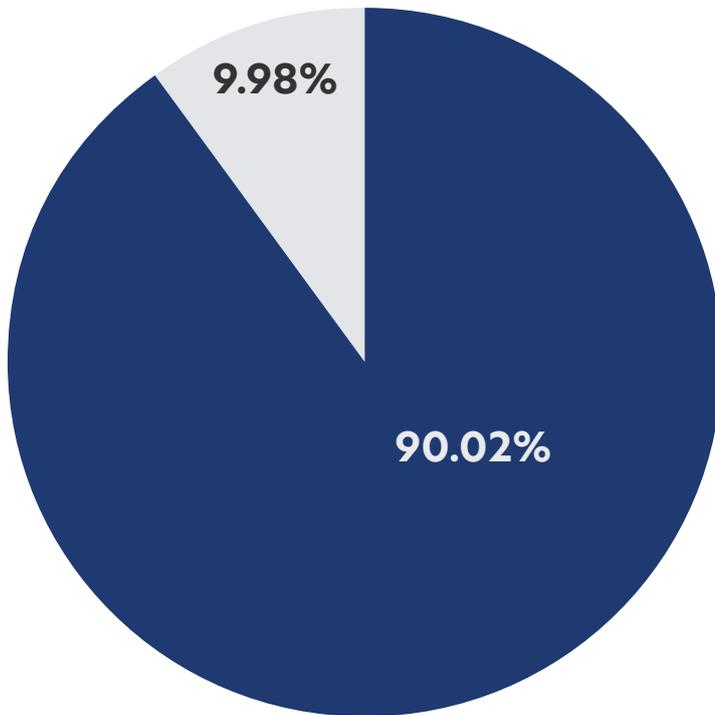
(See Appendix 2)

An overwhelming majority (78%) of respondents (Question 12) felt that anonymity orders provided expert witnesses with sufficient protection in sensitive or controversial matters.

The remainder stated that other protective measures should be considered by the courts, such as police protection, conducting a proper risk analysis and private, virtual hearings.

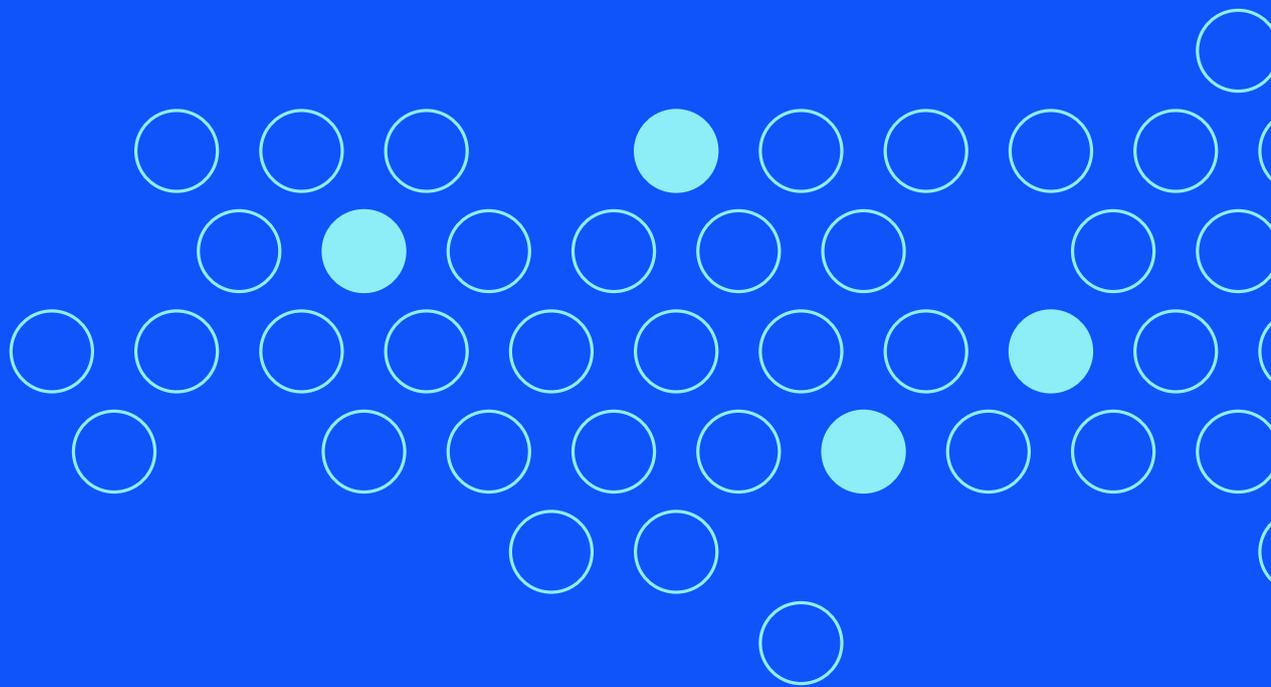
# Question 14:

Do you think the authorities should ensure a 'risk analysis' is conducted for expert witnesses, particularly in highly controversial or criminal cases?



	%	Responses
Yes	90.02%	523
No	9.98%	58
<b>Total responses: 581</b>		

# Qualifications and Regulation

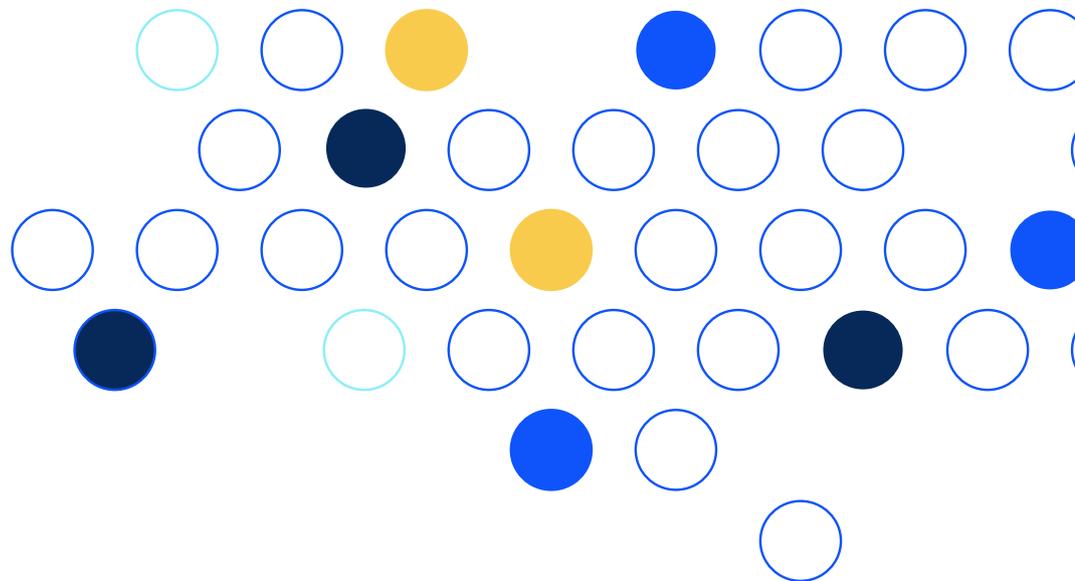




Although there are references to the role of the expert witness in the court rules and throughout case law, there is no overarching legal definition of what makes up an expert witness.

In last year's survey we asked experts whether a legal definition of an expert witness was needed and over 70% of respondents answered in the affirmative. Since then, recent case law has highlighted the issues stemming from this lack of legal definition, primarily, that anyone can call themselves an expert, irrespective of their practical experience, their academic qualifications, what training they have done and whether they are registered with a professional body. For example, in the recent family court case of *Re: C* [2023] EWHC 345 Fam, a psychologist's instruction was challenged on the basis that she was not registered with the relevant regulatory body (the HCPC). This led to an exploration of what determines whether an expert is qualified to give evidence, with the court determining that in the case of psychologists, registration with the relevant professional body can be taken as sufficient evidence of qualification.

This year, we went even further and asked experts what factor(s) they think determines whether an expert is qualified to give evidence in a case, and whether registration with the relevant professional body/regulator should be mandatory.



# Question 15:

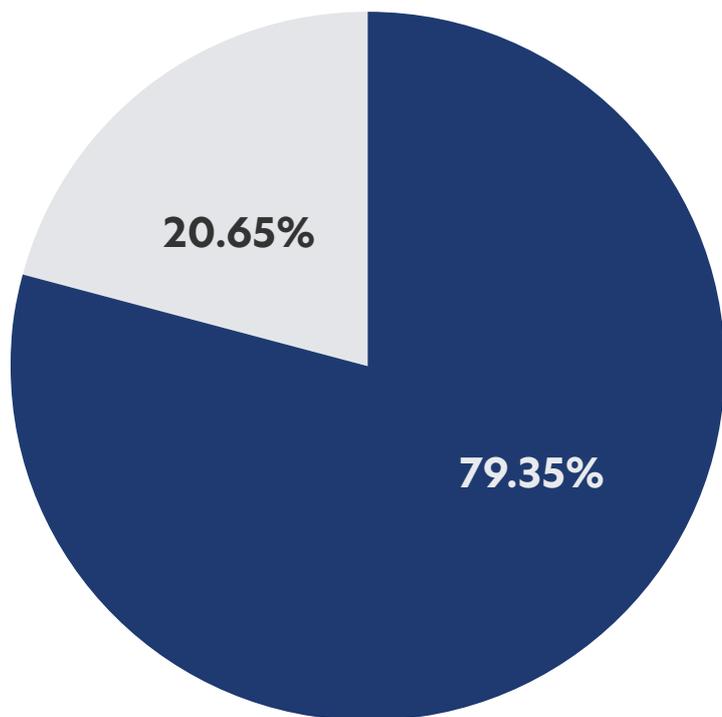
What, in your opinion, determines whether an expert is qualified to give evidence in a case?

(See Appendix 3)

Respondents were very much in agreement in their responses to this question, with the overwhelming majority of experts unsurprisingly stating academic/formal qualifications, practical experience and training. Other popular answers included registration with a professional body and continued professional development.

# Question 16:

Do you think it is essential that practising expert witnesses are registered with a recognised professional body and/or regulator and hold a current membership/registration with that body/regulator?



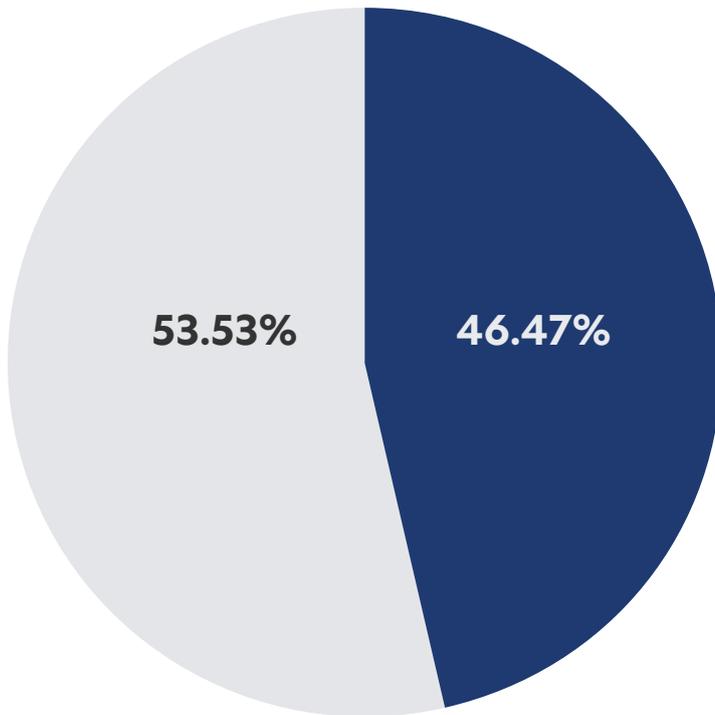
	%	Responses
Yes	79.35%	461
No	20.65%	120
<b>Total responses:</b>		<b>581</b>

Another regularly debated topic is one of regulation, that is, whether the expert witness profession as a whole needs independent regulation. In last year's survey, respondents were more or less split as to whether there should be more detailed regulation of the work of expert witnesses. This year's survey saw over 79% of respondents believe that experts should be registered with a recognised professional body and hold a current membership/registration with them.

# Question 17:

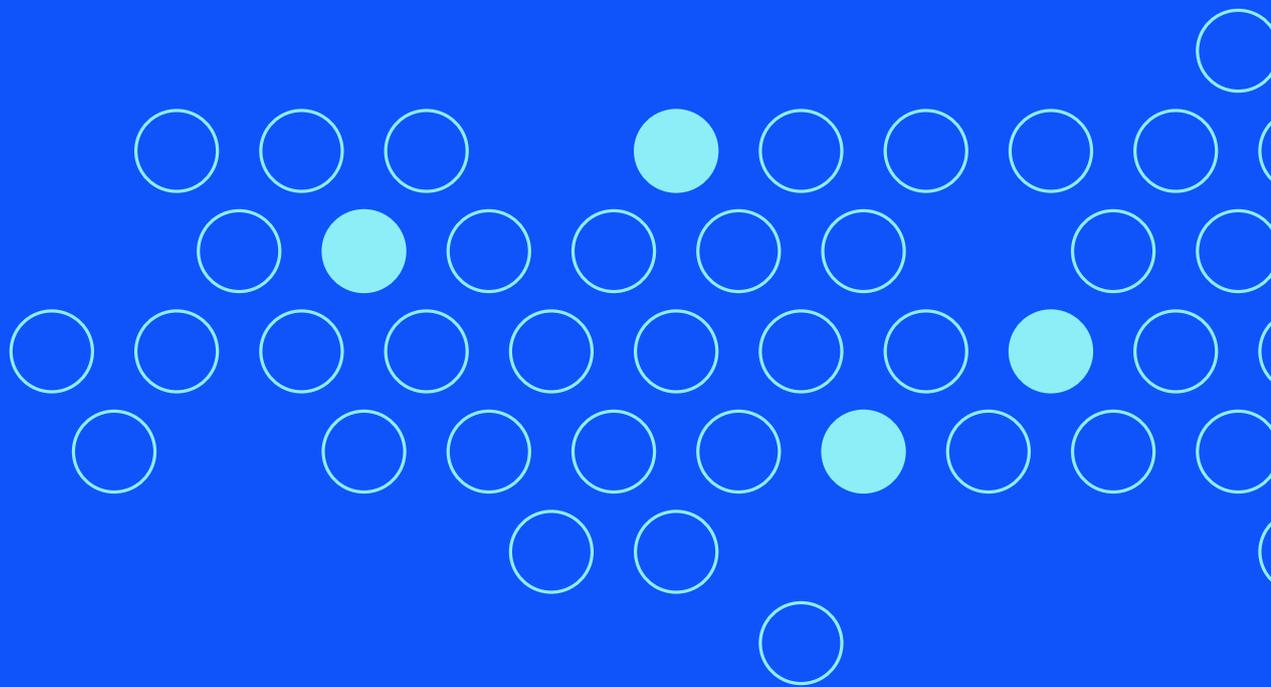
Many professions are already regulated in law and the courts decide what evidence is deemed admissible. In the jurisdiction of England and Wales, a forensic science regulator has also been appointed to the criminal justice system.

Do you think there is a need for an additional or separate overarching regulator of expert witnesses in the justice system?



	%	Responses
Yes	46.47%	270
No	53.53%	311
		<b>Total responses: 581</b>

# Fees

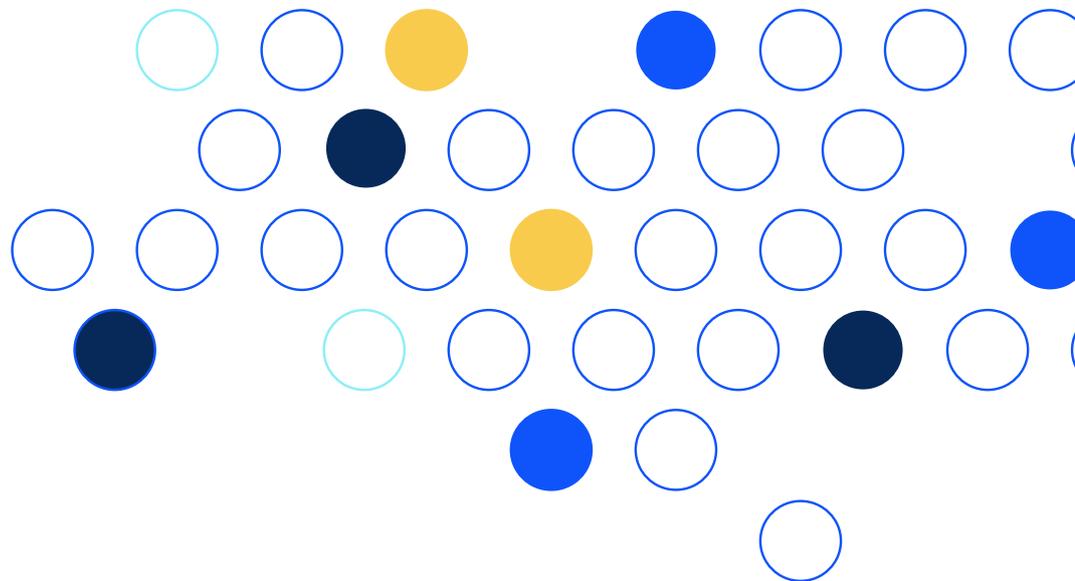




One of the most common enquiries we receive from expert witnesses is what fees they should be charging and/or whether the fees they are currently charging are competitive/ at market rate, bearing in mind their specialism and level of experience.

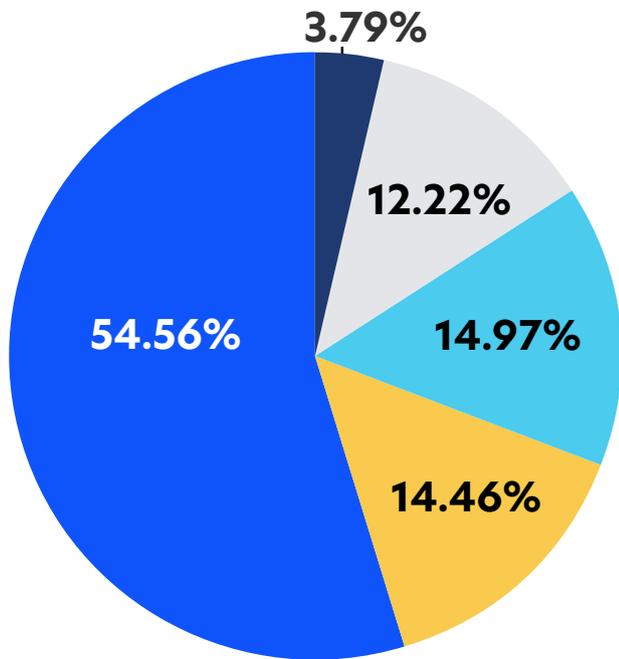
As part of 2021's expert witness survey, we asked participants what hourly rates they were charging for report writing and court attendance. The results were pretty varied for both, with the majority of respondents charging somewhere between £50-200 per hour. This of course is likely to depend on a variety of factors, such as, number of years practising as an expert witness, type of specialism (i.e., whether the expertise is niche or broader), location and seniority level.

This year, we have attempted to gather more detailed fee data, asking respondents to provide key information, such as how long they have practised as an expert witness and their specialism, before providing their hourly rates.



# Question 18:

How many years have you practised as an expert witness?

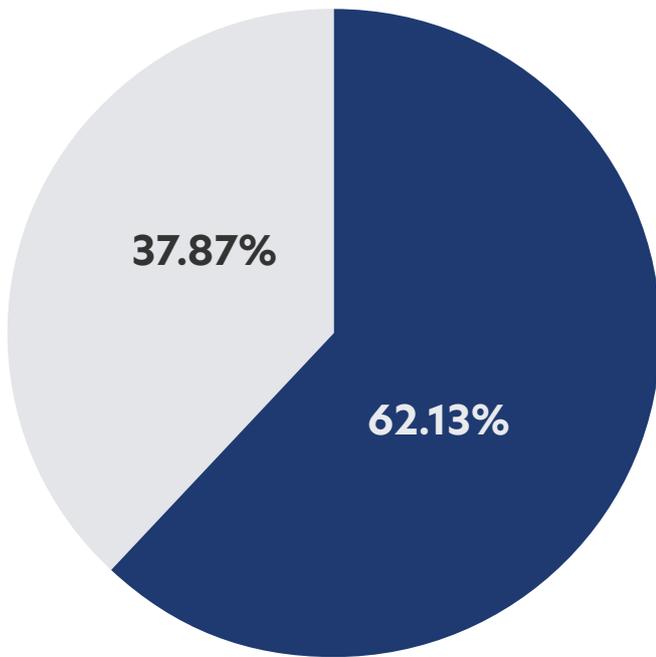


	%	Responses
Less than a year	3.79%	22
1-3 years	12.22%	71
3-6 years	14.97%	87
6-10 years	14.46%	84
10+ years	54.56%	317

**Total responses: 581**

# Question 19:

Do you work in the medical/healthcare field?



	%	Responses
Yes	62.13%	361
No	37.87%	220
		<b>Total responses: 581</b>

# Question 20,24 & 25:

What is your average hourly fee (by medical specialism)?

	Total	Average fee
Assistive technology	2	£150
Chiropody and podiatry	3	£158
Cosmetic, dermatology, hair	9	£139
Ear, nose, throat	7	£279
Emergency medicine and anaesthesia	16	£100
Eyes	8	£200
Forensic Medicine	7	£100
Gastrointestinal and urinary	10	£163
General medicine / surgery	13	£202
GP	15	£147
Heart and lungs (cardiothoracic)	6	£217
Immunology, diabetes, hormones	2	£250
Musculoskeletal and prosthetics	16	£197
Neurology	11	£245
Nursing / Midwifery	27	£112
Obstetrics, gynaecology and fertility	11	£195
Occupational health	4	£256
Occupational therapy	21	£161
Oncology and treatment	1	£250
Oral / dental	17	£197
Orthopaedics / Trauma	38	£141
Paediatrics	10	£163
Pathology and scanning	4	£188
Psychiatry	29	£189
Psychology	55	£155
Speech and language therapy	6	£142
Grand Total		£165

**Total responses: 348**

# Question 21, 24 & 25:

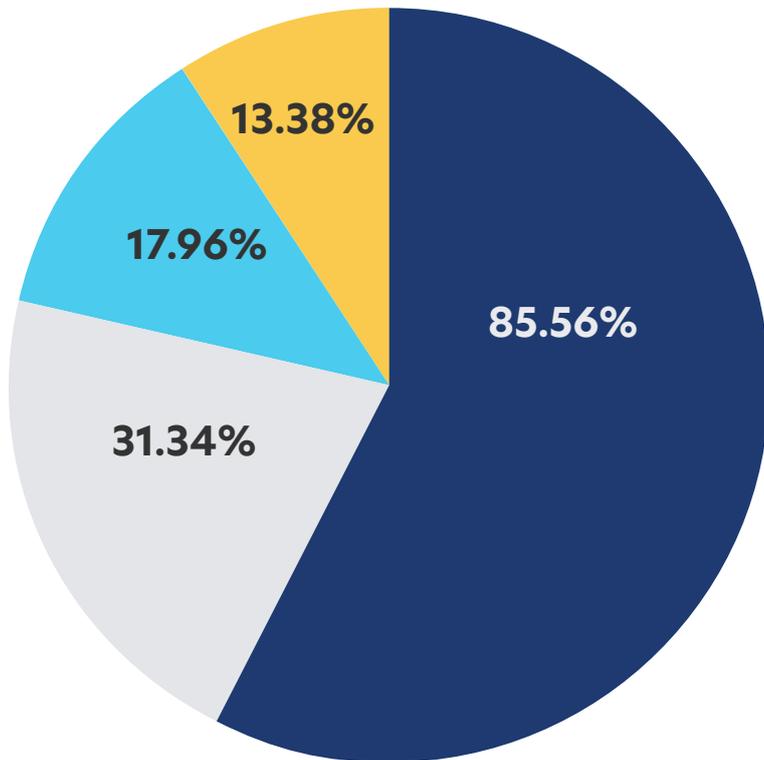
What is your average hourly fee (by specialism)?

