

**Bond
Solon**



The Bond Solon Expert Witness Survey 2024

In association with The Law Society Gazette

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Introduction

Bond Solon is delighted to publish this year's expert witness survey in collaboration with the Law Society Gazette. It was conducted online from 5 September 2024 to 30 September 2024 and 537 experts contributed.

The Gazette is a weekly legal magazine for solicitors in England and Wales, published by the Law Society of England and Wales. It is provided to all solicitors with a current England and Wales practising certificate, as well as trainee solicitors. It has by far the highest audited circulation of any legal journal in the UK, as well as the largest circulation for a legal magazine in Europe.

The survey looks at improving standards of expert evidence including the independence of experts, instructing the right expert, sanctions, mentoring and the professional relationship with solicitors. It also looks at new methods of working, including AI, remote evidence giving, and finally, fees. Some of the responses are set out as a percentage and others have a commentary and the detailed comments of the respondents.

I do hope you find the results of interest and do feel free to email me if you have any further thoughts.

Mark Solon

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Published 8 November 2024

Mark Solon





Expert Witness Survey 2024

Results

Improving standards

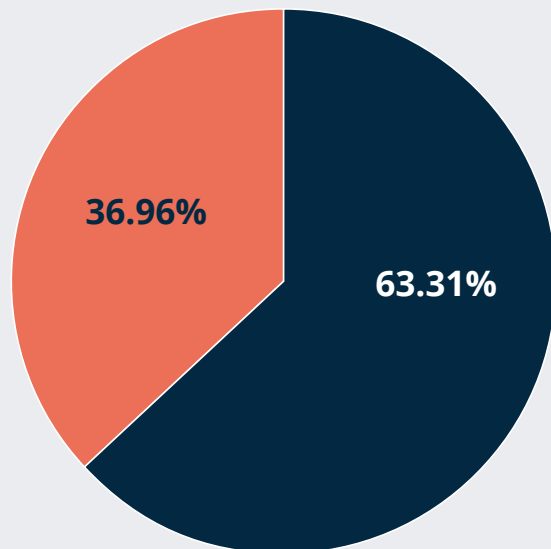
The duty of the expert is to the court, not the paying party that has instructed the expert witness.

They must also possess the skills, qualification and experience appropriate to the matter that is in dispute.

Question 01

Have you experienced “hired gun” experts in your field in the last year?

No	340
Yes	197
Grand Total	537



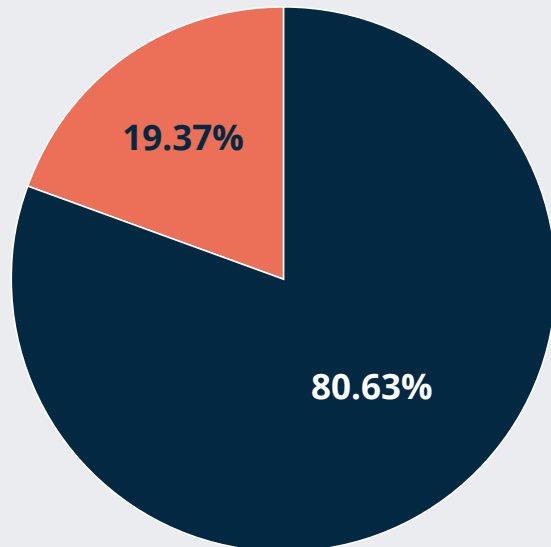
More than a third of the experts responding to this question said they had experienced hired gun experts in their field in the past year. This remains a concern and can prove difficult for an expert if the expert on the other side is behaving like a hired gun. When the other expert provides evidence that in effect shows that they are looking for evidence to substantiate the opinion preferred by the instructing party, rather than looking at the circumstances and evidence as a whole to come to an independent view, then you must be particularly thorough in the methodology that you use and set out clearly how you came to your informed opinion.

Any expert that notices this happening should notify the instructing solicitors, and counsel may be able to reveal the bias in cross examination. It is also important to understand why an expert appeared to be behaving this way. Was it deliberate on the part of the expert in question, or was it through lack of understanding of the role? Were they poorly briefed, or under pressure from the instructing solicitor?

Question 02

Have you come across an expert witness in the last year who you feel is compromised due to a conflict of interest?

No	433
Yes	104
Grand Total	537



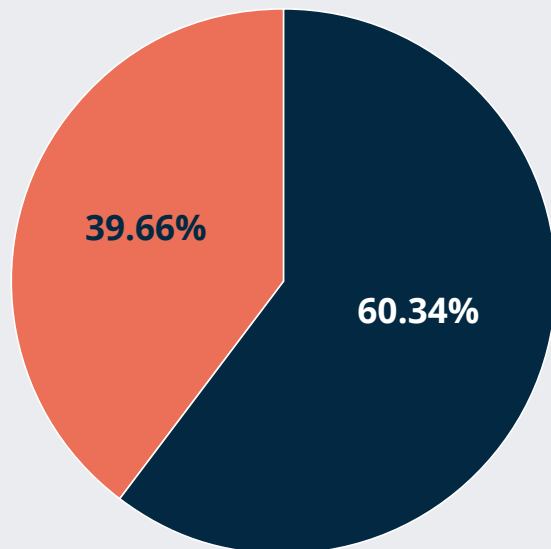
Just less than a quarter of respondents said that they had come across an expert in the last year who they felt was compromised due to a conflict of interest. This was the situation in the Post Office enquiry, where it was suggested that one expert did have such a conflict. Clearly, when exercising due diligence in the selection of an expert, solicitors must make sure that there are no conflicts of interests. Again, this can be revealed in cross examination and even earlier in discussions.

Reflecting on conflicts of interest, **one survey respondent said:** *"I have increasingly been approached by agencies who try to impose significant control over your fees and methods of working in return for instructions. I feel this is entering the realm of conflict of interest and the agencies starting to dictate what and who they instruct – bringing in the hired gun issue. It is much cleaner when the expert can work directly with the solicitor in an open and professional manner. As long as the expert understands their role and the solicitor respects it, then things work well. Third parties muddy the water."*

Question 03

Have you come across an expert witness in the last year who you feel hasn't possessed the qualifications and experience appropriate to the dispute in which they are acting?

No	324
Yes	213
Grand Total	537



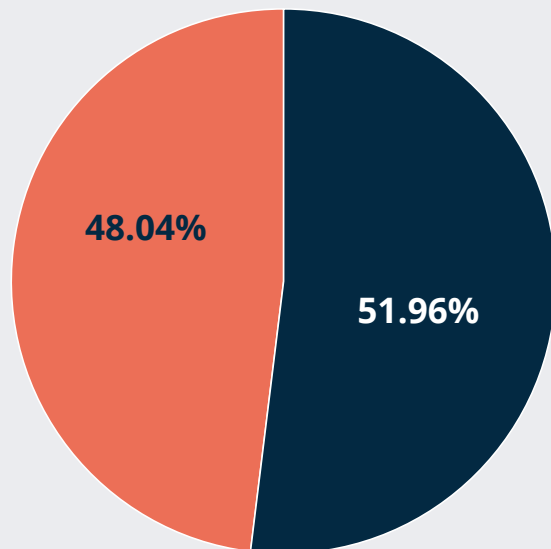
A significant number of respondents said that they had come across experts who didn't have the right qualifications and experience appropriate to the issues in dispute. It is important that solicitors make sure that an expert has the right qualifications and experience relevant to the issues in dispute before instructing them. The expert witness's CV is often the first thing attacked in cross examination, and it is better that the right expert is instructed from the start.

The courts appear more ready to impose sanctions on experts either directly through cost orders, criticism, or by excluding their evidence.

Question 04

Do you think the potential sanctions that experts could face is putting them off accepting instructions?

