

# **The Bond Solon Annual Expert Witness Survey**

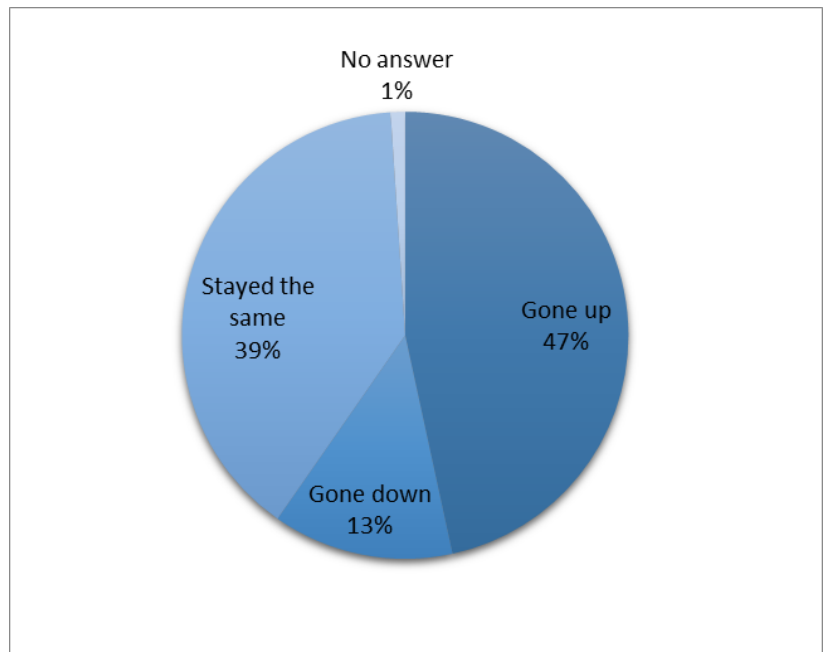
Conducted at the Bond Solon Annual Expert Witness Conference, 6 November 2015.

Sample: 191 experts completed the survey

Published: 16 November 2015

## 1 Over the last 12 months, have the number of your instructions:

Gone up	89
Gone down	25
Stayed the same	75
No answer	2



### Comments

Nearly half the experts reported an increase in the number of instructions received. This trend goes against the intention of the courts to limit expert evidence to speed proceedings and reduce costs.

## 2 What is your average hourly rate for report writing?

Average £178

Average for civil experts £190

Average for criminal experts £103

Average for family experts £110

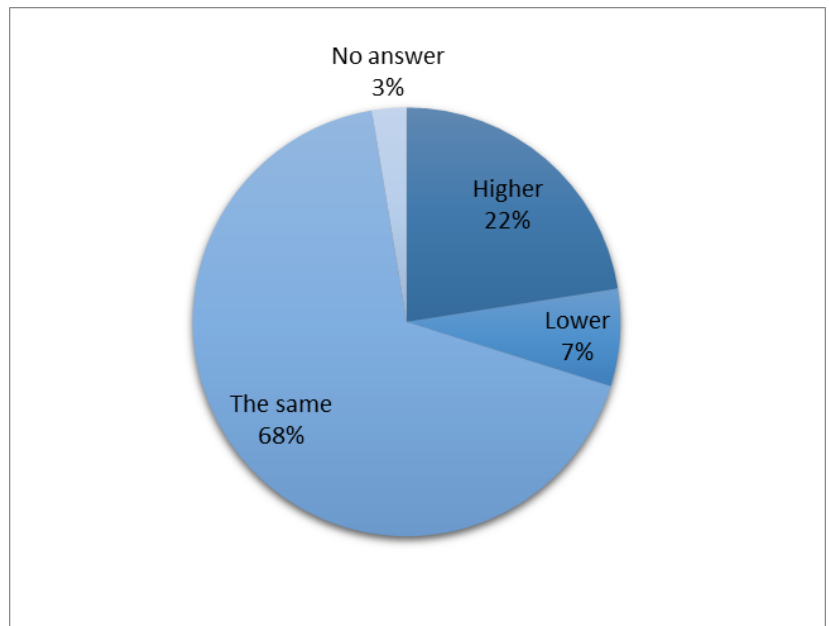
See Appendix 1 (page 9) for a full list of hourly rates, including area of expertise and rates for court.

### Comments

Rates for civil experts are some 50% higher than in criminal matters.

