



THE CIVIL ENGINEERING SURVEYOR AS EXPERT WITNESS

**A Presentation to the Chartered Institution of
Civil Engineering Surveyors**

By

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Welcome:

- ***Distinguished Guests***
- ***Members of C.Inst.CES***
- ***Members of I.C.E.***
- ***Ladies & Gentlemen***

The Topic for Discussion this evening is :

- **The Civil Engineering Surveyor as Expert Witness**
- And Time Permitting:-
- **Drawing on my Experience as an Expert Witness in Arbitration Court**
- **Drawing on my Experience as an Expert Witness in the Irish Courts of Justice**
- **Questions & Answers**

■ **Presentation Overview**

- Opinion Evidence - Expert Evidence, Expert Witness as distinct from Advocate
- Duties and Responsibilities of the Expert Civil Engineering Surveyor - Guidance
- The Briefing Stage
- The Investigation Stage
- The Reporting Stage
- Court's / Tribunal's Instructions and Meeting of the Experts
- Preparation for giving Evidence and the giving of Evidence
- Admissibility and Weight that a Tribunal gives to Opinion Evidence
- The Liability of the Expert Witness & Immunity from Suit
- Any Questions?

1. OPINION EVIDENCE

The general rule of evidence is that a witness can only testify as to facts and that he / she is not permitted to draw inferences from facts. This is because this is the judges or arbitrators function and in a criminal case, the jury's function.

In ***Attorney General (Ruddy) v. Kenny*** [1960] 94 ILTR 185 Kingsmill Moore J stated that:-

“It is for the tribunal of fact judge or jury as the case may be to draw inferences of fact, form opinions and come to conclusions.”

In this case the defendant was charged with driving a lorry with tractor attached while drunk. The prosecution proposed to ask a police officer *“in his opinion the defendant was drunk and incapable of driving the vehicle.”* The Defendant's Solicitor objected and the District Court judge stated a case to the High Court as to whether evidence by a member of the Garda Siochána was admissible of his opinion that the defendant driver by reason of being drunk was unfit to drive? Held: on appeal to the Supreme Court that the questioned asked should be answered 'Yes'.

As with many other general rules of law **there are exceptions.**

The exception to the rule is that experts are permitted to give opinion evidence and also in some cases a witness may give opinion evidence as to a fact as without this the facts may not make sense. However, this is a matter for the judge or arbitrator, as the case may be.

2. THE EXPERT

Some Irish Court definitions:-

In ***Attorney General (Ruddy) v. Kenny*** [1960] 94 ILTR 185 Kingsmill Moore J stated that:-

“the tribunal may be assisted by the evidence of persons qualified by experience, training and knowledge, to guide the tribunal to the correct conclusions. Such persons, generally described as experts, may express their opinions.”

In ***Galvin v. Murray*** [2000] IESC 78 Murphy J defined an expert as follows:-

“..an expert may be defined as a person whose qualifications or expertise give an added authority to opinions or statements given or made by him within his area of expertise.”

In ***Attorney General (Ruddy) v. Kenny***, Kingsmill Moore J also stated that:-

“The nature of the issue may be such that even if the tribunal of fact had been able to make the observations in person he or they would not have been possessed of the experience or specialist knowledge necessary to observe the significant facts, or to evaluate the matters observed and to draw the correct inferences of fact.”

Thus, the Court / Tribunal looks to those who possess special competence in the sciences or arts to supplement the Court’s knowledge.

For example in a personal injuries case or medical negligence case, a judge will in all probability need to be advised in the former in relation to extent of the injuries and how these have affected or continue to affect the plaintiff and in the latter, as to the procedures that constitute ‘General & Approved Practice’ (**GAP**) in the medical profession.

3. THE EXPERT

Thus, while there is no statutory definition of an 'Expert', the Expert is someone who is qualified to provide opinion evidence to the Court by reason of the persons:-

- **Experience**
- **Training**
- **Knowledge**

The Court or Tribunal will decide on whether or not the person who is to give evidence satisfies the Court / Tribunal that he / she is appropriately qualified and in a position to be of assistance to the Court.

4. THE EXPERT WITNESS

- Is not an Expert Advisor
- Is not an Advocate
- Is a person who with the leave of the Court (see: for example s. 34 (1) of the Criminal Justice Act, 2010) may give testimony as to his / her expert opinion.

5. Credentials

This will clearly depend on the expert that is giving testimony before the Court / Tribunal. For instance, a tradesman might be expected to have a City & Guilds Certification as to his / her base qualification supplemented with relevant specialist experience over a considerable period of time.

A professional Civil Engineering Surveyor will need to possess some if not all of the following:-

▪ Qualifications

Academic Qualifications such as:-

- Certificates
- Diplomas
- Degrees
- Masters
- Doctorates

Professional Qualifications such as:-

- Membership of Professional Institutions
- Fellowship of Professional Institutions
- Courses, Seminars, Conferences, CPD, Etc.

Other Qualifications such as:-

- Articles published in professional journals
- Papers published in proceedings of institutions / journals, etc.
- Books published

5. CREDENTIALS

- **Experience**

- Length of time training
- Length of time spent in General Practice
- Length of time spent in a particular Specialist Field of practice

While there are no definitive statements capable of covering all eventualities, a Civil Engineering Surveyor acting in the capacity of Expert Witness will be expected by a Court / Tribunal to possess the requisite academic and professional qualifications and it will be his / her particular professional experience that will usually be of most interest to the Court / Tribunal.

However, the expert's credentials will signal to the Court / Tribunal that the person appearing before it has distinguished himself / herself and is appropriately qualified in the theory and practice of Civil Engineering Surveying to express an opinion on a particular issue or issues in dispute. The burden of proof with regard to the expert's expertise rests with the Party providing the expert.

Therefore, it is important to remember that to be an Expert, one should be a specialist and currently working in the chosen area of specialism and have appropriate levels of qualifications and experience.

For this reason, being an expert witness is not a profession in itself but rather comprises a dual role of a practicing professional with an expertise or specialism that is of assistance to the Court / Tribunal.

6. QUALITIES REQUIRED.

▪ **Know your limits**

- Never stray outside your area of competence, this will be fatal.
- If you don't know the answer to a question, say so.

▪ **Be Thorough, Pay Great Attention to Detail & Be Honest**

- Know the facts, adopt appropriate methodologies, have sound reasoning, be balanced, be consistent, be fair. Give your honestly held opinion.
- Be fully prepared and know your report 'inside out'.

