

Professional Indemnity Forum

**Thomas McGrath Professional
Associates Ltd**

07770273857

tom@tommcgrath.co.uk

- Wikipedia “ an expert witness professional witness or judicial witness is a witness who by virtue of education, training, skill or experience is believed to have expertise and specialist knowledge in particular subject beyond that of the average person sufficient that others may officially and legally rely upon the witnesses opinion”.

- Lord Mansfield (CJ) “in matters of science the reasoning men of science can only be answered by men of science”
- Expert witnesses are a well established feature of litigation but they are unusual in that they are entitled to give evidence not of fact but of opinion based on knowledge and expertise.
- Expert witnesses have been around for a long time E.G John Smeaton an Engineer was asked to report on the cause of silting at Wells Harbour in Norwich.

- The procedures
- Each side engages a witness who in addition to the reports provide an agreed statement it is said that if there are 2 Experts each keeps the other honest and in the preparation of reports extreme comments are avoided.
- Agreed Joint Witness
- Hot Tubbing

Professional Witness is

- not hired gun



- wallflower



- Court Jester



- Guru



- Water Diviner



Can Stock Photo - csp189706

- Magician



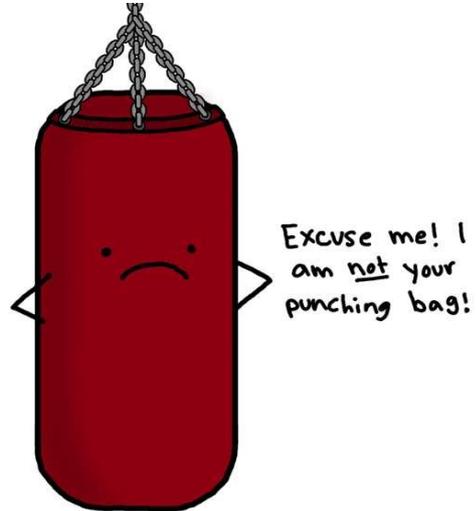
- Mind Reader



- Talisman



- **Punchball**



Natalie Dee.com

I do not do justice, nor truth.

I read files internal memos, transcripts of telephone calls, underwriting guides, proposal forms and policies.

Clients want experts to be warrior advocates

- In the Box
- Long statements from Barristers difficult to work out what question or questions are being asked.
- Documents thrown at the Expert.
- Flattery.
- Barristers versus Experts

- The Courts are adversarial.
- Barristers try to destroy the credibility of the witness.
- Insurance academics?
- Management Roles
- Brokers have no knowledge of insurance law, policy documents nor underwriting
- Reference to documents not within the disclosure
- Selective quoting from correspondence