### 3 How does this relate to your average hourly rate in 2014?

Higher	43
Lower	14
The same	129
No answer	5

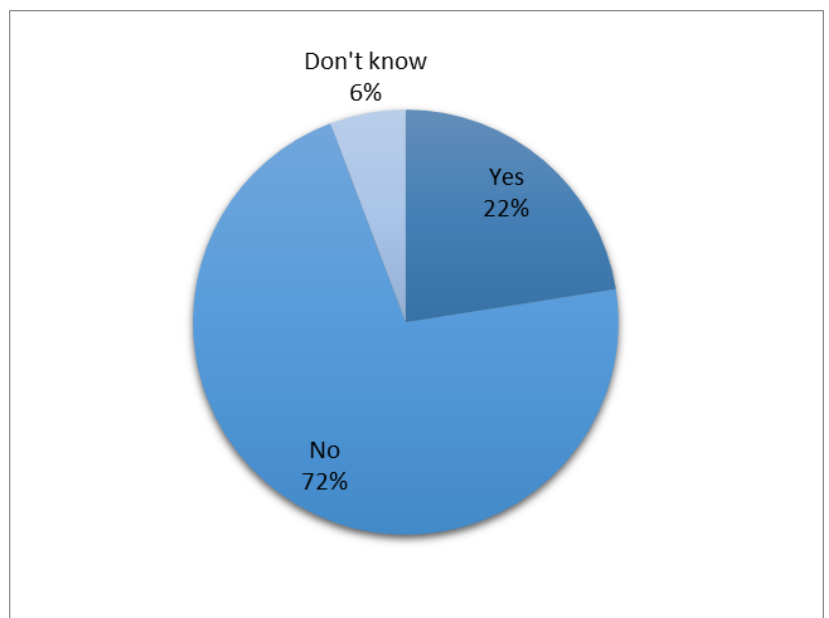


#### Comments

Most experts reported rates remain about the same as last year.

### 4 Do you think that when someone retires from their profession they should also retire from expert witness work?

Yes	43
No	137
Don't know	11

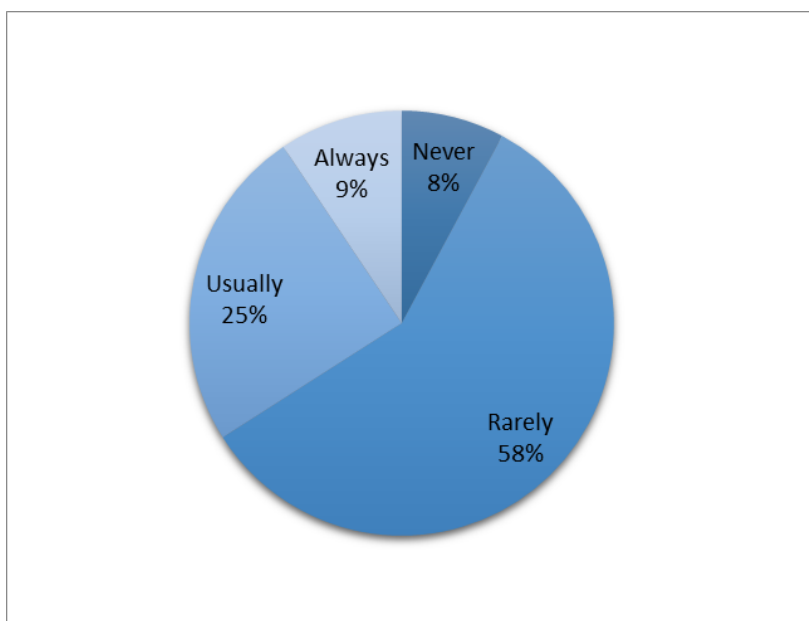


#### Comments

Interestingly experts do not appear to think they have a sell by date. Often judges want experts who are currently working in their chosen field. At the conference it was clear that in some fields e.g. banking it is virtually impossible to get working experts as the employing organisation will not allow it.

**5 Do you receive feedback on your report?**

Never	15
Rarely	111
Usually	47
Always	18

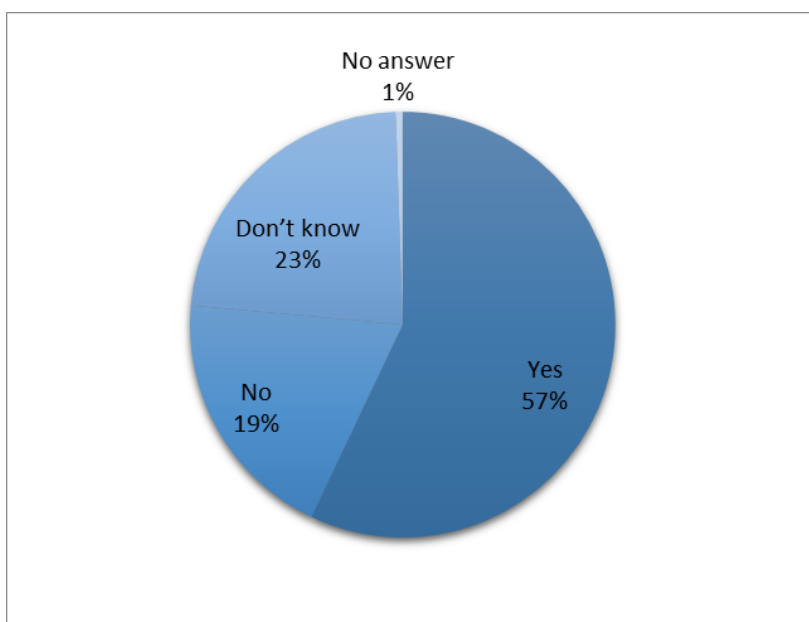


**Comments**

Although it would be of benefit to experts to help them improve the quality of their work to have feedback from the instructing solicitor or counsel, a majority reported they rarely had such feedback.