▪ **Composure**

- Take your time, remain calm and be confident but not overly so.
- Be able to withstand tough cross-examination.
- Remain objective and impartial at all times. Never defend the indefensible.

▪ **Ability to Listen**

- Listen very carefully to the questions being asked of you. Do not be afraid to request that the question be repeated to you if you did not hear it or understand it properly.

▪ **Expert Communicator (Written & Oral)**

- Clarity of expression.
- Even Tone.
- Never argue with opposing counsel during cross-examination you will never convince him. State your reasons for disagreeing and leave it at that.

7. DUTIES OF AN EXPERT WITNESS

It should be pointed out that the expert witness owes his / her duty to the Court / Tribunal and this duty overrides any duty to the Client under a contractual arrangement. In fact, the duty owed to the Client by an expert witness is relegated to a low 4th in the order of precedence.

The order in which an Expert's Duty is owed can be illustrated as follows:-

- **To the Court / Chosen Tribunal**
- **To one's Profession and Professional Institution**
- **To one's self as a practising professional**
- **To the Client**

A person acting in the role of expert witness is required to inform his / her Client that his / her primary and overriding duty is to the Court / Tribunal. The duty to the Client is to carry out ones duties in a professional and competent manner in accordance with the 'duty of care' to be reasonably expected of one acting in the capacity of Expert Witness.

As noted above, the Court / Tribunal does not possess the technical / professional experience in order to make a judgment. Expert Witnesses are produced in order to assist the Court / Tribunal and thus, this places a duty upon such persons.

The expert must be independent of the Client (despite the fact that the Client pays the expert) unfortunately some experts have failed to act in an impartial and objective manner and have simply represented their client's interests. This is not what is required and can damage the reputation of the profession and may irreparably damage the reputation of the person giving testimony.

7. DUTIES OF AN EXPERT WITNESS

In the case of *National Justice Compania Naviera SA v. Preudential Assurance Co. Ltd.* (The 'Ikarian Reefer' case) [1993] 2 Llyods Report 68. Cresswell J laid down the duties and responsibilities of an expert as follows:-

1. Expert evidence presented to the Court should be, and should be seen to be, the independent product of the expert uninfluenced as to form or content by the exigencies of litigation.
2. An expert witness should provide independent assistance to the Court by way of objective unbiased opinion in relation to matters within his expertise.
3. An expert witness should state the facts or assumptions upon which his opinion is based. He should not omit to consider material facts which could detract from his concluded opinion.
4. An expert witness should make it clear when a particular question or issue falls outside his expertise.
5. If an expert's opinion is not properly researched because he considers that insufficient data is available, then this must be stated with an indication that the opinion is no more than a provisional one.
6. If the expert cannot assert that the report contains the truth, the whole truth and nothing but the truth without some qualification, that qualification should be stated in the report.

7. DUTIES OF AN EXPERT WITNESS

7. If after exchange of reports, an expert witness changes his view on a material matter having read the other side's expert's report, or for any other reason, such change of view should be communicated (through legal representatives) to the other side without delay and (where appropriate) to the Court.
8. Where expert evidence refers to photographs, plans, calculations, analyses, measurements, survey reports, or other similar documents, they must be provided to the opposite party at the same time as the exchange of reports.

While this judgment is that of an English Court and thus, is not binding on the Irish Courts, it is highly persuasive and likely to be approved by the Irish Courts. At present, while there is guidance from Professional Bodies as to the duties owed by Expert Witnesses there is a dearth of judicial or legislative guidance as to the exact nature and extent of such duties.

The Criminal Procedure Act 2010 s. 34 s.s. (1) – (9) lays down rules relating to the adducing of expert evidence by a defendant (with a reciprocal entitlement for the prosecution) including notice provisions and timings in relation to exchange of reports.

However, despite this mention, there is no guidance statutory or judicial, as to the duties and responsibilities of those acting in the capacity of expert witnesses.

7. DUTIES OF AN EXPERT WITNESS

In a surveying context the following documents serve as useful guidance to those contemplating acting as an expert witness:-

- **“Surveyors acting as expert witnesses – A guide to best practice”** 3rd Edition, published by RICS, October 2008 and effective 1st January, 2009.
- **“Surveyors acting as arbitrators and as independent experts in construction related disputes – A guidance note”** published by RICS, 2000.
- **“A Guide to Best Practice for Expert Witnesses”** published by SCSi, 2009, effective 1st October, 2009.
- **“Expert Evidence”** The Law Reform Commission – Consultation Paper, 2008.
- **“Hearsay in Civil & Criminal Cases”** The Law Reform Commission – Consultation Paper, 2010.

In the U.K. the **Civil Procedure Rules (CPR Part 35 - Experts & Assessors – Rules 1 - 15)** read in conjunction with **Practice Direction 35** governs the duties of an expert witness to the Court / Tribunal. See: <http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part35>

Some of the above documents can be found on my web site at: www.occ.ie

8. THE BRIEFING STAGE

Section 3.1 of the SCSI Guide (Acting as an Expert Witness & Instructions) provides that:-

You must only act as expert witness and give expert evidence where you have:-

- (a) the ability to act impartially in the assignment
- (b) the experience, knowledge and expertise appropriate for the assignment; and
- (c) the resources to complete the assignment within the timescales and to the required standard

The briefing stage is critical and it is vitally important that the brief given to you is clear and that you can address the requirements of the brief as matters that fall within your particular expertise.

It is recommended that the appointment be made by the Client's solicitor and that a letter is issued from the solicitor setting out precisely the scope of your instructions and what matters you are required to investigate and issue an opinion on.

The terms of appointment or engagement can be agreed directly with the Client as it will be the Client who is responsible for making payment directly to you.

It is recommended that such terms and conditions be sufficiently detailed so as to identify **all** material issues.

8. THE BRIEFING STAGE

All technical and other documentation should be provided by the Client so that the expert may report to a high standard. Without the appropriate documentation the expert will be unable to properly perform his / her function of advising the Court / Tribunal. The pleadings and affidavits should also be made available to the expert for reference purposes.

One of the most important issues for consideration at the briefing stage is:-

- **Any actual conflict of interest (Subjective bias)**
- **Any perceived conflict of interest (Objective bias)**

This may arise out of a previous or current engagement with any party and may be such as to affect your impartiality or may render you partial in the 'eyes of an independent observer'.

