

EXPERT EVIDENCE: 21ST CENTURY CHALLENGES



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Julie Taylor, WA Bar (Panel Leader)

The Hon Justice John Vaughan, Western Australia Court of Appeal

Kathryn McMillan QC, Queensland Bar



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JUSTICE JOHN VAUGHAN

Court of Appeal, Western Australia



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Adjunct Professor, TC Beirne School of Law
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Issues for expert's consideration



- What are some of the matters that the Court may find frustrating in dealing with expert evidence?
- How can counsel best avoid those difficulties when working with expert evidence?

- Settling expert evidence
- Dealing with objections
- How to deal with the situation where your client's expert has said one thing in conference and then says another

- When are single experts appropriate?
- What challenges arise for counsel in relation to the use of single experts?

- What strategies can be used to get the most from the practice of expert conferences and joint reports from the court's perspective?
- How do you deal with a situation where your expert has said one thing and then signs up to a joint report saying something else?

- When is “hot-tubbing” useful, and when is it best avoided?
- How can you best approach this as counsel?

- When is “hot-tubbing” useful, and when is it best avoided?
- How can you best approach this as counsel?
- Do you think that the use of an agreed “protocol” may assist in structuring the experts’ evidence?

- Are you aware of practices used in other jurisdictions which might improve the taking of evidence in commercial cases?