



# Annual Expert Witness Review 2016

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## The National Annual Expert Witness Survey

Over 700 experts completed the survey making it one of the of the largest Expert Witness surveys ever done in the UK.

[Full Results of the Survey are now available.](#)

19 December 2016 | UK



[Being an expert: too risky?](#)

13 September 2016 | UK



[Working with your instructing solicitor](#)

04 November 2016 | UK



[National Register of University Certificated Expert Witnesses](#)

04 November 2016 | UK



[Expert Witnesses and the Truth](#)

04 November 2016 | UK



## The National Annual Expert Witness Survey

This is the first joint Expert Witness survey conducted by Bond Solon, the UK's leading Expert Witness training company in association with *The Times* newspaper.

This survey was designed to gain a better understanding of the issues affecting expert witnesses. It was conducted online from the 30th September to 28th October 2016.

Over 700 experts completed this survey making it one of the largest Expert Witness surveys ever done in the UK.

The results of the survey enabled us to compile a detailed report and insight on several aspects of the current state of the expert witness industry in 2016.

[Visit our Survey Report webpage](#) to download the report.



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## Annual Legal Update

### 1. Supreme Court decision in Kennedy v Cordia [2016] UKSC 6.

A decision arising from a case in Scotland which identifies the principles for deciding on the admissibility of expert witness evidence:

- (i) Will the evidence assist the court?
  - (a) Is expert evidence needed to be able to reach a decision?
  - (b) The expert must explain the basis of their evidence – “ what carries weight is the reasoning, not the conclusions”.
  - (c) The expert cannot usurp the functions of the judge or jury ie the judge or jury must be the ones who make the decision on the issue before them, the expert cannot decide the issue for them.
- (ii) The expert must demonstrate their knowledge and expertise; then they can refer to, and draw on, the general body of knowledge and understanding of the relevant field of expertise.
- (iii) Impartiality and other duties. A non-compliant report may be excluded, so the need for independence and impartiality is a question of admissibility, not simply of the weight to attach to the evidence.
- (iv) There must be a reliable body of knowledge and expertise. If it is an unrecognised area, evidence will be needed to show its methodology and validity.

Its application in case law:

- (i) Jones v HM Advocate [2016] HCJAC 65. The Appeal Court upheld the Sheriff's ruling that the police officer had sufficient expertise and knowledge to allow him to give evidence about the drugs and he was an independent and impartial witness.
- (ii) Deloitte LLP v Commissioners for HMRC, First Tier Tribunal 17/6/16. The Tribunal ruled that parts of the report were inadmissible (eg, discussions of legal rights and obligations were matters for legal submissions, not for the expert) and redacted the report accordingly.
- (iii) Q v P [2016] Fam.L.R.54. EW evidence was not admitted, as it was not necessary for the proper resolution of the issues, nor did it assist the court. The factual elements were allowed.

## 2. Civil Justice Council Report on Concurrent Expert Evidence ("CEE") and implications

Published in August 2016

Identified three different types of CEE:

- (i) sequential, back to back;
- (ii) "hot tubbing" – judge-led, joint examination of experts (referred to in the report as "JJEE" – the hot tub is filling up with acronyms)
- (iii) variations: - experts question each other or comment on each other's evidence; counsel has the opportunity fully to test the expert's views; usually, but not always, judge-led.

The "Teach in": appointment of a neutral scientific advisor, not at the trial, but giving the judge high level assistance on a number of discrete topics before the trial.

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Appendix B contains a Guidance Note for Judges and practitioners.

Appendix C contains an Information Note for experts. It is a very helpful summary of the process of giving concurrent evidence and I would highly recommend reading it.

Recommended use of CEE in:

- (i) valuations
- (ii) professional negligence and standards of care
- (iii) schedules of defects
- (iv) boundary disputes
- (v) building and construction claims

Reference:

Concurrent Expert Evidence and Hot-Tubbing in English Litigation since the Jackson Reforms: A Legal and Empirical Study, 25 July 2016.

[Download the full report.](#)

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## [Supreme Court Guidance](#)

Admissibility and use of Expert Evidence.

🕒 24 March 2016 | UK



## [Bond Solon goes international](#)

Legal Empowerment has now an exclusive licence to deliver Bond Solon expert witness training.

🕒 05 May 2016 | UK



## [Getting unhappy experts out of bed](#)

Expert Witness work is no longer a risk-free activity, writes Mark Solon.

🕒 July 2016 | UK

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## [Costs and Budgeting](#)

Senior Costs Judge Master Gordon-Saker provides 6 tips on costs and budgeting for expert witnesses.

🕒 10 August 2016 | UK



## [Being an expert: too risky?](#)

Many experts must be thinking is it worth doing expert witness work as the potential consequences of giving evidence that is found wanting can be catastrophic.

🕒 13 September 2016 | UK



## [Why should expert witnesses expect post Brexit & Briggs?](#)

Many experts are concerned at the implications of Brexit. The good news is that, it's business as usual.

🕒 20 September 2016 | UK

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## [A bit of a turn-off](#)

The role of expert witness is less attractive as a result of recent litigation development, says Mark Solon.

🕒 14 October 2016 | UK



## [Experts warned “shaken baby” ruling threatens their future](#)

Many experts must be thinking is it worth doing expert witness work.