**6 Would mandatory accreditation for all experts improve the standard of experts?**

Yes	109
No	37
Don't know	44
No answer	1

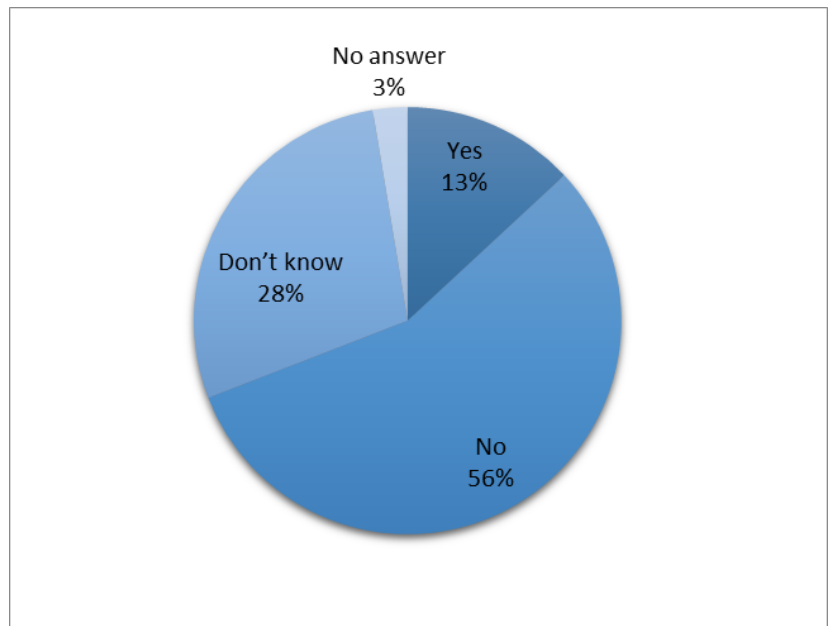


**Comments**

Most experts would like some form of mandatory accreditation to improve standards however this is expensive to implement.

## 7 Is randomised selection of experts a fairer way for experts to be instructed?

Yes	25
No	107
Don't know	54
No answer	5



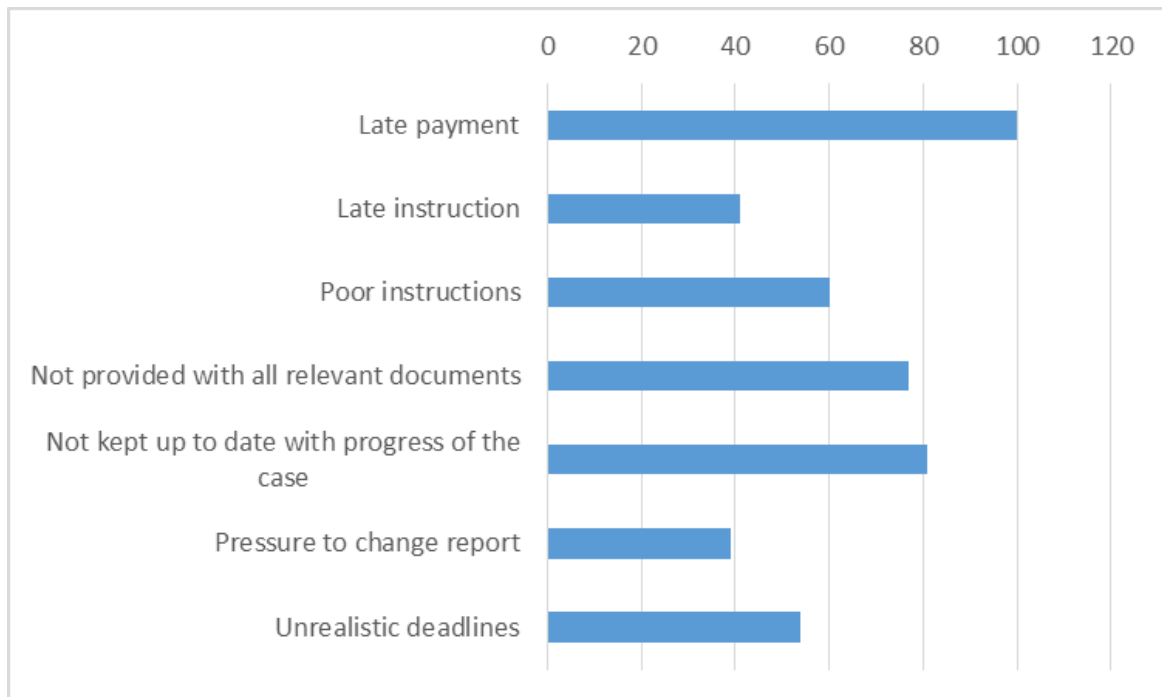
We also asked experts to explain why. For a full list of their responses, see Appendix 2 (page 14).

### Comments

Most experts do not like the idea of randomised selection of experts as has been started by MedCo in whiplash cases ([www.medco.org.uk](http://www.medco.org.uk)). MedCo is the new system to facilitate the sourcing of medical reports in soft tissue injury claims brought under the MoJ's Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents. The new system went live on 6 April 2015. Medical Experts, MROs and Commissioners of Medical Reports must register via this website in order to be able to provide or commission medico-legal reports in relation to RTA soft tissue injury claims.