	Total	Average fee
Accident / Incident Investigation	11	£166
Accountancy	15	£157
Agricultural	1	£150
Animals	5	£405
Anthropology / Cultural / Religion	3	£217
Architectural	7	£129
Computing / technology	6	£238
Engineering	42	£167
Environmental	5	£330
Financial	12	£246
Fire	8	£219
Fraud/Theft	9	£169
Health / Safety / Occupational	9	£272
Insurance	4	£94
International Law	2	£75
Marine	6	£142
Noise / vibration	1	£75
Planning	2	£113
Science / Forensics	26	£152
Social Care	2	£288
Sport	3	£217
Surveying / Building	33	£144
Translation/interpretation	1	£25
Use of force	4	£119
Grand Total		£179

**Total responses: 217**

# Question 22:

What legal forum(s) do you operate in? (Select all that apply)



	%	Responses
Civil	85.56%	486
Criminal	31.34%	178
Family	17.96%	102
Other	13.38%	76
<b>Total responses:</b>		<b>568</b>

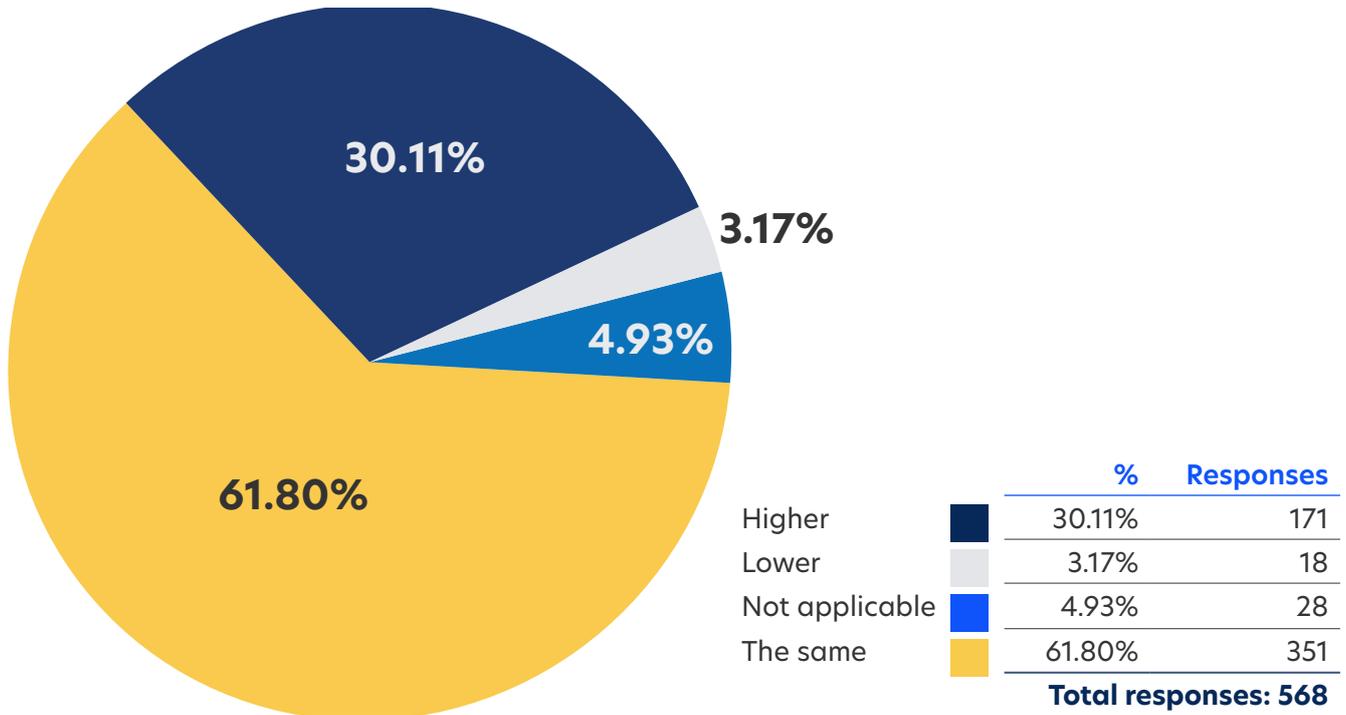
# Question 23:

If you answered Other to the previous question, please specify.

(See Appendix 4)

# Question 26:

How do your current fees compare to your fees 12 months ago?'



# Question 27:

Is there anything else you would like to add on the subject of fees?

**(See Appendix 6)**

Experts had some very interesting views on the subject of fees and raised many valid points.

We have included some of the most relevant and persuasive comments below.

"I think there needs to be more openness about fees that one can charge depending on one's level of experience."

"Solicitors need to accept that the more complex the case and thus the number of enclosures, that the fee will be higher. On occasion I am told that they would like to instruct me, but another expert has quoted a lower fee. Here I will explain that if this is the case they need to instruct the other expert. I will not compromise the quality of my report to adhere to the number of hours quoted especially with complex cases. As it is, I have never charged the actual full hours [for] a case and neither have my colleagues. We live and breathe a case from the minute we start it until we submit and if we totalled the hours, it really takes and quoted these in response to the LOA, we would never receive Instructions!! I think this is a real point that needs to be highlighted."

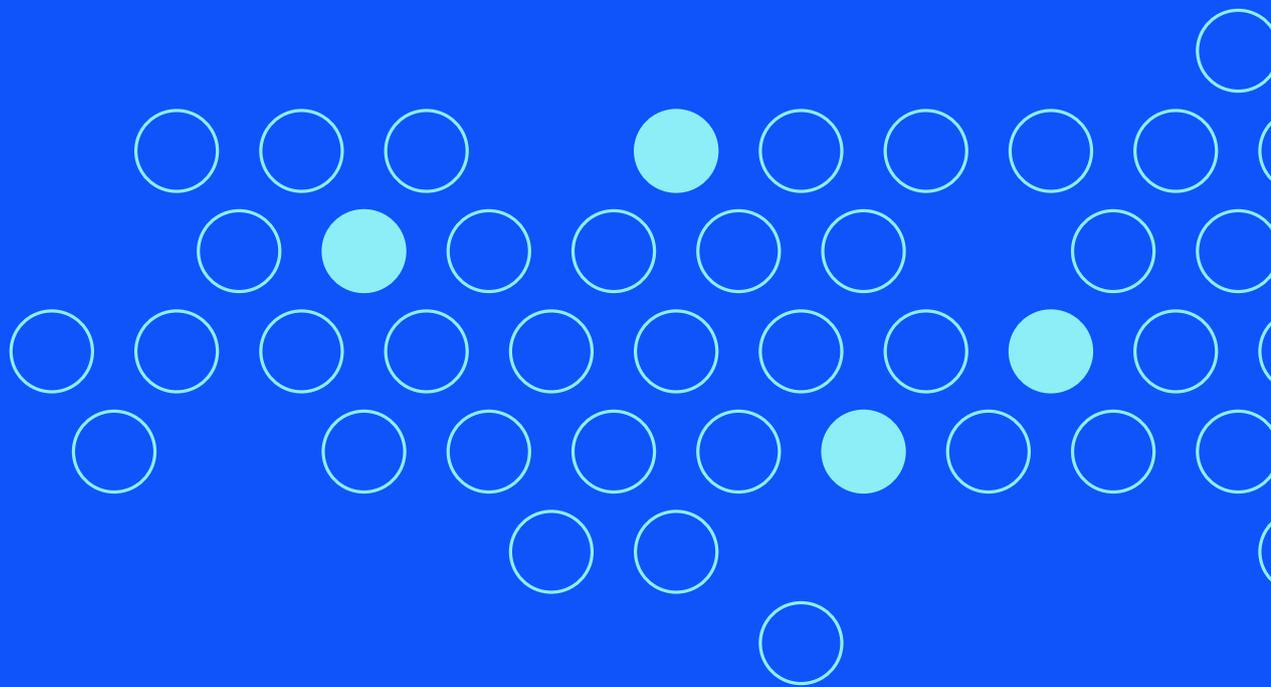
"Recovering fees from solicitors, CPS and courts is a nightmare. Fees should be paid before providing the report."

"I offer a range of hourly rates depending on the type and complexity of the case. I undertake some Pro Bono work. I also undertake work where my chargeable rate does not reflect the many hours I put into the case especially where my reputation as an expert witness depends on excellence of my reporting on a complex matter. I aim to exceed expectations."

"I have significantly reduced the number of cases as legal aid fees are no longer financially viable - turn down multiple instructions a week."

"Medical expert witness professional fees should be in line with lawyers (solicitors and counsels) of the same seniority and experience. This is because a high quality report with unbiased impartial expert opinion is the key to a successful conduct of the claim by the lawyers."

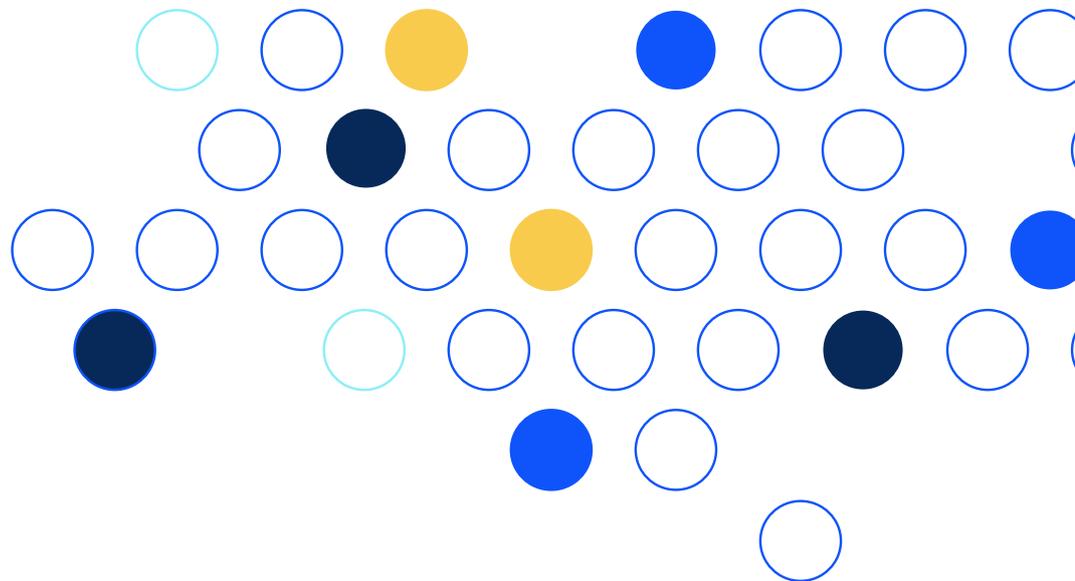
# Expert Witness and Artificial Intelligence





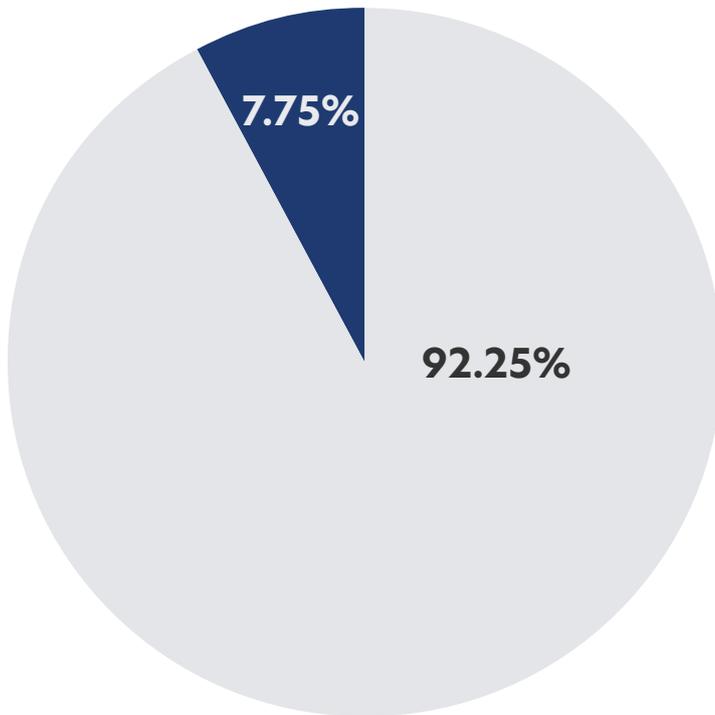
Whether we like it or not, AI is permeating almost every industry across the globe, including the legal industry and the court system. While some experts may have their reservations, there are several ways that AI tools can benefit and even enhance the service that experts provide. For example, language models such as ChatGPT have the potential to save experts time and money, as well as ensuring accuracy by rapidly searching through large volumes of data and presenting relevant facts and statistics that can help support an expert's analysis and opinion.

With AI being such a hot topic, this year we decided to incorporate a full section on the use of AI in an expert witness' practice to establish whether AI is currently being used by experts and in what capacity, and what the current appetite is for AI in the community.



# Question 28:

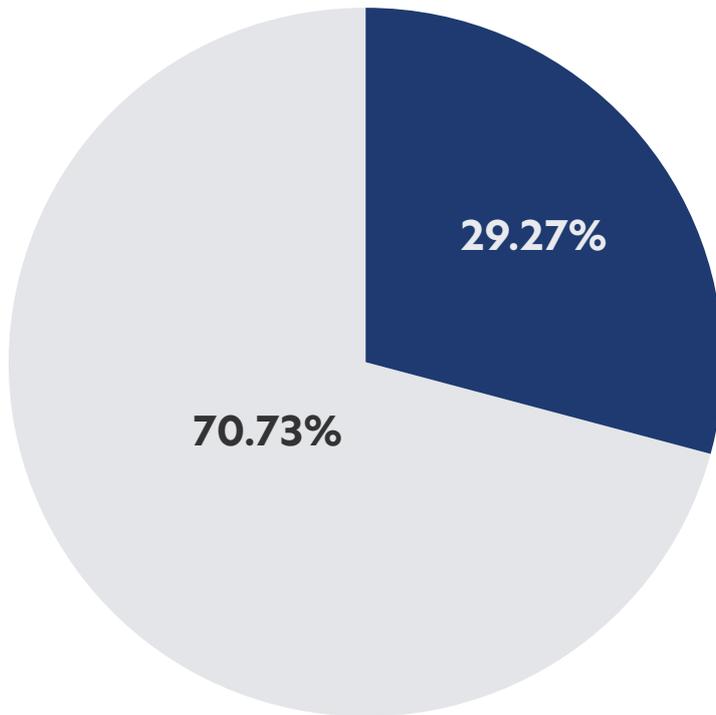
Have you used AI in the preparation of your expert witness reports or in other aspects of your expert work?



	%	Responses
Yes	7.75%	45
No	92.25%	536
		<b>Total responses: 581</b>

# Question 29:

Would you consider using AI in the preparation of your expert witness reports or in other aspects of your expert work?



	%	Responses
Yes	29.27%	156
No	70.73%	377
		<b>Total responses: 533</b>

# Question 30:

What do you consider as the benefits and/or drawbacks of using AI in your expert work?

(See Appendix 7)

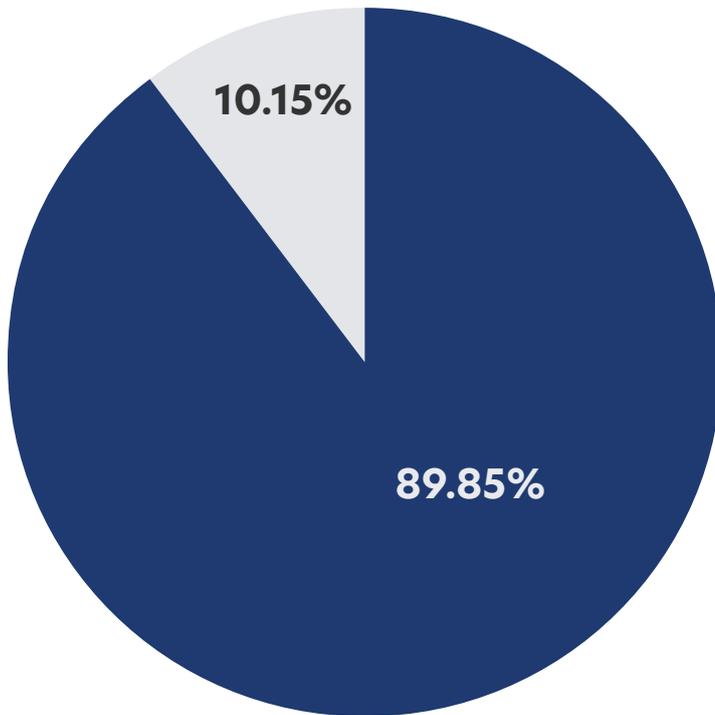
This survey has indicated that experts are overwhelmingly opposed to the use of AI in their practice, with the vast majority (92% - Question 28) of experts stating that they do not currently use AI in their expert work and over 70% stating that they have no intention to do so.

One of the reasons for this is a lack of knowledge and lack of trust in AI, as stated by many of our respondents.

While others, however, do appreciate the benefits of using AI, for example, timesaving/improving efficiency, cost-saving and having access to information/for research purposes, it seems that any recognised positives were outnumbered by the reservations - particularly, concerns about inaccuracy and errors, the inability to verify information and the fact that it will no longer be the expert's own work.

# Question 31:

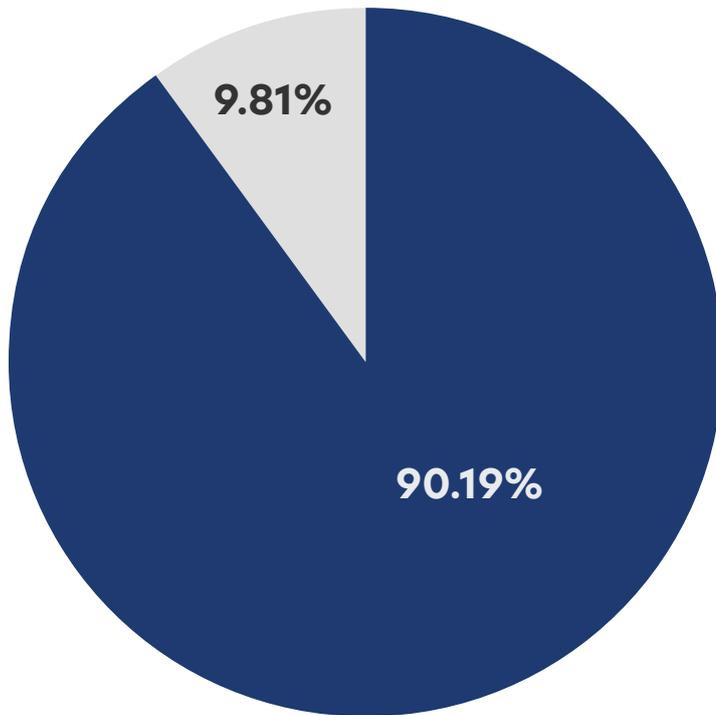
Do you think experts should disclose when they have used AI in their expert work?



	%	Responses
Yes	89.85%	522
No	10.15%	59
<b>Total responses:</b>		<b>581</b>

# Question 32:

Should the courts issue guidance or rules that set out the parameters of AI usage by expert witnesses?



	%	Responses
Yes	90.19%	524
No	9.81%	57
		<b>Total responses: 581</b>

# Question 33:

Do you think that AI could ever replace the need for human expert witnesses?

(See Appendix 8)

Given the responses to the above questions, it is no surprise that experts were overwhelmingly in agreement that AI could never replace the need for human expert witnesses.

We've included some of the most persuasive comments below.

"AI can help in stringing words together but is an unreliable tool when it comes to analysing an entire situation relating to the court case and hence is not able to comprehend the evidence accurately. It is a time saving tool but cannot replace the experience and expertise of the expert witness."

"AI is a misnomer, it is currently a large language model and cannot make judgements on the information that comes from relevant experience."

"I do not think AI could entirely replace a human expert witnesses. The nuance of human thinking that we never really put into writing (and is therefore inaccessible to AI for their learning) will always be missing from AI reports. Furthermore, in a court of law, a human being will be needed to defend the expert opinion which cannot legally be done by a non-human?"

"No, as always, the resulting output is only as good as the input. I have seen a lot of people use AI, but unless you know exactly what to ask, and can then check through in detail, there is a high risk that it may not be correct to the individual needs. AI just allows a wealth of information to be accessed which could be useful, and it can make the research, and reporting quicker."

"Not at the moment. In medical negligence cases it is hard to see how Bolam and Bolitho tests could be applied by non-human expert analysis of complex human performance."

"Not in Care reports where creating a rapport enables claimants to open up to expert witness to provide information."

"No. AI cannot think. Generative AI trawls the internet and is subject to every mistake, untruth, bias, lie and conspiracy theory it scans. In the few months that Generative AI has been available it is already proving to "fall for it all". AI has no "rational thought filtering system" and does not "know" when it is producing rubbish. The old adage "Junk in-Junk out" applies even more now than it ever did."

# Appendix 1

Question 8 - Expert witnesses often ask us how to increase the number of instructions they are given. Ideas include entries in directories, writing articles, networking with lawyers and advertisements in the legal press.

What have been the most effective methods you have used to increase instructions?

