

The Academy of Experts

INFORMATION SHEET


Becoming an Expert Witness

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A brief guide for Individuals
interested in acting as an
Expert Witness

EXPERT

The Academy of Experts
3 Gray's Inn Square
London WC1R 5AH
DX283 London, Chancery Lane
Tel: 020 7430 0333 Fax: 020 7430 0666
e-mail: admin@academy-experts.org

 @tae_experts

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www.academyofexperts.org

What is an expert witness?

An Expert Witness ('Expert') is an independent professional who gives opinion evidence to a court or tribunal on a technical matter. The Expert Witness's duty is to give to the Court or tribunal an impartial opinion on particular aspects of matters within his expertise which are in dispute. Not every case requires attendance at court by the Expert.

Why do we need Experts?

Judges are not experts in every subject although they hear and decide cases on a wide range of topics. They need assistance from an Expert to help them understand technical matters that are in dispute on which they have to decide.

Who can be an expert witness?

Anyone with knowledge or experience of a particular field or discipline beyond that to be expected of a layman can be an Expert Witness. However this is only the starting point.

Who decides if you are an Expert?

In England & Wales the court does not usually appoint expert witnesses, it is the parties who do this. When a party decides that they need to use an expert witness they have to obtain permission from the court. Once they have permission they can formally appoint and instruct an Expert.

Although it is possible for both parties to jointly appoint an Expert (eg a Single Joint Expert) the norm is for each party to appoint their own Expert.

Who might require an expert witness?

Parties to a dispute who need an Expert to help them with their case. In practice it is usually the Solicitor running the case who appoints and instructs the Expert.

Solicitors, Insurance companies and the police are some of the most frequent users and appointers of Experts.

Most Experts started their Expert career not by design but because an opportunity to do so presented itself. They were approached and asked if they would assist in a case. Acting as an expert witness is a personal choice which can be both very interesting and rewarding but as with any profession there are a number of potential downsides.

What qualities are needed to be an expert witness?

An Expert Witness should:

- have the relevant practical experience in the area of the dispute and during the period in which the dispute occurred;
- be able to write concise and comprehensive reports which should be intelligible to a layman;
- be able to explain technical terms clearly;
- be able to demonstrate their expertise with verifiable experience and recognised professional qualifications. An Expert's credentials may be subject to scrutiny by the court;
- be articulate, authoritative and dignified;
- have an understanding of the legal process, role & responsibilities of the expert witness and the court procedures;
- have an eye for detail;
- have personality to command respect;
- have the ability to work to a strict timetable.

Still interested?

The work is fascinating and will be in your own chosen area of expertise. You must work to a standard – excellence. You must be prepared to stand up in court and to have to explain your findings and opinion to a judge and, possibly, a jury in lay terms that they will understand. You may be challenged during cross-examination by counsel for the other side.

How do you go about getting started?

Probably the most important starting point is training. Unlike most professional training the basic training needed to get started as an Expert is relatively little – probably no more than 5 days spread over a period. The training will encompass:

- The Role & Responsibilities of the Expert.
- The Expert's Report: the legal requirements and report writing.
- Basic pertinent law and the legal requirements including the appropriate Procedure Rules that have to be followed.
- Court practices & etiquette.
- Giving evidence; Questioning including Cross examination.
- The next step should be to join a professional body such as The Academy of Experts whose role is the formulation of standards, training of Experts and supporting its members. The entry grade of Associate does not require previous experience of being an Expert.
- Further steps should include practical matters such as ensuring you have the appropriate insurance in place, preparing check lists of matters you need to do on every case and finally making certain that potential users of your new services are aware that you are prepared to accept appointments as an Expert.

The Academy of Experts

The Academy

Located in Gray's Inn TAE was founded in 1987 with the objective of providing, for the first time, a professional body for experts to establish and promote high objective standards.

Although there is representation on the Academy's Council from the legal profession the majority of the officers, including the Chairman, are practising Experts - The Academy of Experts (TAE) is run by Experts for Experts and those using them.

Training and development

TAE offers a comprehensive range of training programmes to enable members to develop their expert skills, and undertake Continuous Professional Development activity.

Courses range from basic Role and Responsibilities of the expert through to the requirements of Procedure Rules and the practice of Giving Evidence.

The Academy of Experts' training approach can be characterised as:

- Interactive
- Multi-disciplinary

All TAE training is:

Professional

Ethical

Standards Based

Our courses are all highly interactive and are generally taught in small groups with strong delegate participation being a key factor in their success.

TAE is also a training and accreditation body for ADR Neutrals, including Mediators, Conciliators and Expert Determiners. It publishes and maintains The Register of Qualified Dispute Resolvers and awards the designatory letters QDR to those achieving the approved standard. Standards are enforced in exactly the same way as for experts.



Accreditation of experts

All applicants to TAE who wish to become Accredited Practising Expert Witnesses undergo a rigorous vetting procedure to ensure standards of excellence are maintained. This is the process which gives the officially recognised full accreditation as a Practising Expert. Those achieving it are awarded the designatory letters MAE.

Ethical and professional standards are underlined by Codes of Practice and enforced by a disciplinary committee.

Mediation & ADR

The promotion of Cost Efficient Dispute Resolution became increasingly important to TAE. It is now a major force in the introduction and development of Alternative Dispute Resolution (ADR) and has led to the development of the Faculty of Mediation and ADR.

Range of services

TAE provides a full range of services to its members including:

- Technical Helpline
- Bespoke Training
- Technical Meetings
- Magazine and regular newsletters
- A detailed Expert's Handbook for Practical Guidance
- A regular survey of expert's fees
- Regular meetings on matters of expert interest
- Social functions

TAE provides a number of services which assist both Academy members and the legal profession including:

- ExpertSearch Finding and matching the right accredited expert to the case.
- Full training & accreditation of Commercial Mediators. The Academy awards the qualification QDR (Qualified Dispute Resolver) to members on its register.
- Mediator Appointment Service - Finding the right accredited mediator.