

Model Report for Experts

Report of your name

Specialist field your specialist field

*On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert*

Model Report

XXXXXXXX v XXXXXXXX

Title of the action

XXXXXXXX

Court reference number

Final report of your name for the name of the court

Dated

*The date you sign your report and send it to your
instructing solicitors.*

Specialist field:

Your specialist field.

**On behalf of the Claimant/
Defendant (or both if single
joint expert):**

The name of the party to the action.

On the instructions of:

The name of the solicitors who have instructed you.

Subject matter:

A very brief description of the subject matter.

*This format is only a **suggestion**. It contains the main elements you will need to consider but you will need to create your own personal format that will depend on your specialist field and the particular case. This front page should be visible, preferably with a transparent plastic sheet, although this is optional. Do not use comb binders. Use A4 good quality paper, hole punched for lever arch file with a slide binder. Find out from the solicitors who instruct you how many top copies are needed. Your report should be addressed to the court and not to the party from whom you received instructions.*

Your Name

Address

Telephone number

Fax number/Email

Reference

Report of your name

Specialist field your specialist field

***On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert***

Contents

Paragraph number	Paragraph contents	Page number
1	Introduction	
2	The issues addressed and a statement of instructions	
3	My investigation of the facts	
4	My opinion	
5	Statement of compliance	
6	Statement of conflicts	
7	Declaration of Awareness (Civil and Family) cases only	
8	Statement of truth	

Appendices

1	My experience and qualifications	
2	Experience, qualifications, training of others involved in carrying out any test or experiment	
3	Statement of methodology	
4	List of documents that I have examined, with copies of important extracts	
5	Details of any literature or other material I have relied upon in making this report with copies of important extracts.	
6	Photographs, drawings, schedules, diagrams, graphs and other graphics	
7	Chronology	
8	Glossary of technical terms	
9	Other	

This contents page is useful even if the report is short. In longer reports, the contents page may need to be more detailed so the reader can easily find their way around the report

Report of your name

Specialist field your specialist field

**On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert**

Report

1 Introduction

1.01 The writer

I am *your full name*. My specialist field is *your specialist field* and give a short summary of the most important qualifications and experience relevant to the case. No more than three lines.

Full details of my qualifications and experience entitling me to give expert opinion evidence are in appendix 1. *It is necessary to have these full details as you may be cross-examined on them.*

1.02 Summary background of the case

The case concerns *give a short outline of the case*. There is a chronology of the key events in appendix 7. I have been instructed to *say briefly what you have been asked to do*.

Civil experts - "Guidance for the Instruction of Experts in Civil Claims 2014" [Guidance] para 55

Criminal experts - "CPS Disclosure Manual" Annex K, CrPR 33.4(c)

Family experts - "Practice Direction 25B – The duties of an expert, the expert's report and arrangements for an expert to attend court" [Practice Direction 25B] para 9.1(b)

1.03 Summary of my conclusions

This report will show that in my professional opinion *give your conclusion*. *It is good practice to put an executive summary at the beginning so that the reader knows the direction of your analysis. The Civil Procedure Rules require your report to contain a summary of the conclusions. Civil Experts Practice Direction 35 para 3.2(7), Guidance para 62. Criminal experts CPS Disclosure Manual Annex K, CrPR 33.4(i). Family Experts Practice Direction 25B para 9.1(h).*

1.04 Those involved

Those involved in the case are as follows:

List the people and organisations you refer to in your report with a short description of each. This can be very useful for a judge.

Report of your name

Specialist field your specialist field

On behalf of the Claimant/Defendant name of the party you have been instructed by or

Single Joint Expert

1.05 Technical terms and explanations

I have indicated any technical terms in **bold type**. I have defined these terms when first used and included them in a glossary in appendix 8. I have also included in appendix 5 extracts of published works I refer to in my report. Criminal experts (**R v Bowman para 177**) and in appendix 6 there are diagrams and photographs to assist in the understanding of the case.