## 8 What are your common complaints about solicitors?

Late payment	100
Late instruction	41
Poor instructions	60
Not provided with all relevant documents	77
Not kept up to date with progress of the case	81
Pressure to change report	39
Unrealistic deadlines	54



### Other:

- Supply of all contact details. I have to meet the client and access to mobile phone numbers is top of my list.
- Last minute updates and changes. Also letters listing numerous questions – the answers to which would be apparent in they read the report properly.
- Prolonged negotiation to get paid. Had to resort to debt collecting agency.
- ALL solicitors put the CD password with the CD! Or give no password at all even though encrypted.
- Bad manners of some
- Documents not well presented / paginated.
- Not provided with outcomes of cases
- QC pressure to change reports
- No feedback
- Pressure to alter dates and reference to documents seen.
- No complaints
- Relevant documents provided late.
- Not giving client contact details to arrange interviews and assessment – often spend days trying to track down detail and waiting for clients to respond. Some solicitors are very helpful – some do not take any responsibility.

## Comments

As in previous years, experts continue to have issues around solicitors and their instructions.

### 9 Are there solicitors / law firms / instructing parties that you would refuse to work with again?

Yes	94
No	90
No answer	7



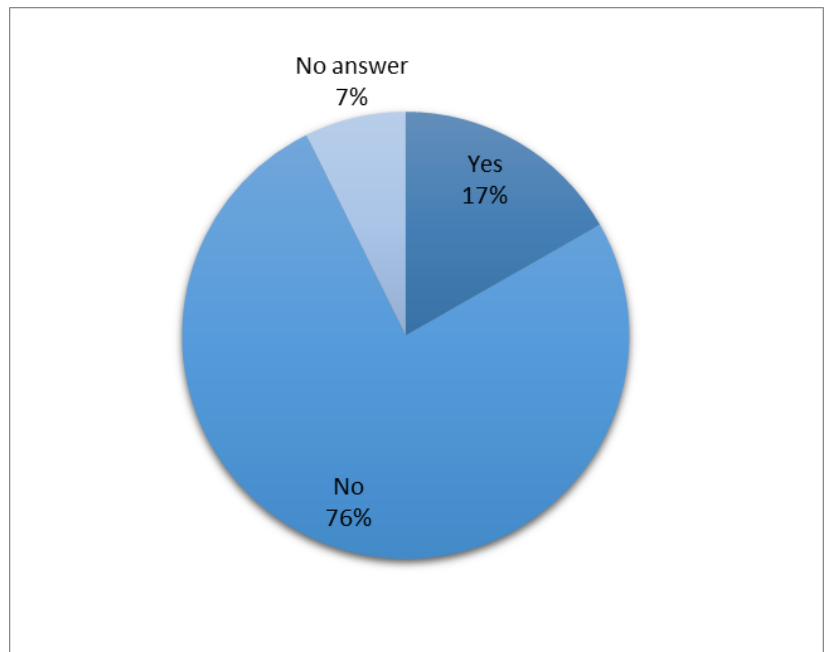
We also asked experts to explain why. For a full list of their responses, see Appendix 3 (p17).

## Comments

Still a large proportion of experts have had bad experiences that have led them to refuse to work with certain people.

**10 Has your objectivity ever been questioned during cross-examination?**

Yes	32
No	145
No answer	14



We also asked experts 'If yes, how did you respond? If no, how would you respond?'. Their answers are in Appendix 4 (p20).

**Comments**

Some three quarters of experts have not had their objectivity questioned under cross examination.



**APPENDIX 1:**  
**What is your average hourly rate?**

Area of expertise	Report Writing	Court		Most work in
Accommodation	£150	£225		Civil
Accommodation	£195	£220		Civil
Accommodation in personal injury and clinical negligence	£190		£1500 per day	Civil
Accountancy	£150	£200		Civil
Accountancy	£225	£225		Civil
Accounting, valuation and finance	£500	£500		None/multiple
Actuary	£300	£300		Civil
Anaesthesia	£175			Civil
Architect / accommodation for disabled people	£150	£200		Civil
Assessment of parents with learning disabilities	£93.60	£93.60		Family
Banking and financial services	£375	£375		Civil
Banking, finance, investment and regulation	£350	£350		Civil
Cardiology	£300	£300		Civil
Cardiology	£340		£2500 per day	Civil
Cardiothoracic surgery	£150		£800 per day	Civil
Cardiothoracic surgery	£200			Civil
Care and OT	£170	£200		Civil
Care of elderly people	£81			Civil
Chartered surveyor	£175	£175		Civil
Chartered surveyor	£200	£240		Civil
Child and family psychologist	£90	£90		Family
Child protection / psychiatry	£135	£135		Family
Child psychiatry	£150	£150		Civil
Child, adult, parent psychology	£90	£90		Family
Children's nursing / care	£75	£75		Civil
Civil and structural engineering	£125	£125		Civil
Clinical and forensic psychology	£90			Criminal
Clinical psychology	£93.60	£93.60		Family
Clinical psychology	£100	£200		Civil
Clinical psychology	£150	£100		Civil
Clinical psychology	£240	£240		Civil
Colorectal surgery	£200		£1000 per day	Civil
Construction	£125	£125		Civil
Construction	£180	£200		Civil
Construction planning engineer	£85	£100		Civil
Consultant dermatologist	£280	£200		Civil
Consultant surgeon	£200	£200		Civil
Cultural, religious and ethnic issues			£900 per day	Civil
Dental	£120	£150		Civil
Dental	£120		£650 per day	None/multiple