No	279
Yes	258
Grand Total	537

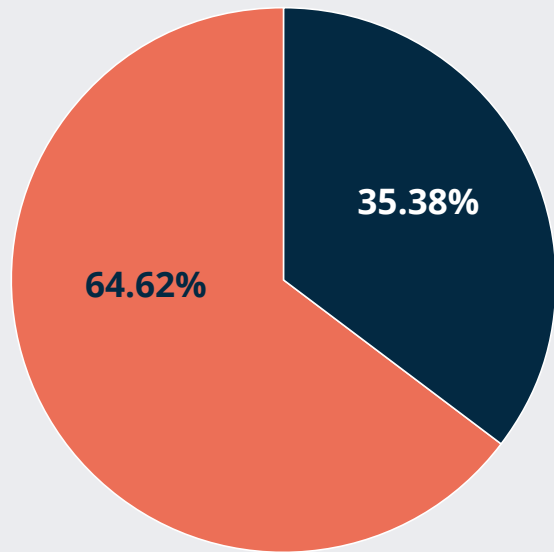


The respondents were split in terms of thinking that experts could be put off accepting instructions because of potential sanctions. There are several options for sanctions that come to mind, including the awarding of costs, reputational damage, disciplinary proceedings and even litigation against an expert witness. Sanctions should be considered by an expert before accepting instructions to ensure that they act professionally and, if necessary, reject instructions where they are not the right expert for the job.

Question 05

Do such sanctions improve standards?

No	190
Yes	347
Grand Total	537



Around two thirds of experts thought that sanctions do improve standards, as a stick not a carrot.



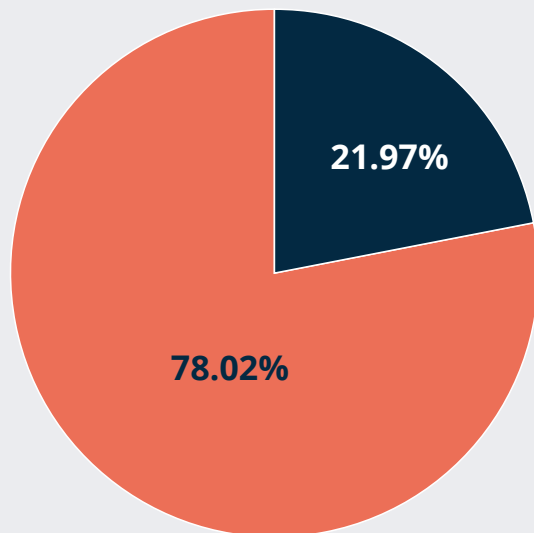
Mentoring for expert witnesses

Expert Witness work can be quite an isolated profession and levels of support and guidance vary from profession to profession.

Question 06

Do you think that a formal mentoring scheme for expert witnesses, with an accredited provider, would help improve standards?

No	118
Yes	419
Grand Total	537



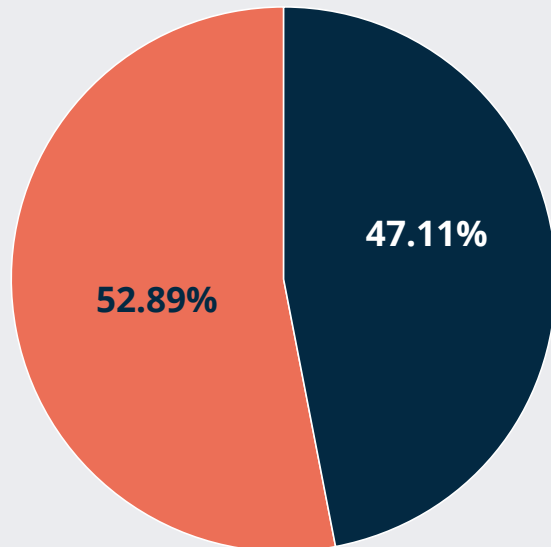
The majority of respondents thought a formal mentoring scheme for experts with an accredited provider would improve standards. It may be difficult to create a system where such mentoring could take place both from a logistical and costs point of view, however the response to this question suggests it's worth exploring further. Just under a quarter of respondents did not think that a formal mentoring scheme would improve standards. Some of these may have been concerned that mentoring may be regarded as interference with the opinion and could verge on coaching. It is important to make a distinction between the two practices, with mentoring focused on improving access to the expert witness profession and knowledge sharing on how to perform the role well, rather than coaching expert evidence itself.

One respondent commented: *"Proper mentoring is very important – not just in report writing, but how to present evidence in court; how to avoid cross-examination faux pas; dealing with aggressive opposing counsel."*

Question 07

Would you personally like to be mentored if such a mentoring scheme were to exist?

No	253
Yes	284
Grand Total	537



Around half the experts who responded said that were there to be such a mentoring scheme, they would like to be a part of it. If such a scheme existed, there would need to be carefully drafted rules in place to ensure objectivity and that there was no part of the mentoring referring to an actual forthcoming matter in accordance with decided cases.



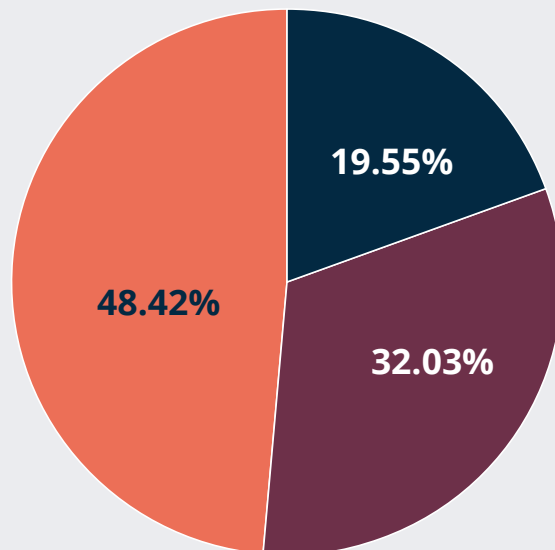
Relations with instructing solicitors

In civil cases it is very common for experts to be instructed pre-action.

Question 08

Has it always been made clear to you that the report is pre-action?

No	105
Not applicable	172
Yes	260
Grand Total	537

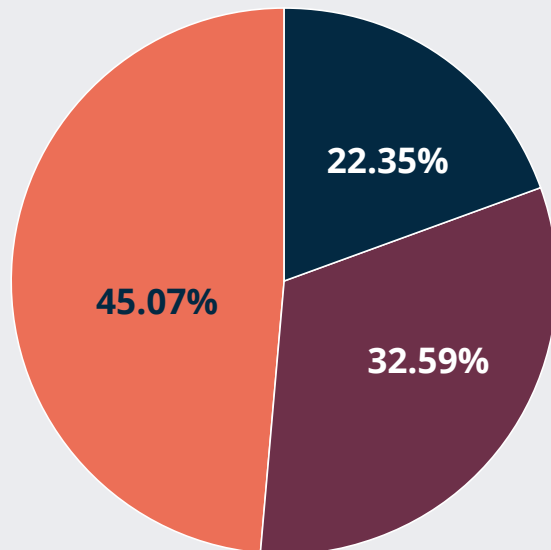


Around a quarter of the respondents said that instructing solicitors had not made it clear to them that in civil cases the expert was being instructed pre-action. Of course, instructing solicitors should make it clear the purpose of any instructions and at what point the instructions are given during the lead up to litigation or after litigation was in progress.

Question 09

Is your experience that lawyers instructing you pre-action want to pay as little as possible for as much as possible to determine the merits of their client's case?

No	120
Not applicable	175
Yes	242
Grand Total	537



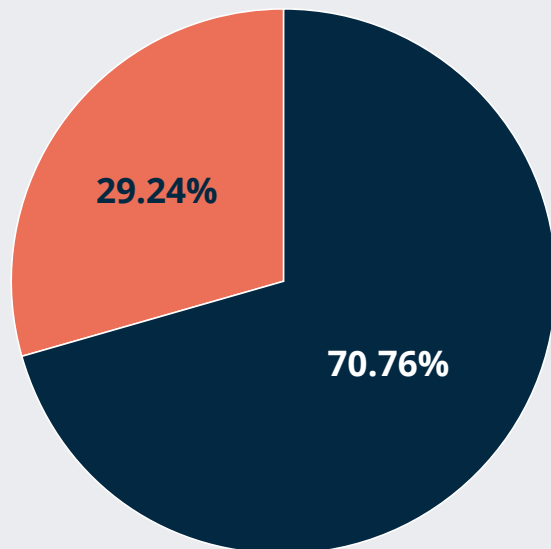
It is interesting that around half the respondents said that instructing solicitors wanted to pay as little as possible for a pre-action report. Perhaps this is understandable as the instructing solicitor and their clients are still deciding what further action to take. This shows the great importance of a pre-action report, which might steer the client and instructing solicitors towards settlement, taking action, or even taking no further action. Such reports should therefore be paid at the right rate. Clear terms and conditions agreed between the instructing solicitors and expert should help avoid such problems.

