

## Expert witnesses



The majority of personal injury claims will require expert medical opinion to inform the Court about the precise nature of the injury incurred, and what the long term effects are likely to be.

Expert reports are used by solicitors to assess the likelihood that a claim will be successful, the share of liability that can be attributed to any particular party, and the level of compensation that should be paid.

### Impartial and objective

Whilst an expert witness opinion or report will almost always be at the request of one or other party to a claim, any report is for the benefit of the Court and must be impartial and objective in order to assist the Court to reach a fair and reasonable conclusion.

By definition, the expertise of an 'expert' witness must be such that others can have confidence in their opinion of the evidence or facts presented. They may also deliver expert evidence about facts from their field of expertise.

### Civil Procedure Rules

Expert witnesses are expected to work within the strict legal framework laid down in the Civil Procedure Rules. Duty to the Court is paramount and over-rides any duties to the instructing solicitor; the expert's evidence and opinion must not be influenced by the pressures of litigation.

If a non-medical expert is instructed, for example to advise on the reconstruction of an accident or to determine who might have been responsible for an accident, the same principles apply: their independent, objective evidence is for the benefit of the Court.

### What makes a good medical expert?

An expert medical witness is required to be honest, trustworthy, objective and impartial. Opinions should be restricted to specific areas in which they have relevant knowledge and direct expertise.

It's not always possible to obtain expert opinion immediately, particularly where complex injuries or brain injuries are involved, because treatment and rehabilitation may be ongoing for a considerable amount of time before it is even possible to give a long term prognosis.

This note is for information only and does not constitute legal advice.

The Brain Injury Group is a national network of legal and other professionals supporting individuals and families affected by brain injury. [www.braininjurygroup.co.uk](http://www.braininjurygroup.co.uk)