2 The issues to be addressed and a statement of instructions

2.01 Give a statement setting out the substance of all material instructions (whether written or oral) including the questions on which your opinion is sought, the materials provided and considered, and the documents, statements, evidence, information or assumptions which are material to your opinion(s). The source of the instructions needs to be made clear, ie. by whom is the expert instructed and on what basis – party expert or SJE. Criminal experts (**R v Bowman para 177, CrPR 33.4(c)**). This may be an expanded version of what you say in paragraph 1.02. Civil experts (Guidance para 55) Family Experts Practice Direction 25B para 9.1(b) The statement must **summarise** the facts and instructions given to you which are material to the opinions expressed in you report or upon which these opinions are based. Remember section 3 will give you details of your investigation of the facts. You should make it clear when a particular question or issue falls outside your expertise. Civil Experts Practice Direction 35 para 2.4(a), Criminal experts (**R v Bowman paragraph 177, R v Harris para 271**).

2.02 The purpose of the report.

2.03 Set out the issues you will address in your report. Number each issue as you will refer to each in your opinion in paragraph 4. Do not give your opinion here. The instructions should be set out verbatim from the letter of instruction.

Report of your name

Specialist field your specialist field

**On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert**

3 My investigation of the facts

All relevant facts Logical order Source of facts
Proper investigations, recording, methodology
Keep facts separate from opinions

NOTE: LAWYERS WILL CROSS-EXAMINE THE EXPERT WITNESS TO TRY TO DISCREDIT the source of facts, methodology, data, records, investigations, calculations, assumptions etc.

This section establishes the foundation of fact upon which you will base your opinion. The starting point is “I do not know, but let me see what the facts are”. Set out the facts of the case as you see them. Identify the source of these facts. You must distinguish fact from opinion. Also distinguish facts you have been told and those you personally observed. This paragraph is purely factual. Paragraph 4 will deal with your opinion. Criminal experts CPS Disclosure Manual Annex K, CrPR 33.4(d).

3.01 Assumed facts

Where there are competing factual explanations you should indicate how each version of events would impact upon your opinion as it is the court’s role to determine any factual disputes.

3.02 Enquiries/investigation into facts by the expert

Facts established by the expert him/herself in examinations, tests, experiments, calculations, investigations, or inspections should be set out in detail. Be careful to give sufficient explanation of how these facts were obtained and checked to fully discharge your professional obligations and increase credibility as an expert. Civil experts Guidance para 56. Family Experts Practice Direction 25B para 9.1(c).

3.03 Documents

Identify the important documents for the judge. Remember appendix 4 contains a list of the documents (including statements) you have considered with copies of the really important documents. Criminal experts CPS Disclosure Manual Annex K.

Report of your name

Specialist field your specialist field

On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert

3.04 Interview and examination

*Give details of any interview and examination you did including the methodology and/or whether they were carried out under your supervision. Criminal experts (**R v Bowman para 177**). Give dates and times. Say if anyone else was present. There may be none. Family Experts Practice Direction 25B para 9.1(c)*

3.05 Research

Give details of any research papers you considered. Remember appendix 5 contains a list of published works you refer to and has copy extracts. Lord Woolf has recommended that as an expert, you should give details of any literature or other material which you have used in making your report.

3.06 Measurements tests and experiments etc

*You should say who carried out any test or experiment which you use in your report and whether or not the test or experiment has been carried out under supervision. Give the qualifications and experience of the person who carried out any such test or experiment. Criminal experts (**R v Bowman para 177**, CrPR 33.4(e)). Civil experts Guidance para 56. Family Experts Practice Direction 25B para 9.1(c) and (d).*

3.07 Facts obtained by others

Civil Experts

PD Part 35 para 3.2(5)

“say who carried out any examination, measurement, test or experiment which the expert has used for the report, give the qualifications of that person, and say whether or not the test or experiment has been carried out under the expert’s supervision;”

Family Experts

Practice Direction 25B para 9.1(c)

“state who carried out any test, examination or interview which the expert has used for the report and whether or not the test, examination or interview has been carried out under the expert’s supervision;”

Report of your name

Specialist field your specialist field

On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert

4 My opinion

All Experts

*You should not omit to consider material facts which could detract from your concluded opinion. If your opinion is not properly researched because you consider that insufficient data is available then this must be stated with an indication that the opinion is no more than a provisional one (**Ikarian Reefer (1993)** at page 81).*

Civil Experts

Go through each issue identified in paragraph 2, link these to the facts from paragraph 3 and then give your reasoned argument for the opinion you come to.