In such matters it is wise to err on the side of caution and not to accept any commissions from parties whereby your evidence may be totally compromised or alternatively given very little weight. Not only will this result in damage for your Client but it is highly likely that your reputation will be adversely affected from accepting instructions in circumstances where you know of or ought to know of a conflict of interest.

In relation to fee arrangements it is also most unwise to accept conditional fee arrangements as such arrangements will in all probability be viewed by the Court / Tribunal as giving rise to partiality or bias. As with conflicts of interest, conditional fee arrangements could compromise your opinion so as to render little or no weight attaching to same.

It is strongly recommended that one avoids such arrangements altogether.

9. THE INVESTIGATION STAGE

The investigation stage is a stage whereby the issues in dispute are clarified and the expert develops his / her own plan for tackling the assignment. This will involve a fact finding mission in that the expert will be seeking to establish certain facts from the materials at his / her disposal so that he / she can perform a variety of functions such as surveys, analyses, calculations, tests, photographs, etc. the outcome of which will affect his / her opinion. In this regard, it is essential that appropriate methodologies are adopted.

In the context of the Civil Engineering Surveyor, and depending on the timing of the appointment, this may involve site visits to carry out topographical surveys, boundary surveys, laser scanning surveys or inter alia witnessing unforeseen ground conditions and working methodologies. The need for geotechnical or scientific testing is also a matter that the expert may be required to initiate. Inspections are carried out to the extent that they are required to produce an expert opinion.

However, in general terms the expert is usually brought into the proceedings *post-factum* and his / her role will be focussed at this stage on ensuring that he / she has all relevant material and that this material is scheduled out and properly indexed so that there are no gaps in the documentation. Document transmittal sheets recording the documents handed-over to the expert are considered good practice but the documents actually received need to be cross-referenced against this inventory.

Organisation is key as there will in all probability be a vast quantity of material to be examined and the relevance of such documentation will need to be determined.

9. THE INVESTIGATION STAGE

Evidence

“The testimony of witnesses and the production of documents and things which may be used for the purposes of proof in legal proceedings. The law of evidence comprises the rules which govern the presentation of facts and proof in proceedings before a Court.”

Henry Murdoch “Murdoch’s Dictionary of Irish Law” 4th Edition published Lexis Nexis, 2004

Thus, the ‘Rules of Evidence’ will govern the admissibility of evidence in a Court of law and in criminal proceedings in particular these rules are strictly applied.

The Rule Against Hearsay

This rule of evidence comprises two strands, namely:-

- **The rule against self-corroboration.**
- **The rule against attempting proof of facts by a witness which has not been perceived by the witness via his own senses but rather through assertions by him as to that allegedly spoken by some person prior to the trial who is not present so that he may be cross-examined.**

9. THE INVESTIGATION STAGE

In ***Subramaniam v. Public Prosecutor*** [1956] 1 WLR 965, Silva MR stated that:-

“It is hearsay and inadmissible when the object of the evidence is to establish the truth of what is contained in the statement. It is not hearsay and is admissible when it is proposed to establish by the evidence, not the truth of the statement, but the fact that it was made.”

In ***Cullen v. Clarke*** [1963] IR 368, Kingsmill Moore J stated that:-

“There is no general rule of evidence to the effect that a witness may not testify as to the words spoken by a person who is not produced by a witness. There is a general rule, subject to many exceptions, that evidence of the speaking of such words is inadmissible to prove the truth of the facts which they assert; the reason being that the truth of the words cannot be tested by cross-examination and has not the sanctity of an oath. This rule is the rule against hearsay.”

Types of Evidence

- Oral
- Real
- Documentary

9. THE INVESTIGATION STAGE

The Civil Engineering Surveyor will primarily be concerned with oral and documentary evidence.

Obviously when testifying to the Tribunal he / she will be giving oral evidence.

Documentary evidence is very broadly defined and will require proof of its existence by its author or a witness or by expert opinion identifying the handwriting.

Section 2 of the Criminal Justice Act 2011 defines a document as:-

“includes information recorded in any form and any thing on or in which information is recorded and from which information can be extracted.”

Best Evidence Rule

As noted above, this rule required a party seeking to rely on the contents of a document to submit primary evidence of that document. This rule means that the original must be produced if it exists. However, if the original has been lost or destroyed, the law will permit (subject to the satisfaction of the Court) a copy to be provided as the best surviving evidence available.

Documentary evidence constitutes inadmissible hearsay if its admissibility is not provided for by statute or common law.

Section 22 of the Electronic Commerce Act 2000 provides that evidence in electronic form is not inadmissible on the basis that it is ‘electronic’. Where electronic evidence is secondary evidence, it will be admissible where it is the ‘best evidence’

9. THE INVESTIGATION STAGE

The '**Statute of Liberty**' case [1968] 1 WLR 739 concerned the recording of radar echoes on film has created an exception to the hearsay rule in court proceedings and this concerns documents that are produced in the ordinary course of work. i.e. that "where documents or information have been generated mechanically without human input, in the ordinary course of business " such documents will be admissible. The Oireachtas recognising the Common Law Rule regarding documentary evidence as an exception to the hearsay rule, introduced the **Criminal Evidence Act, 1992**. Section 2 of the act caters for this exception.

Documentary evidence such as mobile phone records etc. have proved to be very probative evidence which when corroborated by other evidence resulted in convictions in cases such as **DPP v Meehan** [2006] IECCA 104 (Veronica Guerin murder case).

Civil Cases

However, it is important to note that In civil trials, the strict rules of evidence may be relaxed by the agreement of the Parties so that the provenance of each individual e-mail, letter, drawing, photograph, x-ray, medical report, etc. does not have to be proven by reference to the ordinary rules. The reason for this is simply the impracticality and cost implication of same in the calling of witnesses to testify as to the provenance of each individual document, that it is a true and accurate record of what they produced or witnessed, as the case may be.

Note: the LRC in its consultation paper on 'Hearsay' has provisionally recommended that in civil proceedings evidence should not be excluded on the grounds that it is hearsay.