In recent times there have been cases where experts have claimed not to understand their duties and responsibilities as an expert witness.

Question 10

Have you come across an expert witness in the last year who you feel hasn't understood their duties and responsibilities, and the law and procedure governing their work?

No	380
Yes	157
Grand Total	537



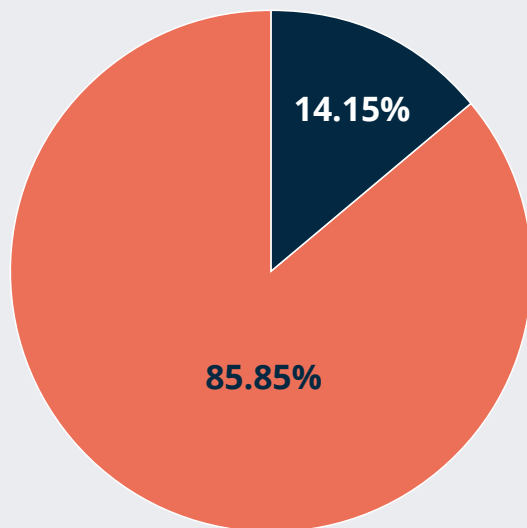
Around a third of experts said that they had come across experts in the last year who they felt did not understand the duties and responsibilities, or the law and procedure governing their work. Such understanding is absolutely vital, and it is astonishing that some experts do not have that understanding. This confirms the necessity of proper training to be an expert witness as the skills and knowledge required are different to those required for work in the expert witnesses' professional work.

There have been several cases over recent years where this lack of knowledge and understanding has become apparent during the proceedings and has been commented on by the judge. As mentioned above, instructing solicitors must themselves make sure before instructing an expert that the expert, as well as being appropriate to the issues in dispute, also understands the role of the expert witness.

Question 11

Should instructing solicitors be under a specific duty to make sure that expert witnesses understand their duty to the court?

No	76
Yes	461
Grand Total	537

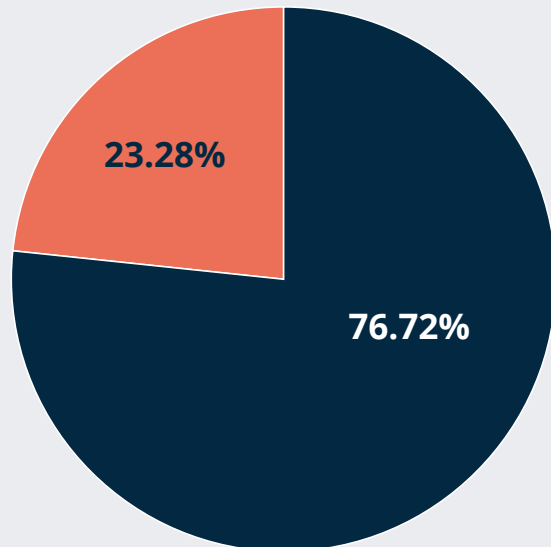


Following on from the response to question 10, a large majority of experts thought that instructing solicitors should be under a specific duty to make sure that the expert understands the duty to the court. Such a new specific duty would need to be required by appropriate court and professional rules. There would also need to be a clear definition of what that duty means.

Question 12

Have you faced undue pressure from instructing solicitors to change your opinion in the last year?

No	412
Yes	125
Grand Total	537



Although the number of experts responding that they faced undue pressure from instructing solicitors to change their opinion has reduced since the previous survey, still around a quarter say they have faced such pressure. This is of concern. There is a need now for instructing solicitors to really understand that an expert witness is not an adversarial tool, as described in Lord Woolf's report Access to Justice, but the expert is a professional there to assist the court to come to the right decision. Instructing solicitors can, of course, press an expert to explain their methodology and reasons for coming to a particular opinion and this can be quite vigorous. However, such pressure should not move into the realms of undue pressure to change an opinion. It can only be used to ensure that the expert opinion is robust and well considered.

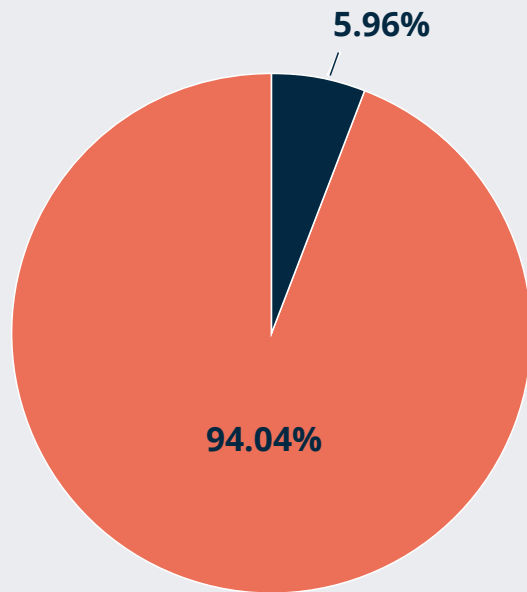
One respondent to the survey said: *"I have been placed under pressure to change my findings in a case. The solicitor became abusive and was sending me abusive emails. This is not however in the past year. I ended my involvement with them, which led to more abuse. I did not know whether to report this or who to report it to"*

Another said: *"Although I have not acted on any cases in the last 12 months, I feel there is more (unfair) pressure by solicitors to provide a report with their aims in mind."*

Question 13

Do you think there should be stronger sanctions against solicitors who intentionally lead experts to breach their duty to the court?

No	32
Yes	505
Grand Total	537



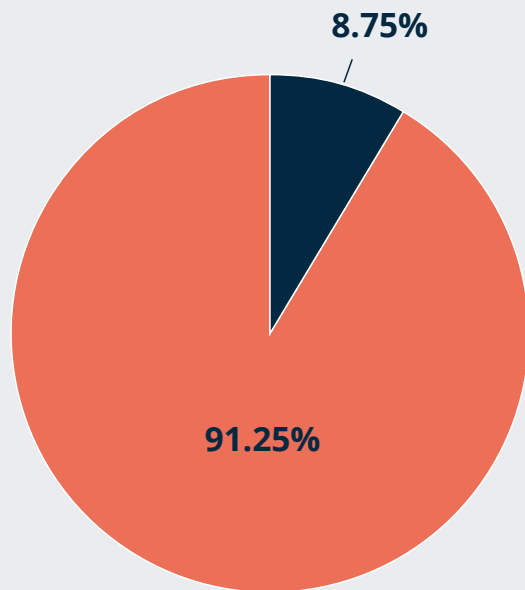
Experts overwhelmingly thought that there should be stronger sanctions against solicitors who intentionally lead experts to breach their duty to the court. Perhaps the strongest of the sanctions more often used is that of costs imposed by the judge. There is also the chance of contempt of court proceedings against an expert who makes a false statement in the verified report, without believing it to be true; any expert found in contempt of court for that reason will be sent to prison, following the *Liverpool Victoria Insurance v Zafar* 2019 case.

Reflecting on this question one respondent remarked: *“Do I think leading solicitors should be penalised more? No, not ‘more’ – they should be given a penalty. But I don’t consider the present system broken. Overall, my feedback is that I have seen EWs who present in a manner to best represent their client (not court/inquiry). In such cases the inquiry chairperson/cross barrister has not pulled them up on bias. This appears common in my experience of the year to date.”*

Question 14

Do you think there should be a specific system for experts to notify the Solicitors Regulation Authority of problems between experts and solicitors?

No	47
Yes	490
Grand Total	537



The vast majority of experts thought that there should be a specific system for experts to notify the Solicitors Regulation Authority (SRA) of problems between experts and solicitors. There is provision within the court rules for an expert to go to the judge in a matter, but the SRA could play a bigger part. It seems many experts do not know how to approach the SRA for assistance or what assistance the SRA could give.