- Building strong relationships with law firms and attorneys can lead to repeat business and referrals. Make sure you're known as a reliable and professional expert witness.
- Participate in industry events and seminars
- ?
- ? Do the best job possible
- 1) Direct email marketing to Solicitors 2) Word of mouth recommendations between solicitors
- A good working relationship with the solicitors and a good, fair response to their enquiries.
- A quick conversation with the solicitor / social services / midwives / medics involved in the case
- A very good/excellent CV, clinical expertise, clear reasoned report and then the solicitors who have instructed will come back.
- A well-written and timely report increases the chances of repeat instructions.
- Acquaintances
- Acting as a highly professional expert - at all times.
- Advertise in the legal media
- Advertisements in industry leading magazines, networking with clients availing other services, following industry events and approaching the parties involved
- Advertising in JS Publications Directory: word of mouth among instructing solicitors
- Advertising in the legal media: Advertising in the legal media can help you increase your visibility and attract potential clients. Choose media that is relevant to your area of expertise and make sure the content is clear and engaging.
- Advertising, Producing consistent good reports and building up contacts
- Agencies
- All of above apart from paid adverts. People do business with people. They need to get to know you and your value and opinions. I recorded a video for an expert training company which also helped. Recommendations always works best.
- All of the above
- All of the above but mainly it's word of mouth once you are producing good reports and takes time
- All via word of mouth
- Always doing quality work.
- am only in the one directory run by JS publications. have plenty of work and do not wish to be overwhelmed
- APIL and AVMA directories. Word of mouth.
- APILdatabase
- Apparently submitting reports of some value to the court, so the instructing solicitors will brief me again
- Appears to be word of mouth based on the quality of the reports I've written.
- Approaching solicitors
- Articles, writing articles
- As an expert in the public sector, I do not need to seek to increase instructions
- As I am retiring in the next few years, this is not relevant to me.
- As part of a firm offering expert reports, we have a marketing manager who deals with all such matters
- Ask the lawyer
- At capacity currently, as I still work full time for NHS
- At this stage I am instructed mainly by companies such as Premex and Speed Medical
- Attending events, public speaking at events and building relations
- Be good at what you do and word will spread
- Be known in a small field of expertise. Don't try to be all things to all people
- Being a member of UK Register of Expert Witnesses
- being an exceptional expert gets you known
- Being approved by AvMA
- Being available and producing timely good quality reports that deal directly with the issues in plain language
- Being courteous, prompt and accessible
- Being part of a larger organization specializing in expert work
- Being professional and receiving word of mouth referrals.
- being recommended by Counsel
- Being reinstructed by solicitors or recommended by King's KCs.
- Being very good at my job
- bit of all of them
- Building good working relationships with other professionals.. word of mouth
- business development meetings - getting out and meeting lawyers having testified
- By being efficient and writing a full and considered report
- By doing a good job and getting reinstructed and networking with lawyers
- Case conference with the instructing solicitors, verbal conversations work best.
- Communication with whom is the employer instruction
- Company I work with increase on request
- Completing on time a full, detailed and unbalanced report
- Connect with a lawyer
- Connect with a lawyer

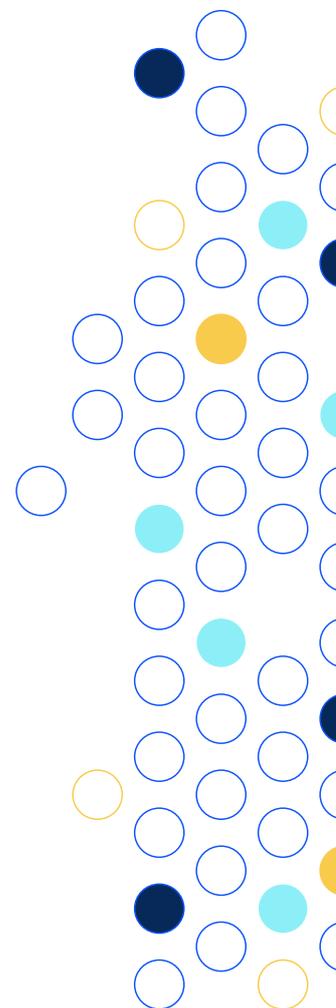
- Connections / Reliability / Thoroughness
- Contact agencies
- Contact previous Solicitors by email
- Contact with barristers
- contacting companies directly to begin with to allow me to gain experience through organisations rather than go direct initially
- direct call to medico-legal agencies
- Direct contact with lawyers
- Direct contact with solicitors
- Director entry
- Directories
- Directories
- directories and ads in legal press
- Directories, advertising and networking
- directories, doing training events of lawyers
- directories, word of mouth
- Directories.
- Directory
- directory
- Directory entries
- Directory entries and my website.
- directory entry - suspect nothing really helps
- Do not do any advertisement and only do very limited part time medico legal practice
- Doing a good job and being recommended.
- Doing a good job and getting recommendations/testimonials
- doing good, independent and objective work - word of mouth does the rest
- Doing thorough research, writing reports without waffling, and (fingers crossed) I have never yet lost a case
- Don't have any
- Early in my expert witness journey
- Education - collaboration between the experts and lawyers to raise awareness of requirements and why
- Email
- email directly
- emailing solicitors
- entering directories and finishing reports quickly.
- Entries in Directories
- Entries in directories
- Entries in directories and adverts.
- entries in directories and networking
- entries in directories and networking with lawyers
- entries in directories, but still no change in level of instructions
- Entries in directories. Networking with lawyers
- Entries in directory
- Entries in online directories of experts
- Entries in selected directories
- Entries to Directories, networking with colleagues in case of conflict or subspecialty expertise
- Entry with APIL, networking with service providers, solicitors, writing good reports and maintaining good practise facilitates repeat instructions
- Excellent customer service to an instructing agent. Always providing high quality reports.
- Experienced in giving oral evidence
- expert directories, talks to lawyers at conference
- expert directory
- Expert evidence is about 'quality' not quantity. An Expert should not 'hard sell' to obtain instructions
- Expert witness agency
- Expert witness database
- Expert witness directories.
- Expert Witness Directory and word of mouth
- Explain your expert opinion to the lawyer
- Face to face contact
- For me personally, its word of mouth.
- Form a good relationship with the legal firms who specialise in the area you work in.
- Formal request
- Gaining a good reputation for high quality work
- Gaining experience in lots of different clinical areas.
- Getting a good reputation and providing report on time
- Getting reports done quickly and well: you then get repeat instructions.
- Getting to know instructing solicitors and their teams
- Giving talks to solicitors and advertising via Expert Witness.
- Good communicating with solicitors
- Good quality reports
- Good reputation word of mouth, getting yourself known taking claimant and defendant instructions.
- Good work
- Google adverts/SEO
- Have an article published explaining why you should be considered .
- Have enough work without additional efforts
- Have never had the need
- Have not found an effective method.
- High quality reports. Register of Expert Witnesses
- High technical ability, high quality report writing, integrity and court room skills - referrals!
- highest possible report standards
- Honesty and efficiency.
- I am a new starter with an established company, so most cases have come from the company's established clients.
- I am listed on the UK Register of Expert Witnesses and many of the requests come through them; possibly more from solicitors instructing me in the past or recommending me to other solicitors.
- I am not in this position due to my speciality.
- I am on one two lists, there seems to be a vogue just now for companies who try to compile lists from those lists?
- I am registered with an agency so I have been reliant on them putting me up for cases, and my CV accepted for a given case
- I am unable to comment as all of my instructions are generated through the Justice system. This is normally by recommendations and previous support. t
- I am very new to being an expert witness. I hope by enlisting onto the CUBS course. Given how well recognised the CUBS course is, I hope that (assuming I pass), being listed on the registrar of experts, it will considerably enhance the number of future instructions I get.

- I believe I produce high quality reports and I have an entry in a directory.
- I did not try to increase my instructions, I do this as a service to my industry and not to create revenue.
- I do feel that instructing solicitors may not know who is expert in the field they require (my field is relatively niche). I have now treated two medical negligence solicitors and they recommend me to anyone wanting to instruct an expert in my field.
- I don't
- I don't have an answer
- I don't know
- I don't know! never advertised but busier than ever. Probably competitive pricing.
- I don't know what is effective
- I get busy times and quiet times. They seem to balance out.
- I have (over many years) developed a template of sort... if I can not adequately address (to my satisfaction) each section - additional instruction etc. Is required.
- I have had sufficient from repeat instructions and entries in a couple of directories
- I have never advertised and have relied on word of mouth. My main problem at the moment is in trying to reduce the number of instructions I receive
- I have never felt the need to do this.
- I have never needed to do so. Word of mouth has brought in more than enough work for me
- I have never needed to. I have too many and turn them down regularly.
- I have no lack of instructions
- I have no need to advertise as I am in a niche field
- I have not attempted to increase the number of instructions given. However, it is not uncommon to receive new instructions from solicitors who have previously received a report on a separate case..
- I have not needed to increase the number of instructions I am asked to accept
- I have not sought an increase
- I have not sought to increase instructions.
- I have not tried. Organic growth is fine for me.
- I have the opposite problem - I am inundated with referrals but am an expert in a field where there are few people willing to do reports.
- I have too many instructions!
- I haven't done anything to increase instructions
- I haven't
- I haven't tried to do this.
- I haven't tried to increase instructions.
- I never need to increase instructions. I often think they should be cut down
- I receive instructions which I can't accommodate and pass on to colleagues
- I recently started to use expert Witness directory and create a profile with them; so far I worked via agencies like Carter Brown who sourced the cases for me
- I rely on the quality of my reports and service.
- I suspect online
- I work as an associate for a company employing experts
- I work solely for expert evidence
- I work through two agencies
- I would not wish to increase my instructions. I am already very busy. Although I contribute to a number of directories, I am unclear how or why I am so busy!
- I write academic articles and edit special journal editions. That is how lawyers find me. But I don't look for increased instructions and I don't advertise.
- Inclusion in directories; providing a good service in anticipation of further instructions
- Increase info
- Increase your fees
- In-person industry networking events
- instructions are through work
- Integrity. Keep my opinion very clear. Ignore requests to amend the prognosis.
- Internet search engine
- introduce myself to instructing solicitors and referrals
- Involvement in the world of dog rescue
- Irrelevant as I work in a government funded lab. We don't tout for business
- I've never had a problem with too few instructions.
- Join an agency who focus on your area of expertise, who act for your interests
- Join several businesses as an associate
- Joining another expert who was winding down his practise and then by producing good reports in time with no delays.
- Joining professional agencies
- Joining The Academy of Experts
- Just using NEWA
- Latterly in my medicolegal career I've been offered more instructions than I have time or inclination to take on, mostly repeat instructions or recommendations, so this hasn't applied.
- lawyers awareness of other reports - through their networking - I don't find directories produce anything although I am in several
- Linked In and word of mouth
- Linked in posts advertising my services
- LinkedIn
- LinkedIn connections
- Listings via professional institutions
- lists
- Local connections with Solicitors
- MAINTAIN REPUTATION WITH A QUICK EFFICIENT SERVICE
- Maintaining probity as an expert witness.
- Make suggestions about what I could cover
- Make sure to provide detailed contact information in the directory so they can get in touch with you.
- Making personal connections with influence solicitors and getting personal recommendations within an instructing solicitors practice.
- Membership of appropriate professional body
- Most of my work comes via agencies
- Most of my work is through word of mouth and I have not attempted to increase my instructions.
- Mostly word of mouth. Also generic emails

- Multiple marketing strategies.
- My admin team do everything for me regarding this
- My online presence and being an accredited, and experienced EW
- my reputation
- My website
- My website and LinkedIn
- N/A
- N/A - I am an expert witness employed by a police force
- N/A as CPS/Police
- Network & reputation
- Network connections and luck
- Network with lawyers and ask them to recommend expert witnesses that fit the needs of a particular case
- Networking
- Networking
- Networking and by reputation in terms of giving a good service.
- Networking and giving evidence in front of multiple barristers and solicitors
- networking and presentations
- Networking and reputation
- Networking and SoMe
- networking and word of mouth
- Networking at medicolegal conferences
- Networking at relevant functions
- Networking through education as to the scope of our expertise and what we can offer.
- Networking with lawyers
- Networking with lawyers
- Networking with lawyers and MPS
- Networking with lawyers and seeking out legitimate and meaningful relationships based on trust, respect and confidence (quality over quantity). The short-term route of lowballing on price can be effective but is not sustainable and compromises the reputation of the expert (and experts more generally). The fact that experts continue to apply such measures is curious given a large number (financial experts) come from an audit background and have likely suffered the experience of being a team member on a job which has been won by lowballing on price.
- Networking with lawyers, thought leadership articles
- Networking with lawyers/writing articles.
- Networking with solicitors
- Networking with solicitors and directories.
- Networking with solicitors, word of mouth
- networking, attending relevant conferences, articles and listing in directories
- Networking, giving presentations, doing a good job on historical work
- Networking, offering to provide lunchtime seminars
- Networking at in person events
- NEWA, APIL, SpecialistInfo, Expert Witness Directory, Word of mouth.
- Nil
- no effective method found
- No particular method identified
- No problems
- None
- None, always word of mouth
- None. I prepare robust comprehensive reports to assist the Court. I do not prepare reports in favour of the Claimant or defendant.
- Not applicable
- Not applicable to my situation
- Not being rubbish as an expert
- not experienced this
- not found one
- not had to do
- Not interested in doing so
- Not relevant - come through my company
- not relevant - I only work for my own organisation
- Not something I have done as yet
- Not sure
- Not sure sorry
- Not used any.
- Online advertising
- Online and published directory
- on-line and SEO
- Online platforms and social media
- Online presence, agencies
- Online visibility via LinkedIn and updated easier to use website
- Only word of mouth
- Own website only. This brings enough instructions
- Performing good work. Usually results in subsequent enquiries.
- Personal contact
- personal contact at professional society events
- personal conversations
- personal networking
- personal recommendation
- Personal recommendation and reputation
- Personal recommendations
- Personal recommendations and lecturing to enforcement authorities
- Personal References by other lawyers
- PREMEX
- Preparing good reports and building working relationships with solicitors
- Previous successful work with a company
- Prior work for a solicitors firm
- Private forums
- Producing high quality effective reports, reputations spread over time.
- Producing quality reports that are independent, clear, and address the issues properly (i.e. word of mouth between solicitors)
- Professional organizations and academic institutions
- Professional reputation developed over time.
- Professional websites
- Provide good quality reports within the agreed timeframe and there will be regular repeat business
- Providing confidently expressed but suitably nuanced reports and explaining and defending these robustly and articulately in court
- Providing educational events
- Providing good quality reports to get repeat instructions from Solicitors
- Providing reports that are clear and independent
- qualifications and word of mouth
- quality of the reports
- Quality of work
- quality of your own work, you re your own advertisement

- recommendation
- Recommendation by colleague
- Recommendation by previous clients
- Recommendation by word of mouth- unsolicited by me.
- recommendations
- Recommendations based on work undertaken and speaking at conferences
- Recommendations through previous client's referral
- Reduce the fee to £30 per report
- Referral from barristers.
- referrals
- referrals from barristers
- Referrals from solicitors/barristers and other experts who were impressed with my work
- Register with an agency, join the expert panels of the legal companies.
- Registered to a few agency.
- registering with agents
- Registering with online directories
- registering with relevant companies/firms
- Relationship with law firm
- relentless networking with lawyers
- Repeat Business
- Repeat business
- repeat business largely and informing solicitors of my availability/ company website/
- repeat instruction from doing a good job
- Repeat instructions from prior reports submitted
- Repeat instructions from solicitors or their colleagues based upon my previous work for them or colleagues
- Repeat instructions from the same solicitors
- Reply to agencies looking for expert witnesses
- representation by an effective and pro active agency
- Reputation
- Reputation
- Reputation - quality reports within the agreed timescale
- Reputation & Website
- Reputation- (word of mouth)
- Reputation and Network
- Reputation and timely response to enquiries
- Reputation...otherwise marketing is OK for awareness, but generally doesn't really make a difference. This is due to solicitors being reactive (hence late instructions)
- Reputation/word of mouth
- Returning business
- Secure Email chains
- Seek a lawyer's recommendation
- sef
- Simple marketing - telephone calls letters
- Simply by providing clear, comprehensive and useful reports, which has the consequences of repeat instructions from solicitors and recommendations to solicitors from barristers.
- Simply do a good job
- Simply doing a good job, leading on to recommendations / repeat business.
- Since Lockdown to use Linked in more and adding content to my website
- Society of Construction Law events
- Solicitor recommendations and word of mouth
- Speak with anyone and everyone
- Speaking at conferences
- still looking for effective methods
- Subscribing to a firm managing instructions, but this results in a large decrease in fees paid.
- Take a wide variety of cases. Always answer queries promptly even when on leave.
- TBC
- The best marketing is the quality of your evidence (written and oral) in past cases.
- The best way is by word of mouth. I've never advertised but I have been doing it for 30 years.
- The company I work for have advertised my profile on my behalf
- The most effective method is through association and or referral by colleagues and other experts.
- The quality of my previous reports
- The quality of previous reports, and performance.
- This has never been an issue. Entries in directories and/ or institutes do provide some enquiries.
- Through agencies
- Through word of mouth, personal referrals
- Through work, not yet been involved open to suggestions
- Time
- timely clinically sensible reports
- To be honest I work in an industry where experts willing to act for the court are rare and so my only methods are doing a good, honest job (even when this is bad news) for a client/solicitor.
- To provide high quality expert witness reports. Instructions will follow.
- To subcontract for a larger business, but this can mean lower fees
- To work actively within your chosen field - networking
- UK Register of Expert Witnesses, AvMA
- Under a case management company
- Unsure
- Unsure as I still struggle with this.
- Up to now I have not carried out any active attempts to increase the number of instructions I receive but am actively looking at such avenues
- Use an agency
- Use professional organizations and resources: Join relevant professional organizations or associations through which you can obtain referrals or contact information for expert witnesses. At the same time, use relevant online resources or databases to find suitable expert witnesses.
- Using an agency
- Very busy currently
- Very hard to know if entries in directories, Linked-In profile etc. are effective
- website
- Website and marketing
- website redesign to emphasise skill set and turnaround times
- Website SEO
- Word of mouth
- Word of mouth
- Word of mouth / recommendation

- word of mouth about my excellent reports
- Word of mouth and being on an expert database
- Word of mouth and networking with lawyers
- word of mouth and previous instructions
- Word of mouth and recommendation
- Word of mouth and reputation
- Word of mouth and using same solicitors
- Word of mouth based on quality of my reports and 2 witness directories.
- Word of mouth by Solicitors
- word of mouth coupled with high standards of work
- Word of mouth due to the niche nature of my work
- Word of mouth from Counsel who have seen our reports and recommended us.
- Word of mouth from high quality completed instructions
- word of mouth in a large firm of solicitors
- Word of mouth in a niche area.
- WORD OF MOUTH IN COURT APPEARANCES
- word of mouth in legal profession & company website page
- word of mouth only, directories brought nuisance enquires only.
- Word of mouth recommendation
- Word of mouth recommendation has been the best method for high quality instructions
- Word of mouth recommendations
- Word of mouth recommendations from one member of a large firm to other members
- Word of mouth recommendations, networking, reputation...
- Word of mouth, directories
- Word of Mouth, Networking events
- Word of mouth, networking,
- Word of mouth, previous reports
- Word of mouth, reputation, delivering on time, honesty
- Word of mouth, solicitors/ barristers grapevine!
- Word of mouth. Reputation. Being seen to be honest and not afraid to give an adverse opinion and to stick by your opinion (ie don't be intermediated by instructing solicitor/counsel to change opinion). You get respect and instructions will follow.
- Word of mouth. Networking
- Word of mouth/recommendation
- word of mouth; good website
- Word of mouth; i.e. personal recommendation.
- Word of mouty
- Work of mouth
- Work through a recognised (quality) medicolegal provider, and be prepared to work hard to build your reputation
- Work with agencies
- Work with an intermediary that specializes in expert witness services. These agencies have dedicated teams responsible for matching case needs with the right expert witnesses and providing the necessary support and coordination work.
- Working at a university
- Working through a medicolegal agency
- Working with a range of different instructing solicitors. Reputation from doing a decent job. Being a clear communicator and responding in good time.
- Working with legal media
- Write an article
- Write articles
- Write articles and network with lawyers
- writing a good report
- Writing a good report, and being effective in Court
- Writing articles
- Writing articles and networking with layers.
- Writing articles: Write articles related to your area of expertise and publish them in professional publications, blogs or social media. By sharing your expertise and insights, you can attract more people interested in your professional services and increase the chances of contacting you.
- Writing good quality reports and issuing them on time.
- Writing good reports
- You can expand your network with lawyers by attending law-related conferences, seminars or joining professional organizations.

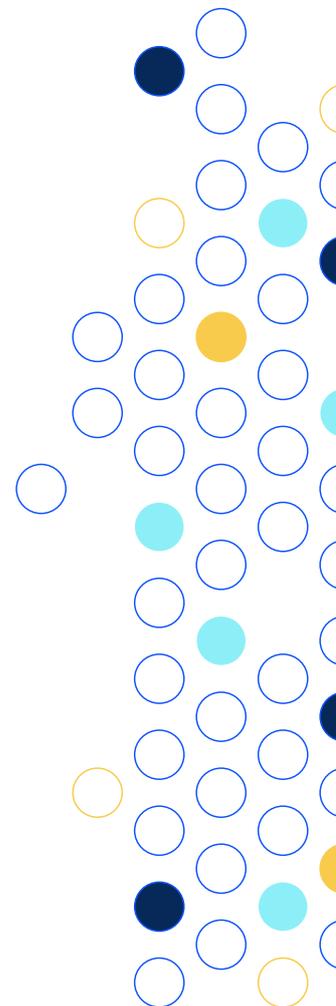


# Appendix 2

## Question 13 - What other protective measures do you think should be considered by the court?

- A Court department to report abuse/intimidation
- A formal offence for interfering with an expert, as with an officer of the law.
- a legal responsibility not to disclose the name of the expert
- Acting only in the most professional way in which reports are written or evidence given - to advise the court and NOT take sides.
- active protection against being villified - incl force of law
- An expert by nature needs to be identifiable and open to professional questions by both legal teams . I don't believe this can be undertaken effectively if anonymity is granted . It also does not allow tracking of experts opinions and performance. A weak expert could be hidden
- Anonymous evidence giving
- Asking the expert witness to appear in court virtually and keeping his identity a secret, providing police protection if required
- Assurances that none of the solicitors involved could divulge, even accidentally, anything that could identify the EW
- Cannot immediately think of any
- Closed courts
- Conduct a proper risk analysis including that where criminals, particularly organised crime conducts vengeful repercussions on expert witnesses who give expert evidence against them.
- defence solicitors should be fined heavily if witness is harmed by their client
- dont know
- dont do the work if you are not prepared to be named
- dont know
- Don't know
- Don't know - I do not do such cases
- Experts are not biased and should not need protection
- Experts should have the courage of their convictions and should not hide behind others. If they aren't prepared to give their evidence in open court they should not accept instructions.
- Given that solicitors frequently send information by email to the wrong recipients perhaps redacting names etc in correspondence, if giving evidence perhaps the same considerations as other witnesses at risk e.g. potentially anonymous video evidence, screens and so on
- Harsher penalties on persons negatively commenting on social media sites such as LinkedIn - I have a colleague who was threatened through this following Grenfell
- I am not sure of this, but do not accept instructions for this type of problem
- I can not really answer this question as I have not experienced this myself and do not know of others who have. However, I do feel that EW should be given anonymity in sensitive or controversial cases
- I do feel that anonymity is not in the interests of justice, I was surprised that the witnesses in the let by trial were not named. In certain circumstances I can imagine that judges could rule that an expert may be anonymous, but diligent searches and reasoning may well reveal their identity despite that.
- I do not think this affects medical experts
- I don't deal with these types of cases
- I don't know
- I don't know
- I don't think any are required.
- I dont have the relevant experience to address the anonymity issue so disregard answers to this whole section
- I don't know, criminals can always find a way.
- I don't think anything further can be done unless the report is presented by a third party.
- I don't think they should be given any anonymity
- I have no experience if this
- I haven't come across this problem.
- I'm not sure.
- If implied or overt threats are received by an expert witness a thorough police inquiry should be undertaken.
- Impunity from prosecution.
- In a small pool of experts in a niche area likely would still be found regardless
- In construction I think it is important that experts are not anonymous
- In extreme cases protection should be offered in order to protect identity
- Independent legal advice to be available to the expert
- Initialled reports? Not sure
- It is probably impossible to protect identities if malign elements are determined to find them, as has been my personal experience of one vexatious and threatening allegant from Ireland
- It totally depends on the nature of the case
- Its impossible really if someone wants to identify you
- Judges issuing clear orders of protection in cases deemed very sensitive, particularly in criminal court, where experts express opinions that are in disagreement with one of the parties, and then they might be subjected to harassment; thus orders of no contact to be made with the experts should be considered