10. THE REPORTING STAGE

The Civil Engineering Surveyor will approach his / her investigation by identifying:-

- **All the issues in Dispute (on which opinion is required)**
- **Determine the Facts (by reference to all the available Evidence)**
- **Express an Opinion (that is well reasoned and substantiated by reference to the Facts).**

In order to express an opinion, the expert will be required to conduct analyses of all relevant information in his / her possession and carry out any necessary tests or calculations in order to arrive at a finding or series of findings and to express this as a cogent and logical opinion.

Report writing is a skill in itself and an expert witness will be expected to achieve a high standard of report writing guiding the reader through the issues in a fluid manner and establishing facts by reference to relevant and probative evidence.

In Ireland there is no set form of report writing required by Courts / Tribunals and this is essential a matter for the individual expert to decide. Other jurisdictions such as the UK have recommended formats and have the advantage of consistency.

Experts will have their own individual style but certain basics must be adhered to.

10. THE REPORTING STAGE

As an independent expert witness you will be writing your report for a Court or Tribunal and it is important that you comply with any orders / directions of the Tribunal. If there is any uncertainty in this regard, it is essential that this is clarified at the earliest opportunity by your appointing solicitor or through clarification from the Tribunal directly to your clients legal representatives.

The Basics

The main requirements of an expert report are that the report outline the qualifications of the expert, the substance of the evidence to be given by the expert, all opinions and the reasons for the opinion, a statement of veracity relating to the contents of the report, and an agreement to comply with the overriding duty owed to the court. (LRC)

The Law Reform Commission in its Consultation Paper on Expert Evidence recommends that there should be a set form and structure for expert reports. Paragraph 5.202 advises as follows:-

- The report must be addressed to the court and not to the party or parties from whom instructions have been received.
- The expert's qualifications and experience should be outlined in detail and relevant certificates of proof attached.
- The terms and conditions of the appointment of the expert witness including the payment arrangements should be explained.
- All material instructions, oral and written, which were given to the expert, and on the and on the basis of which the report was written must be outlined.

10. THE REPORTING STAGE

- If a potential conflict of interest arises, the facts relating to this should be stated.
- All relevant information relating to the issue, including that which is capable of detracting from the expert's opinion, should be outlined.
- All materials used by the expert in coming to the opinion, clearly distinguishing between matters of fact and matters of opinion.
- Where tests or experiments have been conducted in the course of creating the report all related information must be included such as methodologies, results and details about the individuals and qualifications of those involved in the carrying out of these tests.
- The expert should indicate if the opinion is provisional or conditional on certain factors, or if they believe they cannot give a formal opinion on the issue without further information, or where they believe they cannot make an opinion without qualification.
- A signed declaration that the contents of the report are true and that the expert understands the overriding duty owed to the court and that the report has been created in compliance with this.
- If, subsequent to the completion of a report, an expert changes his or opinion on any material issue in the report, the expert witness must state this in a supplementary report.

10. THE REPORTING STAGE

The expert's report should contain all of the relevant material that the Court / Tribunal will require in determining the issues which are the subject of your report. It goes without saying that your report should be professional in all respects including presentation, after all it's your report and it represents you and your opinion.

It also must be borne in mind that your expert report constitutes hearsay until such time as you are examined by counsel and cross-examined by opposing counsel in relation to same.

Furthermore, in relation to the preparation of reports in civil cases, Civil Engineering Surveyors should be aware that in this jurisdiction that an expert may be required to disclose all reports to his / her counterpart and to the Court, even preliminary reports. This is in contra-distinction to our neighbouring jurisdiction where only the expert's final report is required in evidence.

In ***Payne v. Shovlin & Ors*** [2006] IESC 5 the Irish Supreme Court upheld the view of the High Court that Rule 47 of the Superior Courts required disclosure of all reports prepared by an expert witness who was intended to be called to give evidence.

11.THE COURT'S / TRIBUNAL'S INSTRUCTIONS.

It has already been mentioned in previous slides that the Experts are obliged to comply with any instructions issued by the Court / Tribunal. If an expert witness has a difficulty complying with any such instruction, the matter must be brought to the Court / Tribunal's attention at the earliest opportunity with an explanation for such non-compliance.

Exchange of Reports

The disclosure requirement in civil cases dictates that Expert Reports are exchanged in good time prior to Hearing either by agreement of the Parties or by order / direction of the Court / Tribunal. In criminal cases under the **Criminal Procedure Act 2010** Expert Reports must be exchanged no later than 10 days prior to the date of the trial.

Meeting of the Experts

In civil cases where one Party has requested leave of the Court / Tribunal to submit Expert Evidence, it is usual for the opposing Party to also provide its own Expert. In such cases, a Court or Tribunal will usually mandate a meeting of the Experts in order to discover if the issues in dispute may be resolved by agreement or alternatively if some of the issues in dispute can be resolved and thereby narrowing the dispute for the Court's determination.

These meetings are normally held on a '**without prejudice**' basis. Make sure you check !

If partial agreement has been reached the experts must submit a joint statement to the Court / Tribunal advising the Court / Tribunal on the issues resolved and why no agreement was possible with respect to the remaining issues. If no agreement is possible then the statement from the experts will record this fact.

12. PREPARATION FOR THE GIVING OF EVIDENCE & GIVING EVIDENCE

Advance planning or preparation for most activities is vital and acting as an expert witness is no different. Preparation starts on day one (1) with the instructions from your Client's Solicitor and it continues right up to the final day of giving evidence.

While you will have no control over the questions that you are asked when you enter the witness box ("take the stand") there are many things that you can control prior to that which will aid you in your giving of evidence. If one adopts a systematic method of preparation, one is likely to be well prepared and less anxious.

If I could proffer three words of advice, they would be:-

1. **Know Your Report !**
2. **Know Your Report !**
3. **Know Your Report !**

Knowing your report intimately will be re-assuring when the pressure is on in a Court Room or Arbitration Hearing.

However, in making your report, you will have based your findings on evidence that is probative of the facts at issue, that is to say, convincing and tending to prove the facts at issue. If your investigation has been flawed or has relied on evidence that is weak then no amount of preparation will alter these facts.

Being self-critical or honestly challenging your own findings prior to finalising your report is usually a good test of whether or not you are comfortable with your opinion.

