



# Model Form of Expert's Report

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This version applies from 1st October 2020

## INTRODUCTION

In 1989 the Lord Chancellor approved the formation of the Judicial Committee consisting of seven senior Judges representing the English, Scottish and Northern Irish Benches, since when it has rendered invaluable assistance in the promotion and improvement of standards. In 2003, the Lord Chancellor approved the extension of membership to include the Hong Kong Bench.

The first version of the Model Form of Expert Report was approved by The Judicial Committee to further assist Experts and their clients by indicating a format that the Judiciary would find of assistance. In other words a “judge friendly” format.

The Judicial Committee members, at that time, were:

**The Rt Hon The Lord Slynn of Hadley PC**  
President of The Academy of Experts  
Chairman of the Committee

**The Rt Hon Lord Justice Neill**  
Court of Appeal

**The Rt Hon Lord Justice Saville**  
Court of Appeal

**The Rt Hon Lord Justice MacDermott**  
Supreme Court of Judicature Northern Ireland

**The Hon Lord Prosser**  
Court of Session Scotland

**The Hon Mr Justice Garland**  
Queens Bench Division

**His Honour Judge Bowsher QC**  
Official Referees Court

**Julian Cohen**  
Secretary to the Committee (Masons Solicitors)

In 2007, the Model Form of Expert’s report was reviewed in light of the developments that have occurred since the first version was produced. The current version takes into account the Civil Procedure Rules adopted in England and Wales, and subsequent case law applying such rules, and also the Protocol for Instruction of Experts to give Evidence in civil claims, drafted by the Civil Justice Council and approved by the Master of the Rolls.

It must be remembered that the form continues to be a Model rather than a Standard.

The current version of the Model Form of Expert’s Report can equally be used in criminal proceedings by using the alternative format where suggested. The Model Form takes into account the developments encapsulated within the Criminal Procedure Rules which have also been adopted in England and Wales.

The Judicial Committee members who carried out and approved the review were:

**The Rt Hon The Lord Saville of Newdigate**  
President of The Academy of Experts  
Chairman of the Committee

**Hon Mr Justice Bokary**  
Court of Final Appeal Hong Kong

**The Rt Hon Lady Justice Hallett**  
Court of Appeal

**The Hon Lord Johnston**  
Court of Session Scotland

**The Hon Mr Justice Bean**  
Queens Bench Division

**The Hon Mr Justice Jackson**  
Queens Bench Division

**Nicola Cohen**  
Clerk to the Committee

The Committee was greatly assisted in its work preparing the current version of the Model Form of Expert’s Report by:

**Peter Jones**  
Committee Secretary for the project  
Eversheds LLP, Solicitors

**Luisa Morris**  
Assistant Committee Secretary  
Eversheds LLP, Solicitors

**Richard Swan**  
Practising Expert Member  
Trett Consulting

## 1. WHY A MODEL FORM?

- 1.1 The first version of the Model Form was introduced after some senior judges expressed concern at the length of many experts reports and at the tendency to mix matters of fact and opinion. These same concerns remain relevant today.
- 1.2 The Judicial Committee of the Academy has commented that the hallmarks of a good report include:-
  - 1.2.1 a stand-alone, concise, user-friendly format, expressed in the first person singular by the person whose opinion has been given or who adopts as his own the opinion of others;
  - 1.2.2 text which is arranged in short sentences and paragraphs;
  - 1.2.3 judicious use of appendices;
  - 1.2.4 matters of fact being kept separate from matters of opinion.
- 1.3 Conclusions should be given in the final section of the report before appendices. They should be cross referenced to the text which supports the Conclusions.
- 1.4 Each opinion expressed in the report must be the opinion of the writer whether it was formed by the writer or formed by others and adopted by the writer as his own.
- 1.5 The following must be identified separately and distinguished:-
  - 1.5.1 facts which the writer is asked to assume;
  - 1.5.2 facts which the writer observed for himself eg the results of experiments, investigations, etc, carried out by the writer himself;
  - 1.5.3 facts which others, acting on behalf of the writer, observed, identifying the persons concerned;
  - 1.5.4 opinions of others upon which the writer relies in forming his own opinion;
  - 1.5.5 opinions of others which the writer accepts but upon which the writer cannot comment authoritatively.
- 1.6 The Model Form of report has been developed with these comments in mind and with the aim of assisting both experts and those instructing to address the relevant issues in the most direct way.
- 1.7 The model is intended as a guideline only. There may be valid reasons for departing from it and/or introducing additional sections, depending on the nature of the instructions and the dispute.
- 1.8 Since the Model Form was first published, new Civil and Criminal Procedure Rules have been introduced in England and Wales and other jurisdictions. These have largely taken into account the Model Form which was commended in Lord Woolf's report "Access to Justice". Users of the Model Form must always take care to comply with the requirements of the jurisdiction in which the report will be used.

