

Top Ranked
Chambers
Litigation Support
2019 and 2020
Witness Familiarisation and Expert Witness
Legal Experience Training



60 CPD POINTS

ADVANCED PROFESSIONAL AWARD IN EXPERT WITNESS EVIDENCE

On 4-5 March and 18-19 March 2021 via Live Interactive Online Meetings.

Fees and Booking Form on page 4.

Legal Experience Training is a leading provider of fun, innovative and interactive learning and development across the UK and internationally. We work to support personal and organisational excellence for expert witnesses. The Legal Experience Training team includes solicitors and barristers who are experienced tutors with a track record of delivering highly effective practical skills building sessions.

We have expertise in working with witnesses of fact and expert witnesses giving evidence in a range of legal fora including the High Court, the County Court, Arbitrations, Tribunals, Disciplinary Hearings, Employment Tribunals, Lands Tribunal, Leasehold Valuation Tribunals, Professional Conduct/Regulatory Hearings, Planning Inquiries and in other jurisdictions including the UAE, USA and Europe.

Who is the Advanced Professional Award in Expert Witness Evidence (APAEWE) designed for?

Expert witnesses have an important role within the justice system. This training is essential for experts to fulfil their roles and responsibilities in obtaining instructions, assembling evidence, writing reports, conducting expert witness meetings and giving evidence at hearings, within prescribed law and practice. The APAEWE programme assists experts to work effectively with lawyers, clients and courts. Clear guidance is given in sessions run by experienced barrister/solicitor tutors.

These modules are all standalone modules and you can attend freestanding modules or attend all modules and assessments to obtain the formal APAEWE qualification.

Is the APAEWE accredited?

The APAEWE is accredited at a Master's degree level (not length!) by an independent Professional Body, Pearson Learning, a National and International Awarding Body.

Who has designed these courses?

Mark James; Barrister, Temple Garden Chambers, London, is the author of "*Expert Evidence: Law and Practice*" 2020 published by Sweet and Maxwell. This is the seminal text book on expert evidence. It deals with expert evidence in civil, criminal and other cases. It is the primary reference book for courts and practitioners on expert evidence. Mark has 30 years' experience as a barrister and is frequently instructed in complex cases relying on expert witness reports and regularly cross examines witnesses at trial. Mark is often instructed in construction cases and property disputes as well as professional negligence and regulatory claims.

Penny Harper; Solicitor and Director of Legal Experience Training. Penny is the principal author of "*The expert witness*" a practical guide published by Sweet and Maxwell. Penny has particular expertise in the design and delivery of accredited training. She sat on a "Skills for Justice" Working Group considering the design and development of training for those writing and giving evidence in court proceedings. Penny has over 15 years' experience of designing and delivering training for witnesses.

Module 1. Expert Evidence: Law and Practice 1-day 4 March 2021

Experts must be able to fulfil their roles and responsibilities. Experts must understand the litigation process and be aware of the legislation, rules, guidance and Professional Body guidance on expert work.

Learning outcomes

- Understanding the litigation process; instructions, pre-action advice, reports, written questions & meetings
- Understanding the roles, responsibilities and duties of an expert witness
- Understanding the requirements of the Civil Procedure Rules (CPR 35), Practice Directions and Guidance
- Evaluating the principles governing the admissibility, reliability, weight and credibility of evidence
- Analysing the role of expert advisors, court expert, shadow expert and single joint expert witnesses
- Considering the key stages in the litigation process and working effectively with the lawyers
- Understanding disclosure, privilege, confidentiality, without prejudice save as to costs and offers
- Considering conflicts of interest, duty of disclosure of conflicts, avoiding bias and being objective
- Evaluating expert witness terms and conditions, assessment of expert fees and cost orders
- Practical case studies will be used to enhance learning and understanding
- Question and answers with a subject expert.
- **Online written assessment open book – 80 minutes.**

Module 2. Advanced Report Writing 1-day 5 March 2021

Expert witnesses are frequently required to write reports. This highly interactive session will provide clear guidance on the structure, content and style of reports. Delegates will consider how to include evidence in notes, documents, photos, plans, calculations, research and more. Delegates will be able to discuss report writing with colleagues and the tutor and engage in question and answer sessions.