12. PREPARATION FOR THE GIVING OF EVIDENCE & GIVING EVIDENCE

The qualities required for a good expert witness were outlined at the outset of this presentation. The vast majority of these are self-evident, however it is important to remember that you are giving evidence to the Court / Tribunal and you are there to assist the Judge or Arbitrator. As with your expert report there are a number of basic considerations to bear in mind such as:-

Deportment & Demeanour

- Appearance - Attire and personal grooming
- Manner - one of tone of voice and courteous behaviour to all

How you appear and come across to a Judge or Arbitrator is important, as the way you present yourself affects the way in which people judge you. While you are in Court or Arbitration to give expert testimony, how you appear and deliver your opinion is as important as what you have to say.

The following are important considerations:-

- Visualise how you wish the Court to perceive you and keep this in mind
- Always remain calm, (a good argument doesn't need a big stick)
- Think before you speak and always look at / address the Judge or Arbitrator
- Treat all questions as opportunities to express yourself & your knowledge
- Concentrate on your key points and return to these
- Don't argue with opposing counsel (you will never convince him / her)
- Seek assistance from the Judge / Arbitrator if necessary
- Never attempt to try and defend the indefensible
- Remain objective, never take criticism personally

12. PREPARATION FOR THE GIVING OF EVIDENCE & GIVING EVIDENCE

Be prepared !

Opposing counsel will endeavour to undermine your evidence and unsettle you during cross-examination in an attempt to advance their own Client's case. While cross-examination techniques vary from person to person, opposing counsel will also try to elicit facts and opinions from your testimony that is helpful to his / her Client.

It is usual for counsel to adopt some or all of the following:-

- Attacking your credentials and seeking to limit your expertise. Your qualifications and experience will be examined to see if you have appropriate expertise. If you have not been active in professional practice then this will be exposed.
- Requesting you to define profession specific technical terms in lay man's language and testing your knowledge. How well do you actually know your subject?
- Challenging your approach or methodologies.
- Placing doubt in your mind & testing your resolve and ability to stand over your findings by speculating / hypothesising and seeking to prove to the Court / Tribunal that there are reasonable and viable alternatives to your opinion.
- Requesting you to concur with his expert's opinion in part and then advancing on this concession, if made.
- Seeking to undermine and break the chain of custody. i.e. alleging potential contamination of evidence through a variety of incorrect recording, sealing, storage and retrieval of evidence.

The above list is not exhaustive but rather indicative.

12. PREPARATION FOR THE GIVING OF EVIDENCE & GIVING EVIDENCE

Be prepared !

Upon entering the witness box you will be subject to:-

➤ **Examination in Chief**

This will be carried out by Senior Counsel / Junior Counsel and will consist of a range of questions concerning your qualifications, experience, your approach and methodologies and will question you on your report and your findings.

It is not permissible for your Client's lawyers to coach you prior to giving evidence nor is it permissible for counsel to ask leading questions during examination.

A good expert witness will be very familiar with his / her report and will be able to answer all such questions comprehensively and in a clear and calm manner.

➤ **Cross-Examination**

This is the opportunity that opposing counsel gets to test your evidence usually by way of a searching and robust questioning style. As noted in previous slides the opposing counsel will endeavour to undermine your findings and opinion and may hypothesise as to alternative possibilities and seek to cast doubt in your mind or in a manner of speaking 'trip you up'. Cross-examination is a very useful tool available to counsel to get to the truth and when skilfully employed can determine the credibility or otherwise of a particular expert.

➤ **Re-examination**

This occurs when your Client's counsel seeks to clarify matters with you arising out of the cross-examination process.

13. ADMISSIBILITY & THE WEIGHT THAT ATTACHES TO YOUR EVIDENCE

The admissibility of evidence concerns whether a Court / Tribunal in adopting the ordinary exclusionary rules of evidence will be determined in a criminal case in a *'voire dire'* to either exclude or admit a particular piece of evidence.

Irrelevant evidence is never admissible and thus, the issue before the Court / Tribunal will be to decide whether or not the probative value of the challenged piece of evidence outweighs the prejudicial value to the defendant.

The Superior Courts in Ireland are the guardian of the Irish Constitution and have a duty to safeguard and uphold rights deriving therefrom.

Article 38.1 states that:-

*“No person shall be tried on any criminal charge save in **due course of law.**”*

The words 'due course of law' gives rise to the term constitutional justice / natural justice which requires the adoption of **'fair procedures'** in any such trial as captured by the legal maxims:- *'Nemo Iudex in Sua Causa'* and *'Audi Altarem Partem'*.

Article 40.3.1 states that:-

“The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.”

Article 40.3.2 states that:-

“The State shall in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen”

13. ADMISSIBILITY & THE WEIGHT THAT ATTACHES TO YOUR EVIDENCE

These are powerful words and thus, the right to fair procedures is enshrined in Irish Constitutional Law, which is superior to all other forms of domestic positive law.

What does all this mean?

The Court will be guided by fair procedures when deciding to weigh up the admissibility of evidence that may breach or in fact breaches the ordinary exclusionary rules of evidence.

The evidential test for the admissibility of evidence is as follows:-

1. **Is it relevant?**
2. **Is it reliable?**
3. **Does its probative value outweigh its prejudicial value to the issue(s) to be decided?**

If the answer to all three questions is not in the affirmative then the evidence will be deemed inadmissible and will not be presented to the jury.

In civil cases (these are the cases in which the Civil Engineering Surveyor is most likely to be involved in as an expert) the Judge or Arbitrator will usually take a less strict approach to admissibility but may attach little weight to evidence that has been adduced in breach of one Party's rights.

Burden of Proof

Subject to limited Statutory and Common Law exceptions the burden of proof always rests with the Prosecution / Claimant. The legal maxim '*He who asserts must prove*' will be familiar to most.

13. ADMISSABILITY & THE WEIGHT THAT ATTACHES TO YOUR EVIDENCE

Standard of Proof

The standard of proof that an Expert Witness should aspire to is the highest standard that is reasonably achievable with the materials, resources and time available to him / her.

As you will all no doubt be aware, the standard required at law in criminal trials is ‘beyond all reasonable doubt’ and in civil proceedings the standard is ‘on the balance of probabilities’.

One of the most memorable legal definitions was supplied by Lord Denning in the case of **Miller v. Minister of Pensions** [1947] 1 All ER 372 wherein he stated:

“Proof beyond a reasonable doubt does not mean beyond the shadow of a doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as to leave only a remote possibility in his favour, which can be dismissed with the sentence ‘of course it is possible but not in the least probable’ the case is proved beyond a reasonable doubt, but nothing short of that will suffice.”

