

Name of expert

Name of party - *[Draft]* Report

Month Year

No. -

IN THE *[title of
court]* COURT
BETWEEN

CLAIMANT

Claimant and

DEFENDANT

Defendant

[DRAFT] REPORT

regarding

XYZ

*Various discretionary information can be added to the title page, such as the
specialism of the expert, the subject matter of the report and the dates of the
enquiry, etc.*

PREPARED AT THE REQUEST OF: *Name of instructing solicitor*

CONTENTS

1. **INDEX/LIST OF CONTENTS** *[optional, but generally desirable]*
2. **BRIEF CURRICULUM VITAE**
3. **[SUMMARY OF CONCLUSIONS]** *[Either here or below according to choice]*
4. **INSTRUCTIONS**
5. **ISSUES**
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7. **CHRONOLOGY/CASE ABSTRACT**
8. **TECHNICAL BACKGROUND / EXAMINATION OF THE FACTS IN ISSUE**
9. **OPINION** *[followed by SUMMARY OF CONCLUSIONS if not above]*
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1. INDEX/LIST OF CONTENTS

Save in the shortest of reports the reader is greatly helped by an index at the start which lists the contents and gives page/paragraph numbers for each item.

2. BRIEF CURRICULUM VITAE

Giving name of expert and affiliation, qualifications, relevant experience which will indicate to the court your competence to act as an expert witness in relation to the specific issues to be address in the case. Identity of any other person who has assisted with the preparation of the report and whether the expert accepts responsibility. If considered necessary, a more detailed curriculum vitae can be attached as an appendix.

3. SUMMARY OF CONCLUSIONS

May be placed at the start or at the end of the opinion section [see below]. It should list in brief the main facts derived from the evidence dealt with in the report, and the conclusions/opinions arrived at, and the answers to specific questions posed by instructing solicitors.

4. **INSTRUCTIONS** *This section must give the substance of all instructions received by the expert, whether written or oral.*

5. ISSUES

The issues to be addressed and the questions to be answered must be clearly set out. These might have been defined by the instructing party or identified by the expert in his preliminary investigations. If in the opinion of the expert there is an issue or issues not addressed by the solicitors' instruction, the exclusion of which from the report could be misleading to the court, such matters should not be included without confirming with instructing solicitors that such issues should be addressed.

6. **DOCUMENTATION** *A full list must be provided of all documents and other submitted material on which the report is based.*

7. CHRONOLOGY

The chronology must deal only with factual items of the evidence. It must not contain any matter of opinion, whether of the expert or anyone else. To do otherwise is to reduce the value of the report and it may attract criticism by the court.

It may be appropriate to include a very brief outline of details of the antecedent history of the case that could bear on the matter under consideration. Fuller details should be included as appendices.

The way in which the chronology is drafted will vary with the type of case under consideration. The entries in the chronology should be laid out in short paragraphs with a line or two between paragraphs. Each paragraph should refer to a discrete event or topic in the chronology.

8. TECHNICAL BACKGROUND

In cases where technical aspects of the issues are outwith the general knowledge or experience of those who will have to deal with the report an explanation of the technical issues in this section may be necessary.. The details should be clearly presented in paragraphs of reasonable length. All technical terms and jargon should be clearly defined or explained, either within this Section or by cross-reference to an appendix. The details of any tests or experiments conducted should be set out, with relevant details of any person who conducted the test or experiment on behalf of the expert.

Regardless of whether a technical explanation is required, the expert should set out at this section the facts he has established in his enquiries, taking care to separate fact from opinion.

It is well for experts to remind themselves, particularly when reporting on behalf of Claimants who seem to the expert to be unlikely to be successful, that the expert's report may be the only independent explanation they will receive.

9. OPINION

In this section the expert should present his opinion clearly and unambiguously. The manner in which this is done will vary from specialism to specialism and from case to case. If appropriate the sequence of events in the chronological evidence can usefully be adopted. Suitable reference should be made to any appendices attached to the report.

The expert's opinion on the facts relied on in the evidence should be stated, cross-referenced to those facts as set out in the previous section.

The reasons given for opinions expressed by the expert should be explicit. If another or a range of opinions can be held, based on the same evidence, this should be stated and reasons given for the expert's own opinion. Suitable reference should be made to any literature or other matter on which the expert has relied.

SUMMARY OF CONCLUSIONS [HERE IF NOT ABOVE]

See item 3 above. The summary may usefully be placed here rather than at the beginning, according to individual preference.

10. REFERENCES

This should consist of a numbered list of all items of technical literature relied on and of any other material to which reference is made. If the references are extensive they may be listed as a separate appendix.

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Individual items of the Experts' Declaration may have to be varied or omitted, depending on the circumstances of the particular report. Although not required by the Practice Direction it could also be useful to confirm that the report has been prepared in accordance with the Protocol for the Instruction of experts to give evidence in civil claims.

1. I understand that my overriding duty is to assist the court in matters within my expertise, and that this duty overrides any obligation to those instructing me or their clients. I can confirm I have complied with that duty and will continue to do so, I am aware of the requirements set out in Part 35 of the Civil Procedure Rules and the accompanying Practice Direction, the Protocol for the Instructions of Experts to give Evidence in Civil Claims, and the Practice Direction for Pre-action conduct.
2. I have set out in my report what I understand from those instructing me to be the questions in respect of which my opinion as an expert is required.
3. I have done my best, in preparing this report, to be accurate and complete. I have mentioned all matters which I regard as relevant to the opinions I have expressed.
4. I consider that all of the matters on which I have expressed an opinion lie within my field of expertise.
5. I have drawn to the attention of the court all matters, of which I am aware, which might adversely affect my opinion.
6. In preparing and presenting this report I am not aware of any conflict of interest actual or potential save as expressly disclosed in this report.
7. In respect of matters referred to which are not within my personal knowledge, I have indicated the source of such information.
8. I have not included anything in this report which has been suggested to me by anyone, including the lawyers instructing me, without forming my own independent view of the matter.
9. Where, in my view, there is a range of reasonable opinion relevant to the opinions I express, I have indicated the extent of that range in the report.
10. At the time of signing the report I consider it to be complete and accurate. I will notify those instructing me if, for any reason, I subsequently consider that the report requires any alteration, correction or qualification.
11. I understand that this report will be the evidence that I will give, if required, under oath, subject to any correction or qualification I may make before swearing to its veracity.
12. I have attached to this report a statement setting out the substance of all facts and instructions given to me which are material to the opinions expressed in this report or upon which those opinions are based.

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.

Signature: _____ Date: _____

Guidance notes

1. The declaration should be considered carefully by the expert. Signing it is not a routine matter. If any part of it requires modification for an individual case, it should be modified accordingly. Thus in some cases, an expert's instructions may limit the scope of the report and paragraph 2 may require modification accordingly.
2. The declaration is appropriate only for civil cases. It may be adapted for use before tribunals
3. The declaration is not about ethics, but about responsibilities
4. The declaration is only appropriately associated with the final report for exchange
5. The declaration should be served as an appendix to the final report