

Society of Construction Law Lecture
Blake Morgan LLP – Cardiff

8 June 2023

EXPERT WITNESS MISHAPS

***Paul Newman** is a member of the Bars of England and Wales and of Northern Ireland, and a member of the Wales and Chester Circuit. He specialises in construction law, including professional negligence claims against construction professionals. Recognised by Legal 500 and Chambers and Partners, he is also an accredited construction industry adjudicator (RIBA and TecBar) and a member of the UK Adjudicators adjudication panel. In the early 2000's Paul qualified as an ADR Group accredited mediator, specialising in construction and property disputes. He is a CMC registered mediator and a Fellow of the Chartered Institute of Arbitrators. Previously he was highly commended in the prestigious Hudson Prize for construction law for his paper on construction industry insolvency. In 2019, Paul joined RIBA's Professional Conduct Panel, tasked with hearing and ruling on regulatory complaints against practising architects. Paul is a member of the Law Council of Wales Working Group on Dispute Resolution.*

The term 'expert' lacks any statutory definition. An 'expert' is someone who because of his training and experience has decided that he has sufficient skills to help with the resolution of disputes in his specialism. An expert may choose to ignore at his peril that when disputes become enmeshed in the legal process, the expert may be required to prepare a formal report and give evidence in Court.

Many experts attend specialist training courses. Following Cresswell J's helpful checklist in *Ikarian Reefer* (1993) expert witness requirements became 'codified' in PD 35 – Experts and Assessors, and are explained in the Civil Justice Council's Guidance for the instruction of experts in civil claims. Yet, despite all the help they get, expert witnesses still regularly come a cropper.

Paul's presentation will look at some recent examples taken from reported cases.