The balance of probabilities means by a minimum chance of 51% and is the point where the weighing scales have tipped, albeit marginally in your favour, i.e. you have proved the facts asserted or your case but in practice it is much higher than this.

According to Lord Simon in **DPP v. Kilbourne** [1973] AC 729 (HL), evidence is that “..which makes the matter which requires proof more or less probable.”

Outcomes are thus, dependant on the Expert’s reasoning and the quality and probative force of evidence presented and the quality of the decision maker(s). The latter being outside the control of the Expert Witness.

13. ADMISSABILITY & THE WEIGHT THAT ATTACHES TO YOUR EVIDENCE

Reliance on the Work of Others within One's field of Expertise

The LRC in its consultation paper on 'Expert Evidence' states at page 54 that:-

“Nowadays, in reaching a conclusion, the expert is permitted to rely on prior studies, statistics and research, academic literature and works of reference in their field of expertise. This has been termed non-specific hearsay.”

and supported this viewpoint by reference to **R v. Abadom** [1983] 1 WLR 126 at 131 wherein Kerr LJ stated:-

“it is no more than a statement of the obvious that, in reaching their conclusion, [experts] must be entitled to draw on material produced by others in the field in which their expertise lie...once the primary facts on which their opinion is based have been proved by admissible evidence, they are entitled to draw on the work of others as part of the process of arriving at their conclusions.”

This principle was accepted in Ireland and in the **People (DPP) v Boyce** [2005] IECCA 143 the Court stated that:-

“Any primary fact relied upon by the expert must be proved by admissible evidence but there are other secondary matters such as established scientific norms, practices, standards and reference points within the field of expertise....which he or she may rely upon or the like....In a long established exception to the hearsay rule, an expert can ground or fortify his or her opinion by referring to works of authority, learned articles, recognised reference norms and other similar material as comprising part of the general body of knowledge falling within the field of expertise of the expert in question.

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Disclosure

Natural justice also requires that any evidence which the expert wishes to rely on is disclosed in advance to his counter-part's solicitor so that opposing counsel have an opportunity to cross-examine you on that evidence. While the rules of privilege apply, significant exceptions to these rules apply in the context of expert reports in order to avoid 'ambush' tactics by one party in a civil action.

In civil trials disclosure of all other relevant documents within a party's possession may have to be disclosed in full to the other side so that the opposing party understands the case that is being made against it and the documentary evidence that it intends to rely on before the Court / Tribunal. This process applies to those documents that are relevant and necessary to the proceedings and can be very time consuming and costly. In a Commercial Court case that I was involved in as an Expert Witness there were in excess of 60,000 documents disclosed under the process which was voluntary disclosure rather than Court ordered.

Anything new that is unearthed in this process must be brought to the expert's notice so that he can take cognisance of same before giving evidence. In fact, new evidence brought to the expert's attention may result in the issuing of supplemental reports.

Reliability

In Ireland there is no rule of law governing admissibility on the basis of reliability / credibility. However, vigorous cross-examination will aid in determining the reliability of expert evidence. In other jurisdictions such as the USA the Court has moved from a general test of technique or science within the scientific community ('**Frye test**') to a more reliable test known as the

'*Daubert test*' from the case of ***Daubert v. Merrell Dow Pharmaceuticals*** 509
579.

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The **Daubert** test seeks to ensure that the evidence is based on a reliable foundation and that is relevant to the issue in point. This involves a consideration of :-

1. Whether the theory or technique can be (and has been) tested;
2. Whether it has been subjected to peer review and publication;
3. Its known or potential error rate;
4. The existence and maintenance of standards controlling its operation;

and

5. whether it has attracted widespread acceptance within a relevant scientific community

In 1999 the US Supreme Court in **Kumho Tire Co. Ltd. et al v. Carmichael** (1999) 119 SC 1167 held that the **Daubert** reliability test applied not only to scientific experts but to **all** experts.

In Ireland, it appears that the general approach of the Court in relation to reliability of expert evidence is a matter to be addressed at the weight rather than the admissibility stage of trial.

In **AG (Ruddy) v Kenny supra** Davitt P outlined some of the factors to be taken into account when determining the weight of opinion evidence:-

“It will depend upon the nature of the evidence, the impartiality of the witness and his freedom from bias, the facts on which he bases his opinion, and all the other relevant circumstances.”

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In the English case ***Davie v. Edinburgh Magistrates*** [1953] SLT 54 Cooper LP stated that:-
“...the authority, experience and qualifications of the expert and above all upon the extent upon which his evidence carries conviction and not upon the possibility of producing a second person to echo the sentiments of the first expert witness.”

In civil cases the Judge or Arbitrator determines both law and fact and thus, the weight that applies to a Civil Engineering Surveyor’s testimony will depend on the above-noted factors.

In criminal trials it is the Jury who will ultimately determine the weight that it accords to expert testimony but the judge can and frequently does express his own personal opinion on such matters.

Whether a Judge or Jury trial, the Expert Witness is not to usurp the role of the chosen Tribunal and may not give evidence as to the ultimate issue to be decided as these matters are reserved for the Judge / Arbitrator or Jury as the case may be. See: ***Anglo Group plc. v. Winther Brown & Co. Ltd. and BML (Office Computers) Ltd.*** [2000] 72 Con LR 118 (TCC) Toulmin J’s re-statement of the ‘Cresswell Principles’ from the ‘Ikrarian Reefer’ case.

In the relatively recent Irish case of ***The People (DPP) v. Yusuf Ali Abdi*** [2004] IECCA 47 Hardiman J warned:-

“The role of the expert witness is not to supplant the tribunal of fact, be it judge or jury, but to inform the tribunal so that it may come to its own decision. Where there is a conflict of expert evidence it is to be resolved by the jury or by the judge, if sitting without a jury, having regard to the onus of proof and the standard of proof applicable in the particular circumstances. Expert opinion should not be expressed in a form which suggests that the expert is trying to subvert the role of the finder of fact.”

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The reliability standards in the USA were developed partly as a result of concerns with the use of highly technical or scientific evidence that neither the Judge nor the Jury fully understood.

In her book *'The Law of Evidence in Ireland'* 3rd Edition, Bloomsbury Professional, December, 2009 Catherine Fennell at paras. [7.112 & 7.113] on page 317 refers to the term 'junk science' and states that it is :-

".... a term used to refer to the abuse of science and scientific terminology in the court room by importing irrelevant or inaccurate evidence to advance a party's argument."