Dental	£150	£150		Civil
Dentistry	£160		£1500 per day	Civil
Dentistry	£220	£220		Civil
Ear nose throat	£200	£200		Civil
Ear, nose and throat surgery	£190	£190		Civil
Educational psychology	£120	£50		Civil
Emergency medicine	£100	£100		Civil
Emergency medicine	£250		£1000 per half day	Civil
ENT	£120	£120		Civil
ENT	£175	£175		Civil
Epidemiology / assessing research evidence	£80	£90		Civil
External limb prosthetics / orthotics	£180		£1000 per day	Civil
Family medicine and clinical forensic medicine	£108	£108		Criminal
Fire investigator	£190	£210		Civil
Forensic accountancy	£32	£32		Criminal
Forensic accounting	£32	£32		Criminal
Forensic collision reconstruction	£150	£150		Criminal
Forensic pharmacology	£98	£98		Criminal
Forensic physician - sexual offences	£108		£350 per half day / 500 per day	Criminal
Forensic psychiatrist	£108	£75		Criminal
Forensic psychiatry	£150			Civil
Forensic scientist	£200	£220		Civil
General medical practice	£240			Civil
General practice	£220		£1600 per day	Civil
General practice / pain / whiplash	£150	£250		Civil
General surgery	£140		£500 per half day	Civil
Geriatric medicine	£180	£150		Civil
GP	£85	£85		Civil
GP	£100	£100		Civil
GP	£150	£150		Civil
GP	£150	£150		Civil
GP	£250	£250		Civil
GP (personal injury claims)	£100			Civil
GP / soft tissue injuries	£110	£110		Civil
GP / soft tissue injuries	£250			Civil
GP medical expert	£180			Civil
Hand and wrist surgery	£250	£250		Civil
Hand surgery	£400	£400		Civil
Health and safety	£100	£100		Criminal
Horticulture	£50	£100		Civil
Housing needs in PI claims	£205	£245		Civil
Independent social work / psychotherapist	£80	£80		Civil
Insurance practice	£295		£2000 per day	Civil
Marine	£120	£145		Civil

Marine surveying	£65	£95		Civil
Marine weather	£175		£1000 per day	Civil
Medical	£120	£180		Civil
Medical	£245	£245		Civil
Medical	£250	£250		Civil
Medical aesthetics	£160	£160		Civil
Medicolegal	£100			Civil
Medicolegal	£175	£200		Civil
Medico-legal	£150	£300		Civil
Medico-legal	£200	£200		Civil
Midwifery	£75		£500 per day	Civil
Midwifery	£90	£90		Civil
Midwifery	£100	£100		Civil
Midwifery	£165		£750 per day	Civil
Neurodevelopmental paediatrics	£108	£108		None/multiple
Neuropsychology	£100	£100		Civil
Noise induced hearing loss (acoustics)	£150	£250		Civil
Nursing older people	£135	£950		Civil
Nursing older people	£135	£900		Civil
Occupational lung disease	£200	£200		Civil
Occupational therapy	£95	£95		Civil
Occupational therapy	£150	£150		Civil
Oculoplastic, orbital and lacrimal disorders	£425			Civil
Oral and maxillofacial surgery	£150	£150		Criminal
Orthopaedic	£240	£187		Civil
Orthopaedic	£300	£2,500		Civil
Orthopaedic surgery	£150	£100		Civil
Orthopaedic surgery	£150		£1000 per day	Civil
Orthopaedic surgery	£180		£1500 per day	Civil
Orthopaedic surgery	£200	£300		Civil
Orthopaedic surgery	£250	£500		Civil
Orthopaedic surgery	£300	£1,400		Civil
Orthopaedics	£100	£100		Civil
Orthopaedics	£200			Civil
Orthopaedics	£200	£400		Civil
Orthopaedics	£240			Civil
Orthopaedics	£250		£2000 per day	Civil
Orthopaedics	£250	£250		Civil
Orthopaedics	£300		£1600 per day	Civil
Orthopaedics	£350			Civil
Orthopaedics - trauma	£200		£1600 per day	Civil
Osteopathy and acupuncture	£150	£150		Civil
Orthopaedics, trauma and knee surgery	£200	£200		Civil
Paediatric medicolegal / child abuse	£100		£250 per half day	Criminal
Parental substance misuse	£108	£108		Family
Personal injury	£150	£150		Civil
Personal injury / accident and emergency	£100	£500		Civil

