

HELLO
I AM...

AN EXPERT

Quality expert reports can make or break a case! Errors or omissions in an expert report may preclude the expert report from evidence and preclude the opinion of the expert from testimony.

Quality Expert Reports (effective and efficient)

Various best practice habits when preparing expert reports can help ensure a well-crafted document that is both effective and efficient in the courtroom.

Prior to drafting a report, the expert should review the required scope of the report with the representative (lawyer or paralegal) that seeks the report. Depending on the nature of the case at bar, the report may require broader detail or may require a narrower focus. In certain circumstances, a brief report is adequate; and in other circumstances a more lengthy report is necessary. Forgoing this review can result in the waste of preparing an insufficient report or the waste of preparing an excessive report. Either is a waste of time and therefore money.

It is also necessary that the supporting evidence documents reviewed by the expert are adequately included and properly referenced. The expert opinion contained within a report should, and perhaps must, refer to supporting evidence documents such as pictures or testing results, among other things, attached as appendices or schedules. Additionally, a bibliography to summarize any authoritative documents used for research should be included.

The report should read clearly with ease and appear professional and proofed for proper spelling, grammar, and punctuation. The expert should write in a style directed towards the intended audience, balancing need that the report be understood by an average layperson without belittling highly intelligent judges and lawyers or other experts. Reports should omit or limit industry specific jargon and abbreviations; but if such is necessary, include definitions.

More Hints

- ▶ Use professional letterhead;
- ▶ Use a cover page as well as an index or table of contents;
- ▶ Use a curriculum vitae or resume to summarize the qualifications and credentials that confirm that the expert is genuinely an expert;
- ▶ Use an introduction page to outline when, and from whom, the report was requested;
- ▶ Use 12-point font and double spacing;
- ▶ Use headings;
- ▶ Use short, concise paragraphs;
- ▶ Use a unique reference number for each page, table, chart, and appendix;
- ▶ Use a definitions page or section to define technical language and industry specific jargon or abbreviations; and
- ▶ Use an upfront summary page to outline final conclusions or opinions.

Things to Avoid

A biased or slanted expert report can be disastrous – and should be! The expert is expected to provide opinion as a friend of the court so to assist the court in the truth finding effort. The expert, while having an opinion that may favour one litigant rather than another, must base the opinion on authentic reasons rather than as friend of a litigant.

- ▶ Avoid absolute wording and phrasing;
- ▶ Avoid words that appear as hedging or guessing;
- ▶ Avoid critical commentary regarding credibility of other experts;
- ▶ Avoid a scientific and clinical tone by keeping the tone friendly and personable;
- ▶ Avoid going into details beyond the purpose of the report; and
- ▶ Avoid unnecessary adjectives or superlatives.

Lastly, remain attentive to the balance required when obtaining input from a legal representative. The lawyer or paralegal seeking the report will best understand the factual concerns and legal issues that relate to why the report is needed and can explain the desired scope; however, the findings and opinions within the report must always remain the genuine views of the expert as author of the report.