## 2. THE SCHEME OF THE MODEL FORM OF REPORT

- 2.1 The Model Form is written in seven distinct sections with suggested headings: notes are provided where appropriate.
- 2.2 **The Front Sheet** - the first visible sheet should contain the items of keypoint information indicated by the model and should not be obscured by a cover. The first report prepared for disclosure should be entitled "Report" and not "First Report".
- 2.3 **The Contents Page**
- 2.4 **Section 1 Introduction** - deals with all the formal matters and chronology. The text is largely standard. Most of the material is transferred to appendices.
- 2.5 **Section 2 The Background to the Dispute and the Issues** - This section of the report will normally include:-
  - 2.5.1 a list of the people who will be referred to in the report with a short uncontroversial description of their role;
  - 2.5.2 the assumed or given factual background of the case;
  - 2.5.3 the issues, set out clearly and numbered, which the expert will address;
  - 2.5.4 any assumptions upon which the report is based.

No opinion is expressed in this section.

- 2.6 **Section 3 Description of the Technical Investigation or Enquiry** - this section is, again, factual only. The description should be given in itemised paragraphs with sub-headings.
- 2.7 **Section 4 The Facts on which the Expert's Opinion is based** - distinguishing those facts which he was told from those he observed for himself.
- 2.8 **Section 5 The Expert's Opinion** - with opinion and reasons in full on each issue in turn, set out clearly and numbered. In this section, there should only be such repetition of fact as is necessary for the exposition of the opinion.
- 2.9 **Section 6 Summary of Conclusions**
- 2.10 **Section 7 The Expert's Declaration** – the appropriate Declaration including the mandatory Statement of Truth should be inserted directly after the Conclusions.
- 2.11 **Signature Block** - the report must be signed by the writer and dated at the end of the Declaration. The report should not be signed until the expert is content that the report is accurate and complete.
- 2.12 **Appendices** - each Appendix should be provided with a front sheet of the type indicated in the model.
- 2.13 **Headers** - each continuation page of a section should be provided with a header on the left hand side showing the number and short title of the section and a header at the right hand side with the information suggested by the model.
- 2.14 **Presentation** - the practice is growing of the Court directing that a copy of experts' reports be made available in an electronic format to the judge. Where practicable, therefore, reports should be typed in 1.5 line spacing using font size 12, paginated and with numbered paragraphs. The report should be presented on A4 paper, already hole punched for use in a standard lever arch binder and in a format that can be copied readily on a photocopier with automatic feed. The report should also be provided to your instructing solicitor electronically.

### 3. EVALUATION OF THE EXPERT WITNESS

The following passage taken from the dicta of Cresswell J in **National Justice Cia Naviera SA v Prudential Assurance Co Ltd (The Ikarian Reefer) [1993] 2 Lloyd's Rep 68 at 81-82** provides a clear description of the duties and responsibilities of expert witnesses.