One respondent said: *"I feel strongly that there should be a clear focus on the conduct of the lawyers. Medical experts are doing their best and should not be placed under pressure by the lawyers, who appear never to be criticised. The whole system of PI and medical CN should be reformed to have panels of three medics and one lawyer to review cases, apportion quantum, and identify learning. The adversarial system does not work well."*

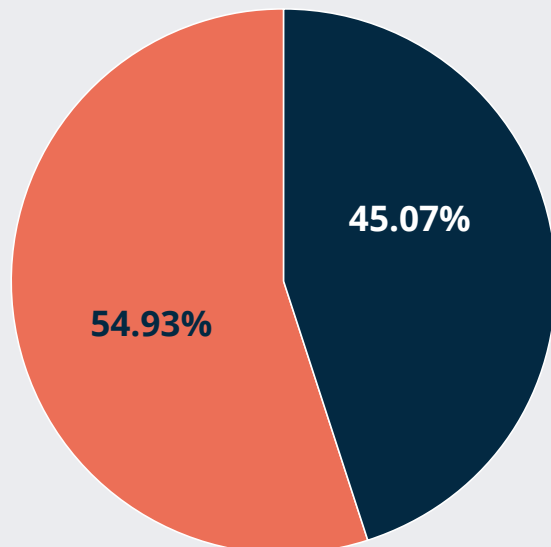
In some jurisdictions, the courts will select and appoint the expert witness, but the parties may make suggestions or may object to the appointment of certain experts if they can demonstrate that a specific expert may be biased.

See: <https://www.germancivilprocedure.com/testimony-and-evidence-in-german-civil-litigation/>

Question 15

Do you think such a system would improve standards here if adopted as part of the English legal system?

No	242
Yes	295
Grand Total	537



Interestingly, a slightly larger proportion of experts thought that a new system whereby the courts select and appoint expert witnesses could be adopted under the English legal system. This would require substantial work to create such system. The Ministry of Justice and the judiciary would consider what would be the benefits and would they outweigh the costs and potential downsides in amending the long-standing adversarial system.

One respondent said: *"I would support the use of single joint experts. However, I would be wary of such experts being appointed by the courts. The risk of the "old boy's network" taking over and locking out new opinion or younger talent is considerable".*

Another commented: *"Really keen to understand the work that is done to improve standards BUT also to improve the process for appointing experts because often we are appointed at the last minute and need to rush things which may lead to mistakes."*

"Lawyers should also consider appointing consulting experts more often because I believe a lot of time and cost could be saved where a consulting expert can provide guidance on the strengths and weaknesses of a case which may ultimately lead to there being no need to appoint an independent expert witness."



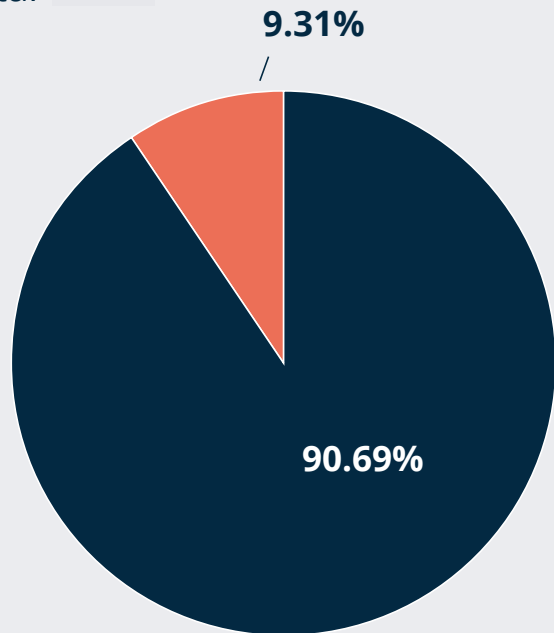
New methods

Artificial intelligence is being used in diverse ways.

Question 16

Have you used artificial intelligence to assist you in your work as an expert witness?

No	487
Yes	50
Grand Total	537



The vast majority of experts have not used artificial intelligence (AI) to assist them in their work. This is perhaps surprising as AI is being introduced in many professional fields.

Question 17

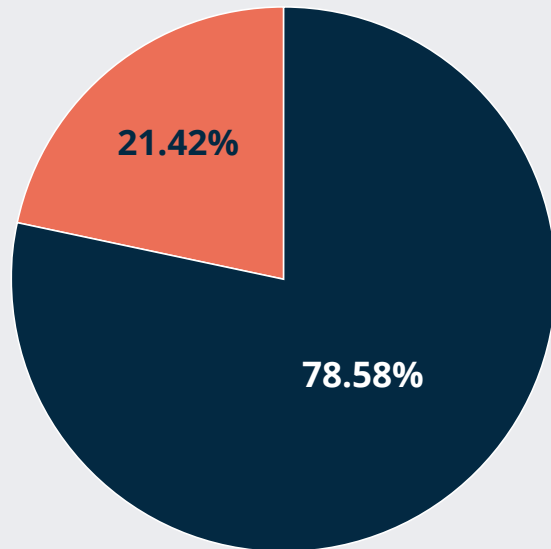
In what areas of your expert witness work have you used artificial intelligence?

See in appendix 1.

Question 18

Are you concerned that the use of AI will lead to a reduction in your fees?

No	422
Yes	115
Grand Total	537

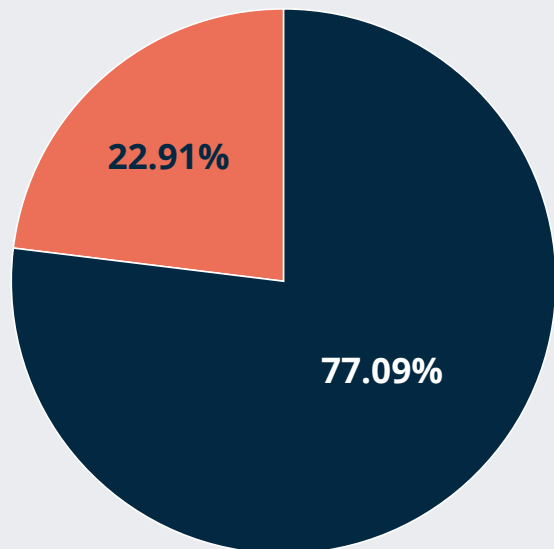


Experts seem unconcerned that AI will lead to a reduction in fees. It may be that we are still at a very early stage in the adoption of AI generally and that it is now too early to say the effect on experts' fees and work.

Question 19

Are you concerned that the use of artificial intelligence will lead to a reduction in the need for your services as an expert witness?

No	414
Yes	123
Grand Total	537

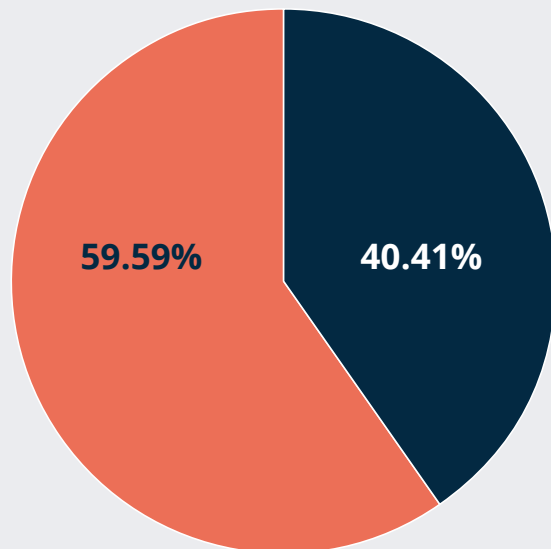


Only around a quarter of experts are concerned about AI leading to a reduction in the need for expert witness evidence. It is more likely that AI will be used as a tool by experts in the preparation of an expert witness report. Questions will arise as to how that use should be revealed in the report so the court can decide on what weight to give to the methodology used to come to an opinion.

Question 20

Should there be a presumption that expert evidence should be given remotely unless there are good arguments made that require the expert to attend in person?

No	217
Yes	320
Grand Total	537



Post covid, the use of remote evidence giving has increased substantially and around two thirds of experts think that there should be a presumption that expert evidence should be given remotely. There are many benefits of giving evidence remotely, but many people involved have said that watching evidence being given on a monitor is not the same as the witness giving evidence in person.

