

Resource A

PAPER 7

Typical court declaration by expert witness

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COURT DECLARATION BY EXPERT WITNESS

I, _____, DECLARE THAT:

1. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party who has engaged me. I confirm that I have complied with my duty.

2. I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct.

3. I have endeavoured to include in my report those matters, which I have knowledge of, or of which I have been made aware, that might adversely affect the validity of my opinion.

4. I have indicated the sources of all information I have used.

5. I have not without an independent view included or excluded anything which has been suggested to me by others (in particular my instructing lawyers).

6. I will notify those instructing me immediately, and confirm in writing, if for any reason my existing report requires any correction or qualification.

7. I understand that

a) my report, subject to any corrections before swearing as to its correctness, will form the evidence to be given under oath or affirmation;

b) I may be cross-examined on my report by a cross-examiner assisted by an expert;

c) I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.

8. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.

SIGNED

Dated