"The duties and responsibilities of expert witnesses in civil cases include the following:

1. Expert evidence presented to the court should be, and should be seen to be, the independent product of the expert uninfluenced as to form or content by the exigencies of litigation (*Whitehouse v Jordan* [1981] 1 WLR 246, 256 per Lord Wilberforce).
2. An expert witness should provide independent assistance to the court by way of objective unbiased opinion in relation to matters within his expertise (see *Polivitte Ltd v Commercial Union Assurance Co plc* [1987] 1 Lloyd's Rep 379, 386, per Garland J and in *re J* [1990] FCR192 per Cazalet J). An expert witness ... should never assume the role of an advocate.
3. An expert witness should state the facts or assumptions upon which his opinion is based. He should not omit to consider material facts which could detract from his concluded opinion (in *Re J*)
4. An expert witness should make it clear when a particular question or issue falls outside his expertise.
5. If an expert's opinion is not properly researched because he considers that insufficient data is available, then this must be stated with an indication that the opinion is no more than a provisional one (In *Re J*). In cases where the expert witness who has prepared a report could not assert that the report contained the truth, the whole truth and nothing but the truth without some qualification, that qualification should be stated in the report (*Derby & Co Ltd v Weldon* The Times 9 November 1990, per Staughton LJ).
6. If, after exchange of reports, an expert witness changes his view on a material matter having read the other side's expert's report or for any other reason, such change of view should be communicated (through legal representatives) to the other side without delay and when appropriate to the court.
7. Where expert evidence refers to photographs, plans, calculations, analyses, measurements, survey reports or other similar documents, these must be provided to the opposite party at the same time as the exchange of reports (see 15.5 of the Guide to Commercial Court Practice)."

In the [Insert name of Court]

Case Number [insert]

[Insert name of case]

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REPORT OF

[EXPERT'S NAME]

DATED

[            ]

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Specialist Field            :        [State title of specialism]

Assisted By                :        [State names of assistants]

On behalf of                :        [State party's name]

Prepared for                :        [State Court]

On instructions of         :        [State name and business of those instructing]

Subject Matter             :        [State briefly the nature of the dispute and the date when it arose]

Inspection Date(s)        :        [Give the dates or period of all inspections]

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[Name Address and Occupation of the writer's  
Firm (if any) and telephone, fax, DX, email and reference]

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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## CONTENTS

[Change as appropriate. The model is intended as a guideline only. There may be valid reasons for departing from it and/or introducing additional sections, depending on the nature of the instructions and the dispute. The following sections may be changed or omitted or adapted depending on the nature of the expert's instructions.]

Section	Item	Page N <sup>o</sup>
1.	Introduction	
2.	The Background to the Dispute and the Issues	
	2.1 The Relevant Parties	
	2.2 The Assumed Facts	
	2.3 The Issues to be addressed	
	2.4 The Assumptions Adopted	
3.	The Technical Investigation [or Enquiry]	
4.	The Facts on which the Expert's Opinion is based	
5.	The Opinion	
6.	Summary of Conclusions	
7.	Expert's Declaration	

### Appendices

1. Curriculum Vitae consisting of Experience, Qualifications, Appointments, Speciality of the Writer and of those who have assisted in the preparation of the report.
2. Solicitors Instructions.
3. Documents which have been considered.
4. Texts and published material referred to.
5. Photographs, drawings, schedules, laboratory reports prepared or referred to.
6. Chronology, if applicable.
7. If applicable.

[End of Section - Begin New Page]

1 Introduction Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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## REPORT

### 1 INTRODUCTION

#### 1.1 Formal Details

Note 1 - state (as applicable) your full name. Give your status (eg partner of...), the name of your firm, the nature of its business and its address.

Note 2 - state your own specialist field; there is provision later on for you to deal with qualifications, experience etc. If there are any limitations to your expertise, set these out here.

Note 3 - state on behalf of whom you were instructed and the name, address and business of those instructing you.

#### 1.2 Synopsis

Note 1 - set out concisely the general nature of the dispute eg 'In this case, Ambridge Cricket Club alleges faulty design and erection of a new cricket pavilion. The main areas of complaint relate to the roof and verandah. I am advising the engineers. There are also complaints against the architects.'