The issue here is that a Court / Tribunal can be 'blinded' by science and may accord too much weight to certain evidence, opinions and inferences drawn by an Expert Witness.

One of the most famous examples highlighting the dangers of scientific evidence achieving the status of fixed irrefutable inference (false positive association) in recent times was the case of ***R v. McKenny and Ors*** (1991) 92 CR App. R 287 (CA), i.e. the "Birmingham Six" case where the so-called *Griess* test produced a positive result at trial, which the Home Office scientists (Dr. Skuse in particular) interpreted it to render it 99% certain that the accused had been in the vicinity of high explosives prior to their arrest. The *Griess* test was subsequently discredited as it was later demonstrated that ordinary items such as railway seats, veneers, playing cards, etc. containing nitocellulose would also give rise to a positive test. The trial judge at the time referred to the *Griess* test results stating that it was:-

"....the clearest and most overwhelming evidence I have ever heard."

13. ADMISSABILITY & THE WEIGHT THAT ATTACHES TO YOUR EVIDENCE

Note: Forensic evidence can potentially distract the jury from other important issues in a trial.

It must be remembered that the Judge / Arbitrator or Jury, as the case may be, is the final arbiter of fact and opinion and the Tribunal tasked with the decision has the freedom to weigh up the evidence presented as it sees fit and to potentially override the opinions expressed by Experts. One such example, is the Irish case of **PC v. CH** (HC) 11th January, 1996 concerning nullity proceedings which involved psychiatrists expressing contradictory views, wherein Laffoy J emphasised this point.

In **R V. Turner** [1975] 1 All ER 70 Lawton LJ stated that:-

“If on the proven facts a judge or jury can form their own conclusions without [expert] help, then the opinion of an expert is unnecessary. In such a case if it is dressed up as scientific jargon it may make judgment more difficult. The fact that an expert witness has impressive scientific qualifications does not by that fact alone make his opinion on matters of human nature and behaviour within the limits of normality any more helpful than that of the jurors themselves; but there is a danger that they may think it does.”

The Turner approach was approved in this jurisdiction by O’Flaherty J (ex tempore) in **DPP v. Kehoe** (CCA) 6th November, 1991.

13. ADMISSABILITY & THE WEIGHT THAT ATTACHES TO YOUR EVIDENCE

It can be seen from the previous slides that in civil trials / arbitrations the Judge Arbitrator will in all probability not make a ruling on the admissibility of the evidence adduced by the Expert Witness at an early stage but rather will determine the weight that it accords to the evidence when considering all the evidence prior to making the judgment or award, as the case may be.

While there is no formulation or test for the reliability of expert evidence, it is clear that the Courts in this jurisdiction and our neighbouring jurisdiction will decide the issue on a case by case basis.

The Law Reform Commission provisionally recommends:-

“.. that a reliability test should be introduced as an additional requirement for admissibility of all expert testimony.”

For a good example of how the Court weighs up opposing Expert evidence see the case of:

James Elliott Construction Limited v. Irish Asphalt Limited [2011] IEHC 269 (HC) Judgment of Charleton J 25th May, 2011 (under appeal).

The case concerned the presence of pyrite in under-floor stone fill (Cl. 804) on the Ballymun Central Youth Facility as part of the re-development of the Dublin town of Ballymun. The majority of the time on the case was spent on expert witness evidence. The Court found that it was the pyrite that was the probable cause of damage to the building (in which the Contractor spent circa €1.55 in remediation costs) and found in favour of the Plaintiff . The Defendant has claimed that the pyrite was not responsible for the damage to the building and it has appealed the judgment to the Supreme Court.

As with all construction claims **causation** is central and the onus is on the Plaintiff / Claimant is to demonstrate **‘cause & effect’** to the satisfaction of the Tribunal.

14. The Liability of the Expert Witness & Immunity from Suit

Ireland

The law in Ireland as it currently stands is that an Expert Witness will possess immunity from suit for matters directly or indirectly associated with his / her giving of evidence. This is a long standing rule but such immunity is not absolute.

The following cases serve to illustrate the current status of Irish Law regarding immunity of suit for witnesses testifying in court / arbitration:-

- In ***Re: Haughey*** [1971] IR 217
- ***Looney v Governor and Company of the Bank of Ireland and Morey*** (unreported, Supreme Court 9th May, 1997)
- ***O’Keeffe v. Kilcullen & Ors*** [2001] IEHC 17
- ***E.O’K. v. D.K. (Witness: immunity)*** [2001] 3 IR 568
- ***W.J. Prendergast & Son Ltd. v. Carlow County Council*** [2007] IEHC 192

In ***Re: Haughey***, O’Dálaigh CJ explained the basis for the immunity of experts as follows:-

“The immunity of witnesses in the High Court does not exist for the benefit of witnesses, but for that of the public and the advancement of the administration of justice and to prevent witnesses from being deterred, by fear of having actions brought against them, from coming forward and testifying to the truth. The interest of the individual is subordinated by the law to the higher interest, namely, that of public justice, for the administration of which it is necessary that witnesses should be free to give their evidence without fear of consequences.”

14. The Liability of the Expert Witness & Immunity from Suit

In ***Looney v Governor and Company of the Bank of Ireland and Morey*** O’Flaherty J had this to say about witness immunity:-

“..the need to give witnesses (and also indeed the judge) in Court, a privilege in respect of oral testimony and also with regard to affidavits and documents produced in the course of a hearing. Such persons, either witnesses or those swearing affidavits, are given an immunity from suit. Otherwise, no judge could go out on the bench and feel that he or she could render a judgment or say anything without risk of suit. Similarly, witnesses would be inhibited in the way that they could give evidence. The price that has to be paid is that civil actions cannot be brought against witnesses even in a very blatant case, which of course this case is not, but even in a case of perjury which would be such a case – the law says that an action cannot lie.”