- Legal protection
- Legal protection for experts. Anonymity may be used to provide biased report in some cases.
- Most of my subjects are alleged drug dealers, and I have given many unfavourable opinions without any comeback to date (except not being instructed by the solicitors again). I have not experienced threats of or actual violence, and would inform the court if such threats were made.
- N/A
- na
- Name redacted
- No experience as forensic/ criminal/med. neg. cases not undertaken.
- No idea
- No specific suggestion
- Non disclosure of personal details
- None
- None. If you are an Expert Witness, you should be cowed by what anyone thinks or says.
- None. As an "expert" your identity must be given. If uncomfortable do not accept the case.
- Not my area of instruction
- not something that affects me but its hard to see how formal anonymity would help and giving evidence anonymously would not seem effective or faire
- Not sure
- Not Sure
- Not sure as there are many mechanisms
- Not sure they are necessary
- Not sure, but it can feel risky even in fairly non-controversial, non-high profile cases.
- Nothing given the duty to the court
- Ordering the parties to enter into a confidentiality agreement
- Orders on parties where the anonymity does not apply.
- Other types of police protection if this is severe
- physical protection
- Police protection may occasionally be required
- Potential third party auditing of controversial reports
- private virtual hearings just with the expert and legal counsel
- in attendance to further avoid identity revelation
- prosecute those who are undertaking the threatening behaviour
- Prosecution of party that is causing the threat.
- Protection from online trolling with penalties for doing so - this is particular pertinent for some areas eg gender dysphoria and the family Court
- Recognise list of court appointable experts
- reduce exposure
- Removing the necessity for the witnesses to attend in person if possible
- Restraining orders
- Same as legal professionals. Maybe protection coming into or leaving court.
- Screens, video link
- Separate location to give evidence from where nobody knows they are there
- Solicitors not inadvertently sending e mails with the expert witnesses address and contact number, for those who work in hospitals - those details should be hidden from main report but available to the other side
- Some form of legal indemnity when the expert witness has been objective but might be seen to be on the incorrect side of the conclusion.
- Specific orders regarding malicious complaints and/or contacting experts at their home
- Statement from all experts on cases that they are happy that they have not been bullied into anything.
- Surely the name of the expert witness will be known to all parties
- System ok as it is, if the expert is uncomfortable they should refuse or withdraw from the cae
- Take a statement or opinion in writing that can be admissible to the court
- The availability of a charge of contempt of court
- THE COURTS NEED TO ACT HEAVILY ON ANY REPORTS OF THREATS
- The elimination of the GMC's role on medical expert witness.
- The expert witness is treated with respect and continually updated so that they can take steps to ensure they are unbiased whatever the outcome
- Their names eliminated in court and public records
- There are various possibilities but I am not an expert
- This is not my field, experience
- This is not something that has happened to me, so my comments are based on others experiences.
- To be determined on risk assessment
- To have trail behind closed doors without media presence
- unfortunately I don't have an ideas
- Unsure
- Virtual court appearance and alias used
- witness protection as in a criminal case



# Appendix 3

## Question 15 - What, in your opinion, determines whether an expert is qualified to give evidence in a case?

- have the right to say
- professional experience
- registration with a professional body
- (I am a medical EW). Clinical expertise: up to date expertise in this particular area of work
- 1- Qualifications. 2-Experience.
- 1) Qualifications 2) Practical Experience 3) CPD 4) Memberships of Professional Bodies
- 1. Has the qualifications to be an expert. 2. Has the experience and training to be an expert.
- 1. Qualifications (postgrad qualifications in medicine). 2. Experience - time in the job.
- 1. Adequate qualifications and a reasonable time spent in practising in their field 2. Reasonable understanding of the law and legal procedures 3. Completed recognised training as expert witness 4. ongoing professional development in the professional field and as expert witness.
- 1st, length of experience in that subject matter. 2nd qualifications in that subject
- A balance of qualification and experience
- A CV, memberships and CPD evidence that give confidence that they can give opinion in a particular case. Should judges (perhaps they do) make record when expert testimony is obviously poor/biased - where an expert has not complied with their duties. Should that be known? Should the expert be expected to undergo retraining before they can give evidence in another case?
- A high level of clinical knowledge and experience current during the relevant time period
- A lawyer's qualification certificate obtained by a state-recognized institution
- A minimum of 10 years experience in their field and certification to prove that they completed formal training.
- A Professional Qualification and a proven track record in the specialist area under question
- A proven 'track record' in the particular field
- A recognised professional qualification, detailed knowledge and experience in the area, up to date experience, NOT RETIRED, evidence of continuing CPD in the relevant field.
- A recognised qualification in the field; being recognised as a clinical specialist; ongoing CPD and specific EW training.
- A relevant qualification, experience and evidence of CPD
- ability to give independent opinion based upon instructions and evidence
- ability to think, adequate training willing to work
- above ordinary experience of a high level within his/her professions
- academic and professional qualifications and proven track record of delivering services in their chosen discipline
- Academic background and qualifications
- Academic qualifications and experience in the relevant fields.
- Academic qualifications and further specialist training. Clinical experience within the area continued
- Academic qualifications and relevant practical experience.
- Academic qualifications and subsequent experience within the specific field of expertise.
- Academic qualifications in the specific subject matter AND real experience in investigating that subject
- Academy of medical royal colleges guidance-
- Accepted as such by peers
- Accreditation with a professional body. Assessment by the court
- adequate experience at senior level, evidence of recent attendance at relevant courses and registration with a medicolegal body that screens applications
- Adequate experience with qualifications and CPD
- Adequate legal and professional experience
- Adequate level of experience (Consultant level specialist) and qualifications
- An appropriate level of formal qualification and experience.
- AN AREA OF EXPERT STUDY AND REGULAR PRACTICE
- An established reputation in their field of expertise.
- An expert should have the knowledge and expertise based on his practice to give a qualified opinion. I only undertake reports that lie within my specialist interest.
- An Expert should not accept instructions if they lack the knowledge to provide an independent report
- An expert with a number of years of experience in that field and familiar with the legal obligations
- An understanding of the statutory obligations that a clinician has to his/her patient, a understanding of what is expected of a reasonable competent practitioner, an understanding that the expert's primary responsibility is the court, and a knowledge of how to prepare a medico-legal report
- Appropriate and relevant professional experience of the issues in the case and registration with their professional body and evidence of CPD

- Appropriate body registration and compliance with that bodies CPD rules. Relevant and recent (but not necessarily concurrent) experience if no appropriate registration body.
- Appropriate experience combined with professional qualification
- appropriate experience in subject matter and in giving evidence both in writing and orally
- appropriate expertise & training, along with credibility.
- Appropriate expertise and relevant qualifications
- appropriate qualification and experience of working in the field that opinion is being offered in
- Appropriate qualifications and experience, registration with the appropriate professional body and reasonable understanding of the role and duties of an expert witness.
- Appropriate qualifications and experience. Professional registration with appropriate bodies. Some form of expert training. Evidence of continuing professional development. In my opinion, these should all form an essential part of the determination process.
- Appropriate qualifications and experience
- Appropriate speciality, currently working within that specialty, experience of over 5 years as consultant, completion of relevant course and CPD evidence
- Appropriate training and experience
- area of expertise
- Assessments and examinations undertaken. Have they dealt with that specific issue in their practice.
- At least a substantive consultant
- At least twenty years experience of the specialty about which evidence is required.
- back ground qualifications and expert experience in an area that has the case mix of the case presented with
- Background experience and technical qualifications
- basic qualifications, certified by appropriate body that they are fit to examine and report./ appropriate experience.
- Being at the top of his/her profession and be recognised as a leading person on the matters on which instructions are given and of equal importance, know the law, know the rules and be well practiced in cross examination techniques.
- Both formal qualifications and experience
- Broad and relevant experience in the area that the expert is reporting on.
- Certification and evidence of relevant continuing professional development
- Certification through exam
- Clinically competent in relation to the matters being commented on within the time period of the case - ie they were practising within their field of expertise at the time the case occurred
- Clinical and court experience and appropriate qualifications
- Clinical and legal experience
- Clinical experience
- Clinical experience and training
- Clinical experience in patient management in the relevant field
- Clinical experience in the area under examination, probably for more than 10 years. Some reasonable standard of training in the organisation and presentation of evidence.
- Clinical experience in the case matter
- Clinical experience, appraisal and being on the specialist register.
- Clinical experience, sense of objectivity
- clinical knowledge with a clinical special interest of that specific question
- Clinical practice and experience
- Clinical practice plus expert witness training
- Combination of academic qualification (minimum a PhD) + experience/publications + registration with professional body.
- Combination of directly relevant experience and professional body accreditation
- combination of education, experience and qualification on an ongoing basis
- Combination of professional experience, awareness of the legal system and of CPRs
- competence and experience
- Competence as fined in legislation.
- Competence, time served, volume
- Competency - which is a combination of knowledge, skills, experience and most importantly motivation.
- Competency (experience, qualifications and skill) in the specific issues of consideration.
- Completed relevant training and has clinical experience
- Considerable experience in the subject matter.
- continued professional development / qualifications
- Correct training and ensures they follow guidance
- Counsel's history with expert. Thorough examination of expert's background and mock trial if needed to gain case.
- CPD /TRAINING
- Current (or recent, eg <5 years at time of instruction) in broad field, plus experience in field as practicing consultant for, eg >10years. Professional body membership or cpd is merely a money spinner for certain bodies. NB: for Q15, I agree that one has to be registered with a MEDICAL professional body such as Royal College of Physicians, not a medico-legal "club". Regulators are a waste of time. Just look at CQC!!!.
- Current and reasonable volume professional practice in the area in question
- Current experience and competence, being actively involved in the industry in some way. A wide industry knowledge. Full understanding of the legal duties of an expert witness. Being qualified through formal training, such as that provided by Bond Solon. I believe all Expert Witnesses should attend format training for the role.
- Currently practising in their specific field. National/ international reputation.
- CV - Academic and Expert witness qualifications
- CV alone. Academic qualification does not override depth of knowledge and experience.
- CV, working experience and certificates from reputable academic institutions

- CV/attends updates/working, or having worked in, in that area of expertise
- Day job and working experience
- Demonstrable 'relevant' experience to an enhanced expert level.
- Demonstrable experience in that field
- Demonstrable experience of the area involved.
- Demonstrable experience related to the matter at hand and a willingness to go on record with an opinion
- Demonstrable expertise
- Demonstrable expertise in the subject
- Demonstrable expertise in their field backed up by court experience
- Depends on their formal education, relevant CPD, professional registration, and their area of work. I frequently see experts offering evidence in cases that are totally removed from their practice, e.g. CAMHS clinicians offering evidence in criminal cases.
- Determination by the court from experience or qualifications
- Difficult to quantify but a combination of education, experience, exposure to the topic at hand.
- Does the expert have knowledge, skills and experience in the area of expertise in which they provide an opinion. Additionally, has the expert undergone expert witness training.
- education and experience
- Education, credentials in area of expertise
- education, training and experience within the field in which the case is an issues, experience in assessment or treatment of that particular matter, evidence of up to date CPD pertaining to the area of expertise
- ef
- Essential Qualifications and Unique Experience in Certain Topics
- Established demonstrable expertise together with appropriate qualifications, currency and evidence of CPD
- Evidence of continuing professional development
- Evidence of current and continuing professional development which is relevant to the area of expertise being commented upon.
- Evidence of experience in the subject area or membership of a professional body
- Evidence of expertise in a subject
- Evidence of formal training like CUBS
- Evidence of relevant professional experience specific to the case. Evidence of providing expert opinion in similar cases.
- Evidence of the specific expertise needed (training, experience, CPD) plus impartiality
- Examination of the expert's CV, Expert Witness training certifications, number of past cross-examinations
- Experience
- Experience
- Experience (essential) and qualifications (not necessarily essential)
- Experience , evidence based practice
- Experience , number of cases seen,training
- experience and appropriate degree
- Experience and expertise. Not necessarily academic.
- Experience and knowledge
- Experience and knowledge in the specific field
- Experience and knowledge of the matter in dispute
- Experience and knowledge of the subject matter
- Experience and knowledge on subject an surrounding areas and routine practice
- Experience and professional qualifications
- Experience and qualification and reference and past work
- Experience and qualifications
- Experience and qualifications
- Experience and qualifications in the relevant field
- experience and regular appraisal good feedback from IPs and annual updates
- Experience and skill
- Experience and technical knowledge / skill, and staying within the limits of those.
- Experience and training
- Experience and training, a comprehensive understanding of their subject.
- Experience both clinically and legally
- Experience Fairness. Ability to critically appraise
- Experience in field and evidence of training in I field of expert witness and ongoing medical cme
- Experience in that field, professional qualifications
- Experience in the field - so potentially CV. I think that this should be a matter for the instructing solicitor to determine.
- Experience in the field in which evidence is being given supported by suitable qualifications
- Experience in the field. Expert witness training
- Experience in the field. Post graduate qualifications. EW training & certification.
- Experience in the relevant area (at least 5 years as a specialist)
- Experience in the relevant area and membership of a professional body
- Experience in the subject
- experience not medicolegal qualifications
- Experience of subject matter AND knowledge of duties to court.
- Experience of the job role, but I do think more flexibility is needed within mental health nursing cases as there are so many similarities across the field of MH nursing
- Experience of the matter or the principles involved
- Experience of the particular issues should be the most important qualification, not academic qualifications.
- experience of the subject of the case / experience working in the same field
- Experience over a good length of time in their field and knowledge of what an EW is required to do for the court
- Experience over a time period, frequency of seeing such cases before and Court experience.
- Experience, Age, Technical Skill
- Experience, Certification, Recognition and Level of work at the appropriate level

- experience, exposure and if sub-specialists to be working in tertiary units
- Experience, knowledge and procedures assessed by court. This could be assisted by registration with CSFS or other professional bodies but I believe it is important not to just mandate one route as expertise may emanate from many different provenances not just traditional Forensic Science / academia
- Experience, knowledge, ability to weigh facts, independence
- Experience, qualification, ability to stand up to challenge.
- Experience, Qualifications, Certification and Continued Professional Development.
- Experience, qualifications, currency of practice, CPD
- Experience, qualifications, evidence of CPD, ability to write a coherent and timely report.
- Experience, qualifications, written and verbal abilities
- Experience, specificity and focus
- Experience, competence, and knowledge
- Experienced in the field
- Experience in the relevant area of the questions/instruction, statutory registration and appropriate qualifications
- Expert training, having previously given evidence for important cases, an expert and a practitioner
- Expert training, years of experience in their field (at least 10 years pl would suggest), evidence of CPD supplied or member to a professional body. professional practice however not all within expert work necessarily)
- Expertise
- expertise
- Expertise and analytical skills
- Expertise and experience
- Expertise and experience and training
- Expertise and experience in a speciality relevant to the case and an understanding of role as expert
- Expertise in that area and experience of writing reports
- Expertise in that area, knowledge of duty to the court/ be impartial
- expertise in the topic area
- Experts may need to obtain specific court qualifications or receive court training to ensure they understand the requirements and procedures for giving evidence in court
- Experts with Sufficient experience in the area of expertise
- Extensive experience and expertise in the field upon which they are giving opinion
- extensive personal experience in a specific subject
- Extent of experience, and depth of knowledge, on the issue upon which the expert is called to opine; along with qualifications/ accreditation/professional development recognised by the expert's peers as evidence of his/ her expertise.
- Factual (recognised) expertise in the field/case of question; expert witness certificate (Bond Solon, EWI)
- Fair and honest
- Fair and honest
- Far too broad a question - this is dependent on the subject matter
- Field of expertise in the expert's clinical routine
- Firstly the level of experience the individual has in a particular field. Secondly the conclusions reached by the expert witness should be aligned closely with the conclusions reached by similarly experienced colleagues. Thirdly, that the expert has stayed up to date in their area of expertise and can highlight any relevant or recent changes to their knowledge base.
- Firstly, knowledge, experience and evidence of practice within the required field. Up-to-date knowledge and importantly qualification through an approved provider of training of competence in the role of an SME. SME
- For medical experts, in principle equivalent qualifications to those required to practice (ie membership of professional bodies: GMC registration (not necessarily a license to practice); maintaining CPD record.
- For OT's they should have a very wide range of experience and actually treated someone with the condition in question
- Formal education and substantial experience as a practitioner in the subject matter. Or, sometimes,
- the same experience in a parallel subject matter.
- formal qualification in subject matter plus at least 5 years experience working in /around that subject, and some sort of peer reviewed position such as membership of a professional institution.
- formal qualifications and experience of the background to the dispute
- Formal training
- Formal Training (For example Bond Solon and the CUBS through Cardiff University)
- Frequently done the procedures being assessed
- Fully qualified Psychologist, registered with HCPC/BPS and accredited as an EW by BPS or Law Society
- Good thing, expert needs to demonstrate SEQP
- Hands-on experience in the field of work associated with the case, ability to clearly articulate the evidence in a manner that is understandable and can be validated by a non-expert.
- has qualifications and experience in the area, and is at a high level of expertise in the industry
- have the right to say
- Have they experienced a similar scenario in their working career prior to becoming an EW.
- Have they the appropriate qualifications and enough experience in the area in which they state they are an expert.
- Have they worked extensively in that field recently within professional guidelines?
- Having appropriate expertise and practical experience
- Having completed relevant qualifications
- Having court room and nursing background even just sitting in the court room and of good conduct not corruption
- Having significant professional experience in the subject matter
- Having the relevant qualifications knowledge and experience to analyse the data and respond to the brief
- He has a lot more experience on the subject than the court has.
- He must be an expert in his field.
- High level of expertise in the

subject matter

- High level of expertise in their profession. Bond solon,
- His / her portfolio we cannot be prescriptive being active or recently as active in that field is a must
- His/ her CV
- His/her extensive practical experience of work in the relevant area.
- Holding a senior qualification in their specialist subject, together with at least a decade of experience and relevant CPD.
- i would say real clinical expertise in that particular area
- if he can demonstrate how his qualifications and experience are relevant
- If he feels confident to give opinion and experience in the field
- If he has specialised in the particular case he is asked to comment on
- If he is able to stand up in court and establish that he is an expert in his field and not out of date
- If the expert manages similar cases in the clinical practice
- If the Experts qualifications and experience are sufficiently robust to withstand challenge.
- If the instructions are within their scope of practice, expertise and experience
- If they have professional registration with the regulating body or authority of the field they practice professionally
- If they have real life experience to reflect upon, knowledge of current practice, duration of time spent in their profession
- If they have sufficient qualification and experience in the relevant field and can do so impartially
- If they have the appropriate expertise and knowledge to assist the Court
- In a nutshell - whether he or she knows their subject, has practised in the field and has relevant current knowledge
- In medicine it is having several years of experience as a consultant and being in good standing with the GMC
- In medicolegal work full time consultant status in a specialty which regularly treats the alleged

conditionstion

- In the end, the judge will decide
- Independence and neutrality
- Inevitably Biased
- is up to date and has experience of similar situation/issues from various aspects/angles, is trustworthy, has proven integrity and is ethical through a regulatory body
- It depends on the field. I most commonly face serving police officers as 'drug expert witnesses' who are 'accredited' via an internal body with no external vetting, most of whom have no post-secondary school academic qualifications. My own expertise derives from academic research allied to over 30 years casework experience.
- it really depends on the discipline, I work in IT which moves very quickly so I have to work hard to keep up - formal qualifications matter less than being up to date
- It's a combination of the case being within the expert's area of expertise and recent experience of the condition
- Judge
- Knowing your area of expertise, being responsible for your own training and development within you area of expertise and not straying outside of it. Understanding your duty to the court and the Part 35
- Knowledge and experience in the particular field required
- Knowledge and experience of the subject matter
- Knowledge and experience.
- Knowledge beyond the expected standard e.g research or professional experience seniority
- Knowledge of the key issues in the case derived from experience of working in, involvement in or research into the particular field of expertise backed by appropriate professional qualifications or accreditation
- Knowledge, experience
- Knowledge, qualification and experience (all 3 together are needed)
- Knowledge, training and experience
- Leader in their field / years of current experience. Acknowledgment from Peers.
- Legal training, professional

expertise and experience. Of course the ability to write and present Court ready reports.