One respondent said: *“Expert witnesses as a servant to the court, need to be present throughout the hearing, and therefore required to give their evidence in person. Virtual attendance misses salient information that may be relevant, and require re-evaluation of your expert opinion, that may be otherwise missed (or not available) online.”*



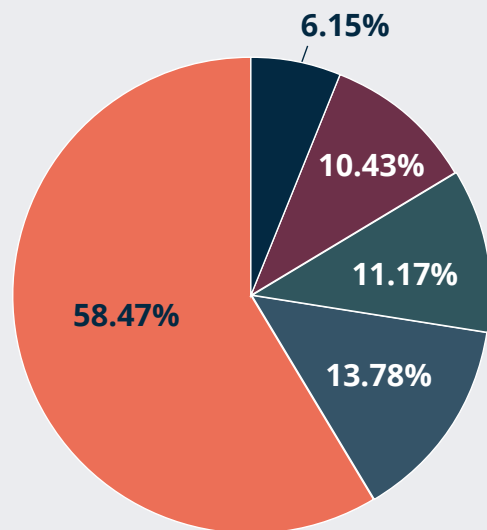
Fees

One of the most common questions we get asked, often on a daily basis, is what fees experts should be charging and what fees are considered competitive/market rate for their specialism. This of course depends on many factors such as seniority, type of expertise and years of experience as an expert witness.

Question 21

How many years have you practised as an expert witness?

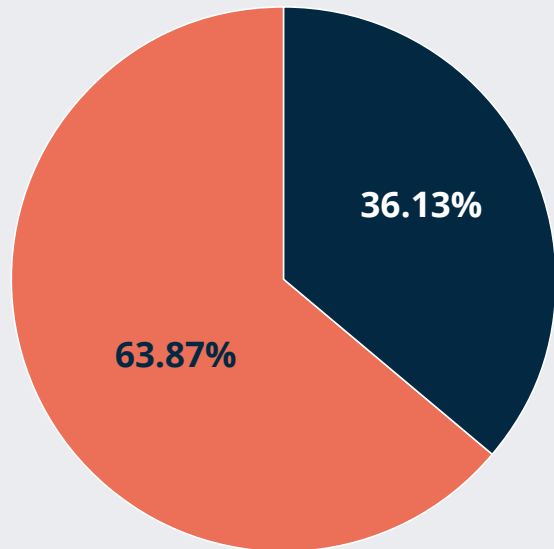
Less than a year	33	6-10 years	74
1-3 years	56	10+ years	314
3-6 years	60	Grand Total	537



Question 22

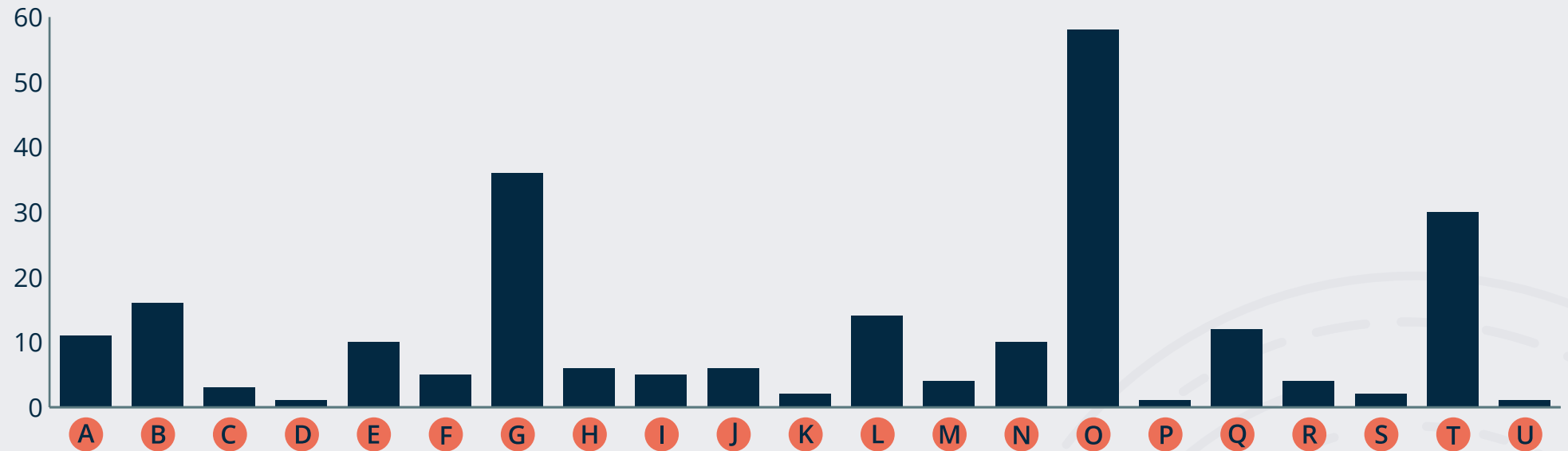
Do you work in the medical/healthcare field?

No	194
Yes	343
Grand Total	537



Question 23

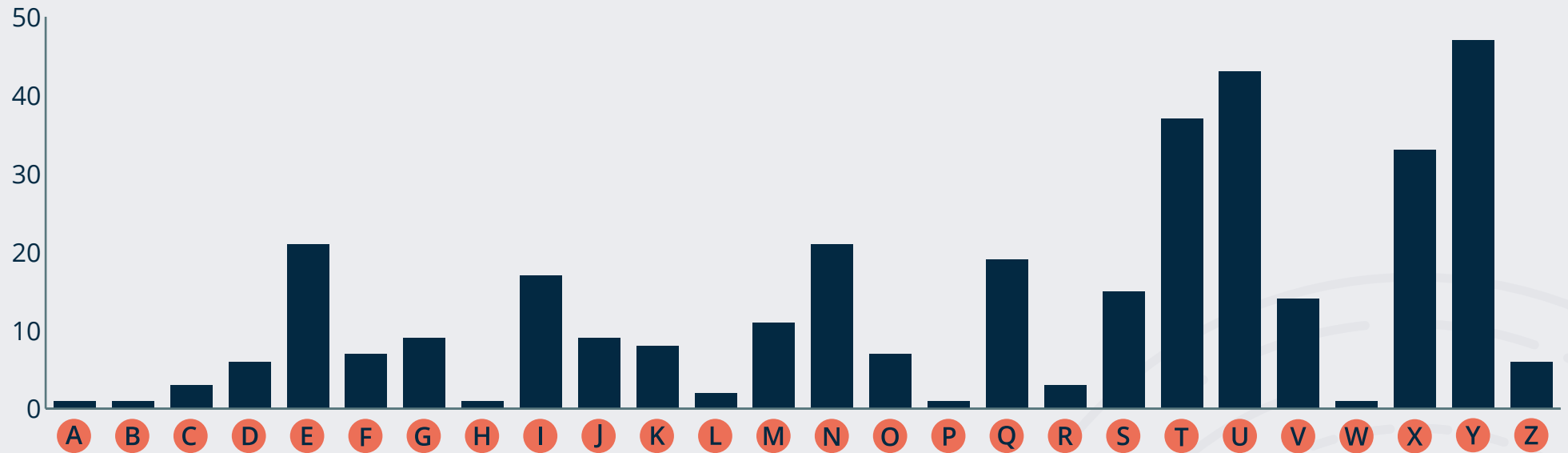
From the list below, please select the option that best describes your area of specialism.



Specialism	Count	Specialism	Count	Specialism	Count
A Accident / incident investigation	11	I Financial	5	Q Science / forensics	12
B Accountancy	16	J Fire	6	R Social care	4
C Animals	3	K Fraud / theft	2	S Sport	2
D Anthropology / cultural / religion	1	L Health / safety / occupational	14	T Surveying / building	30
E Architectural	10	M Insurance	4	U Use of force	1
F Computing / technology	5	N Marine	10	Grand Total	237
G Engineering	36	O Other	58		
H Environmental	6	P Planning	1		

Question 24

From the list below, please select the option that best describes your area of specialism.