#### 1.3 Instructions

Note 1 - in civil proceedings provide a statement setting out the substance of all instructions you have been given, whether oral or written and the name of the party who has provided those instructions.

Note 2 - if proceedings have commenced you may wish to consider appending your instructions as an appendix to your report. This matter should be discussed with your instructing solicitor as there are issues of privilege to be considered.

#### 1.4 Disclosure of Interests

Note 1 - state any actual or potential conflict of interests that you may have, for example a connection with any of the parties or witnesses or advisers which might be thought to influence the opinions expressed in the report.

Note 2 - state (if it is so) that you have no such connection with any of the parties, witnesses or advisers involved in the case.

#### 1.5 **Appendix 1** - contains details of your experience, qualifications, appointments and specialist field(s) [together with those of any who have assisted you in (state the areas of assistance).] If you have not been assisted by anyone, state this.

Note 1 - every person who has been involved in the investigation or enquiry and who has formed opinions on which the writer of the report is relying must be identified here and their details provided at Appendix 1. Indicate whether their work was carried out under your supervision.

#### 1.6 **Appendix 2** - consideration should be given to appending a copy of your instructions. As stated above this matter should be discussed with your instructing solicitor as there are issues of privilege to be considered.

#### 1.7 **Appendix 3** - contains a list of the principal documents you have considered together with copies of only those documents which you regard as essential for the understanding of your report.

Note 1 - every effort should be made to limit the number of documents which are added to the report.

Note 2 - where documents are bulky they should be listed shortly by reference to bundles and not individually.

#### 1.8 **Appendix 4** - use as appropriate. Consider perhaps a list of the texts and published material to which you have referred in this report including copies or extracts for ease of reference.

## 1 Introduction

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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- 1.9 **Appendix 5** - use as appropriate. Consider perhaps a list and copies of the photographs, drawings, laboratory reports, schedules etc. which [name of assistant and/or] you have prepared for the purposes of this report.
- 1.10 **Appendix 6** - use as appropriate. Consider perhaps a full chronology.
- 1.11 **Appendix 7** - use as appropriate.

[End of Section - Begin New Page]

## 2 Background & Issues

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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### 2 THE BACKGROUND TO THE DISPUTE AND THE ISSUES

#### 2.1 The Relevant Parties

Note 1 - set out briefly in short itemised paragraphs the names of those to whom you will refer in this report, together with a short, uncontroversial statement of their role in the relevant events.

Note 2 - avoid acronyms. For example, the firm name Smith Jones Brown & Co Limited may better be shortened to 'Smith' than 'SJBC'. You should adopt any shortened form used by those instructing you.

#### 2.2 The Assumed Facts

Note 1 - set out in short itemised paragraphs a background narrative of the facts you have been given which are material to the opinions you express in your report or upon which your opinion is based.

Note 2 - bear in mind that a full chronology, if appropriate, will be provided at Appendix 6.

Note 3 - this part of the report is factual only; no opinion should be expressed here.

#### 2.3 The Issues to be addressed

Note 1 - include a summary of the issues that you will, in turn, address.

Note 2 - where practicable, keep the list of issues raised by one party separate from those raised by any other party.

Note 3 - this part of the report is factual only; no opinion should be expressed here.

#### 2.4 The Assumptions Adopted

Note 1 - set out in short itemised paragraphs any assumptions upon which your report is based, and also state your justification for adopting those assumptions.

Note 2 - if you have been asked to adopt an assumption which is, in your opinion, unreasonable or unlikely, you should state so clearly.

[End of Section - Begin New Page]



### 3 Technical Investigation

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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### 3 THE TECHNICAL INVESTIGATION [ENQUIRY]

Note 1 - give in short itemised paragraphs the date(s), and time(s) of day you attended to investigate the factual position. State where you went, what you saw and did, including the methodology used, who assisted you, who else was present and what you found.

Note 2 - care should be given when using hearsay information. It should be made clear if information is hearsay.

Note 3 - provide clear explanations of all technical terms and avoid using jargon. You may wish to consider including a glossary of terms as an Appendix.