- Length of experience and depth/ intensity of working with the client group/field of work required for the case.
- Length of practice; membership of a professional body.
- Length of service in a particular field, that they are currently working in that field and have a nationally recognised qualification.
- Level of experience, being registered with professional bodies, regularly working with the relevant clinical presentation(s) relevant to the case
- Maturity, balance, independence of mind, breadth of professional education and life experience
- Membership of a .professional body in their field of expertise and some years of experience.
- Membership of a professional body at senior level e.g. Chartered Engineer plus sufficient relevant experience (20 years +)
- Must have completed a formal set of training approved by a regulatory body e.g. GMC or Royal College. Option should be explored if a formal qualification.
- N/A
- Need to be able to demonstrate clinical practice is at highest level in specialised or sub specialised unit
- Needs to reflect day to day practice
- Not a single answer.
- Not just professional qualifications and experience but I feel its necessary to go through formal training to write these reports
- One should consider, Training, Years of Experience and how many times qualified by a judge and how many cases won
- Ongoing practice credibility in given specialist area, evidence of Core and ongoing training in medico-legal issues - CPR, Report writing, EM/JS etc
- opinion of the court
- Past experience
- Peer reviewed expertise in the particular field concerned; professional body memberships
- Personal experience in the relevant clinical field

- practical experience of the detail of matter in dispute
- Practical experienced in the disputed matters
- Practicing in the field for at least 10 years, no new instructions more than 3 years of retirement from the job,
- Practising within the chosen field for at least 5yrs.
- Preferably relevant institution certification such as ICE and relevant topics in CV
- previous cases settlements
- Previous experience and expert reputation
- Previous experience. Evidence of registration in their profession. Evidence of specialisation in the particular area in dispute
- Previous history and independent assessments
- previous relevant experience in a different setting (e.g., NHS). Appraisal and revalidation for medical experts or equivalent for others should also be required.
- Primarily their experience, education, and ongoing qualifications
- Professional ability, profound knowledge reserve
- Professional and academic qualifications and hands-on experience of the issues.
- Professional Body Qualifications and years of experience
- Professional ethics and independence: Experts should adhere to the code of professional ethics and maintain an independent, objective and neutral stance. Their testimony and opinions should be based on sound evidence and scientific methods, without interference from personal bias or outside influences.
- Professional experience
- professional experience relevant to the case either over a number of years or having seen a large number of similar cases in a professional capacity not just an expert reporting capacity
- professional experience and qualification
- Professional knowledge of the domain of information that is relevant to the matter under consideration as evidenced by training and experience.
- Professional qualifications in said field, peer confidence, working with recognised agencies, professional registration and oversight.
- Professional qualification
- Professional qualification and experience in the field.
- Professional qualification and experience on the subject matter
- professional qualification and practical experience in relation to the matter in question
- Professional qualifications
- Professional qualifications (with requirements tailored to the matter on which expert evidence is being given) and case experience
- Professional qualifications and experience
- Professional qualifications and experience.
- Professional qualifications and past work
- Professional qualifications from professional institutes or bodies. Eg Chartered status.
- professional qualifications in speciality
- Professional qualifications, professional regulation (not being struck off), and years of experience working in the actual field of expertise
- professional qualifications, relevant professional practise and continued CPD, registration with professional body
- Professional qualifications, understanding of legal test/law though further study such as the CUBS qualification and clinical experience.
- Professional qualifications, understanding of the court/legal process in addition to one's own field.
- Professional registration in their field, significant length of experience in the field.
- Professional registration shows a level of competence but depth of experience is essential
- professional registration, suitable recent experience and continuing CPD
- Professional training and examination and / or demonstrable experience in a related job role.
- proof of experience
- Proven qualifications and extensive experience in their field
- Qualification
- qualification (degree etc), CPD and must be registered with professional body, number of years working more than 5
- Qualification and experience
- Qualification and expertise
- Qualification but most importantly , experience
- Qualification in specialty and relevant experience
- Qualification matters but over the time period what matter is continuous professional development, commitment of long standing to provide the service to the professional such as solicitors, colleagues and barristers.
- qualification, registration with governing body and body of clinical experience
- Qualifications & clinical experience in a relevant area
- Qualifications (academic & professional) plus experience. However, there will always be new circumstances to investigate and sometimes similar experience is the best indicator.
- Qualifications , experience
- qualifications and experience
- Qualifications and experience
- Qualifications and experience in the field in question
- Qualifications and experience in the relevant field
- qualifications and experience which may include professional body registration
- Qualifications and relevant experience
- Qualifications and then number of years spent in the specialist area with hands on experience, with additional experience of publication, lecturing if necessary
- Qualifications in field, experience in field and qualifications in the giving of Expert opinion
- Qualifications in the specific required area, and relevant experience
- Qualifications or experience levels - not all individuals who are "qualified" are suitable, but some without letters after there name are still experts in their field, this is why the definition of an "expert" is the way it is. The Court really should be able to assess, through questioning, whether the expert

is sufficiently "qualified" to give the opinion they are giving - of course CPD is an integral part - but the problem with CPD is it is somewhat vague! The key for a successful expert is appropriate knowledge in the area being examined, independence of mind and confidence enough to draw the line when it comes to their capability

- qualifications training and abreast of up to date research and history of completion
- qualifications, cpd, memberships, references, cv
- qualifications, experience and accreditation
- Qualifications, experience and are they actually still working in the field
- Qualifications, experience, certified, registered with a professional body and has liability insurance
- Qualifications, experience, legal training
- Qualifications, Experience, Registration with professional body and evidence of CPD
- Qualifications, hands-on experience, experience as an expert (or assist thereto) in similar cases.
- Qualifications, including expert witness specific qualifications such as CUBS or accredited with EWI, experience and evidence of ongoing CPD
- Qualifications, knowledge in the subject matter and experience of same
- qualifications, registration with a professional body and evidence of continuing professional development should form an essential part of this determination.
- Qualifications, registration with regulating body, current employment, publications, CPD
- qualifications, training, experience and current competency, full understanding of duties to courts and impartiality
- Qualifications, training, experience, CPD, assessments (we have internal assessments))
- qualified, clinical and forensic expertise, experienced clinically, in court, and on research, senior in field
- Quantifiable experience and expertise

- Reasonable time working in specialist field
- recognised qualification, post-qualified experience and confidence in their (well-researched/assessed) views
- Recognised qualifications within the field. Number of years experience. Evidence of continuing professional development. Registration with a professional body.
- Recommendation from other solicitors for whom I have produced reports
- Reference psychologists, HCPC registration plus some explicit evidence of expertise.
- reflective of what they do in their day job, and see on a frequent basis
- registered with appropriate professional body and use of appropriate protected titles not meaningless generic ones
- Registration / certification with a EW professional body & CPD
- Registration with a professional body
- Registration with a professional body & evidence of continued professional development.
- Registration with a professional body and evidence of continuing CPD should be essential. They should also be still engaged in practice.
- Registration with a professional body should be the right answer to solve this issue.
- Registration with a professional body, receipt or recognition by that body and evidence of continuing professional development is a start
- Registration with a regulatory body (e.g. CSFS), qualifications and continued professional development
- registration with a specific expert professional body after qualifying study and test
- Registration with professional body and active caseload
- Registration, CPD and relevant experience.
- registration with the relevant professional body and continuing professional development
- Relevant and up to date expertise in the matter, professional and academic qualifications and proper training on how to conduct

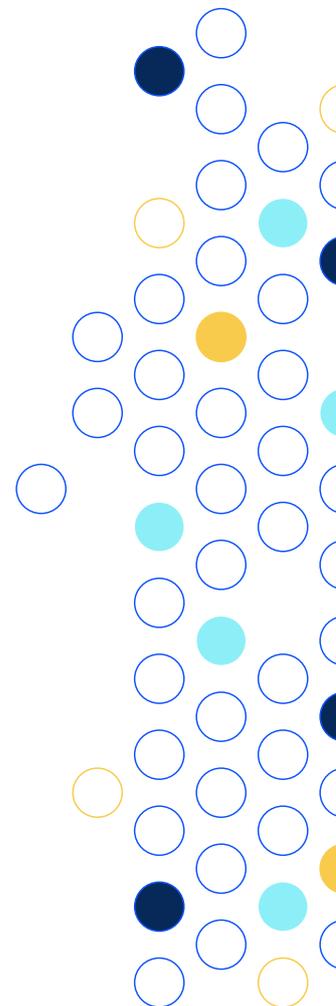
yourself as an independent and impartial expert

- relevant background and experience
- Relevant clinical / professional qualifications, and experience in the field, up to date practice, evidence of CPD and expert witness training, valid registration with professional body, membership of forums etc
- Relevant clinical experience and appropriate training in medicolegal work.
- relevant clinical expertise AND approved training in expert witness work
- Relevant current knowledge support by an academic base
- Relevant education (degrees), training, professional membership, undertake competency trials and adhere as far as possible to FSR rules plus peer review of their casework
- Relevant experience
- Relevant experience
- Relevant Experience / Qualifications / Aware Duties & Protocols / Trained & Aware of Procedural Rules
- Relevant experience and designations. Depending on the value of the case, the scrutiny of these two variables changes.
- Relevant experience in that field
- Relevant experience in the field
- Relevant Experience in the field they are EW in. Also EW making clear their boundaries.
- Relevant experience in the subject matter of the case
- relevant experience in years and also continued professional development in their field
- Relevant experience over a significant period of time, ongoing work in the area they provide evidence regarding, qualifications and specialist training
- Relevant experience relating to the case
- Relevant experience.
- Relevant expertise in the issues under consideration
- relevant expertise, medicolegal training
- Relevant formal qualification and work experience.
- Relevant knowledge and experience

- Relevant practice at the time of the incident and ideally in practice at the time of the report.
- Relevant qualifications and experience
- Relevant qualifications and experience
- Relevant qualifications and experience in the area
- Relevant qualifications and skills in the area being discussed.
- Relevant qualifications from recognised industry body together with significant demonstrable experience
- Relevant qualifications, knowledge and experience.
- Relevant subject matter expertise.
- Relevant training, qualifications, experience of the subject matter, CPD and memberships all contribute.
- Relevant up-to-date practice and sufficient experience (15-20 years with exceptions) to build the necessary knowledge
- S/he has sufficient expertise to understand the area of interest and address the relevant issues
- Scope of practice / on GMC GP or specialist register
- Seniority and experience in your field plus appropriate expert witness training
- Should have at least 15 years experience in the area where opinion is required and should have some legal training in writing reports, cross examination so they know what to expect and can adhere to legal guidelines
- Significant experience and expertise in the specified field.
- Skills set, qualification, experience and the ability to research further if appropriate
- Skills, Knowledge, Ability, Training and Experience
- SME in their field
- Social acceptance and industry standards
- Solid pertinent experience, credentials, and formal training/ accreditation.
- Some form of expert witness training and example report.
- Some years of experience in the precise category of expertise required.
- specialist experience within the NHS (in UK)
- Specialist knowledge in area of expertise and familiarity with his duties as an expert witness.
- specialist experience and training
- Specific qualifications and having experience working those cases/ areas
- State registration, continuing (and relevant) CPD, relevant professional qualifications, membership (active) of relevant professional bodies
- status and qualifications being members of recognised bodies
- Strange question to ask. The expert is qualified if he/she is an expert in the subject matter
- strong CV, track record, experience and skills, knowledge and working within specialism not just as an expert
- sub speciality training and qualifications
- subject knowledge, experience, training
- Subject matter expertise relevant qualifications experience
- Subject matter knowledge and experience
- Substantial experience in that field and qualifications
- Substantial time spent in practice in relevant area as well as recognised qualification
- Sufficient clinical experience and a good knowledge of the legal test.
- Sufficient expertise & Expert witness training
- Sufficient expertise in their discipline, and basic medicolegal training
- sufficient time and experience in a given field, particularly the time aspect. Should be 10 years plus minimum
- suitable and relevant qualifications and experience
- Suitable practical training and experience, demonstrate peer-review and ongoing training
- Suitable professional qualifications and an understanding that they may be called upon to appear in court to justify that report.
- Suitable professional qualifications, membership of professional societies, and suitable experience.
- Suitable qualifications & experience. Registration with professional body that regulates experts practice
- that they possess relevant expertise
- That is incredibly difficult. Is an expert someone who is noted in their field? There are many noted in their field in medicine who do minimal clinical work.
- That the individual knows more relevant information and has more appropriate skill than the person on the Clapham omnibus. Courts are well equipped to inquire as to the qualifications of a witness claiming expert status and all that is required is that courts be encouraged to do so vigorously.
- That the subject on which he is asked to opine, comes within his area of expertise.
- That they are fully registered with their professional body (HCPC for psychologists for example) and have undertaken some training in expert witness work.
- That they have a breadth of experience and the right mindset to examine the evidence in the relevant field of expertise.
- That they have extensive experience in the field and an appropriate qualification (if that's available).
- That they have relevant experience and expertise, having an Expert qualification would also be favourable.
- That they work in clinical practice looking after patients in similar situations to the claimant
- The Bond Solon Expert Witness Training (or similar) provides a basis for an expert to demonstrate expertise. It should be for the courts to determine whether an individual has sufficient expertise in a subject to provide an informed opinion to the court.
- The case's nature has to conform to the expert's speciality, experience and expertise
- The Court determines this when hearing the expert evidence
- The court will assess the expert's educational qualifications to ensure they have the necessary foundation in their field.
- The Court.
- The degree of their expertise and track record of the expert
- The expert having had extensive experience and expertise in the very specific area upon which they give evidence.

- The expert must have specialized knowledge and experience in the relevant field and be able to provide accurate and reliable analysis and explanation of the issues involved in the case. Their expertise and experience should be matched to the nature and requirements of the case.
- The expert should be able to demonstrate that they are qualified in their particular field. This would necessarily be with formal qualifications but with experience. Registration with a professional body would be advantageous to help the instructing solicitor assess the quality of the expert. Also all experts should keep up to date with advances in their field by way of CPD. f
- The 'expert' should have both qualifications and practical experience directly relevant to the topic being commented upon.
- The expert should have enough expertise of the matter in which he gives opinion.
- The experts field exactly matches the material on which they are giving an opinion
- The expert's professional reputation and ethics are also important factors in assessing whether they are qualified to give evidence
- The fit between what is required and what the expert has. Solicitors should ask and listen to experts explanation of how they will provide their services.
- The issues to be addressed need to be a regular part of the expert's practice
- The judge - based on the experts CV and Qualification
- The right qualification, clinical experience, supervision arrangements, training, and registration with a regulatory body.
- The seniority of the individual within their field of expertise - their years of experience is simply not enough.
- The subject matter and the expert's honesty
- The term expert should only be applied by peers not by the individual. It would seem many 'self appointed experts' are far from it...
- The time spent in a profession and their current role within the profession.
- The time spent in there profession, and are there at the cutting edge of there work.
- Their clinical experience
- Their experiance of the condition/ situation in the case
- Their experience and qualifications
- Their experience in treating similar patients in their clinical practice.
- Their experience of the subject and appropriate training in preparing reports.
- Their level of experience with qualifications to show for it, clearly someone qualified in their field for less than ten years isn't an expert their opinion carries a massive gravity hence the rules should be tight they should also have attended a course like the bond solon one
- Their profession and expertise.
- Their profession and therefore their professional conduct as one would expect the lawyers and the court...
- Their professional qualifications
- Their professional registration and relevant experience
- Their qualification within their field and the knowledge of the law etc should be sufficient.
- Their qualifications which are relevant to the field and their experience in the field and in expert witness work
- Their qualifications, experience and evidence of CPD
- Their specific experience and qualifications as relating to the case in question.
- There are well documented issues relating to whether someone is fully qualified and myself and many colleagues are unhappy that the term Psychologist is not a protected title. The use of non quaified psychologists, that is those who are not Clinical Psychologist, Forensic Psychologist, Health Psychologist (eg. the protected titles) can be unreliable, biased and lack validity. Academics, in my opinion should be restriced to specific academic issues and not to commenting on issue relating to individuals with whom they are not qualified to see/treat/or assess.
- THERE EXPERTISE AND EXPERIANCE IN THE AREA THEY ARE INSTRUCTED ON
- There is an element of participation in the event
- they are an expert in the field
- they are experienced/trained
- They have the qualifications they say they have but some professions enable people to be ambiguous.
- They must have both professional expertise and training and experience as an expert witness
- This is complex. Qualifications, relevant experience, knowledge of published research, ability to evaluate evidence critically without bias.
- Thorough knowledge of his / her subject.
- Those instructing should be conclusive on matters likely to need addressing
- Time served relevant experience, a professional qualification and an academic background.
- To have relevant qualifications and recent working experience in the field and subject that they are giving an opinion on
- To have specific up to date knowledge and experience of their skill set. If no longer working in that area then the ability to demonstrate that the expert has kept updated on current practices and possible changes to working protocols
- Training and experience relevant to the likely issues of concern in the clients case. Expertise and preferably some training in the legal processes
- Training and knowledge of subject
- Training, expereince, CPD, relevant qualifications
- training, experience and registration in a specialist area
- training, experience, currency in the area required
- Training, experience, qualification
- Training/qualifications achieved in relation to the type of evidence given as well as a 'on the job' experience comparable to the evidence being given
- Understanding of the sector through professional experience, up to date knowledge
- Up to date national qualifications and evidence of CPD

- VERY COMPLEX AND CONTROVERSIAL. NO EASY ANSWER
- Very complex question in so many areas having spent 30 mins being grilled on my expertness by a barrister - it came down to the fact I did not boast about my qualifications as much as the other side did and the attempt to discredit me as an expert was demeaning and meant to undermine, when all they need to do was google me with the right spelling of my name
- very good knowledge of the subject with training record to show this, regular competence proven and impartiality.
- Very important and difficult to determine! There should be some due diligence completed by lawyers certainly. Must have a certain amount of RELEVANT and CURRENT experience in specialist area (reliable proof of this for lawyers who may not know themselves). Member of regulatory body and evidence of CPD as expert as well as field of expertise.
- When they have extensive experience working in the area they are being asked for their opinion on, and have undertaken further training in their duty to comply with CPR Part 35
- Whether the assessment of evidence is not assisted by police. Whether a range of experience is in the experts history
- Whether their expertise relates to the question they are asked, and is sufficient; qualifications (eg professional licensing)
- Whether they have had training in expert witness work
- Whether they have relevant experience in the area of question and whether they have undertaken any legal training
- Whether they have the required knowledge and experience. But also the understanding of the requirements of an expert. Particularly to be independent.
- whether this is part of their normal practice or expertise
- Wide and varied experience and qualifications in their scope of practice.
- Work in same discipline. Have considerable experience in this field. Be well read / upto date and aware of guidelines current at the time of the case
- Working experience in the expert subject
- Working in the area that they are delivering the opinion on
- Working knowledge and experience
- Year air experience in practice and has experience in the matters of the case
- Years of clinical experience and qualifications medicolegally
- Years of experience in subspecialty, type of hospital the expert works at ( tertiary centre vs small district general hospital?)
- Your ability to explain an issue that would otherwise not be within the knowledge or grasp of the court together with some ocused knowledge of the law
- (blank)
- Grand Total



# Appendix 4

Question 23 - If you answered Other to the question on legal forums, please specify.

- If you answered Other to the previous question, please specify.
- 99% criminal work, very occasional civil and 1x family case, a couple of industrial tribunals, one sports-related (drug testing)
- Admiralty
- All forms of ADR
- Arbitration
- Arbitration (commercial and investor-state)
- Arbitration and adjudication.
- Asylum
- Charitable organisations
- Clinical negligence
- Commercial and chancery
- Coroner
- Coroner
- CORONER, EMPLOYMENT
- Coroner, Court of Protection
- Coroners
- Coroners (also child protection hearings)
- coroner's as intensive care medicine expert
- Coroners court
- Coroner's Court
- Coronial
- Coronial process
- Court of Protection
- Court of Protection
- Disciplinary
- eating disorders
- Educational tribunals
- Employment
- employment law as also a vocational expert
- Employment quantum
- Engineering and construction arbitration; employment tribunals (for HSE improvement notice challenges)
- er
- First Tier Tax Tribunal
- First tier tribunals
- GDC Professional Performance and Conduct Hearings
- GMC
- I have only received civil court instructions
- I was a nurse to MAPPA1 in-patients in Scotland been doing the job 30 years
- Immigration Tribunals
- In regard to bias counterpart expert witness - this can be reflected within report work/joint statement - so this is how you inform the Court/instructing party of bias
- industrial tribunals
- Industrial tribunals and marine arbitrations are common; the Grain and Feedstuffs Trade Association arbitration was a "one-off" so far !
- International
- International arbitration
- LCIA
- Mainly regulatory
- Medico legal
- Medico legal
- mental capacity assessments; occasional tribunal cases
- Mental Health tribunal
- misconduct. inquests.
- n/a
- na
- Negligence
- not applicable
- on behalf of professional body HCPC
- Outside UK
- Pain Medicine and Anaesthesia
- personal injuries and clinical negligence
- Personal injuries, accidents and clinical negligence cases.
- personal injury
- personal injury and med neg
- Planning, CPO, DCO
- Private matters not directly related to litigation
- Probate Valuations
- Professional conduct hearings
- Professional regulation
- Public Inquiries, Employment Tribunals, Internal disciplinary hearings.
- public law GMC/ NMC/ Coroners cases
- Regulatory
- Regulatory
- Seniority, type of expertise (i.e. niche or more common), and years of experience as an expert witness
- TAXATION OF PROPETTY
- Tribunals, arbitrations, ADR
- tribunals, fitness to practise
- (blank)
- Grand Total

# Appendix 5

Question 25 - If you usually charge fixed fees, please give an estimate of your hourly rate.

- Please give an estimate of your hourly rate.
- £50
- £70.00
- £83
- 115
- 200-300
- 400
- Depends on the case
- I don't get any money, the NHS trust I work for makes a charge (that is a mystery to me!)
- I get about £92.00 per hour but the solicitors are charged around £230.00 per hour for my work
- n/a
- not sure
- Pay as per HMPPS pay scale
- Police so salary
- Grand Total

# Appendix 6

## Question 27 - Is there anything else you would like to add on this subject?

- A garage at which my VW Polo is serviced charges £75 per hour for labour which is undoubtedly skilled and important for safety. The Legal Aid Agency allows £72 per hour for forensic document examination which, I suggest, is no less skilled nor important.
- A register of experts is vital, so that people can be removed from the register if they are shown to not be experts or to not be impartial
- After discussion about SLAB with friendly solicitor referrer, I was encouraged to increase my hourly rate from £60 to £80 as of 04/2023
- Agencies should be regulated as they charge high fees but pay experts minimal amounts
- also do cosmetic and laser work.
- Although lawyers may apply pressure, it is the expert's duty to ensure that their opinion is not polluted by the views of others, or partial to their clients. The failing lies principally with the expert.
- Another area should be added in question 20 -- Aviation / Air Transport
- As a clinical scientist I am state registered - If not I would be in serious trouble if I reported a blood glucose level on a known diabetic. Why then are toxicologists working in non-NHS forensic labs not state registered?
- Associate rate, the charge made by the companies I work through is approximately double my rate.
- Better communication access to experts
- can anyone tell me why solicitors and agencies do not forward photographs of wounds and injuries to the expert without prompting? My other great irritation is lack of indexing and pagination of notes into chronology and separated into obviously relevant sections files or folders The use of Paginat8 should be mandatory for bulky files
- Charge more than the Legal Aid rate (increased from £72 to £83 Oct 2022) for privately funded (#90) or commercial (£150) work.
- Civil Servant, so fees do not really apply
- Clients are often not prepared to pay the fees involved in preparing a fully researched report
- Clients often expect lump sum (maximum) fees which can hinder opportunity to give comprehensive evidence/advice
- CPI inflation has been running at 10% pa
- Criminal cases are limited to Legal Aid Agency rates which are considerably below my typical charge out rate. This reduces my average rate charged.
- Criminal fees (LAA) have recently increased which will help restore the value of fees
- Defence Unions are unwilling to pay realistic fees for experts
- Do not charge fees as a public sector worker
- Experts should not work for solicitors who apply pressure even if this adversely affects income
- Family experts should be properly paid + more money
- Feedback on EW report from solicitors should be required for CPD
- Fees are about to be increased, approximately in line with inflation.
- Fees are benchmarked against non expert work and fees charge by other experts in my organisation
- Fees are best charged dependent upon volume of data that has to be considered
- Fees are bound by Legal Aid, and are extremely low.
- Fees determined by my employer
- Fees for expert witnesses in the family court are fixed and have not been increased AT ALL in the past 10 years. It is now poorly paid work, relatively speaking. There needs to be an increase in order to attract and retain enough good experts.
- Fees from NHSResolution are so low as to mean proper consideration cannot be given to the evidence and report writing. Further, these fees the expert receives are reduced by intermediary bodies such that the fee for a report ends up as £300 which is derisory
- Fees limited by legal aid rates which are not always appropriate
- Fees not changed for over 5 years?? Plumbers are charging almost double what they charged 5 years ago!!
- Fees set by legal aid are now too low
- Fixed fee work should be abolished.
- Generally the hours actually spent on a report are more than those quoted for
- Getting paid has been a major issue for me over the last 30 years.
- Have increased fees in line with inflation
- Having a clear outlined plan as to the scope the expert is opining on, including what relevant documents should be reviewed, provides a clear path for the expert to estimate their fees. Fees are not correlated to the value of damages being claimed. Lawyers tend to equate the two with even though both require same effort.
- hourly rate not applicable as salaried by police force - but would be low if invoiced privately
- I always work on reports for more hours than I charge for
- I am a fully qualified arboriculturist yet courts will often accept reports from non, or inadequately qualified tree workers. This is perhaps due

to a lack of recognition that arboriculture is a professional discipline and that formal qualifications and career progression do exist.