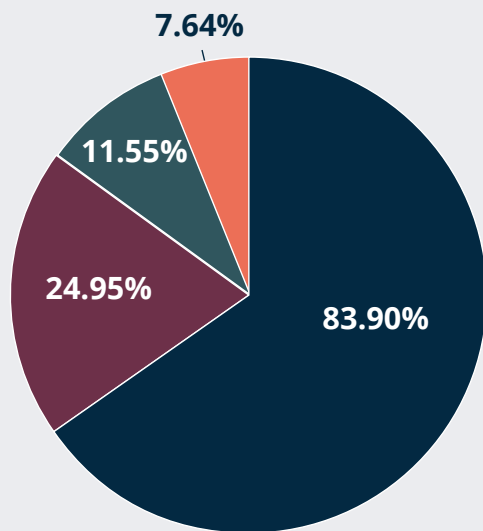


Specialism	Count	Specialism	Count	Specialism	Count
A Assistive technology	1	J GP	9	S Oral / dental	15
B Chiropody and podiatry	1	K Heart and lungs (cardiothoracic)	8	T Orthopaedics / trauma	37
C Cosmetic, dermatology, hair	3	L Immunology, diabetes, hormones	2	U Other	43
D Ear, nose, throat	6	M Neurology	11	V Paediatrics	14
E Emergency medicine and anaesthesia	21	N Nursing / midwifery	21	W Pathology and scanning	1
F Eyes	7	O Obstetrics, gynaecology and fertility	7	X Psychiatry	33
G Forensic medicine	9	P Occupational health	1	Y Psychology	47
H Gastrointestinal and urinary	1	Q Occupational therapy	19	Z Speech and language therapy	6
I General medicine / surgery	17	R Oncology and treatment	3	Grand Total	343

Question 25

What legal forum(s) do you operate in?
(Select all that apply)

Civil	450	Family	62
Criminal	134	Other	41
Grand Total			537



Question 26

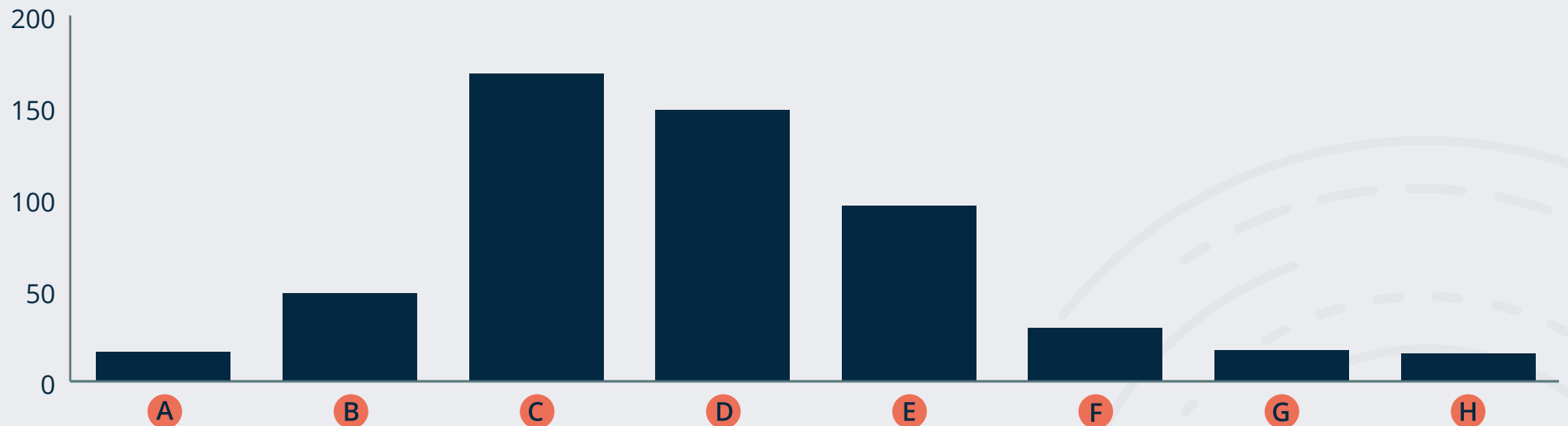
If you answered Other to the previous question, please specify

[See appendix 2.](#)

Question 27

What is your average hourly rate?

If you charge different fees for the type of expert witness work you are performing (e.g. report writing, court hearings, conferences with counsel, discussions with experts), please just give an estimate of your average hourly rate. [See appendix 3.](#)



Hourly Rate	Count	Hourly Rate	Count	Hourly Rate	Count
A £0-50	16	D £200-300	148	G £500+	17
B £50-100	48	E £300-400	96	H Fixed fee	15
C £100-200	168	F £400-500	29	Grand Total	537

Question 28

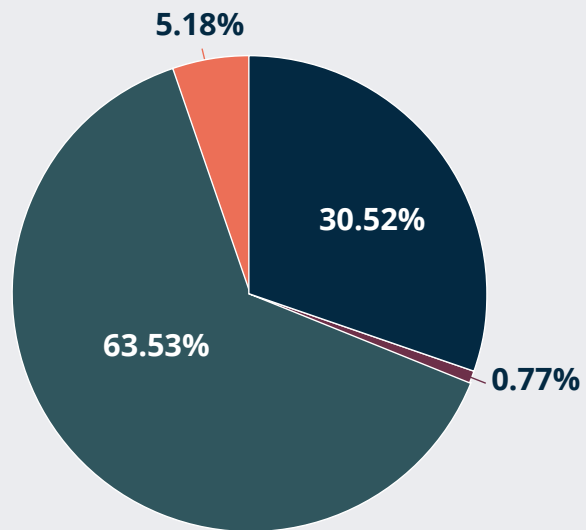
Please give an estimate of your hourly rate.

[See appendix 4.](#)

Question 29

How does this compare to your fees 12 months ago?

Higher	159	The same	331
Lower	4	Not applicable	27
Grand Total		537	



Question 30

Is there anything else you would like to add on this subject?

Fees invited numerous responses from experts who are disgruntled by the downward pressure on fees, low rates of legal aid pay, and solicitors not paying promptly.

One said: *“Something seriously needs to be done to break solicitors out of their institutional refusal to follow previously agreed terms of engagement and pay their experts on time. I’m absolutely sick of chasing them, if they’re not rude and arrogant, they’re completely uncommunicative, it simply isn’t good enough. We have a business to run and timely payment is critical to its cashflow and viability. If solicitors can’t get a grip of this then the LAA must, it’s pathetic.”*

The amount of time taken to pay was highlighted time and again as an issue which causes considerable stress, wasted time chasing payments and cash flow issues. A few respondents said they had started asking for deposits because the *“recovery of fees remains a problem”*, or in another’s words had become *“maddening”*.

One respondent suggested: *“There needs to be a better system of accountability when law firms fail to pay fees due to experts.”*

Another said: *“I always insist on being paid by the insurance company on a monthly basis. I won’t take on work where solicitors are paying my fees.”*

Reflecting on legal aid pay, one respondent queried the need for a difference in rates of pay in London, and outside of it.

Another said: *“Legal Aid hourly rate of £180 is low and has not been revised for 20 years. Defence experts can expect twice as much which is inequitable.”*

“It is becoming increasingly difficult to justify accepting legal aid funded cases,” said another, “due to the restriction of the fees and the amount of time it takes to receive payment”.



Appendices

Appendix 1

Question 17: In what areas of your expert witness work have you used artificial intelligence?

- Checking a statement I have made is clear and unambiguous – obviously without providing any identifying details of the case. Also, to get a summary of a particular condition that an individual has – one which is not related to my field or practice. I never use AI, e.g. chat GPT, without fact checking information.
 - Developing contextual information to use within reports, improving grammar and sentence structure, asking it to critique my work.
- I was asked a question about a child suffering because of a fatal injury, between injury and death. I used Gemini to produce a single page summary of the issues which was satisfactory and would have taken me some time to phrase. I disclosed this to the instructing party.
 - Improved readability of complex explanations.
 - To formulate improved sentences and wording to simplify a point I'm trying to get across.

Appendix 2

Question 26: If you answered Other to the previous question, please specify. What legal forum(s) do you operate in?