Note 4 - experiments, detailed surveys, measurements, audits etc. should be briefly described. The full report should appear as an Appendix.

Note 5 - this section of the report is factual only; no opinion should be expressed.

[End of Section - Begin New Page]

### 4 The Facts

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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### 4 THE FACTS ON WHICH THE EXPERT'S OPINION IS BASED

Note 1 - Identify separately and distinguish between:

- a) facts which the writer has been asked to assume.
- b) facts which the writer observed for himself eg the results of experiments, investigations etc. carried out by the writer himself.
- c) the opinions of others upon which the writer relies in forming his own opinion.

Note 2 - refer as convenient to any rules, regulations or other documentary guidance which you consider to be relevant. Where essential, these should be copied at Appendix 3.

Note 3 - if you are going to be relying on published material in forming your opinion, the material should be in or related to your field of expertise and you should provide copies in an Appendix of the relevant extracts including the preceding and succeeding pages sufficient for the extract to be read in context. It is likely to assist the court if the qualifications of the author are also stated.

[End of Section - Begin New Page]

**5 Opinion**

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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**5 THE EXPERT'S OPINION**

**5.1 Set out the first issue and your opinion on that issue with reasons in full.**

Note 1 - if practicable, provide a sub-heading for each of the issues.

Note 2 - provide cross references to the text or any published material which supports the opinion.

Note 3 - only refer to matters of fact so far as may be necessary to the understanding of the opinion.

Note 4 - if there is a range of opinion on an issue, you should summarise the range of that opinion, explain the sources and the qualifications of those who hold that opinion and give reasons for your own opinion.

Note 5 - any material facts or matters that detract from your opinion and any points that should fairly be made against any of the opinions expressed should be set out.

Note 6 - if you are unable to give an opinion without qualification, you should state that qualification.

Note 7 - you should make clear when you are not able to reach a definite opinion, for example, because you have insufficient information. You should make clear when a question or issue falls outside your expertise.

**5.2 Continue to set out each issue in turn with opinion and full reasons following the notes given above.**

[End of Section - Begin New Page]

**6 Summary of Conclusions**

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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**6 SUMMARY OF CONCLUSIONS**

**6.1 Set out a summary of your conclusions/opinions.**

[End of Section - Begin New Page]

**7 Expert's Declaration**  
**Civil Cases**

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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**7 EXPERT'S DECLARATION (Civil Cases)**

**This Declaration should be inserted between the end of The Report and the Expert's signature.  
For arbitration and tribunal proceedings you should use the appropriate declaration.**

I [Insert Full Name] DECLARE THAT:

- 7.1 I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
- 7.2 I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
- 7.3 I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
- 7.4 I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
- 7.5 I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 7.3 and 7.4 above.
- 7.6 I have shown the sources of all information I have used.
- 7.7 I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
- 7.8 I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
- 7.9 I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
- 7.10 I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
- 7.11 I understand that;
  - 7.11.1 my report will form the evidence to be given under oath or affirmation;
  - 7.11.2 questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
  - 7.11.3 the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
  - 7.11.4 the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;

7	Expert's Declaration Civil Cases	Report of	:	[State your name]
		Specialist Field:	:	[State title of specialism]
		On behalf of	:	[State party's name]
		Prepared for	:	[State Court]

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7.11.5 I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;

7.11.6 I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.

12 I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.

13 I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts and/or code of conduct for experts of my discipline, namely [identify the code].