- I am a police civilian employee therefore I cannot chose my rates. The workload has definitely increased however.
- I am a salaried Police Constable on a fixed income
- I am employed by a government agency and my Expert Witness work is part of my work as a whole, and covered by my Civil Service wage. The hourly fee is what the agency charge my time as, not what I receive.
- I am newly qualified CUBS and determining how to evolve a practice as an expert witness
- I am noticing that judges are increasingly trying to restrict fees to unrealistic levels irrespective as to the complexity of cases and the level of documentation provided.
- I am often given huge volumes of materiel to read with no apparent acknowledgment of how long this takes to read properly and hence the amount of billable hours . There is often duplication of records within medical records. Definite attempts to hide unfavourable information by instructing solicitors
- I am salaried. The above is an estimate of my charge out rate per hour
- I charge £200 per hour
- I charge £200 per hour and your list includes this in 2 categories. Next time it should be £100 to £199, £200 to £299 etc
- I don't operating in the criminal or court system but i was forced to answer some of those questions. This questionnaire ought to have had NA option for al questions for the court system. I operate in arbitrations for commercial disputes.
- I have answered from view of H&S expert investigating work place accidents
- I have been watching court room cases for 30 years and nursing the same I have wide skills and knowledge of both
- i have significantly reduced the number of cases as legal aid fees are no longer financially viable - turn down multiple instructions a week
- I have stopped working for agencies - I ask the instructing

solicitor to sign terms even if they wan to use their preferred agency. These are the better instructions/ solicitors. The feedback for agencies is dire - google reviews.

- I offer a range of hourly rates depending on the type and complexity of the case. I undertake some Pro Bono work. I also undertake work where my chargeable rate does not reflect the many hours I put into the case especially where my reputation as an expert witness depends on excellence of my reporting on a complex matter. I aim to exceed expectations.
- I often ask for payment in advance of a report, when instructed from outside the UK.
- I only charge expenses for court hearings and conferences with counsel/experts.
- I operate in an unregulated sector where individuals with evidently limited skills and understanding, but confidence, can be appointed experts.
- I sometimes examine my solicitors' and their KC's fees
- I subcontract and it's on a fixed fee basis so I don't have an hourly rate as such
- I think there needs to be more openness about fees that one can charge depending on one's level of experience.
- I urge to have a fixed fee rate on each expert witness in order to reduce market competition among the expert witness. As the need for expert is to know the truth instead of relying on fee to give a case winning evidence.
- I will need to increase the hourly fee from this year.
- I will not take cases that are on legal aid because the hourly rate is too low but this is a shame because I am highly skilled and I worry that in criminal and family cases, the psychologists who are willing to work at the very low rates on offer are simply not up to the job.
- I work as an associate so my actual take home fee is half that, however this is also why many colleagues decide not to continue with the work
- I would be helpful to have published scales of the average fees that experts charge in the differnet areas
- If there is more regulation i.e. a regulatory body for medical

experts I will stop undertaking reports as regulatory bodies do nothing to ensure quality of care or reports and simply create unnecessary administration. I cannot report another expert if I think they are biased as I would have no tangible proof and they would simply make a counter-allegation against myself.

- Improved regulation of EWs should be considered as there are some EWs who are not capable of performing their duties appropriately.
- In defendant cases my fees are set by instructing solicitors
- In family cases expert fees have not increased for some years and is therefore an effective cut given inflation. Given the stress and potential risks of Expert Witness work this is becoming unsustainable and stops the best people undertaking expert work. It is the reason for my forthcoming retirement.
- In general, I believe there is a need for greater clarity and clarification of these issues for psychology assessments within the Courts.
- In my view (engineering) expert witnesses are undervalued compared with, for example, solicitors.
- In PI solicitors now get £100, MROs £50 and experts £30 of the fee.
- In the H&S field, I am guided by rates set by the HSE under Fees for Intervention
- Instructing solicitors should accept that bombarding an expert with emails (often long) should not be 'including' in their fee and it is appropriate for the expert to charge for repeating emails on aspects of their report.
- It appears that experts who charge high fees are disfavoured by the courts. I believe top experts should be able to charge fees based upon rates similar to those for top rate legal professionals.
- It is important to remember that experts can, mainly influenced by experience, have opinions that are different to your own. This can be interpreted as then being 'biased' or partisan, but I don't think this is always the case - they may be genuinely expressing their own opinion. On this basis, bias is objective and ultimately for the Court to determine. The expert witness has to give their truthful opinion based upon their

- qualification, knowledge and experience (all of which varies).
- It seems to be a very competitive market, but I think quality of work and levels of service are of equal importance as fees
- It would be helpful to have a free but vetted process to join expert online forum for open discussions around various topics to network and for CPD. with some training being paid for.
- It would be reasonable for experts to increase rates in most cases, especially when instructed by highly-paid lawyers
- It's not enough, many hours are unaccounted for
- LAA approved rates for independent social workers are woefully inadequate
- LAA rates are so low that criminal defence work is done largely out of a sense of social justice, a need to be the "quality control" for the CJS and to demonstrate impartiality, also to maintain current practice.
- LAA rates recently increased but not in Scotland
- Lac cap mean that there is a shortage of experts willing to work in family law
- Lawyers are notoriously LATE PAYERS, often hiding behind their clients
- Legal aid are cutting rates and now hours. I couldn't recommend this work to anyone coming through as they'll earn more not working as an expert
- Legal Aid Association rates have not increased for years!
- Legal aid fees are too low and have not been increased for many years
- Legal aid fees are too low for experienced experts
- Legal aid rates are lower than 10 years ago.
- Legal Aid rates Family and Court of Protection should be brought in line with new criminal rates
- Legal aid rates need an uplift - they haven't changed in years, despite substantial increases in inflation / cost of living
- Lower fee where work obtained via agency
- lower fees for coroners
- Lower volume of work is by choice
- Mainly legal aid work.
- Many agency suddenly disappears without even informing the expert and non one gives any fees to the cases expert had been doing for them for years. which is very sad.
- Mark ups on fees from agencies providing EW's should be disclosed to instructing solicitors
- Medical expert witness professional fees should be in line with lawyers (solicitors and counsels) of the same seniority and experience. This is because a high quality report with unbiased impartial expert opinion is the key to a successful conduct of the claim by the lawyers.
- Most instructing solicitors like me to work to an estimate of fees, generally with a maximum level
- Most lawyers are appreciative of the work EWs do and some are not. It would be good to sometimes know the outcome of a case following the final hearing as we do put in a lot of work and we do care. f
- Much of my work is legally aided work
- my fees are capped by LAA
- My hourly rate has not increased for 5 years!
- My hourly rate is 60% higher but the company I get my work through recovers the remainder. I negotiated a modest rise just over a year ago.
- My specialism is not listed at Q20
- N/A
- Nearly all cases are legally aided and therefore subject to LAA rates
- Nearly all work in LAA funded. This means I am now paid considerably less in real terms than 10 years ago.
- no
- No
- No.
- Not a lucrative use of my time
- Not all hours worked are billed
- Not large increases, but some increase
- Part 35 Guide to Experts should be applied to civil arbitrations (e.g. LMAA) as well as Courts. The Guide should be more forceful in that experts must not discuss the agreements/disagreements reached at Expert Meetings with any of the instructing solicitors or interested Parties. Only the final signed Expert Memo should be made available. If an Expert fails to sign the Agreement for no good reason, He/She should be reprimanded.
- Perhaps a general fee guide could be produced to ensure that we are all getting enough to make the job worth while and to encourage new blood into the field.
- Please add Radiology/Imaging to your list of specialisms
- Please consider hourly rate does not reflect work done for agencies who pay a fixed fee.
- Police must stop assisting experts in the examination of evidence where the e pert is instructed by the Crown
- Pro Bono work has to be carefully considered.
- Probably going to have to increase again within 12 months.
- Psychologists do not get paid enough for the work they do. Particularly if they are registered with an agency. The fee paid can sometimes be as low as 50% of the legal aid fee paid to the agency.
- Rates at 22 are excluding VAT
- Reclaiming fees from some solicitors is difficult, some pay the day of the invoice. Frustrating.
- Recovering fees from solicitors, CPS and courts is a nightmare. Fees should be paid before providing the report.
- Seeing increasing number of cases where I've prepared a report for one side and subsequently been approached by other side. Used to be x1/yr - last year happened 9 times!
- seems to me that what we need to know is not the hourly rate but what is the average, upper and lower final rate.
- Seniority, type of expertise (i.e. niche or more common), and years of experience as an expert witness
- Should be more joint instruction for claimant/defendant
- Solicitors and litigants are becoming more willing to accept hourly rates rather than fixed fees in my field
- Solicitors need to accept that the more complex the case and thus the number of enclosures, that the fee will be higher. On occasion I am told that they would like to instruct me but another expert has quoted a lower fee. Here i will explain that if this is the case they

need to instruct the other expert. I will not compromise the quality of my report in order to adhere to the number of hours quoted especially with complex cases. As it is, I have never charged the actual full hours a case and neither have my colleagues. We live and breathe a case from the minute we start it until we submit and if we totalled the hours it really takes and quoted these in response to the LOA, we would never receive Instructions!! I think this is a real point that needs to be highlighted

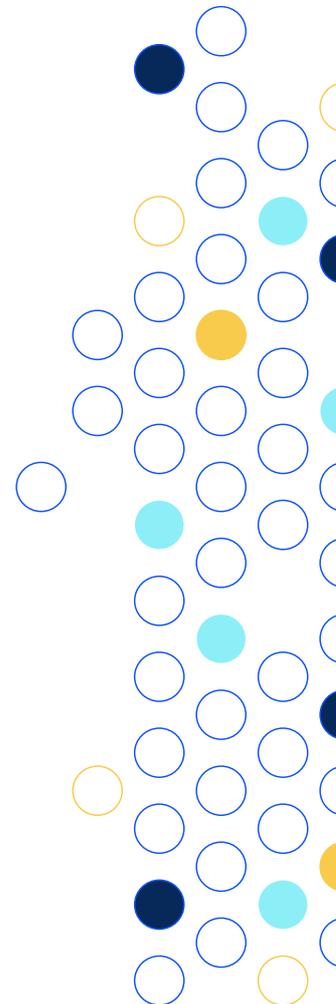
- Solicitors need to be better educated about experts and their function.
- Solicitors sign our Ts and Cs with 30 day payment. However payment is often delayed, sometimes by over 6 months. Can payment in accordance with signed agreements be a requirement encouraged by solicitors' professional bodies such as the SRA or Law Society?
- Some of the reports I see are a waste of time and money and should not be entertained. Reports should be prepared by experts who can credibly justify their opinions in court
- Struggling to get paid from Solicitors - Nightmare
- The complexity of a case may change the fee rate
- The fee boundaries above are not exclusive - I charge £300 and hour, which fits two of the answers.
- The fees for experts have not been revised for a long time.
- The LAA rates were set in 2011, then reduced by 20% in 2013, and haven't changed. this is scandalous
- The legal aid authority can sometimes underestimate the amount of word needed to undertake a competent assessment
- The Medical Reporting Organisations (MROs) successfully manage to "play off" doctors against each other, so as to have progressively forced down fees over the past 10 years, especially at the GP expert level.
- The number of solicitors questioning fees and then refusing to pay after work done is growing. One suggested that I should feel sorry for the Claimant having to pay my exorbitant fee after a home visit which involved me driving 200+ miles there

and back, which they had not disclosed until after I accepted the instruction. 1 solicitor told me that addendums were just cut and paste and should only take 5 minutes. another drip fed records over 6 months some over 1000 pages to review and felt this should be included in the original report. Every re write should have been for free.5. You send in a report and suddenly it is a draft as more facts emerge and they then want it re written for free - sometimes 2+ hours of work. 6. Conferences - request for 30 mins free turn into 1+ hours and they refuse to pay for your time. 7. PPro bono opinions increasingly common - will do for firms who use me regularly but screening reports take time as well and should be paid for appropriately. 9. Pay on time - £35K over 5 years unpaid - then the abuse my secretary had when she tried to resolve this was unprofessional. t

- The requirement for an expert to be appraised is stopping experts from continuing to work. 50 plus hours of totally unnecessary work is needed to remain registered
- The statutory fee of £ 420 for the fixed fee portals has remained same for years and now very low.
- There are different rates for different elements of the work
- There should be an acceptable level of annual increase eg 3-5% to keep up with inflation
- Too many experts charge too little and produce rubbish
- very difficult to get into the expert club
- Where there is any doubt about the capacity of an expert witness to correctly advise or inform a court or hearing, the expert witness should be under a duty of care to make their limitations known to all parties.
- Whether when there is a blatant attempt to make you change your report for commercial gain whether the instructing solicitor should be reported to the law society
- Whilst I do provide an hourly rate to instructing solicitors, I also give an estimate of the cost of a report. Some experts work more quickly than others
- Would be good to have known rates of other experts in your profession so that those instructing do not think the most expensive is the best and cheapest the worst for example.

Only way to find out at present is to mystery shop your own profession.

- Would good to see Technical, Quantum & Delay listed in Question 19.
- Yes my fees have not changed for over 15 years. The LAA rate remains the same but with more complex cases and additional paperwork
- Yes, I work in the field of personal transportation and I know and can prove that my counter transportation expert regularly sells and hires vehicles to claimants. This expert can often profit by some £50/£60 k. Why is he seemingly allowed not only to be instructed but also get away with it, isn't this a conflict of interest?



# Appendix 7

## Question 30 - What do you consider as the benefits and/or drawbacks of using AI in your expert work?

- -
- importance of judgement
- .
- ?
- +ve - improved productivity and efficiency, -ve - misinformation and privacy issues
- A drawback would be a slight loss to how subjective matters are dealt with - something that is very important with expert evidence.
- A fool with a tool is still a fool!
- A potential drawback could be the attention to detail on legislation and legal interpretation.
- A rapid literature search
- A rounded approach
- Ability to search documents and drawings quickly
- Accuracy
- Accuracy and validity
- Additonak invl worl
- AI can automate tedious tasks such as filing, data entry, and searching. In this way, experts can focus more on advanced analysis, research and decision-making, and improve their work efficiency.
- AI can help in stringing words together but is an unreliable tool when it comes to analysing an entire situation relating to the court case and hence is not able to comprehend the evidence accurately. It is a time saving tool but cannot replace the experience and expertise of the expert witness
- AI can process large amounts of data quickly and provide analysis and insights about cases, areas of expertise, or related issues. It can accelerate the research process, aid decision-making, and provide data-driven insights.
- AI can provide experts with decision support tools, such as predictive models, simulations, and optimization algorithms. These tools can help experts evaluate different decision options and predict possible outcomes and impacts
- AI can quickly process and analyze vast amounts of data, making it a valuable tool for tasks that involve data collection, analysis, and interpretation. This can significantly reduce the time required for expert work.
- AI cannot form the opinion of a human being
- AI could not conduct a detailed enough assessment.
- AI does not know truth from fabrication and makes up plausible answers
- AI is a useful tool for summation of lengthy paragraphs but nothing more. It is immature and is not capable of original thoughts. It is very easy to spot when others use it.
- AI is based on an algorithm and unable to distinguish fact from fictional accounts of symptoms.
- AI is black and white; my area of expertise has much grey and is often subjective (supported by evidence/circumstances)!
- AI is liable to invent/fabricate information and would require extremely close scrutiny. It cannot be trusted
- AI is not always reliable and using AI as evidence should be discouraged.
- AI is not applicable to my expert work
- AI is only as good as the people programming it. Better to rely on your own research/knowledge/judgement
- AI is only as good as the source data it is fed. Typical content on the internet cannot be trusted for the types of cases I work on.
- AI is very dangerous
- AI isn't yet as advanced and trained as it should be, in order to provide useful information to an expert witness.
- AI may assist in providing facts in an efficient manner but must not be a substitute for independent thought.
- AI may be an appropriate use in some fields, but not yet in my own (nursing). I would be concerned that the views expressed were those of the AI rather than the expert, how would you demonstrate the analysis of the issues?
- AI needs formal evaluation before use before the courts
- AI provides an output based on input. Input is based on relevant documents disclosed during initial stage of litigation, which for the most part are not complete for the purpose of providing an expert opinion. It is recommended that lawyers involve experts early on to advise on the type of documents required for their opinion. Another issue involves practice specific processes that are not fed to AI database and as a result, would be ignored in forming an opinion. Until the input data is agreed to be accurate to the relevant dispute, AI remains a wild option to blindly follow.
- AI reports can be stereo typed. There will be more details but may not be relevant.
- AI results would still need manually (human) checked and would not save time in the long run
- AI systems are not yet sufficiently refined
- Ai systems can have errors and imperfections, especially when dealing with complex, ambiguous, or unstructured problems
- Ai systems may not be able to fully understand and interpret the intentions and needs of experts, leading to challenges in communication and interaction.
- AI technology can help experts access a wide range of information, including academic research, case law, and regulations. It can assist experts

- in knowledge management and provide fast and accurate information retrieval and sorting.
- AI will not benefit my field in report preparation and should never replace the 'human factor'
- AI, for the foreseeable future, could not replace an EW due to the factor experience. However, AI has good potential in terms of helping in the analysis that forms the basis of EW evidence.
- All cases should be viewed on own individual merits rather than by using AI which may be driven by tainted data
- All different
- An expert is expected to know the detail of the case and opine accordingly. AI may take some of that away and may not be able to adapt to the specific case.
- An expert should form their own opinion on the basis of the evidence pleaded, no AI system currently is capable of properly analysing evidence and under no circumstances should be relied on when forming an opinion. There is a lot more that is also relevant as to why an expert using AI to form an opinion is, in my view, guilty of gross neglect of their responsibility, but space precludes a full answer.
- apps such as ChatGP are remarkably quick and intelligent
- Artificial intelligence can automate some tedious, repetitive or time-consuming tasks, thereby improving work efficiency. Privacy and security risks need to be taken into account when using AI technology
- Artificial intelligence cannot make objective comment arrived at by years of subjective experiences.
- Artificial intelligence has no way of thinking or feeling
- as always, the resulting output is only as good as the input. I have seen a lot of people use AI, but unless you know exactly what to ask, and can then check through in detail, there is a high risk that it may not be correct to the individual needs. AI just allows a wealth of information to be accessed which could be useful, and it can make the research, and reporting quicker.
- as an experience to test out the value of doing so
- Assistance
- At present I do not see any benefits in my specific disciplines, as every case is significantly different
- At present too generic in my field you can tell its an AI report straight away
- At this stage, I cannot see any benefits but many potential drawbacks. In the field I work in, I believe it would be impossible to conduct a psychological assessment using an AI model rather than being personally conducted by an expert practitioner. For example, there are any number of non-verbal or subtle intonation cues that an AI model would be unable to detect. Furthermore, I do not believe claimants or defendants would feel comfortable about being psychologically assessed by computer.
- being able to recreate examples of issues
- Benefit - may "read" better. Drawback - needs to be carefully checked as ok
- benefit as research assistance tool and drawback as requiring human interpretation
- Benefit is to utilise AI as a second opinion - drawback is to reach a wrong conclusion if the data is fed incorrectly
- Benefit mainly for background research to speed up search times for relevant examples. Not to be used to dictate opinion
- Benefit of Bard is generating a rapid brief summary of generic issues that can pas for diligent research. Downside is that specialist knowledge is outside its remit.
- Benefit of improving my writing in English.
- Benefit: proofreading and searching. Drawbacks: incorrect information
- Benefits - access to information/ speed/ removal of human error, Drawbacks - absence of critical thinking, inability to see the "big picture", transparency as to sources, procedures, process
- benefits - good sentence structure.
- Benefits - speed at which reports can be produced, thus enabling an expert to take on more work. Drawbacks - may result in fewer instructions for expert opinion and lower fees, reports will lack creativity, empathy, human touch etc.
- benefits - timesaving, drawbacks - need to ensure accuracy - will still need to be checked
- Benefits- a differing opinion
- Benefits are a professionally structured and worded document, however, it is not my own words.
- benefits are less time spent on writing the general info about conditions. Drawbacks-info may not be quite right and still needs thorough checking
- Benefits in terms of time and efficiency, but interpersonal aspects cannot be replaced by AI
- benefits- may be easy to get more objectivity; drawback (related to psychiatry in particular) - lack of reliable AI tools
- Benefits maybe a templates response but the drawbacks, the details behind the case would never be correct as it relies on the individual's experience and what happened to them. No 2 cases or the impact are the same in my field
- benefits of continuity of analysis coupled with concerns over loss of original thought
- Benefits potentially of finding research material. Drawbacks is being sure it is verified work
- Benefits.
- Benefits: added efficiency. Drawbacks: AI seems to invent things and present them as facts. This is dangerous
- Benefits: Efficiency drawbacks: lack of consideration of individuality of clients
- Benefits: research on a specific subject. Drawbacks: the temptation to have AI write the report...!
- Benefits: speed of reviewing documents. Drawbacks: removes some of the hands-on involvement
- Beware!! AI has in reality a wide range of commonly applied different definitions and context ie for simple 'assistance' in preparing report text that is subsequently reviewed and edited (& signed by the Expert) to character/ face/pattern recognition used in forensics..
- big risk of non tailored report.
- Black boxes
- breach of confidentiality

- Can be convenient, provides shortcuts, however there are major drawbacks with poor and incorrect references
- Can be helpful during research stage.
- can not attend site visits
- Cannot rely on accuracy of AI
- Cases referred to me require detailed analysis of, often, extremely subtle factors, where there is a range of medical opinion, and very little formally published. Extensive experience, and understanding of range of practice essential. AI is nowhere near there currently.
- ChatGPT can help the expert to find supporting academic research evidence, and improve the presentation of the report. It is by no means comprehensive though
- Checking report for clarity of the opinion and reference to the relevant scientific papers
- Clients and the courts have every right to expect that the work undertaken and the reports resulting are crafted for the individual matters before the court. AI provides non-specific responses.
- Collection of evidence.
- Comprehensive
- Computerised Questionnaire scoring - objective, fast and error free.
- Confidentiality
- convenient and efficient
- convenient and efficient/Too much rational analysis
- cost
- Could be useful in summarising opinion, though I personally feel it is likely to lead to confusion
- could not comment
- Could save time, but likely to lead to inaccuracies.
- Could speed up searches and help with grammatical corrections
- Current AI unlikely to be beneficial in my area of practice (complex care)
- DANGEROUS PRECEDENT
- Data analysis relating to large volumes and providing correlation of data against specific criteria
- Data processing only although the expert's duties remain unchanged.
- Deal with routine issues
- Decrease in typing time and possible increase in report legibility
- Didn't think about it
- difficult to see how would work.
- DNK
- Do not consider AI.
- do not know
- do not know anything about it
- Do not know yet
- Does not capture the nuances to each individual's presentation. The seriousness of court work demands clinicians write the report themselves based in their own clinical opinion.
- Does not consider the individual aspect peculiar to the human claimant
- Does not explore the nuances in healthcare
- Don;t know enough but would be useful to save time scanning extensive records
- Don't feel I have control over AI
- Don't know
- dont know
- don't know
- Don't know
- don't know enough about it
- Don't know enough about it to comment
- Don't know enough about it.
- Don't know, yet
- Don't know.
- Don't think I can rely on AI reports/ suggestions at least at the moment
- Drawback = unsupported / unverifiable references. Benefits = time saving
- Drawback is that you need to understand what information has been used to generate that outcome - rubbish in rubbish out
- Drawbacks - anyone can use it and not have the knowledge or expertise to recognise the accuracy/legitimacy of the contents.
- Drawbacks - each case is different so I don't see how AI can cover all nuances
- drawbacks are possibly non unique outcomes to work
- Drawbacks are that it could produce unreliable reports, and experts are being paid good money to do a job so it's a bit lazy to use AI! I can't think of any benefits.
- Drawbacks would be that it would not be my opinion and it would miss important nuances.
- each case is very unique and based on personal circumstances that AI should not support
- Each claimant's circumstance are unique
- Each report needs to be tailored to the individual
- Ease in formulating reports and saving time.
- Easy to record and analyze materials quickly
- Efficiency
- Efficiency in analysing large datasets but cannot usurp your professional duty
- efficient time saving Too much rational analysis
- Electronic error or misinterpretation
- encourages academic and intellectual loafing.
- Ensuring AI elements are accurate, real/accredited and clearly expressed.
- Ensuring it is the experts view
- errors
- errors and false / misleading information
- Errors it may make
- Errors that are not spotted and an over reliance on AI
- Errors! Duplicates
- Every single case is different and nuances are not yet easy for AI to pick up. Most Experts (like me) are not tech savvy enough to effectively use AI.
- Everything needs to be checked before a report goes out so I would say AI is unlikely to be of much assistance.
- expert work needs opinion - unlike AI which is black or white
- Expression of an Expert Opinion should be that of the Expert's experience not an AI generated research tool.
- failure to appreciate context
- Failure to consider all relevant aspects of the case