- Abdominal surgery
- Accommodation and property
- Adjudication and arbitration
- Admiralty
- Alternative medicine
- animal welfare
- Arbitration
- Arbitration: Tribunals (Discrimination/ job related)
- Archaeology
- Asylum
- Both civil and criminal
- Care
- Chronic pain
- Civil
- Civil Engineering disputes
- Commodities, Risk, Futures Trading and Shipping
- Construction
- Coroner
- Coroner Court
- Coroner's inquests, GMC tribunals
- Coroners, formal inquiries
- Coronial
- Court of Protection
- Criminal activities related to drugs of abuse and toxicology
- Dietetics
- Drug Crime
- Drugs expert witness
- Education tribunal
- Employment
- Forensic lip reader
- Geriatric medicine
- GMC
- GMC/MPTS, coroners court
- Health & Care Professions Council Fitness to Practice panels
- Horticulture
- Ideal with public health matters relating to water quality and corrosion aspects of water systems in buildings, as well as environmental impacts of water quality
- Inquest
- inquiry
- International arbitration
- International courts
- Liability cases
- Maritime arbitration & litigation
- Mediation/arbitration/ dispute resolution
- Negligence
- Neuropsychiatry
- Neuropsychology

- Neurosurgery
 - Neurosurgery, spinal surgery.
 - Occupational hygiene expert in occupational ill health and disease cases
 - Osteopathy and acupuncture
 - Pain medicine
 - Parole risk assessment
 - Paediatric surgery
 - Personal injury
 - Physical oil trading and logistics and derivative instruments
 - Physiotherapist
 - Plastic and reconstructive surgery
 - Police
 - Police driver training and standards
 - Pre-litigation mediation
 - Public local inquiries, planning hearings
 - Public sector
 - Military injury/negligence claims, for both claimant/ plaintiff and defendant.
- Neuropsychology
 - Quantum
 - Radiology
 - Regulatory hearings / fitness to practice
 - Social work
 - Spinal orthopaedics
 - Stroke medicine and geriatric medicine
 - Surgeon and hand surgeon
 - Tax (transfer pricing)
 - Linguistic analysis
 - Transport
 - Tribunal, inquest
 - Tribunals
 - Upper GI surgery and bariatric surgery
 - Urology
 - Very occasional Tribunal and Court of Protection cases
 - My field is clinical neuropsychology; it was not possible to enter this earlier in the options provided.
 - My speciality is neonatology.

Appendix 3

Question 28: Please give an estimate of your hourly rate.

- £150
- £220
- £170
- £450
- £72
- Depends on the complexity of the case. Around £50 - £100
- I am a police-employed expert
- I am a police officer, it is part of my role
- NHS so unknown
- Police so no separate fee
- Standard police hourly rate

Appendix 4

Question 30: Is there anything else you would like to add on this subject?

- A library containing references to cases in the field of practice would be beneficial.
- A mechanism for prompter payment of fees. Despite explicit T&C the IP often delays settlement.
- Advocate for an increase in legal aid rates.
- Agency fees should be capped.
- All my cases are legal aid funded. I can only afford work for £107.64 per hour because I have an NHS pension.
- Although I have not acted on any cases in the last 12 months, I feel there is more (unfair) pressure by solicitors to provide a report with their aims in mind.
- As I recognise that generally local authorities pay my fees, I try to keep my charges low as they are so financially constrained.
- Better guidance on rates would be helpful.
- Booking patient to appropriate clinic can be really challenging, most want a clinic close

to home address and unwilling to travel. I then need to travel sometimes even up to 5-7 hours return journeys, when the travel time would have been 30 mins or less for the patient.

- Cost of living has increased but fees haven't.
- Current guidance on fees for expert witnesses is helpful.
- Difficulty with some firms in getting payment, led to stopping taking instructions from them.
- Expert witness as a servant to the court, need to be present throughout the hearing, and therefore be required to give their evidence in person. Virtual attendance misses salient information that may be relevant, and require reevaluation of your expert opinion, that may be otherwise missed (or not available) online.
- Fee set by legal aid rate.
- Fee structure dictated mostly by reporting agency. It is not possible to negotiate a higher fee as they will simply not take you on.
- Fees for cancelled pre-booked hearings.
- Fees have gone down over the years but have not increased in line with inflation.
- Fees should increase with inflation especially for agency work.

- For criminal cases the Scottish Legal Aid Board has to sanction the quote.
- Generally, the expert witness/legal consultant is a registered nurse. I feel there is a plethora of non-nurse healthcare professionals, who have the same knowledge in specific fields are being overlooked, for example operating department practitioners and cardiac physiologist etc, who are also highly educated registered clinicians with a wealth of knowledge.
- High complexity cases have few people who can provide an opinion. Most senior consultants who also practice in the NHS undervalue their time so represent good value for their experience.
- Hourly fees are not critical to the total cost, as that is multiplied by the time. Overall costs are the critical issue.
- Hourly fees match the hourly fees for clinical activity.
- I always insist on being paid by the insurance company on a monthly basis. I won't take on work where solicitors are paying my fees.

- I am aware of the length of time it takes to formulate a full opinion and am aware that the instructing parties are continually attempting to reduce experts' fees.
- I am fed up with being provided with heavily redacted medical records. The solicitors should get full copies of all records before passing them on to me.
- I am often asked if I would be prepared to take on cases that involve reading 750-1200 pages. The solicitors do not seem to understand that it takes some hours to read many pages. Consequently, they pay less experienced experts, which often results in poor expert opinion.
- I am owed thousands in fees by a certain agency. They have some poor reviews from other disgruntled experts. Agencies that refuse to pay fees should be named and shamed.
- I base my fee on the result, by asking for £100 up front to cover letters and printing, which is taken off a 10% of the winning amount.
- I charge £200 per hour with most solicitors I get direct work from. I do some work via medico-legal agencies therefore my hourly rate works out much lower than this.
- I feel strongly that there should be a clear focus on the conduct of the lawyers. Medical experts are doing their best and should not be placed under pressure by the lawyers, who appear never to be criticised. The whole system of PI and medical CN should be reformed to have panels of three medics and one lawyer to review cases, apportion quantum, and identify learning. The adversarial system does not work well.
- I find a greater emphasis from solicitors to provide fixed fee quotes.
- I have been placed under pressure to change my findings in a case. The solicitor became abusive and was sending me abusive emails. Full of abuse. This was not however in the past year. I ended my involvement with them which led to more abuse. I did not know whether to report this or who to report it to.
- I have had an expert refuse to sign a statement saying that they had not be advised to exclude consideration of certain matters when we were drafting a joint statement.
- I have not increased my fees since I started over 10 years ago! As need to stay competitive to get the work.
- I have not taken any instructions for two years in preparation for retirement. More generally, I have been frustrated for many years by the very slow progress of most dento-legal cases. Long delays between the procedural stages mean that none of the parties can put the issue behind them and move on. Justice delayed.

- I have severe late payment penalties in my terms which I always enforce. Also, automatic increase in line with inflation each 1 January.
 - I regularly receive requests for short reports for a fixed fee of £600, which does not need to be court ready. I refuse to provide this.
 - I vary my level of fees considerably. 1) I do legal aid cases for much lower fees. 2) I do fast-track cases for lower fees. 3) Complex PI and MedNeg cases are charged at £500+. 4) I undertake CFA cases with a lower initial fee + a success fee at case end, at the request of some Solicitors. I always maintain my duty to the court and am not influenced by the CFA. 5) I do pro-bono work, typically brief scoping letters in MedNeg cases. (The standard of reporting does not vary with the level of fees charged!).
 - I would support the use of single joint experts. However, I would be wary of such experts being appointed by the courts. The risk of the “old boy network” taking over and locking out new opinions or younger talent is considerable.
 - I’m relatively new in this field and I am utilising larger companies to work through so as to gain experience, ensuring I don’t fall foul of any issues in my learning. The danger is where expert witnesses set-up to engage directly with legal teams straight away, and so are at risk of not fully understanding risks at an early stage, which then lead to issues further down the line.
- If an expert is criticised by a court but later cleared of any wrongdoing by their professional body, there should be a means for this to be made public so it will appear on AI searches, otherwise, only the original decision is available and invokes a breach of the expert’s human rights.
 - In forensic accountancy field, particularly legal aid, firms are chosen before required rendering process and then “fudged” to get chosen expert. Integrity of experts and lawyers in question.
 - Also a waste of time for other experts who provide detailed quotes.
 - In my experience medico-legal work takes a huge amount of time and this is not always reflected in fees or in what solicitors are prepared to pay. Essentially the work is undervalued.
 - Individuals wish to make money by complicating the present system. Courts are quite capable of maintaining/raising standards.
 - Invoicing court attendance time.
 - It is becoming increasingly difficult to justify accepting legal aid funded cases due to the restriction of the fees and the amount of time it takes to receive payment.
 - It would be helpful to know what is the average length of reports, or time spent on preparing reports.