### **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. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

[End of Section - Begin New Page (Appendices)]

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7 Expert's Declaration  
Family Proceedings

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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7 **EXPERT'S DECLARATION (Family Proceedings)**

**This Declaration should be inserted between the end of The Report and the Expert's signature.  
For arbitration and tribunal proceedings you should use the appropriate declaration.**

I [Insert Full Name] DECLARE THAT:

- 7.1 I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
- 7.2 I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
- 7.3 I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
- 7.4 I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
- 7.5 I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 7.3 and 7.4 above.
- 7.6 I have shown the sources of all information I have used.
- 7.7 I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
- 7.8 I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
- 7.9 I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
- 7.10 I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
- 7.11 I understand that;
  - 7.11.1 my report will form the evidence to be given under oath or affirmation;
  - 7.11.2 questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
  - 7.11.3 the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the outstanding issues between the parties;
  - 7.11.4 the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;

7	Expert's Declaration <b>Family Proceedings</b>	Report of :	[State your name]
		Specialist Field:	[State title of specialism]
		On behalf of :	[State party's name]
		Prepared for :	[State Court]

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7.11.5 I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;

7.11.6 I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.

12 I have read Part 25 of the Family Procedure Rules and the accompanying practice direction and I have complied with their requirements. <sup>1</sup>

13 I have acted in accordance with the Code of Practice for Experts.

### **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. <sup>2</sup>

Additional requirements in Child Proceedings cases:

1 **Declaration Para 12:** Where the report relates to Children Proceedings also add "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."

2 **Statement of Truth:** Where the report relates to children proceedings add "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."

**[End of Section - Begin New Page (Appendices)]**

7	Expert's Declaration <b>Criminal Cases</b>	Report of	:	[State your name]
		Specialist Field:		[State title of specialism]
		On behalf of	:	[State party's name]
		Prepared for	:	[State Court]

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**7 EXPERT'S DECLARATION (Criminal Cases)**

**This Declaration should be inserted between the end of The Report and the Expert's signature.**

**I (Insert Full Name) DECLARE THAT:**

- 7.1 I understand that my duty is to help the court to achieve the overriding objective by giving independent assistance by way of objective, unbiased opinion on matters within my expertise, both in preparing reports and giving oral evidence. I understand that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied with and will continue to comply with that duty.
- 7.2 I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
- 7.3 I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
- 7.4 I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
- 7.5 I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 7.3 and 7.4 above.
- 7.6 I have shown the sources of all information I have used.
- 7.7 I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
- 7.8 I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
- 7.9 I have not, without forming an independent view, included or excluded anything which has been suggested to me by others including my instructing lawyers.
- 7.10 I will notify those instructing me immediately and confirm in writing if for any reason my existing report requires any correction or qualification.
- 7.11 I understand that:
  - 7.11.1 my report will form the evidence to be given under oath or affirmation;
  - 7.11.2 the court may at any stage direct a discussion to take place between experts;
  - 7.11.3 the court may direct that, following a discussion between the experts, a statement should be prepared showing those issues which are agreed and those issues which are not agreed, together with the reasons;
  - 7.11.4 I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert.
  - 7.11.5 I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.

7	Expert's Declaration Criminal Cases	Report of	:	[State your name]
		Specialist Field:	:	[State title of specialism]
		On behalf of	:	[State party's name]
		Prepared for	:	[State Court]

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7.12 I have read Part 19 of the Criminal Procedure Rules and I have complied with its requirements.

7.13 I confirm that I have acted in accordance with the code of practice or conduct for experts of my discipline, namely [identify the code].

7.14 [For Experts instructed by the Prosecution only] I confirm that I have read guidance contained in a booklet known as *Disclosure: Experts' Evidence and Unused Material* which details my role and documents my responsibilities, in relation to revelation as an expert witness. I have followed the guidance and recognise the continuing nature of my responsibilities of disclosure. In accordance with my duties of disclosure, as documented in the guidance booklet, I confirm that:

7.14.1 I have complied with my duties to record, retain and reveal material in accordance with the Criminal Procedure and Investigations Act 1996, as amended;

7.14.2 I have compiled an Index of all material. I will ensure that the Index is updated in the event I am provided with or generate additional material;

7.14.3 in the event my opinion changes on any material issue, I will inform the investigating officer, as soon as reasonably practicable and give reasons.

### **STATEMENT OF TRUTH**

I confirm that the contents of this report are true to the best of my knowledge and belief and that I make this report knowing that, if it is tendered in evidence, I would be liable to prosecution if I have wilfully stated anything which I know to be false or that I do not believe to be true.