- Fake information. Currently, AI seemingly provides no reliable benefit to expert witnesses and therefore the courts too.
- far too early to be a reliable source of evidence
- Fast research. Use with caution and fact check. I would not rely 100% on it however it can give a good start point and guidelines. Assists with report writing content, grammar etc. If using AI add the reference into appendices as usual. Enables faster turn around times to meet deadlines. Ensure security measures of data in place when using AI.
- Faster and more effective and thorough outcomes. AI is only as good as the learning process/ data given to it.
- Faster reports, if quality of prose good enough this would increase my capacity
- finding material to investigate further
- focused research evidence using Scite but not to write any of report.
- From my limited knowledge AI misses complexity and cannot be relied upon
- Great at structuring answers but the body of the answer then needs refining.
- Haven't used it yet
- Helpful in providing a first draft explanation of a technical subject
- How can you say its your report and also AI is a massive, overarching term
- how do you know if it is correct?
- How relevant is AI. I think it is important in one's report to mention if you use AI.
- I
- I am not competent to answer
- I am not convinced that AI can provide a better reasoned, impartial opinion than a human at this stage.
- I am not interested in using AI and leave the risks benefits and ethics to others.
- I am not sufficiently educated or trained in its use
- I am not sure
- I am opposed to excessive automation.
- I am responsible for the content of my report and therefore responsible for factual inaccuracies generated by AI
- i am sure in time AI will be a useful complimentary tool
- I am the expert, not a piece of software.
- I am unable to answer this question as I have little knowledge of AI
- I am yet to be convinced of its relevance
- I believe that in using AI an expert runs the risk of preparing a report on which he or she may not have had a complete input on the text.
- I cannot really answer this question as I do not have enough experience
- I cannot see the relevance of AI in my work
- I can't see how AI could be used in my field of fire safety other than perhaps greater use of BIM
- I control the work
- I deal with human communication so not interested in AI
- I do not believe AI is sufficiently advanced to assist me in my work.
- I do not believe it is realistically applicable to my field of expertise at present.
- I do not believe we have enough evidence yet about its useage
- I do not consider it a benefit. Often these cases as complex, and there are nuances AI is unable to unpack.
- I do not know (yet!).
- I do not know any benefits from AI
- I do not know enough about AI to answer this question.
- I do not know enough about AI to provide an opinion
- I do not know much about this subject area.
- I do not think it is appropriate for my disciplin.
- I don't know enough to comment
- I don't know of AI being used in medical negligence
- I don't see any benefits at all at the current time
- I don't understand it
- I don't yet know enough about it.
- I don't feel I know enough about AI in dental reports to form an opinion
- I don't know
- I don't know enough about AI
- I dont know enough about AI to comment
- I don't know enough about AI to comment.
- I don't know enough about it
- I dont know enough about it to give opinion
- I don't know enough about it to give an intelligent response
- I don't know enough about it yet to really comment
- I don't know enough about it.
- I don't know enough about the pros and cons
- I don't really know enough about how it could help but know it could so would like to know more. I think the entire litigation system could be streamlined by it and if it could reduce claim times it would be great for individuals. Lots of positives but not for people's jobs etc! Can't be relied on for the opinion but can help with processes and organisation.
- I don't see yet how AI can help me.
- i dont think it would be of benefit for me
- I don't trust that the technology provides reliable answers and instead, I rely on professional databases where I know the information is properly curated and checked.
- I don't trust the information / output
- I doubt if most experts have the slightest idea what you're actually asking, this is a very poor question
- I have huge concerns about AI and criminal cases
- I have insufficient knowledge in this field, but believe in the individuality of opinions and report writing
- I have never used AI for expert or academic work, as I consider everything I write should be my own work.
- I have no current use for it nor experience and am unable to comment further.
- I have no experience of AI
- I have no experience of AI and am suspicious of the potential outcome. maybe in the future I might try it.
- I have no experience of the benefits or drawbacks

- I have no experience with AI. I think that only the writer can give a sentence the desired emphasis. Language and how it is used is important in conveying an opinion
- I have not considered this
- I have not tried yet. I can't imagine how could it be helpful
- I have not used AI and therefore not able to make an informed comment on this question
- I haven't sufficient experience to comment
- I know little about AI to be honest
- I need to be able to go through all aspects of the results and report to help inform my formulation, findings and recommendations.
- I need to be confident that I am saying what I need to say in my own words and consider that there is strength in that.
- I prefer the words to be my own
- I prefer to do the work myself.
- I see it as a drawback and consider AI to be in its infancy and therefore should NOT be used by experts
- I simply don't know
- I think it is a dangerous because AI does not know the client. It may know the subject area but not the human it applies to
- I worry about the use of ChatGPT- it is an answer generating machine. It will give references that aren't real. When you are asking it a question it's answering "what would an answer to this question sound like?" Experts who use this to help report writing will soon become unstuck and tripped up and should be very wary.
- I would be concerned that the ability to apply objective opinion may be impacted
- I would view it as a sophisticated google search that sources data quickly that then needs to be sifted and validated.
- I wouldn't use AI - I would consider this unethical
- I'm dyslexic and sometimes my sentences can be grammatically wrong this can help make writing clearer
- I'm not sure
- If AI is appropriate it should be a stand alone service provision in which case it would have merit and provide benefits. If it is a 'short cut' tool then it will undermine the role of the expert
- If I have been appointed as an expert, I should not be relying on anyone or anything else to form my opinions.
- If not fully understood by the expert or the audience of the report, the outputs of the AI and the limitations thereof, may not be fully understood.
- I'm not sure how I could implement AI or what that would be, so my answer is limited
- I'm unsure
- Improve efficiency and optimize decision making
- Improves efficiency, but risks opinion not being the experts own
- Improving accuracy and speed. / Ensuring accuracy is maintained.
- In care and occupational therapy reports analysis and evaluation of the interactions between an individual's condition/disability and their environment has to be undertaken carefully to determine the impact on their daily functioning. There are nuances to this that cannot be discerned with AI, in my opinion.
- In its current state and form, AI in my field is not able to deal with the complexity of issues that come under my review.
- In my field communication skills and building rapport are essential
- In my opinion my report should be based on my expert opinion and expertise. In the future, I can appreciate that in complex cases AI could assist in keeping track of all issues.
- In terms of speeding up the writing and/or making the report better readable AI may play a role.
- Inaccuracies
- Increased efficiency and speed; drawbacks is failure to appreciate nuance / missing of evidence
- increased speed of reporting.
- Insufficient confidence in AI in subtle areas of discrimination
- Insufficient knowledge of AI generally at present, and particularly how it could impact on my expert work
- Insufficient knowledge of AI to comment
- Irrelevant to my specialist area of Geotechnical Engineering
- It can be wrong
- It could speed things up and save money for the courts. However, it is yet to be trusted for truth and accuracy
- It could speed up report writing. But needs to be carefully managed to ensure opinion isn't altered or Amanda's by language used.
- It depends in use if AI - AI to generate some explanatory text is fine, eg a technical procedure, but I am uncomfortable with AI to generate an opinion.
- it does not know the nuances of a case - particularly in the health world and is applying an ideal scenario not accounting for human error/interaction etc
- It is a subtle process to analyse complex data
- It is not going to make it a valid personal opinion
- it is not really your own work, potentially not your own opinions/ recommendations
- It is not YOUR work
- It is still untested in relation to this type of work.
- it isn't my opinion if it's AI
- It makes stuff up so I don't trust it currently
- It may help structure the report and help make the language used more understandable
- It potentially becomes "not my work"
- It removes the human from the equation but we are dealing with humans
- It should only be used to speed up processes such as calculations which the expert can do them self albeit at a slower pace.
- It will be intuitive and time saving
- It will only aid incompetent or lazy experts!
- It would be completely inappropriate in psychiatry.
- It would be necessary to predict what the outcome would be and that it will fit with your opinion/ experience.
- it would be negligent to use AI in my field
- It would not be my own independent opinion.
- It would not work in my field. Every assessment is individual

- It wouldn't be your work. Unless using AI to show how another person has done so, your work should always be of your own opinion and written in your own terms.
- It's lazy, it opens up for error & could influence opinion
- It's not specific to the case
- It's absurd. You must be able to verify you undertook the work. You sign it, not software. The major risk, as already evidences, is that AI churns out made up nonsense that people then use in their evidence e.g. references to academic articles that don't exist.
- Its help to search the Internet for relevant data and practices, and stimulate my thoughts
- Its imperative that the experts opinion is entirely his own, and not an AI sugetision
- Its not expert opinion
- It's not my opinion or my work
- Justify your opinion based on reasoning, which AI eliminates.
- Keeping up to date with relevant standards
- know nothing about it
- Lack of careful consideration of the issues.
- Lack of consistency in responses ge related by AI
- Lack of control or professional responsibility
- Lack of insight
- Lack of knowledge
- Lack of knowledge and experience
- Lack of my knowledge of the subject
- Lack of sense of humanity
- Lack of understanding/accuracy
- Lack of verifiable evidence to support conclusions
- Large-scale data processing: AI can process large-scale data and extract useful information from it. This is very helpful for experts working in the field of research and analysis to provide more comprehensive and in-depth insights.
- Less time consuming, but not my original words.
- Less work for me, but high risk of abuse and need for very careful editing
- Literature search
- LLM (large language models) are eloquent and can make it easier for judges to understand complex issues.
- Make me lazy, reports not as good .....work not expert opinion repetitive
- Making sure that the data within the report is accurate & current
- May assist with informing diagnosis/prognosis
- May be a useful search technique to get raw data to then check and follow up by conventional means. Not a substitute for authoring and owning authorship of the final report.
- may not give specfic advice to the case in point
- may speed up completion of report, but then it wouldn't be tailored to the specifics of the case
- MAy use in future but not yet
- Medical practice ina country has certain words and phases which mean particular thing / extent but most AI are global in their attributes, so most of times it looks out of context to me
- might be selective with evidence that cld bias my opinion
- might help with the factual/ reference sections
- Might lead to taking shortcuts.
- Misunderstanding, misquotation. Being cross examined on report written by an 'outsider'. However a template produced by AI could save time as long as the expert is responsible for writing the evidence.
- more efficient
- Moving away from personal opinion
- My experience of Ai is where it is quite good it can sometimes provide misleading or wrong information and needs careful review - it probably doesn't save me time and hasn't added to my knowledge
- my experience was awful, in that the AI provided a reference to a specialised research paper, but fortunately I checked with the journal to obtain a reprint, and discovered that the paper did not exist.
- my field (fingerprint expert) is ISO regulated 17025 - really can't imagine AI being used as it is opinion based.
- My knowledge comes from years of experience and knowledge. I would not expect AI to be able to produce a report
- My only concern would be - Can the AI swear on a holy book that as far as they are concerned, it is the truth and nothing but the truth!!
- My report must be balanced and objective, at the moment AI does not demonstrably do that. Questions og copyright have been raised with AI generatated work
- My report should reflect my own knowledge.
- N/A
- N/a
- N/A in considering someone's accommodation needs.
- N/A in my field
- N/K
- n\α
- NA
- Need to check the source
- Need to give my own opinion
- Needs its error rate assessed
- Nil
- no
- No ability of AI to provide nuance in medical opinion.
- No advantages. I dread the thought of AI written reports. How will the Court know if the report comes from a human being?
- No benefit as health assessments need to be in person
- No benefits to me
- No clinical decision making
- No comment
- No experience
- No experience of AI
- No idea
- No opinion
- None
- None as yet - possibly research
- None it ought to be one's own work
- None really
- none, am too old to learn AI
- Not a replacement for real people.
- Not actually your opinion
- Not an area I have explored at this stage

- Not an area that i have come across
- Not applicable
- Not being able to check the reliability of the information on which they are providing the content
- Not being an expert in AI
- Not bespoke to own opinion
- not comfortable with this technology at present
- Not familiar enough to trust its use
- Not familiar enough with AI, but it is taking momentum and cannot be ignored. It can potentially make work a lot easier, provided human control remains in place and in control.
- Not familiar enough with the AI software options to comment
- not fully proven
- Not informed or truthful
- not interested
- Not my work
- Not my work
- Not necessarily correct experience.
- Not something I'm yet comfortable with
- Not sufficiently detailed enough
- Not sure
- Not sure
- Not sure currently
- not sure how it would assist me at this time
- Not sure where AI would have relevance to my work beyond the process of typing a report
- Not sure would need to look at technology
- Not sure yet!
- Not sure!
- Not sure.
- not used
- not well understood yet
- NOT YOUR VIEW
- Not your own words.
- Nursing assessment has to be undertaken by a human
- only to dictate
- Personal experience and seeing the patients is invaluable
- Plagiarism and being legally responsible for someone else's work! We will be back to the situation akin to the doctor, now in gaol, doing a report every 15 minutes. ng of a report taking
- Plagiarism, Not expert work, lack of specificity
- Possibly helping in the introductory phase (background, literature...) but not in giving opinions and/or drawing the conclusion(s)
- potential for lies
- Potential introduction of bias, all dependent on the learning model of the AI
- Potential time savings
- potentially not independent opinion
- Presentation of the information I have found in my investigation and collecting available background to the case.
- Pro: For searching through vast quantities of documentation. Con: If used to generate opinions and report content, then I don't think you can claim to have authored the report?
- Probably not applicable
- Prompt responses
- Prone to errors.
- Proof reading, clarity of wording and adjustment for lay audience.
- property trained and qualified experts who are self sufficient
- Quick information retrieval, assistance with references. Drawback is report still needs to be in own words reflections own opinion and AI does not provide this depth.
- quick summaries
- Quick Summary of existing evidence base
- quicker
- RECENT CASES SHOW THAT THE EXPERT IS RESPONSIBLE AND NOT THE AI
- reduced amount of time for same quality of work - not suitable at present due to complexity of cases
- Reduces consideration of an individual's case
- reduction in some time consuming processes, possible increase in accuracy
- Reduction of time; depth of research
- reliability
- Reliability of information
- Reliability of information may be questionable
- Rely on it too much, expert witnesses not learning the info they are sending out
- Removes independent objective review and opinion
- Repetitive non granular
- Reports will all start to look the same and will dilute the more nuanced opinions of the EW.
- Reports will be generated as templates which isn't good enough
- Risk of being fed incorrect data
- Risk of losing the personal evidence and opinions during complex cases. The Law on UOF is very 'grey' and I would question how AI would assist in these matters.
- Risk of misinterpretation
- save time in report writing
- Save time in searching through lots of information.
- saving time to write report based on the interview recording
- sdf
- Searching literature relevant to case
- Simplify repetitive aspects of report writing
- Speed and efficiency - I would use it for document handling
- Speed but loss of accuracy
- speed of search for relevant information
- Speed of searching answers to questions
- Speed up structuring and presentation of reports - positive. Negative - AI can't be site and commission specific to the level of detail required for an EW Report
- Speed, efficiency
- speedier report writing, risk in inaccuracy and lack of familiarity with the case
- speeding the process but it should be done under strict control by the expert
- Speeds up queries and background introductory texts
- Still need to check and correct output
- Still needs expert scrutiny to verify content.

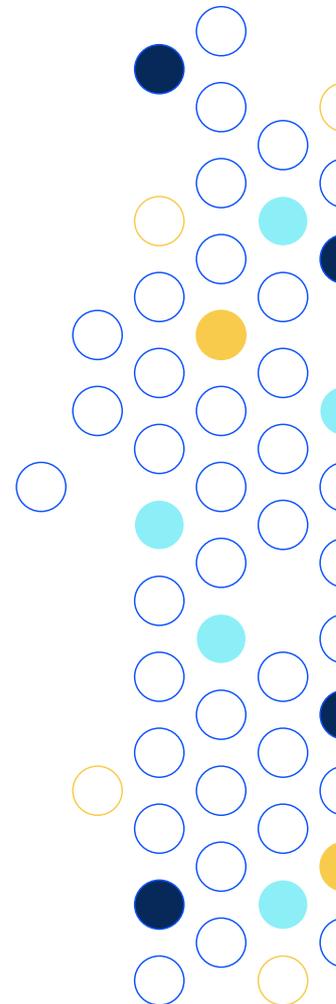
- Streamlining
  - Streamlining the routine aspects
  - Support, reduce human factor issues
  - System glitches
  - technical description in layman's terms
  - Technology is a bonus as well as science
  - The benefit is that the more mundane routine tasks can be automated but the drawback is that a witness could rely solely on the AI results and properly do their own analysis
  - The benefits are extracting the latest research that is relevant to the case.. Drawbacks, what happens pr
  - The benefits may be saving time / as I do not have experience with AI yet, this may prove to require more time in the beginning. I suspect that proof reading is also time consuming, therefore may not be a very time saving technique.
  - The clue is in the title 'artificial' - there are too many variables in OT to have one solution to a problem
  - The details I'm offering as so specific, they can't be provided by AI.
  - The drawbacks are not having perused the entire bundle oneself. There is cumulative information found between the review and the in person assessment. To detach one element from the other does not allow a valid opinion in my opinion. However I can see the appeal when there are pages and pages of irrelevant information still sent in bundles.
  - The expert opinion should be your opinion & not computer generated
  - The expert should produce the report.
  - The internet contains a whole lot of misinformation and half truths relating to my area of expertise, which inevitably would find its way into a report through the use of AI, in my view
  - The lack of an audit trail to agreed facts and published papers.
  - The main drawback is lack of individuality
  - The need to understand AI sufficiently to be sure it has done what you needed it to do. In the IT and analysis area this can be supplemented by a witness
- statement from the individual dealing with the data, however it is still important that the expert understands what is done, how, and whether it conforms to their needs.
- The obvious drawback is that it is not my opinion; something I am instructed to provide
  - The only benefit would be to document search. Otherwise it should be written by me as my independent opinion for the court
  - The opinion needs to your own
  - the potential advantages of using AI could be in identifying similar cases where a large volume of case law exists. The main disadvantage of using AI to answer questions about legal jurisprudence may be the lack of consistency in the answers obtained.
  - The report has to individualised. AI currently is very generalised and therefore may not accurately pick up subtle variations
  - The report has to reflect my opinion and not that of countless anonymous people on line
  - The technical and scientific detailed assessments and weighing of evidence required for much of my work is not yet reliably possible using AI.
  - The work I undertake requires careful consideration of various sources and subtlety of information and I wouldn't consider it a "process" activity. Requires a human element and careful supervision of an assessor
  - There are no benefits EW's should know how to write a report
  - There is some use in providing the original research but the process of preparing an opinion must remain with the expert
  - Think it would take away from the personal report writing style and context
  - This has been introduced but I dislike it. I think it makes the reports very impersonal, and it also alters the formatting in a way I do not like.
  - Time and cost savings
  - time saving
  - Time saving
  - time saving & research
  - time saving benefit for research, drawback is not owning or understanding the research
- To improve efficiency but AI is in its early stages of evolution/moral considerations
  - to present data
  - To save time , but it's drawback is that it is sensitive for third party access or disclosure with out the permission of the owner.
  - To take on time consuming tasks more quickly and accurately, e.g. reading medical records.
  - Too complicated to understand. Not prepared to enter this new arena.
  - Too little experience to judge
  - too little knowledge of AI use
  - Too many variables in my field
  - Too new
  - unable to comment
  - Undecided
  - Unreliable
  - Unsure
  - Unsure
  - Unsure of what AI is available
  - unsure, need more info
  - Untested and as far as I have seen, unreliable and ill-informed.
  - untrusted source
  - Untrustworthy. It may give weight to false or unvalidated material in the data mash-up
  - unvalidated
  - Useful for making quantitative comparisons
  - Using Ai can be effective in terms of scoring questionnaires and having automatically generated interpretation reports, but this cannot replace the clinical expertise and should not replace the importance of an experts clinical and critical judgement of the results correlated with other information they are provided with
  - Using AI requires processing large amounts of data, which can have privacy and security implications. Experts need to ensure that data is processed, stored and shared legally and securely, and in compliance with relevant legal and ethical guidelines.
  - Using AI should only be used as a form of research AI should not be used to draft an opinion
  - Very helpful in finding references and facts relevant to case
  - Well trained AI algorithms are impressive and quick. The

drawback is they are black box technology and lack transparency in explaining their decision making process.

- When I write my reports I am basing them on the information I have been provided with during a face to face assessment along with any medical evidence I have received. If I was to use AI to produce my reports I don't think they would come across in the same way than if I had written the report myself. I think it would be harder to get the point across that you are trying to make. I am an Transport Expert Witness and no two of my clients are the same. they may require very similar driving control in a vehicle but the circumstances surrounding the need for those driving controls will be very different and this is what I have to explain in my reports and justify my reasons for my recommendations and costings. I personally don't think AI could produce a report in the same way.
- Whilst IA may be able to assimilate knowledge over time and produce an opinion

that could be more valid than a current expert, there is a lot of nuance that would be missed. AI may not be able to assess a scar or cosmetic deformity as well either.

