

EXPERT EVIDENCE – WHAT IS THE POINT?

A. Counsel involvement in drafting expert reports

1. England and Wales:
 - a) BSB Handbook Rc9
 - b) Whitehouse v Jordan [1981] 1 WLR 246
 - c) Kelly v London Transport Executive [1982] 1 WLR 1064
 - d) Cox -v- The Secretary of State for Health [2016] EWHC 924 (QB)
 - e) Medimmune Limited v Novartis Pharmaceuticals UK Limited, Medical Research Council [2011] EWHC 1669 (Pat)
2. Australia (Federal Courts):
 - a) Boland v Yates Property Corporation [1999] HCA 64 (1999) 167 ALR 575
 - b) Harrington-Smith on behalf of the Wongatha People v Western Australia (No.7) [2003] FCA 893; (2003) 130 FCR 424
3. Canada: Moore v Getahun 2015 ONCA 55

B. Privilege issues

4. Instructions:
 - a) CPR Part 35.10(3)
 - b) Lucas v Barking, Havering and Redbridge Hospitals NHS Trust [2003] EWCA Civ 1102; [2004] 1 W.L.R. 220
 - c) Jackson v Marley Davenport Ltd [2004] EWCA Civ 1225; [2004] 1 W.L.R. 2926
5. Changing experts:
 - a) Beck v Ministry of Defence (note) [2005] 1 WLR 2206
 - b) Vasiliou v Hajigeorgiou [2005] 1 WLR 2195; [2005] EWCA Civ 236
 - c) Edwards-Tubb v JD Wetherspoon plc [2011] 1 WLR 1373; [2011] EWCA Civ 136
 - d) BMG (Mansfield) Ltd v Galliford Try Construction Ltd; [2013] EWHC 3183 (TCC)
 - e) Vilca v Xstrata [2017] EWHC 1582 (QB)

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