**[End of Section - Begin New Page (Appendices)]**



**APPENDICES**

**Each Appendix should be sequentially numbered, titled and start on a separate page.**

Report of : [State your name]  
Specialist Field: [State title of specialism]  
On behalf of : [State party's name]  
Prepared for : [State Court]

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**APPENDIX I**

**CONTENTS**

- 1. [ ]
- 2. [ ]
- 3. [ ]
- 4. [ ]

[End]



## THE ORGANISATION

The Academy of Experts (formerly the British Academy of Experts) 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.

Since its establishment The Academy (TAE) has become an international centre of excellence for experts with a substantial multi-disciplinary membership. It acts as both an accrediting and a professional body.

As well as acting as a representative voice for experts The Academy publishes guidance of a technical nature on a number of issues for experts in both Civil and Criminal cases. For example, The Academy's 'Model Form of Report' and 'Guidelines for Forensic Scientists' are widely used by both members of The Academy and other experts and recognised by the legal profession. The promotion of 'cost efficient dispute resolution' is extremely important to The Academy. This has led to the establishment of the Faculty of Mediation & ADR. The Academy is now a leading proponent of the development of Alternative Dispute Resolution (ADR) in the UK working with the Civil Mediation Council of which it is a member.

The Academy works strongly to liaise with other institutions in both the UK and internationally. In particular it was instrumental in the foundation of EuroExpert, the European Union Organisation for Expert Associations which was formed in 1998. The Academy of Experts now represents the UK and has held the presidency of EuroExpert.

## ACCREDITATION OF EXPERT WITNESSES

All applicants to The Academy who wish to become Accredited Practising Expert Witnesses undergo a rigorous vetting procedure to ensure standards of excellence are maintained. This leads to the recognised full accreditation as a Practising Expert. Those achieving it are awarded the designatory letters MAE.

Ethical and professional standards are governed by Codes of Practice and enforced by disciplinary procedures.

## WORKING WITH THE JUDICIARY

The Academy has a Judicial Committee which is chaired by the President and has representation from the Supreme Court, Court of Appeal and other Senior Judges from the UK and other jurisdictions. The committee is responsible for:

- The Model Form of Expert's Report (commended by Rt Hon Lord Woolf)
- Guidance Notes on The Meetings of Experts
- Guidance Notes on Contingency Fees

## APPLICATION FOR MEMBERSHIP

An application for membership (by a suitably qualified individual) as a practising expert is judged on the basis of an applicant's experience as an Expert Witness. The Academy recognises that the skills of an expert are separate from those required by an applicant's primary profession and awards different grades of membership:

- Associate Membership is for those starting out their Expert Witness careers.
- Full Membership is awarded to experienced Expert Witnesses who show an appropriate level of skill and understanding of the work of an expert.
- Fellows are those experts who demonstrate an exceptional level of skill and experience as an Expert Witness and must be Full Members of at least two years standing.

## TRAINING & DEVELOPMENT

The Academy offers a comprehensive range of training programmes to enable members and non-members to develop their expert skills, and undertake Continuing Professional Development (CPD).

Courses range from the basic role and responsibilities of the Expert Witness through to the requirements of appropriate legislation (eg the CPR) and the giving of evidence in the witness box.

## ALTERNATIVE DISPUTE RESOLUTION

The Academy 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 on the register.

Standards are enforced in the same way as for experts.

## RANGE OF SERVICES

To Members:

The Academy of Experts provides a full range of services to its members including:

- Helpline
- Technical meetings and training
- Regular magazine and newsletter
- Detailed handbook for practical guidance
- On-line information resources
- Experts fee survey

To the Legal Profession:

The Academy of Experts provides a number of services which also assist the legal profession:

- On-line Registers
- ExpertSearch
- SJE Select
- Mediator Appointment Service
- Membership

A class of membership is open to the legal profession to enable input and involvement with the work and development of The Academy.

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