- Wholly inappropriate
- Wont necessarily be case specific
- Would allow quick review of the literature but would depend on how exhaustive the database is
- Would need to understand more about the purpose and role of AI. What it was being asked to do and how it had been programmed to do (bias?)
- Would not trust it to produce work of an adequate standard
- Xx
- You do not know what source material the AI output is based on.
- (blank)
- Grand Total



# Appendix 8

## Question 33 - Do you think that AI could ever replace the need for human expert witnesses?

- .
- 'Ever' surely makes this question impossible to answer except in the positive! However, the phenomenon of AI 'hallucination' surely makes it unreliable at the moment.
- Absolutely NOT
- Absolutely not!
- Absolutely not! AI may assist in helping to inform the probability of particular scenarios/ diagnosis and perhaps also inform prognosis but a human/ expert opinion based on clinical experience and 'qualitative' factors will always remain vital in my opinion
- Absolutely not! The issues are far too nuanced and complex.
- absolutely not.
- Absolutely not. AI cannot assess individuals and reach well informed and reliable conclusions
- Absolutely not. As a Transport Expert Witness I don't think AI could empathise, think outside the box or problem solve when faced with different scenarios in the ever changing world of transport
- Absolutely not. Computer algorithms are not comparable to an expert witnesses knowledge and experience
- AI can help in stringing words together but is an unreliable tool when it comes to analysing an entire situation relating to the court case and hence is not able to comprehend the evidence accurately. It is a time saving tool but cannot replace the experience and expertise of the expert witness.
- AI can't replace experts as it cannot replace counsel or indeed the judge
- AI could (not should) replace the need for humans. One aspect preventing this is that AI currently cannot replace the people using it.
- AI could draw upon large amounts of data and offer statistics and facts but it may struggle with opinion and inspection's
- AI is a misnomer, it is currently a large language model and cannot make judgements on the information that comes from relevant experience.
- AI is a useful tool for summation of lengthy paragraphs but nothing more. It is immature and is not capable of original thoughts. It is very easy to spot when others use it.
- AI is only as good as the human asking the question or inputting data.
- AI is unlikely to replace humans
- AI lacks emotional intelligence and can't make an emotional connection with humans
- AI should augment and complement human expert witnesses as well as decision makers. I doubt it could ever replace them because it cannot be held responsible
- AI should never replace expert reports in psychiatry; as opinions depend on so many factors, requiring every case to be individualised.
- Artificial intelligence has no way of thinking or feeling
- Artificial intelligence has not yet reached the level of human intelligence
- As a psychologist, I am certain that it is essential for clients to be assessed face to face by another human being.
- As above, I consider that all reports should be based on human clinical experience.
- At some point AI will replace many roles in society including that of experts. It is evolution, it will happen.
- At the moment no. However as AI technology advances it may.
- Can not replace, people's perception and knowledge of events are different
- Certainly for specialties that rely on objective radiological findings; not for Pain Medicine which is subjective.
- Could but should not
- Definitely not as the work of an expert witness involves reasoning and judgement, not just a statement of fact. No cases are just "black and white"
- Depends upon the area of expertise, but not in my area.
- Difficult in the field of psychiatry
- Do not know
- Do not know enough about the subject to comment
- Don't know. Hope not - it's a disaster in other areas
- Don't know
- Ethical and Moral Judgment: In cases that involve ethical, moral, or value-based considerations, human experts can provide a nuanced perspective that reflects societal norms, values, and evolving standards. AI lacks moral judgment and ethical reasoning.
- Eventually but like everything else time is the key component to assess future projects
- Ever is a long time but not soon.
- Given the ambiguity and the subtleties, the human expert witness will always have a role. AI may help with language and distilling the information from the case files.
- God and the Courts forbid
- Good Experts make an assessment, interpret that assessment, make decisions - AI cannot do this well. Bad experts just create a tick box. AI is already better than bad experts.
- Humans are not replaceable in this context but - of course - they could be conveniently pushed aside

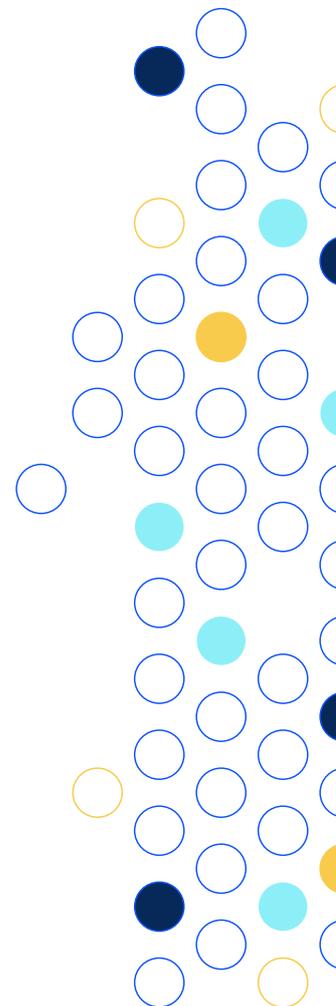
- Hard for them to examine a patient
- Hope not
- I hope not.
- I believe it could simplify or standardise the process but I do not have the technical knowledge to see how 2 different AI opinions can be squared, but I guess that may be possible. Certainly, the current system is not efficient and my impression is that motivations are not always in the interests of the court. I wish it could be used to improve the quality of notes/ evidence, reducing duplication etc
- I cannot imagine how AI could replace expert witnesses but that may just be my ignorance of the possible applications of the technology
- I consider this unlikely
- I do not know how a robot could do my job
- I do not think AI could entirely replace a human expert witnesses. The nuance of human thinking that we never really put into writing (and is therefore inaccessible to AI for their learning) will always be missing from AI reports. Furthermore, in a court of law, a human being will be needed to defend the expert opinion which cannot legally be done by a non-human?
- I do not think so; AI can collate and formulate descriptions based on a pool of knowledge, but knowledge and experience, as well as clinical judgement are all parts of a decision making process and opinion generation process
- I don't believe AI should replace existing human input
- I don't feel I know enough about AI in dental reports to form an opinion
- I don't know enough about it
- I don't know enough about this
- I don't think it should but I think it will in some cases.
- I doubt it
- I doubt it in my field of infection management, where research evidence can only be extrapolated from one setting to another with the greatest of caution. In my reports i pick up hints of what had being going on (ie establish the facts) from numerous sources: medical records, investigations, nursing written records, nursing observations, pharmacy records ....) pulling them all together, especially as the quality of record keeping, even in hospital computerised records, is so poor that I cannot imagine that AI will provide an accurate representation of events.
- I doubt it.
- I doubt it. For example, how could it's views be cross examined and tested - how could one assess its honesty and what has been asked for it to produce?
- I have no experience of AI
- I hope not
- I hope not!
- I hope not, how can AI make assessment of complex psychological issues and the impacts these have
- I really don't know
- I think AI should not replace human expert witnesses.
- I think it is entirely dependent on a number of factors, namely; subject matter (how technical or subjective), quality of the AI's data pool (not great at the moment - this could potentially be resolved by 'training' AI to use a limited data set per subject matter)),
- I think no. Undoubtedly a lot of what I do is capable of AI replication or even replacement but as regards the fine distinctions calling for judgement I doubt if this is something a computer can do since the answer may vary despite very similar circumstances of cases. Having said that, I have not as yet experienced AI at its performance levels its champions would claim for it. I think AI would not be regarded as a trustworthy decision maker in relevant circumstances rather in the same way that juries are regarded as more "trustworthy" than the judge to reach a proper verdict even though their collective experience is much less than the judge
- I would hope not given that opinion is autonomous & based upon fact and examination of the individual
- I would hope not.
- I would not say never, but in my profession it seems a long way off yet
- I wouldn't think so.
- I'd like to think not.
- If only my cases were that simple that I could tap a few keys and come up with calculations - would it lead to over or under valuing a claim?
- if so then it would also repalce the judge
- In my experience, training AI algorithms is an important aspect of their effectiveness, and this requires substantial human intervention.
- In my opinion the answer is an emphatic no!
- In our field no
- In some areas maybe
- In some circumstances probably yes but in others hopefully not.
- In the future as the AI technology improves there is no reason to believe that in some circumstances experts coul dbe replaced by AI
- It is difficult to give an answer in terms 'ever'. At the rate at which this field is growing, there can be a time in the future where AI substantially replaces the need for an expert witness, if not completely.
- It is likely that AI could be utilised increasingly in the future but as pointed out above, the cost to the individuals and families involved in these cases far outweighs the benefit of using AI
- It should never be an option, our opinions are often based on what the average man in the street would consider to be fair. How can an AI assisted computer make a subjective decision like that?
- It should not be necessary for the Courts to issue guidance however it is clear that some Professional bodies should be guiding their membership to proper use of all technology.
- It will take time but seems at some point yes but in many years or hopefully decades
- Its only as good as the information which is fed into the computer, so could never replace.
- Lack of sense of humanity
- May be in future who knows
- Maybe in some technical cases where the decision rests on comparison of data - but not in my area
- Much of the paperwork and reading could be made quicker and easier, some tests could be administered as well as by a practitioner. Tere are many ways AI could enhance a psychological assessment but in the end, personal experience and interaction will still be necessary to form reliable opinions. r

- My INTUITION is that a human expert witness should always ultimately sign off on the opinion
- My lack of understanding of the potential extent to which this could happen prevents me giving a meaningful answer
- My view would be that AI should not be used for preparation of reports. It is not the authors own words and therefore I do not feel it is a true representation of their opinion. Every expert has different styles, neither better or worse, and I would be concerned that AI will make reports far more generic.
- N/A
- Never
- NEVER!!!! We deal with human experience, emotions and behaviours. No technology could ever replicate that. t
- Never, assuming sanity prevails.
- Never.
- Never. how can AI take a history that is not a "Tick Box" exercise and physically examine a Claimant?
- no
- No
- No - a considered opinion, knowing the field of expertise is always going to be better.
- No - AI can give the facts of the matter up to the date it is being updated to, but I doubt it would be able to 'think' and act on the 'balance of probabilities'...
- No - as my understanding is that AI is not so good at opinion
- No - human assessment can take into account emotion assessment or point of view etc
- No - I believe that the capabilities of AI are overblown within the media and it can never replace the essence of instinct or judgement, which can be key in being an Expert Witness
- No - It makes stuff up!
- No - it relies on published information and will not have practitioner experience to add to the opinion. If used, the information it relies on will need to be provided transparently and critically assessed.
- no - it's not perfect
- No - not at present anyway.
- No - not in its current form and not with the current judicial system
- No - not where an opinion is needed (albeit one based on facts)
- No - the AI system may have biases introduced (unwittingly) by the programmer who developed it.
- No - there are complex nuances that lead to conclusions being drawn, especially in Psychology.
- No - would still need a human check and how would AI work in the witness box?
- No . Human supervision is still required like any other technology .
- No AI could not totally replace human expert witnesses.
- no although in some fields simulation may be aided by AI
- No- Although my experience of AI is limited. UOF is often based on human feelings and reactions, not that of a robot or machine.
- No and it should not.
- No as would depend on who programmed them with what knowledge and skills
- No assessments need to be in person
- No because AI is only as good as its programme.
- No because human minds have both conscious and unconscious drivers that formulate and synthesize their thought processes. Expert opinion is not always yes/no but a consideration of probabilities applied to the individual situation especially relating to human behaviours.
- No because interpretation is based on personal opinion
- No because the key skill is in asking the right questions, only then does answering them become relevant.
- No because the presentation of information that fairly analyses both sides of the case will undoubtedly rely upon the experts experience and judgment. AI processing is limited to the analysis of given materials which may not be sufficient and could therefore result in an inadequate opinion.
- No but it can bring in contents, references and information usable in the report. The use of them must be the expert witness's judgement.
- No but it will probably happen for cost reasons in some cases
- No but yes if the courts system become runs by robots.
- No cases are too nuanced and often need forensic investigations
- No definitely not.
- No I don't think AI is close to replacing expert witness expertise presently.
- No- i think too much room for error, in my field there are no set rules for an AI to be 100% in any scenario
- No it would provide an interpretation based on input information and may need clarification on input criteria and analysis and interpretation data trends defined
- No its a machine and especially questioning AI cannot achieve the same dexterity and ability to deal with the unknown that a good expert knows how ot deal with. Not something you can teach a machine to do.
- No life nuances cannot be generalised enough for AI dependency but possibly in support of coherence with decisions
- No never
- No not entirely because every case in my area of expertise is different.
- no- not in child psychiatry as we are often reading body language and drawing inferences from pauses in narrative
- No not in so far as assessment of complex care needs is concerned
- No of course not AI cannot have an experts experience etc
- No Particularly in criminal cases
- no see above
- no this is dangerous as it is unlikely to be able to distinguish and deal with individual and unique circumstances
- No!
- No!
- No! How can a macine do a complex psychiatric report?
- No! - this is exemplified by (human) 'experts' who follow a set of rules and procedures, and do not us their wider knowledge an ingenuity to tease out useful or significant bits of information which affect, or assist in the likelihood of the conclusions one might come to.

- No!!! Not with medical negligence...no 2 cases are the same eg in the field of obstetrics and cerebral palsy
- No,
- No, "feel" for evidence is needed
- No, AI can help the expert but expert will always be in charge of the report. There are too many human variables which need to be discussed in the report and considered.
- No, AI cannot demonstrate competent experience
- No, AI is ultimately limited by the parameters set in the product, unless this is understood the AI programmes could directly influence the outcome. Also AI cannot think irrationally (I understand) therefore cannot truly assess all aspects of a case.
- No, AI is unable to assess psychology
- No, although it may be helpful in some fields.
- No, as always, the resulting output is only as good as the input. I have seen a lot of people use AI, but unless you know exactly what to ask, and can then check through in detail, there is a high risk that it may not be correct to the individual needs. AI just allows a wealth of information to be accessed which could be useful, and it can make the research, and reporting quicker.
- No, as in the area of psychology/ mental health each case is specific to the individual and the complexity would be missed by AI as would opinions about likely outcomes based on a variety of factors which experience helps us form an opinion. There is also an element of relational assessment which AI cannot complete.
- No, as machine learning may not be as precise as is required for clarification of highly specific material
- No, as per above.
- No, at least I hope not!
- No, at present AI cannot give true opinion.
- No, because arboriculture is too subjective.
- No, because good and fair decisions emerge from life and professional judgement. What would be the AI source data?
- No, but I expect it will
- No, but then I do not know enough about AI to comment. I suspect that the future will involve both human and AI. The advantage of AI is the potential removal of human bias in opinions
- No, but this does depend on way to mean by AI and what discipline you are referring to.
- No, but will become more useful for background research etc
- No, Complement
- No, definitely not. AI should always be under human expert control to avoid mishaps.
- No, expert opinion requires far too much contextual interpretation
- No, for the reason as given in response to Q27.
- No, home assessments are crucial to understand the family dynamics or the situation unique to the Claimant.
- No, human interpretation of evidence will always be needed along with the quality assurance given by human expert witnesses.
- No, human judge is still essential
- No, I don't think so.
- No, in health care there can be complex issues to consider
- No, in my field of Psychiatry, I don't think AI can ever replace a human interviewing a client, which is necessary for report preparation.
- No, it couldn't. It perhaps has a place for some aspects of the work, but is hugely risky/ problematic.
- No, my reports rely on environmental observations
- No, not for expert opinion or joint meetings.
- No, not in the field of care and occupational therapy.
- No, real life experience can never be experience by AI.
- No, see 27 above
- No, that is the danger of AI, it makes decisions for you based on algorithms and this is not always accurate
- No, the analysis and interpretation of the clinical information will not be possible to the level of an experienced clinicians.
- No, the human brain and it's complex system of thinking, mixed with emotions can never replace humans. You only have to look at cars for this evidence.
- No, the ultimate responsibility of an expert opinion should always lie with a single 'human' expert who signs the report and answer in Court on its contents.
- No, the use of AI is potentially flawed, as a matter of fact but more importantly because in my field, AI does not necessarily produce evidence that can be verified by the Court / opposing experts.
- No, there are so many factors to take into consideration and a constant change in meanings and context especially in the world of drugs, that I do not think AI could at present give a full and considered opinion.
- No, there will always be a need for human intervention and explanation.
- No, until a robot can analyse and reason at least equal to, or better than, the human brain
- no, you can not get the experience and life skills knowledge
- No.
- No.
- No. AI is just another tool in the box. When we've learnt to use it properly, it will be of value, until then, EW's will get caught out if any tool is misapplied
- No. Expert witnesses provide opinion based upon years of experience and assessment of the particular aspects of individual cases which are unique to each case.
- No. In my field there are nuances and complexities around the person that AI could not possibly consider and assess.
- No. Sometimes there are subtleties that require intuition to develop and/or investigate leading to aspects that may not be apparent from an initial consideration.
- No. The need to explain one's opinion and debate it certain forums cannot be undervalued.
- No. There are often nuances that need to be explored.
- No. You need to think laterally and outside the question, and you need to know when you are wrong.
- No. AI can certainly permit a more efficient process but a large element of expert witness work is the "human factor". The ability to see the "bigger picture", to frame an argument, to

- develop processes and procedures depending on the specifics of the matter etc.
- No. AI cannot think. Generative AI trawls the internet and is subject to every mistake, untruth, bias, lie and conspiracy theory it scans. In the few months that Generative AI has been available it is already proving to "fall for it all". AI has no "rational thought filtering system" and does not "know" when it is producing rubbish. The old adage "Junk in-Junk out" applies even more now than it ever did.
  - No. AI can't produce an opinion.
  - No. AI has too many demonstrated biases and needs to be moderated and interpreted with skill
  - No. AI may suggest what a competent practitioner is, but will not be able to understand what it is working on a Night Shift which is short staffed and where equipment is not easily available to aid urgent assessments, for example. AI will not have that intelligence to feed into an opinion.
  - No. AI opinions could only be hypothetical unless the AI has and experience of working in a particular field. Similarly although AI could rapidly collate and summarise the ideal performance expected of the defendant, it is hard to see how it could assess the actions or statements of a defendant without possessing the experience of that field a human expert witness is expected to possess.
  - No. AI should assist in providing factual and verifiable information. The experts must be solely responsible for interpretation and giving a personal and independent opinion.
  - No. AI should be banned from use in the expert field.
  - No. AI unlikely to match experts experiences and nuances dealing with the subject.
  - No. An expert with years of experience in the field is far more knowledgeable and trustworthy than AI
  - No. Context is so important, and also AI has been known to "hallucinate"
  - No. I consider that one of the key qualities of an expert witness is experience as well as knowledge. AI cannot have experience but may have knowledge.
  - No. I don't think that AI has the ability to be apply common sense and would not be able to be cross examined in court.
  - No. I fear that bias may be implicit
  - No. I feel that AI can speed up the process of report writing and content/research. I am currently doing some research into this area to feedback to my case management, expert colleagues and vocational rehabilitation practitioners so I will read the outcome of this report to include it. I am due to guest speak about AI use in January 2024.
  - No. It could however be used by lawyers to screen potential cases
  - no. it will depend on how much information is fed into the database to help analyse the case and then help prepare the report
  - No. Medical expert reports require you to be able to sift through all the available records and in many cases interpret very poor hand-writing. Currently I do not believe that an AI programme would be able to do that.
  - No. Medicine is not a black and white subject and literature may be tricky to navigate. I hope that the personal experience and exposure to different medical cases is what make a EW reliable and truly helpful.
  - No. Most cases that go to trial are not around "standard" issues so experience is the key factor not online research.
  - No. Not when decisions of him a judgment are required.
  - No. Not within the UK's adversarial legal system.
  - No. Opinion is subtle and draws on years of experience. AI might assist with the evidence
  - No. See answer above
  - No. The analysis may not always be as logical as AI would like
  - No. There are many factors to take into account, such as the interaction with the defendant/claimant that AI can't do or assess
  - No. there is a need for human interaction particularly with venerable clients
  - No. There is a nuance and personality to an opinion that the courts should look to maintain. the human cannot be truly replaced.
  - No. There is always the possibility of the unexpected and/or exception which is not in the AI "experience" but which a human being would understand the react to.
  - No. There will always be a need for a human "screener" or "sense-checker".
  - No. Whilst this would assist in provision of objective evidence, there are a number of areas, in particular nursing, where subjective evidence i.e. responses, feelings etc. need to be taken into account. Every individual is different.
  - No. You need to factor in the unusual data/ rare or unique events.
  - No.as each situation is unique
  - No; AI cannot describe certain characteristics of evidence such as smell or texture.
  - Not at present
  - Not at present
  - Not at present but it is difficult to know how AI will develop, and in complex cases it is possible that use of AI may be beneficial, alongside humans.
  - Not at the moment, although it may offer a useful input in some fields,
  - Not at the moment. In medical negligence cases it is hard to see how Bolam and Bolitho tests could be applied by non-human expert analysis of complex human performance
  - Not at this time
  - not entirely
  - Not entirely but probably to a large percentage of the normal workload of reporting many cases.
  - Not for a long time
  - Not for nursing expert witnesses
  - Not for some considerable time
  - Not for the foreseeable future
  - Not for the foreseeable future as some much of EW opinion has to be on basis of a human's experience.
  - Not for the foreseeable future.
  - Not given the limitations of the current knowledge base it searches. Interpretation of complex data from multiple sources of mixed quality make it very difficult to formulate an opinion equivalent to an expert witness with 20-30 years experience in a particular field of expertise.
  - Not in any current formulations of AI. You only need to consider the Gospel Conjecture for why. It will need a fundamental move away from algorithms as it's basis before it can replace a human expert.
  - Not in Care reports where creating a rapport enables claimants to open up to expert witness to provide information
  - Not in medical field as many issues are not black or white but grey

- areas that require experience and also account for human factors.
- not in my field in my life time, would be too hard to regulate.
  - Not in my field.
  - not in my speciality
  - Not in my working lifetime - possibly in the future
  - Not in Psychology no.
  - Not in the short term. Too many variables with items/scenes we examine.
  - Not in the world of health
  - Not really
  - Not replace but enhance
  - Not sure
  - not sure but i would not support
  - Not with its present capabilities but this will change over time
  - Not within the field of psychology
  - Not without further evidence
  - Nothing can replace experience and something cannot be taught.
  - Of course not. It is nothing more than a tool, albeit a powerful one, to extend human capability and ingenuity.
  - Perhaps in some aspects of data processing, but not in formulating opinion.
  - Possibly
  - Possibly
  - Possibly - see above. However whilst AI may have the ability to become sentient over time, whether this would affect its ability to assess a human case is uncertain. It may actually be better!
  - Possibly but not for some time at least in my field
  - Possibly in some cases
  - Possibly in some topics.
  - Possibly in the future, under specific circumstances, but not as a complete replacement for human experts, at least not in the foreseeable future.
  - Possibly never say never
  - Possibly. May even be better in some circumstances. Doubt would work in psychiatry
  - Potentially
  - Probably not in my field (clinical psychology) but I don't really feel that I know enough about AI to comment
  - Probably not, and I would worry
- about my future as a human being, not just an expert witness, if it ever did. I regard the boom in books with profound joy and relief, as bucking the trend to electronic conformity, and I also feel that 'analogue' thinking needs to be encouraged and developed rather than just measuring evrything, but I guess both are important. We should treasure everything that makes us human and individual - but I recognise that AI probably is ultimately capable of doing everything we can do - but I hope it isn't. Like fire and computers, it's likely to be a good servant but a bad master.
- Probably not, but this will. be an area of progress.
  - Probably within a decade
  - Quality of input dictates the quality of the output.
  - See 28 above
  - See my answer above.
  - Should not but probably will
  - Thats a much bigger question than can be answered in a sentence - there will definitely be occasions when AI techniques/tools are useful - but they need to be applied with expertise not blindly
  - The clinical reasoning is crucially important in the majority if not all cases such not sure AI could fully replace a human expert
  - The final report MUST be the expert's own work and reflect his or her opinion. That is a standard declaration in the reports that I prepare. So, if AI (or other technology) is used in generating results or text, it's still up to me as expert to understand the results, to know how they were calculated, and to understand the text.
  - The human touch is key and exploring the clients situation is a human skills-communication,compassion,dignity and respect
  - There is potential for AI to replace this need.
  - There may be a place for for AI to contribute, but not to replace.
  - This is a meaningless question - in 5000 years? But NOT currently
  - Too much rational analysis
  - Too soon to know
  - Unlikely
  - Unlikely at present
  - Unlikely but for some aspects of cases
- very likley
  - Very unlikely as situations are often very nuanced.
  - With regard to question 29 I consider that the rules of disclosure already require those claiming expert status to declare sources of information and assistance.
  - wsdwe
  - Yes
  - Yes but only in the future when the technology is advanced and mature enough to replace expert witnesses.
  - Yes for cases that hinge on presence or absence of certain fixed data e.g. forces likely to fracture.
  - Yes in certain cases
  - yes in coordination with human input
  - Yes possibly
  - Yes when tech can evaluate as many factors simultaneously as the human brain - no time soon.
  - Yes, in some cases. The boundaries of the limitation are likely to expand as AI advances
  - Yes. However, I suspect that may be beyond the lifetime of my career.
  - (blank)
  - Grand Total





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