

SCE's NOTES ON EXPERT REPORTS

Fundamental to any Forensic Engineering Investigation, is the preparation of an appropriate report which can be submitted to a court as a part of any evidence tendered by a particular client, or party. However, as there is a range of reports that can be prepared, SCE has prepared these notes to provide guidance to clients on the reporting process.

1. Expert reports will usually need to comply with a specific set of court rules relevant to the particular legal jurisdiction [e.g. the NSW Uniform Civil Procedure, Schedule 7], and clearly state any assumptions made as a part of the reporting processes.
2. As the primary duty of any expert is *"to the Court"*, it is very important that any report be objective, based on established facts or data, and presented in such a way that the completed report is understandable to the Court.
3. Legal privilege issues normally require all communications regarding expert reports, and the related forensic engineering investigations, be directed to the lawyer instructing the particular expert.
4. As the expert report will often form the basis for clients pleadings, statement of claim, and / or defence, it is important that the report be perceived by other parties as a foundational and well researched document. Conversely, if the report is perceived to have been prepared with minimal effort by an inadequately qualified expert, then the likelihood of the report being accepted by the Court is low.
5. It is more likely than not, that during the investigative & reporting processes, an engineering expert will need to modify their initial views in line with the additional information and documentation. As such, a client / legal practitioner should be wary of expert advice that is dogmatic at the outset of a forensic matter / investigation.
6. Although legal personnel tend to rely on the words & text within an expert report, the complexities of the typical engineering matter are such that explanatory drawings and diagrams will usually need to be prepared as a part of the expert reporting processes.
7. In order to understand the technical cause of a particular failure or other problem, it is often necessary to prepare a 'chronology of events' relevant to the engineering aspects of the matter. Where such a chronology is prepared, it is very important that it is substantiated by appropriate facts / documents, without subverting the role of the Court to determine the particular facts and circumstances of a matter.
8. The report should be laid out in a systematic way, with the expert's opinions being clearly separated from any factual information. In addition, the reasons for any opinion should always be given in the report.
9. The report should include clear illustrations / diagrams and concise summaries of the relevant information in the report; where necessary, relevant extracts from various technical references referred to in the report text should be appended to the report.
10. Whilst minor matters can often be reported on in a single report, more significant matters usually require a separate factual report, to the 'opinion' report.
Note: This factual report would normally include various diagrams / drawings, photographs & technical document extracts [e.g. standards, extracts from standard texts, etc.].
11. Any assumptions made during the course of the work need to be clearly stated.
12. The relevant facts and information used by an engineering expert as a basis to their 'opinions', should be clearly stated and separated from any matters of opinion.