Personal injury / driver licensing	£250	£125		Civil
Personal injury and clinical negligence	£180	£200		Civil
Pharmaceutical market evaluation / forecasting		£180		Civil
Physiotherapy	£145			None/multiple
Plastic and hand surgery	£400	£150		Civil
Plastic surgery	£192	£192		Family
Plastic surgery	£300		£1500 per day	Civil
Property valuation	£150	£200		Civil
Psychiatry	£76	£76		Family
Psychiatry	£108	£108		Civil
Psychiatry	£108	£108		Criminal
Psychiatry	£108			None/multiple
Psychiatry	£120	£120		Criminal
Psychiatry	£130	£200		Criminal
Psychiatry	£200		£2000 per day	Civil
Psychiatry	£200	£200		Civil
Psychiatry	£220	£225		Civil
Psychiatry	£225		£1200 per day	Civil
Psychiatry	£320	£320		Civil
Psychology	£90			Criminal
Psychotherapy	£120	£120		Civil
Psychotherapy	£120		£1000 per day	Civil
Psychotherapy	£125	£125		Civil
Psysio	£195	£195		Civil
Respiratory medicine	£180		£400 per half day	Civil
Retail theft and card fraud	£115	£70	£490 per day	Criminal
Rheumatology	£250	£250		Civil
Rheumatology	£300			Civil
Rheumatology	£320		£800 per half day	Civil
Sexual and reproductive health	£300	£300		Civil
Skin surgery and vasectomy	£150			Civil
Soft tissue	£240	£240		Civil
Solicitor negligence	£225	£250		Civil
Speech and language therapy	£135		£450 per half day	Civil
Surgery	£200	£400		Civil
Surgery	£750		£250 per half day	Civil
Surveying	£110			Civil
Surveying	£150	£175		Civil
Surveying and valuation	£250	£250		Civil
Temporary work	£130	£155		Civil
Tissue viability	£81	£81		Civil
Trees and planning / boundaries	£67	£87		Civil
Upper GI / laparoscopic and gallbladder surgery	£210			Civil

Upper limb surgery	£250		£2500 per day	Civil
Urology	£200	£200		Civil
Use of force	£95	£325		Criminal
Valuation of property	£225	£225		Civil
Veterinary surgeon	£120	£120		Criminal
Wood products consultant	£125	£125		Civil

## APPENDIX 2:

### Is randomised selection of experts a fairer way for experts to be instructed? Please explain why.

- Account should be taken of experience as expert witness, expertise (qualification) and reputation (large feedback).
- Because there are no data I'm aware of on which to form a scientific opinion.
- But not in current form – single experts and agency should be together.
- But speciality choice?
- Certain experts are more focused in specific areas.
- Does not necessarily ensure quality or relevant expertise.
- Doesn't allow for being able to instruct experts with a particular area of expertise. Experts with dubious ability will be instructed more often.
- Each case is different and therefore may call for an expert of a certain experience!
- Each expert has different experience and specialisms within their expertise eg specific industries / markets / claims. Removing the choice of expert means that most appropriate expert may not be selected.
- Excellence should be recognised and used.
- Expertise and clients should have a choice relating to area of expertise and cost.
- Experts need to be selected on the basis of what they bring to that case. Each case is different.
- Experts should be instructed on the strength of their experience and particular expertise. The best expert needs to be appointed in every case!
- Experts should be selected/instructed on the basis of their expertise and skills.
- I know little about this but I think that a Court or Solicitor should have choice, particularly if their previous experience of an expert is very good or very bad. This is in my area which is very different from MedCo.
- I perceive a significant range of quality and it would be unfair unless there was some sort of uniform standard.
- If I wanted to instruct a solicitor over a personal matter I would choose one who I felt had the skills I needed and with whom I felt comfortable. Why wouldn't a solicitor choose an expert on the same basis?
- If you have a good reputation then solicitors should use you!
- In my field of colorectal surgery there are numerous subsidiary fields. It is important to secure a good match. I refer on to other numerous cases.
- Insufficient in my field to be compatible with any choice for patient/family.
- It hopefully means that newer experts won't lose out on instructions as not known to solicitors. But I think there should be an option to choose a particular expert if known to the solicitor.
- It should be based on expert's proven track record in providing reports.
- Just would not work. Experts need to be chosen on a custom basis to suit a particular case.
- Lack of prior working relationship will hinder process etc. adding to cost and time. Most appropriate experts may not be assigned.

- May not make best use of available expertise
- My field is too specialised and there are too few of us for it to work.
- My field is very limited in no. of experts available.
- My field the pool is too small and there are several highly partisan experts who would not be successfully accredited if such accreditation occurred so would have to be linked to accreditation as well.
- No incentive to improve, provide above average service and unable to build up reputation with solicitors.
- Not in my field as expertise can be too broad for many cases that more specialised experience is needed.
- Often it depends on the particular sub-interests of the psychologist instructed rather than their professional title.
- Possibly however may not be able to take instructions if 'general' rather than specific area – feels fairer intuitively.
- Probably familiarity. Solicitors get to know their experts (and vice versa)
- Probably not as each individual case varies so much. However would remove pressure from solicitors to “select” the expert most likely to help them succeed.
- Provided there is assessment to ensure a range of consistency
- Randomisation doesn't guarantee a good expert.
- Randomness of selection is about luck. If it was my case I would not want to play dice with selection of an expert.
- Rating of experts centrally – as perhaps reliable (and value for money) – by Judiciary could help select honest and competent and value (adding) experts...
- Relevant expertise is crucial to the court
- Self-regulation of poor experts gradually get less and less work and poor reputation will disappear.
- Should be some client choice, as well as choice by expert as to whether they have the expert expertise required.
- So that well regarded and experienced experts can be selected.
- Solicitors and experts get to know each other and form working relationships
- Solicitors are in a position to choose experts they think are experienced and reliable in report writing. Also have the skills to appear as an expert witness.
- Solicitors should be able to choose the medical expert.
- Solicitors should have the right to use expert of their choice.
- Solicitors should instruct the best available expert in a particular field of expertise after considering CVs and making the usual enquiries.
- Some are bad and solicitor should have choice.
- Specific expertise of the expert is not taken into account.
- The client/solicitor should have choice.
- The criteria for randomisation are then critical and the 'viable' or those who enter such a system are not necessarily the best.
- The current system favours agencies. Low fees for doctors = shoddy reports. This is

in nobody's interest. Pressure on fees should firstly be brought to exclude agencies.

