

In 2016, to help support NSW Young Lawyers expand their knowledge we are pleased to offer the members of each Committee of Young Lawyers a one (1) unit CPD presentation on "The role of the Expert and Expert Evidence". The content of this presentation relates to 'Ethics and Professional Responsibility'.

**CPD topic:** 'The Role of the Expert and Expert Evidence'

**Topic content:** Civil Codes and rules governing Expert Evidence

The duties of experts and lessons from recent Common Law case history including:-

- **Makita v Sprowles (2001)** Criteria for admissibility
  - **Dasreef v Hawchar (2011) HCA** Examines the matters that must be demonstrated for expert opinion evidence to be admissible
  - **Land Enviro Corp v HTT Huntley Heritage [2012] NSWSC** Assumptions relied on by experts must be independently proved by admissible evidence
  - **Temwell Pty Ltd v DKGR Holdings Pty Ltd [2003] FCA** Examines adverse impact of changes made to the Expert's opinion at the suggestion of the legal team
  - **Woods v DPP (WA) [2008] WASA 188** Challenge to the admissibility of psychiatric evidence ( and by extension evidence from patient assessments)
  - **Smith v Gould [2012] VSC 461** Failure of Expert to pay anything more than lip service to the Expert Code of Conduct
  - **Hudspeth v Scholastic Cleaning and Consultancy Services Pty Ltd & Ors (Ruling No 9) [2014] VSC 622 (16 December 2014)** Due process for amending an expert's report and potential liability of instructing solicitor
- A framework for assessing expert admissibility
  - Properly briefing the expert
  - Managing different types of experts
  - The key elements of expert reports
  - Using experts in court and preparing for trial
  - Factors which impress Judges in the presentation of expert evidence
  - The role of the Lawyer

**Presenter:** John Arneil, Group Executive, Unisearch Expert Opinion Services

**About Unisearch:** Unisearch is Australia's largest provider of Expert Opinion Services to the legal fraternity, government sector agencies and commerce & industry.

With offices in Sydney, Melbourne and Perth, Unisearch case manages over 900 expert opinion and consulting matters each year ranging from expert opinions, testing services and consulting on major projects.

We provide expertise in over 2000 discrete areas spanning engineering and construction, commercial, personal injury and criminal, mining, resources and rural, medico legal and healthcare, to name just a few.

Our experts are sourced from leading Universities, Government agencies, commercial enterprise and independent consultancies.

**To find out more:** Please contact Danny Gompes BDM on (02) 9385 5888 or email [d.gompes@unisearch.com.au](mailto:d.gompes@unisearch.com.au)

## Bio of John Arneil



John Arneil is Group Executive of [Unisearch Expert Opinion Services](#).

He has a B.A. and an M.A. from The University of UNSW. His career spans education, international development economics and management consulting. Since 1995 John has implemented as over 200 consulting projects across 25 regional countries in areas such as Public Health, HIV, Taxation Law, Resource Economics and Public Finance.

Since 2006 he has had primary responsibility for Unisearch Consulting and Expert Opinion Services and oversees a team of staff which manage up to 900 matters per annum. In that role he has built extensive experience overseeing the management and production of expert evidence and reports.

John regularly presents seminar topics in the area of Expert Evidence for legal fraternity, the UNSW Centre for Continuing Legal Education (Faculty of Law) and groups of visiting Judges. He also has taught in the UNSW Australian School of Business in the areas of Negotiation and Management.