Learning outcomes

- Practical exercises and critiquing of reports to demonstrate best practice
- Identifying the key stages in writing a report
- Dealing with strengths and weaknesses in facts, assumptions and opinions
- How to write in a clear, concise and accessible manner
- Analysis of the structure, content and style of a report/statement
- Considering how to set out a well-reasoned and objective unbiased opinion
- Anticipating and including analysis of the other expert's opinion
- Using objective competency criteria to assess report writing
- Consideration of relevant rules in the Civil Procedure Rules (CPR 35) and PD 35.
- Getting the formalities right; statements of truth, statements of compliance and statements of conflict.
- **Online written assessment open book - 120 minutes.**

Module 3. Expert Witness Meetings 1-day 18 March 2021

Experts participating in expert witness discussions must comply with their duties to both the court and their client. Using a rolling case study, experts will work in pairs to use the case preparation model to prepare for a meeting. They will learn how to effectively explore and exchange the strengths and weaknesses in the evidence during the meeting. Experts will identify what they agree and disagree, with reasons, and work towards drafting the Joint Statement. The case study will allow delegates to role play a meeting and receive feedback on the management of the meeting. Theory is kept to a minimum, delegates work in pairs to prepare meetings and then run them. Each meeting is observed and reviewed by the tutor who will give individual tailored feedback on the expert's conduct and skill in running the meeting.

Learning outcomes

- Practical role plays and feedback on expert witness meetings working in pairs/teams
- Complying with CPR 35 and PD35 and Guidance about expert witness discussions - meetings
- Understanding the roles, responsibilities and duties of the expert witness at the meeting
- Handling instructions to avoid discussing certain issues or not to reach agreement
- Dealing with experts who refuse to discuss the evidence or their opinion or to sign the joint statement.
- Considering the case preparation model to identify the issues, facts and opinions
- Preparing and agreeing an agenda and how to keep notes during the meeting
- Learning effective questioning skills and evaluating the strengths and weaknesses in the evidence
- Identifying agreed and disagreed fact and opinion with reasons and working towards a Joint Statement.

Module 4. Witness Familiarisation – Court Skills 1-day 19 March 2021

Witness evidence is a vital part of any hearing. Witnesses will gain an understanding of the practice and procedure in giving evidence and through role play, learn how to handle cross examination tactics with confidence.

Learning outcomes

- Practical mock cross-examination role-plays by solicitor or barrister with constructive feedback
- Understanding the hearing procedures, processes and practices
- Effective case preparation before a hearing
- Evaluating the strengths and weaknesses in the evidence to anticipate questioning
- Dealing with attacks on the evidence and the witness
- Understanding the purpose of examination in chief, cross-examination and re-examination
- Dealing with questioning under cross-examination with confidence, credibility and clarity
- Familiarity with the process of hot tubbing expert evidence during a hearing
- Learning how to advance evidence and deal with challenges to evidence
- Understanding how to use documents and other supporting evidence in hearings
- Do's and don'ts for witnesses
- Developing a toolkit for giving effective evidence.
- **Online Oral assessment of Court Skills – 35 minutes one to one includes practice session with feedback.**

Online Assessments

Module 1 Open book written assessment - 80 minutes – 12 March 2021

Module 2 Commenting and critiquing on a report – 12 March 2021

Module 4 Cross-examination (practice session 10 minutes) and assessment 20 minutes – 26 March 2021

What the delegates say:

“The session was excellent. My comment on the tutor: Perfect! Clearly very knowledgeable in subject and engaging in presentation”. **Jonathan Coates, Partner Construction Resolution LLP**

“Excellent very informative learnt lots of tips on what to do and not to do. Excellent delivery of course materials. Very helpful clear concise presentations and interactive discussions”. **John Durkin, Gleeds Advisory**

“The course exceeded my expectations. The course was very good and the tutor was an excellent presenter”. **Lawrence McGinley BDO LLP**

“First class course in terms of content and delivery, achieved objectives and exceeded expectations”. **Brian Glynn, Project Director NESMA**

“The tutor was excellent and so was the course, the checklist is really useful to help hone the skills”. **Peter Gilbert, Chief Geotechnical Engineer Atkins**

“The case studies and discussions were very useful - excellent course very well structured an excellent tutor who draws on real life experiences”. **Eman Elnokaly, Hill International**

Legal Experience Training also run tailored in-house courses for experts if you have 4 or more delegates this may be a cost-effective option for your experts.

We also run a series of other courses suitable for experts including:

Essential Introduction to Expert Witness

Master Class Cross – Examination

Hot tubbing

and more...

Please call 0207 221 2453 and ask our Client Relationship Manager for more information or visit our website www.legalexperiencetraining.com