- Just to emphasise the lack of knowledge some EW have and as such aren't EW. I feel the courts are right to criticise and impose sanctions if they find EW are not what they claim to be!
- Large volumes of documents sent to an expert and a solicitor's reluctance to pay for reading these.
- Legal aid funding may limit choice of expert as some experts do not take on legal aided cases.
- Legal aid has not increased rates for asylum for approximately 20 years.
- Legal Aid hourly rate of £108 is low and has not been revised for 20 years. Defence experts can expect twice as much which is inequitable.
- Legal aid limits the hourly rate. Private work is billed entirely differently.
- Legal aid rates are too low.
- Length of time it takes to get paid.
- Many solicitors are terrible communicators. Reports are never acknowledged, and months can go by before a complex letter appears out of the blue querying your report. Some are also terrible creditors and ignore deadlines on invoices. Half of what I have invoiced in the last 12 months remains outstanding, which inevitably leads to cashflow problems. I am quite prepared to write

a report that doesn't necessarily support the required position, but it's never popular. The tension of course arises because the solicitor is acting FOR the client while I am reporting TO the court. There also needs to be a review of the legal aid authorities; their pay scales are frankly insulting, and people end up quoting huge times to complete reports to get approval for work. Clients miss out on the expertise of those who quote honestly but outside their 'rates'.

- Mentoring might be a good idea. I have no fear of AI that might make some things easier. Delay in payment is definitely an issue, one usually gets paid but within 90 days, is usually quoted by solicitors! This can complicate things.
- MROs are constantly trying to push fees down - I have lost work with at least one large MRO this year, due to refusing to drop fees further.
- Much is set at legal aid rates.

- My standard contract increases my fee on 1 January each year based on the in line with the Consumer Price Inflation over the previous year as stated by the UK Office of National Statistics. This applies whatever the payment currency, usually US dollars in my case.
 - Of the areas not addressed in the survey, which have caused concerns for me, is the time period over which an expert may be warned for court which prevent other clinical (and recreational) activities. For example, I've been asked to allocate eight continuous days to cover the contingency that one of two judges allocated to the case may or may not be able to sit. I think there should be some reasonable expectation of a targeted area within a trial when the expert may be called.
 - Ongoing concern about confidentiality: solicitors need to provide effective and confidential portals for exchange of information.
 - Only one attempt to influence my report (prior to instruction) in 20 years - and that from a lay client. Sent on his way.
 - Previously a member/assessor of the Centre for Forensic Practitioners. This was a good forum/framework for mentors and peer review. Professional standards for experts through a single framework would improve credibility and support the Courts.
- Proper mentoring is very important - not just in report writing how to present evidence in court; how to avoid cross-examination faux pas; dealing with aggressive opposing counsel.
 - Rates can be irrelevant. A fixed fee may be required.
 - Really keen to understand the work that is done to improve standards BUT also to improve the process for appointing experts because often we are appointed "at the last minute" and need to rush things which MAY lead to mistakes. Lawyers should also consider appointing consulting experts more often because I believe a lot of time and cost could be saved where a consulting expert can provide guidance on the strengths and weaknesses of a case which may ultimately lead to there being no need to appoint an independent expert witness.
 - Recovery of fees remains a problem. I increasingly ask for deposits now.
 - Several occasions when payments are delayed significantly and have to be chased several times .
 - Significant increase in solicitors asking for a pro bono opinion on pre-action cases.
 - Social workers are one of the lowest paid experts capped by the CAF/CASS fee of £35 per hour. I've turned down instruction where the solicitor requires a risk or forensic

based expert social worker where the rate of 60 to 66 is usually more acceptable, however ISWs need to be remunerated alongside their counterpart in nursing, occupational therapy and physiotherapy.

- Solicitors challenging expenses that are reasonably incurred.
- Solicitors need to pay reliably and be on time.
- Solicitors now ask for estimates for case conferences, telephone advice for additional evidence.
- Solicitors should pay experts in a more timely manner and not wait until a case has been decided which can take at least a year and maybe longer. They should also not instruct experts if they are due for a Law Society review into their practice which has led to experts not being paid at all. Solicitors have also withheld parole board information and requests from experts putting the expert in a bad light because they wish to change their position in their client's case. An example of this is instructing an expert to carry out an assessment for autism spectrum and/ or ADHD and requesting a risk assessment as part of the overall assessment then not being honest to the expert about why their assessment report was not accepted by the parole board as an ASC/ ADHD assessment because they termed it a parole risk assessment because the expert complied with the given instructions. A separate report was requested by the

parole board which the solicitor did not tell the expert about and the expert was directly contacted by the parole board who gave them this information.

- Some agencies and solicitors are poor payers. There should be a reporting system for this.
- Solicitors should be penalised more (No, not 'more' - but should be given penalty, but don't consider present system broken). Overall feedback is that I have seen EWs who present in a manner to best represent their client (not court/inquiry). In such cases inquiry chairperson/cross barrister has not pulled them up on bias. This appears common in my experience of the year to date.
- Something seriously needs to be done to break solicitors out of their institutional refusal to follow previously agreed terms of engagement and pay their experts on time. I'm absolutely sick of chasing them, if they're not rude and arrogant they're completely uncommunicative, it simply isn't good enough. We have a business to run and timely payment is critical to its cashflow and viability. If solicitors can't get a grip of this then the LAA must, it's pathetic.
- The cost of living forced me to increase my fees.
- The delay in payments from solicitors and repeated requests for changes – maddening.

- The Legal Aid Agency pays different rates for experts based in London and outside London. Why?
- The time charged for covers the bare minimum. No charge for photocopying, emailing, photography etc.
- The work of psychologists is critical to the process, the fee and time allowed for such professional services need reviewing, they are not paid near enough. Furthermore, psychologists should be instructed much earlier in the process even before it gets to court.
- There are agencies that do not pay their experts. How can an expert recover their fees if the debt collectors are not prepared to take the case on due to the agency having multiple court judgements that the agency did not honour. Do the instructing solicitors have no say in this?
- There is a lot of variability depending on whether is private or through Legal Aid Agency.
- There needs to be a better system of accountability when law firms fail to pay fees due to experts.
- There should be formal qualification to become an expert witness.
- The whole system needs an overhaul before the increase in expert fees. Family expert psychologist to need supervision from those more experienced in the field and psychology instructions given by social workers and solicitors are social work instructions, and often very difficult to reply to.
- Unless carefully controlled, instructing solicitors will delay as long as possible paying for work done.
- We have a range of hourly rates - depending also on the type of report. Our hourly rates for report production start at £140.00 (nursing liability reports)- £235.00 plus VAT (senior associate quantum care reports).
- We have recently had need to notify our PI insurers because of a potential claim by solicitors for an unsuccessful defendant seeking to avoid payment of our fees for the litigation phase. Our fees were paid but the need to notify a claim left a sour taste and also increased our PI premium on renewal even although there was no merit to the claim, which was resolved soon after PI renewal.
- While I am able to command relatively higher fees, the fact that fees are high in my discipline (given the rather small number of people who have experience) is what has attracted experts that appear in their reports or in testimony as not sufficiently qualified to do so. What I have noticed in the cases that I have participated in in the last year is that the judge will call this out either in court or in their judgement which I think is appropriate. That said however I do wish there was some type of directory for counsel to easily locate those with the appropriate skill set.

There have been numerous occasions where I have had counsel express that they could have used me had they known I was available. While I am doing my best to market myself, it would be great to have some sort of aggregation of information for witnesses, their backgrounds and past judgements in cases they participated in to enable counsel and clients to locate the best expertise.

- Why do lawyers expect not to pay for a substantial amendment to a report if they have not provided all the necessary documentation up front.
- With the increased fee published just over 12 months, my workload/instructions have reduced.
- Yes, I find the questions regarding experts' qualifications and conflict of interest incredibly interesting. I come up against the same expert time and time again working in the same field as me who has absolutely no relevant qualifications, experience and has a serious conflict of interest (in my opinion) as she always attempts to hire and sell very expensive vehicles to claimants. I know of three cases where hire vehicle costs have exceeded £100,00.00.
- Agencies. I have a good working relationship with the few agencies I work with. I have increasingly been approached by agencies who try to impose significant control over your fees and methods of working in return for instructions. I feel this is entering the realm of conflict of interest and the

agencies starting to dictate what and who they instruct - bringing in the hired gun issue. It is much cleaner when the expert is able to work directly with the solicitor in an open and professional manner. As long as the expert understands their role and the solicitor respects it then things work well. Third parties muddy the water.

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