- The experts may be randomly bad.
- The market can choose.
- The panel will have to be of experts who will have to give same opinion as all other experts if it is to be fair. In effect this means only one opinion can be used in all cases!!
- The solicitor should select an expert based on expert's past performance / level of training / experience / standing in his/her profession.
- There may be specific areas in which a particular expert would be helpful.
- Understanding the team you work with is advantage.
- What does "randomised" mean. A solicitor needs to build up trust with and expert.
- Why should it?
- Would allow MROs to call too many shots – independents would be drowned out.
- Would give new experts a chance. However, you may need an experienced expert and solicitor should be allowed to state what is required.
- Yes, but not necessarily the best way – but how do the less experienced gain experience?



### APPENDIX 3:

#### Are there solicitors / law firms / instructing parties that you would refuse to work with again? If yes, why?

- 2 year payment terms. Some don't pay until the case is settled = 3 years
- Agencies mainly.
- Agency – one firm – constantly asking for reports that they say are late and constantly failing to note my repeated requests for notes/xrays etc. and I suspect telling solicitors it is my fault. One solicitor – same, demanding reports with insulting letters when I keep asking for records.
- Any legal aid.
- Apparently poor knowledge/awareness of the complexity of the disability of some of the claimants. I have felt that sometimes the interests of the claimant are not represented well. This is more with claimant's solicitors but also defendants.
- Breakdown professional trust. Usually to extend prognosis or verbatim accept client's perspective.
- Can't supply notes. Don't settle within a reasonable period. Disorganised.
- Certain solicitors because of undue pressure to alter dates of reports and unrealistic deadlines for producing further work.
- Constantly having to chase for fees (17 times in 18 months!)
- Delay in payment. Unacceptable pressure to alter my opinion.
- Disorganised running of a case
- Excessively late payment. Withholding information relevant to the questions in instructions.
- Extremely late payment
- Failure to pay
- Failure to pay requiring use of claims online process, of 7 uses all have been won.
- I have had anecdotal reports about some solicitors behaviour which, had I experienced them myself, would undoubtedly have led to my refusing further instruction.
- I will now only take instruction from a solicitor not a 3rd party.
- Incompetent instructions. Will not send records. Late payment. Unqualified case managers.
- Inefficient. Don't pay. Don't reply to letters.
- Instructing parties – Agencies – a) refused to work for Mobile Doctors: 40% DNA, b) Capita are a real pain, c) Premex a pain, d) Speed don't pay on time AND are a pain.
- Late fee payment, in spite of reminders.
- Late payment and general amateurishness.
- Late payment!
- Late payment. Poor instructions. Requests to change reports. Unrealistic deadlines.
- Late payments
- Late payments – need a lot of chasing. Not being kept up to date about case or

client's change of advocate. Not being kept up to date of advocate's change of location / law practice.

- Late, or no, payment.
- Late/no payment. Very poor instructions
- Legal aid / pro bono.
- My understanding of a telephone conversation with the instructing solicitor was that I should proceed with the report as time was so short – solicitor then refused to pay as case dropped and nothing in writing.
- No, but clearly there are solicitors who only want to receive a report which suits them. If they receive a truly objective report where the conclusion is either 50/50 or the case has absolutely no basis, you don't hear from them again!
- Non-payment of fees
- Non-payment / extremely late payment of professional fees.
- Not listening to advice/opinion given – kept asking the same questions, just re-phrased and then refused to pay for work completed – it didn't say what they hoped for.
- Offensive email when requesting payment of one due fee notes. Implication report should not be paid for if it does not support their client's case.
- One non-payment in Ireland. One solicitor's abusive behaviour directed at my admin staff.
- One particular agency – communications are from less than knowledgeable staff – v frustrating.
- Only one. Because I experienced the solicitors as 'telling' me what to say.
- Payment (non-payment) and lack of professionalism.
- Payment issues.
- Payment issues. Uncomfortable about reluctance to get additional medical and care records where these seemed highly likely to reduce value of claim considerably (relate to free and funded care being provided but carer alleging he was unable to work as providing care).
- Poor administration.
- Poor communication from solicitors throughout. Late payment and only after several reminders and a threat to sue.
- Poor communication. Late payment. Large amount of failed cases. Large amount of suspicious cases.
- Poor communication. Poor instructions. Telling me what documents are relevant and not.
- Poor initial instruction – refused to accept that he had instructed me when I presented my report – refused to pay – abusive to my office manager. The list goes on...
- Poor instructions
- Poor instructions, no information about Court Directions, slow payment of invoices (e.g. 15 months) and no update of proceedings. In one case a firm of solicitors has changed so that all emails and letters come from a Litigation Executive – never from the solicitor who seems distanced from the case.