🕒 04 November 2016 | UK



## [Digital courts must still be open to public, judge insists](#)

The judiciary is keen to stick to the principle of open and publicly visible justice.

🕒 05 November 2016 | UK

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## [Disputes will go overseas without right Brexit deal](#)

What are the implications of Brexit for UK commercial disputes? Will clients stay loyal to English Courts?

🕒 07 November 2016 | UK



## [Expert Evidence: Too technical for juries](#)

Nearly 2/3 of expert witnesses surveyed by Bond Solon believe that juries are not equipped to understand technical expert evidence.

🕒 08 November 2016 | UK



## [How sure is sure?](#)

We need a more rigorous definition of “beyond reasonable doubt”, argues Clive Stafford Smith.

🕒 10 November 2016 | UK

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## [Online justice could put Judges out of business..says top judge](#)

The rise of an online justice system could put judges out of business in the wake of the march of the “robotic” court.

🕒 14 November 2016 | UK



## [Amendments to Criminal Practice Direction 19B and 19C](#)

In November the Lord Chief Justice handed down the second amendment to the Criminal Practice Directions 2015.

🕒 16 November 2016 | UK



## [Merry Christmas](#)

Bond Solon wish you all a Merry Christmas and are delighted to offer you a festive discount...

🕒 25 December 2016 | UK

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## [The Myth of the Unbiased Expert Witness](#)

How can we reduce cognitive bias in expert witness work?

🕒 28 September 2016 | UK



## [Digital courts must still be open to public](#)

Video interview with Lord Justice Fulford, Senior Presiding Judge for England and Wales.

🕒 04 November 2016 | UK



## [Primers: replacing experts?](#)

Video interview with His Honour Judge Wall QC.

🕒 04 November 2016 | UK

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## [The case of Dr Waney Squier](#)

Video interview with Clive Stafford Smith, Human Rights Lawyer.

🕒 04 November 2016 | UK



## [It's our job to clarify technical evidence](#)

Video interview with Anthony Edwards, Solicitor.

🕒 04 November 2016 | UK



## [Working with your instructing solicitor](#)

Video interview with Alison Somek, Director, Somek & Associates.

🕒 04 November 2016 | UK

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## [Selecting the best...](#)

Video interview with Catherine Leech,  
Partner, Irwin Mitchell.

🕒 04 November 2016 | UK



## [Expert Witnesses and The Truth](#)

Video interview with Lord Charles Falconer  
QC.

🕒 04 November 2016 | UK



## [Costs and Budgeting](#)

Video interview with Senior Costs Judge  
Gordon-Saker.

🕒 04 November 2016 | UK

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**50+**  
Over 50 areas  
of expertise  
represented



**400**  
attendees



Keynote  
address:  
Lord Justice  
Fulford,  
Senior  
Presiding  
Judge for  
England and  
Wales



## 22nd Bond Solon Annual Expert Witness Conference

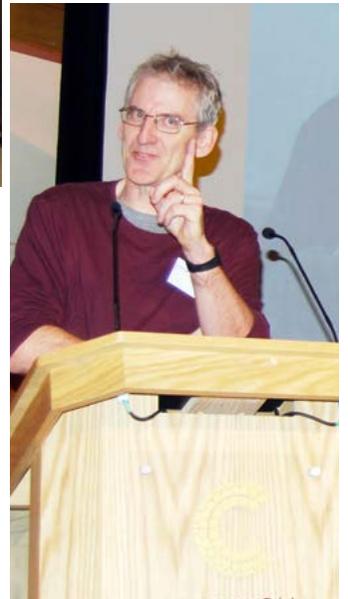
The largest annual gathering  
of expert witnesses in the UK



4 Nov 2016



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## [National Register of University Certificated Expert Witnesses](#)

One of the major business initiatives undertaken by Bond Solon in 2016 remained the development of the National Register of University Certificated Expert Witnesses.

This register is different to expert witness directories. It is a premium register solely for experts who have successfully completed the Cardiff University Law School Bond Solon Expert Witness Certificate, enabling them to demonstrate to the legal community their competence as an expert witness.

The register is free to join for any expert who has successfully completed the Cardiff University Law School Bond Solon Expert Witness Certificate. It formally recognises the tremendous achievements of the 1,500 expert witnesses who have already successfully completed this Certificate.

The register will go live in early 2017 once a critical mass of registrations has been received.

[Visit our National Register webpage](#) for more information.

🕒 04 November 2016 | UK



## AI Legal Awards - 2016/2017

Bond Solon is delighted and honoured for receiving the AI Legal award for Expert Witness Training.

Bond Solon was established 25 years ago when founder, Mark Solon, identified the need for Expert Witnesses to have training, having seen on many occasions the poor performances of Experts giving evidence. Prior to the firm's inception, formal Expert Witness Training did not exist.

In the early 1990's, the legal market was sceptical of Expert Witness training. Despite this, and particularly since the introduction of the Civil Procedure Rules 1999, we have successfully established Expert Witness training as a pre-requisite to undertake the role of an expert witness. Over the years, we have trained many of the UK's leading Experts and have been at the forefront of improving the standards of expert witness evidence in the UK...

[Read the full story.](#)



## Bond Solon

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