Facts, analysis then argued conclusion. It is useful to use the word “because...” to identify the reasons why you have come to your opinion. Avoid using the word “negligence” as this is a legal term. Let the judge make the decision; just give your professional opinion. Do not give a legal opinion.

Where there is a range of opinion on the matters dealt with in your report:

- i. summarise the range of opinion, and
- ii. give your reasons

If there is a range of opinions based on published sources, these should be explained and the expert should indicate how they differ from those opinions. If the opinions are not published, experts may need to explain what they believe to be the range of other experts and make it clear that the range they summarise is based on their own judgment and the basis of that judgment. (Guidance paragraphs 59 and 60)

This is required under Practice Direction 35 para 3.2(6). Guidance paragraphs 59 and 60.

Criminal Experts

*Set out any material facts or matters which detract from your opinion and any points which should fairly be made against your opinion (**R v Bowman para 177**).*

Where you have provided qualified opinion detail the qualification (CPS Disclosure Manual Annex K).

Where there is a range of opinion on the matters dealt with in your report:

- i.. summarise the range of opinion, and
- ii.. give your reasons for your opinion

(Cr PR 33.4(f)).

Report of your name

Specialist field your specialist field

On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert

Family Experts

Go through each issue identified in paragraph 2, link these to the facts from paragraph 3 and then give your reasoned argument for the opinion you come to.

Facts, analysis then argued conclusion. It is useful to use the word “because...” to identify the reasons why you have come to your opinion. Let the judge make the decision; just give your professional opinion. Do not give a legal opinion.

Where there is a range of opinion on any question to be answered in your report

- i. summarise the range of opinion;*
- ii. identify and explain, within the range of opinions, any “unknown cause”, whether arising from the facts of the case, or from limited experience or lack of research, peer review or support in the relevant field of expertise;*
- iii. give reasons for any opinion expressed: the use of a balance sheet approach to the factors that support or undermine an opinion can be of great assistance to the court.*

This is required by para 9.1(g) of Practice Direction 25B.

Report of your name

Specialist field your specialist field

*On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert*

Every report whether it is in civil, criminal or family proceedings, must comply with the relevant procedural requirements, and must contain the required declarations. You must choose one set from the following list, depending on whether your report relates to civil, criminal or family proceedings.

Please refer to <https://www.justice.gov.uk/courts/procedure-rules> for the relevant civil, criminal and family law rules and practice directions.

N.B. *Verbatim procedural rules are printed in italics.*

CIVIL PROCEEDINGS

Statement of compliance

I understand my duty as an expert witness is to the court. I have complied with that duty and will continue to comply with it. This report includes all matters relevant to the issues on which my expert evidence is given. I have given details in this report of any matters which might affect the validity of this report. I have addressed this report to the court. I further understand that my duty to the court overrides any obligation to the party from whom I received instructions.

Practice Direction 35 para 3.2 (9) (a) and Guidance para 52 (see Appendix 20).

Declaration of Awareness

Practice Direction 35 para 3.2 (9) (b) requires that the report contains a statement that the expert ‘*is aware of the requirements of Part 35, this practice direction and the Guidance for the Instruction of Experts in Civil Claims 2014.*’ No form of wording is provided in the rules. The following is one possible form of wording.

I confirm that I am aware of the requirements of Part 35 and Practice Direction 35, and the Guidance for the Instruction of Experts in Civil Claims 2014.

Statement of truth

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Practice Direction 35 para 3.3 and Guidance para 53.