- Poor payers
- Poor payers of fees. Unreasonable pressure to change report to suit C or D.
- Poor payment history.
- Poor payment.
- Pressure to be partisan – 2 firms (both large)
- Pressure to change report. Late payment.
- Pressure/inappropriate request to change report without any new evidence.
- Put pressure on me to change my opinion or amend and add more information to the one provided by the claimants during interview / examination.
- Rude attitude (x1 case only)
- Solicitors out of their depth in my field. Poor instructions, poor choice of barrister (also out of his depth). Quibbling over my fees despite a clear signed contract.
- Some are disingenuous. They want a 'hired gun' and expect the expert to 'do as they are told'. They show no respect for the expertise per se. They will then dispute the fees.
- Terrible instructions and unrealistic fees.
- Terrible late payment and passing off between 3rd parties
- The work is done and then you hear nothing...
- There are a small number of solicitors who are new in the field of clinical negligence that don't know or understand the subject and I feel are unsafe practitioners putting patent's case at risk and my credibility.
- There was one who was really not providing the client with a good service.
- They tried to pass on financial implications of a reduced settlement to me.
- Those wanting 'reports at legal aid rates'.
- Trips and slips cases – hopeless instructions served by clients who know nothing – seems that whole thing sometimes is generated by a computer.
- Undue pressure to amend report... new disclosable evidence based on claimant's modified history. Deferred, late or non payment.
- Unpleasant, unreasonable, wish to unreasonably influence report.
- Unreasonable conduct, obvious intent to maximise quantum at expense of appropriate provision.

#### APPENDIX 4:

#### Has your objectivity ever been questioned during cross-examination? If yes, how did you respond? If no, how would you respond?

- I'm not sure... perhaps ask the judge for direction as to whether I should say anything or wait for my instr. sol/counsel to manage the situation.
- Fall back on reasonableness of my expressed opinion.
- Quite firmly!
- Would defend what was being questioned.
- I dealt with the facts and my objectivity as demonstrated in my reporting.
- Quote the requirements of CPR pt. 35 and maintain that that is what I am following...!
- I asked what led them to that conclusion and explained why they were wrong. I explained that my instructions, depending upon whether a single joint instruction was viewed as 1 or 2, were split 1:1:1 or 1:1:2 between claimant : defendant : SJE
- I would give a breakdown of my work which is balanced (claimant/defendant/joint) and not all from any one firm.
- I try very hard in preparing reports for that not to happen.
- Try to convince the judge I am objective but mentally some of my evidence has to be my viewpoint and others may have different opinions. Don't be arrogant!!
- Inadvertently used 'we' when referring to the defendant, by whom I was instructed. Blustered!
- Counsel: suggested all in hindsight. My reply to judge: My Lord, do I have a choice?
- I would say that I always focus on the child's needs in relation to nursing / care. I am clear that my responsibility is to the court and not the instructing party.
- I point out my opinion is on my history taking, examination, record reading, viewing X-rays and images; knowledge of all the Court rules and being in medical practice for 54 years. As a doctor I am only an expert in my branch of medicine and I cannot reject what I am told by the client/patient. Judging evidence and truth is entirely and properly the prerogative of the court.
- My duty is to assist the court – my expert opinion reflects that.
- I have been accused of "claimant bias" in medical report. They receive a warning and apologised.
- Yes. Rejected the premise without elaboration. Barrister moved on.
- I explained why that was not the case.
- Poorly phrased report title – I acknowledged it was inappropriate wording.
- I confirmed that I comply with all CPR requirements and that I know that my duty is to the court or PCC.
- I guess I'd want cross-examining counsel to explain why s(he) thought I wasn't objective and try to rebut the assertions.
- I have considered the evidence, listed in an appendix to my report, and have set out the reasons why I have reached the opinion set out in my report. My objectivity has not been questioned and my involvement in Fitness to Practice panels with the HCPC has been evaluated and my objectivity has been affirmed by experienced panel chairs.
- Open and honest.

- Not been to court, as yet, following being an expert witness for 6 years.
- I explained the basis of my confidence in my objectivity.
- This is a challenge. I know I do work for claimants and defendants. I try to focus just on what I have been asked rather than 'straying' into other areas. Often what I am asked about do have subjective elements within them.
- I would examine my objectivity.
- By sticking to the factors considered to reach opinion. If pressed a ... could be given with explanation of reasoning used to reach opinion.
- N/A Never been cross-examined.
- I routinely exclude Conflict of Interest in my Terms.
- I would respond by saying that I have had experience of examining both complainants and alleged offenders. I also prepare expert witness reports for both prosecution and defence.
- The judge intervened and stated that he was entirely happy with my objectivity based on my report. This was a very early question from a solicitor whose own expert is highly partisan in my view (supported by the view of the court in judgement!).
- I try to rely on evidence from my findings. Possibly being balanced can come across as lack of skills??
- Can't say as it hasn't happened but I don't think my reports have ever been anything but objective.
- Run through the question with the person making the statement.
- I don't know. I would have to consider why my objectivity was being questioned. I would certainly defend my objectivity.
- My own experience of client / family takes precedence in my evidence. If I have a partiality – it is for the child / children.
- It happened once, more than 20 years ago, as part of the first question under cross-examination. The judge intervened and warned the Barrister to be civil.
- By calmly justifying my opinion in the interest of the child.

## About Bond Solon

Bond Solon is the UK's leading expert witness training company. To date over 250,000 expert witnesses have attended these courses and in excess of 1,000 have completed, or are in the process of completing, the Cardiff University Law School Bond Solon Expert Witness Certificates.

This survey was completed by delegates attending the Bond Solon Annual Expert Witness Conference in London on 6 November 2015.

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