In ***O’Keeffe v. Kilcullen & Ors*** O’Sullivan J stated:-

“From the foregoing it is clear that the witness in Looney gave evidence at the behest of the Court and the evidence was relevant to an issue in the action. In those circumstances the decision of the Supreme Court is that absolute immunity privilege attached to such evidence. There is no hint that an exception should or could be made in the case of an expert and whilst there are some passages in the more recent jurisprudence of the United Kingdom which might give grounds for distinguishing the evidence of expert witnesses from the evidence of witnesses generally and in particular the Judgment of Chadwick LJ in Stanton Callaghan [1998] 4 All ER 961 at page 974, this passage which is clearly obiter, must be seen in the context of the evolved jurisprudence in that country on this general topic and in my view that development in the United Kingdom in no way disturbs the binding nature on me of the decision in Looney of the Supreme Court.”

14. The Liability of the Expert Witness & Immunity from Suit

In *E.O'K. v. D.K. (Witness: immunity)* [2001] 3 IR 568, Murphy J in the Supreme Court stated at page 573:-

"On the other hand, the Constitution expressly recognises the need for finality in the judicial process. Moreover, it is recognised that justice is more likely to be achieved where persons participating in litigation whether as parties, witnesses, judges, jurors or lawyers can discharge their function without the fear of being held to account, at the suit of, perhaps, a disgruntled litigant for the manner in which he performs his role."

Thus, the law as it stands in this jurisdiction provides an immunity from suit for an Expert Witness provided that he / she does not act in bad faith or acts maliciously in defamation without any connection to the facts of the case for his / her own purposes then he / she will receive the protection of the Court.

The Law Reform Commission recommends that the current position regarding immunity from suit in respect of Expert Witnesses should continue. However, this remains a matter for the legislature and also the judiciary particularly as the doctrine has evolved from the Common Law – Judge made law.

Thus, while one may not be accountable in a Court of Law if one is guilty of serious misconduct, one may find oneself the subject of professional disciplinary proceedings if the Expert Witness has brought the profession into disrepute through the issuing of negligent opinion or where the Expert has failed in his / her paramount duty to the Court / Tribunal.

14. The Liability of the Expert Witness & Immunity from Suit

England & Wales

In England & Wales there has been until relatively recent times a long line of authority for the immunity from suit for those giving evidence in both criminal and civil proceedings, save as to acting with *mala-fides*. However, the erosion of the immunity of those appearing before the Court either in the conduct of the proceedings or as expert witnesses has gradually been eroded.

In ***Arthur J Hall & Co. v. Simons*** [2002] 1 AC 615 the Law Lords removed the immunity of suit for advocates that traces back to 1860 to ***Swinfen v. Lord Chelmsford***, (1860) 5 H & N 890.

In the UK, the Supreme Court in the case of ***Jones v. Kaney*** [2011] UKSC 13 which specifically concerned the immunity of Expert Witnesses, the Court held by a majority that this immunity should be lifted and that a Client may sue an Expert Witness where it can be demonstrated that the Expert has acted negligently and / or dishonestly. The normal rules of negligence will apply namely:-

- That the Expert owed the Client a duty of care (this is ‘a given’ in such a situation)
- That the Expert breached that duty or fell well below the standard to be expected of an expert acting in Court / Arbitral proceedings.
- That the Client suffered damage as a result of the Expert’s breach of duty.

In particular ***Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd.*** [1964] AC 465 will apply to the Expert’s Report and any negligently issued joint statement of the Experts to the Court / Tribunal.

14. The Liability of the Expert Witness & Immunity from Suit

Thus, it is clear that the position in England & Wales is different to that of Ireland in the context of immunity from suit of Expert Witnesses but that is not to say, that the Irish Superior Courts may in an appropriate case decide that the time is upon us whereby Experts should no longer be immune from suit.

The issue is one of public policy (interest) considerations concerning the Expert's overriding duty to the Court / Tribunal (as distinct from a duty to the Client) and an ability to speak freely and without fear in Court and also the finality of litigation versus the public policy argument on the other hand that Expert Witnesses should be accountable for their actions and that Clients should have an effective remedy in circumstances where an Expert breaches the duty owed to the Client.

Professional Indemnity Insurance (PII) Matters

Despite the current status of the law in Ireland with respect to the immunity of Expert Witnesses, all practising professional Civil Engineering Surveyors acting as Expert Witnesses are required by CICES to possess adequate PII to cater for a situation where the Expert may be the subject of a suit. The requirements of ICE, RICS & SCSl are no different.

Having made enquiries with a leading Insurance Broker in Ireland in anticipation of this presentation regarding any potential / adverse affects on PII policy premiums should the law change in Ireland, I was advised that as the pool of practising Surveying Expert Witnesses is very small that the additional risk perceived by the Insurance Companies is considered to be small and thus, it is anticipated that there would be no change in the *status-quo*.

However, like the law this position is not fixed for all time.

15. Want to be an Expert Witness?

As noted in the previous slide, the pool of practising Expert Witnesses in the Construction Industry in Ireland is very small. Moreover, it is only a small minority of construction disputes that come before the Irish Courts due to the fact that all Standard Forms of Main Contract & Sub-Contract in use in this jurisdiction contain ADR provisions, namely Conciliation and Arbitration.

Thus, the Superior Courts tend to only have a supervisory role in relation to construction disputes. However, that is not to say, that they do not on occasion play a full role, as I have been involved in Construction cases taken in the Circuit, High & Supreme Courts.

Expert Witnesses are frequently used in Arbitration but under the new Public Works Form of Construction Contracts the Tenderer is required to give the Employer an 'Undertaking' with respect to the costs of any Arbitration that may occur. This undertaking requires that the Contractor if successful undertakes to pay its own costs and if unsuccessful pays both Party's costs. This is likely to have an adverse impact on the use of Expert Witness testimony in Irish Public Sector Construction Contracts now and into the future or until such time as there is a successful challenge to this aspect of Irish Construction Public Works Procurement.

The role of Expert witness in Construction Disputes is certainly a demanding role due to the fact that the requirement for an Expert will mean a level of complexity that would otherwise not arise. The Expert Witness will be required to have a variety of skills in addition to the particular expertise that he / she possesses and an ability to communicate to a very high standard in both the written and oral mediums is essential.

While the Civil Engineering Surveyor acting as an Expert Witness places his / her reputation firmly 'on the line' every time he / she accepts a commission, those who act in a professional manner, speak truthfully and whose findings are based on sound reasoning and fully supported have nothing to fear.

THE END

Any Questions ?



THE CIVIL ENGINEERING SURVEYOR AS EXPERT WITNESS

A Presentation to the Chartered Institution of
Civil Engineering Surveyors

By

Brian M. O'Connor

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