Report of your name

Specialist field your specialist field

On behalf of the Claimant/Defendant name of the party you have been instructed by or

Single Joint Expert

Statement of conflicts

I confirm that I have no conflict of interest of any kind, other than any which I have already set out in this report. I do not consider that any interest which I have disclosed affects my suitability to give expert evidence on any issue on which I have given evidence and I will advise the party by whom I am instructed if, between the date of this report and the trial, there is any change in circumstances which affects this statement.

[This statement of conflicts is not mandatory but is suggested in the judgment of Sir Mark Potter in **Toth v Jarman [2006] EWCA Civ 1028** paragraph 120. He also urged the Civil Procedure Rules Committee to consider including it in the CPR.]

CRIMINAL PROCEEDINGS

Statement of compliance

I understand my duty as an expert witness to the court to provide independent assistance by way of objective unbiased opinion in relation to matters within my expertise. I have complied with that duty and will continue to comply with it. I will inform all parties and where appropriate the court in the event that my opinion changes on any material issues. I further understand that my duty to the court overrides any obligation to the party from whom I received instructions.

Parts 33.2 (1), (2) and (3) and 33.4(j) Criminal Procedure Rules

Declaration of Truth

This statement consisting of..... pages, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Part 33.4 (k) Criminal Procedure Rules

Statement of conflicts

I confirm that I have no conflict of interest of any kind, other than any which I have already set out in this report. I do not consider that any interest which I have disclosed affects my suitability to give expert evidence on any issue on which I have given evidence and I will advise the party by whom I am instructed if, between the date of this report and the trial, there is any change in circumstances which affects this statement.

[This statement of conflicts is not mandatory but is suggested in the judgment of Sir Mark Potter in **Toth v Jarman [2006] EWCA Civ 1028** paragraph 120. He also urged the Civil Procedure Rules Committee to consider including it in the CPR.]

Report of your name

Specialist field your specialist field

*On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert*

FAMILY PROCEEDINGS

Statement of compliance

I understand my duty as an expert witness is to the court. I have complied with that duty and will continue to comply with it. This report includes all matters relevant to the issues on which my expert evidence is given. I have addressed this report to the court. I further understand that my duty to the court overrides any obligation to the party from whom I received instructions.

Practice Direction 25B para 9.1(i)(iv) and para 3.1.

Statement of truth

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

This statement of truth is mandatory. Practice Direction 25B, para 9.1(j).

Where the report relates to children proceedings the form of statement of truth must include -
“I also confirm that I have complied with the Standards for Expert Witnesses in Children Proceedings in the Family Court which are set out in the Annex to Practice Direction 25B - The Duties of an Expert, the Expert’s Report and Arrangements for an Expert to Attend Court”

Practice Direction 25B, para 9.1(j).

Statement of conflicts

I confirm that I have no conflict of interest of any kind, other than any which I have already set out in this report. I do not consider that any interest which I have disclosed affects my suitability to give expert evidence on any issue on which I have given evidence and I will advise the party by whom I am instructed if, between the date of this report and the trial, there is any change in circumstances which affects this statement.

This statement of conflicts is mandatory. Practice Direction 25B, para 9.1(i) (i), (ii) and (iii)

Declaration of Awareness

Practice Direction 25B para 9.1(i)(v) requires that the report contains a statement that the expert ‘is aware of the requirements of FPR Part 25 and this practice direction.’

No form of wording is provided in the rules. The following is one possible form of wording.

‘I confirm that I am aware of the requirements of FPR Part 25 and Practice Direction 25B.’

Signature.....**Date**.....

All reports must be signed and dated, and the Statement/Declaration of Truth must be verified by a signature/date. Therefore, you are advised to include your Statement/Declaration of Truth as your final item in the report, and to follow it with your signature and the date.

Report of your name

Specialist field your specialist field

***On behalf of the Claimant/Defendant name of the party you have been instructed by or
Single Joint Expert***

Appendix 1

Details of qualifications and experience

This is the front sheet for the contents of the appendix. Have a separate front sheet for each appendix, unless it is a very short report.