CONCEPT

Expert Witness Reports and Testimony: Independence, Joint Statements and Cross-Examination

19 – 23 April 2027
Amsterdam - Zuidas business district hotel



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Ref: 106_9540 **Date:** 19 – 23 April 2027 **Location:** Amsterdam - Zuidas business district hotel **Fees:** 23500 SAR

Introduction:

Expert witness evidence often decides the value of a construction, commercial or financial claim, yet reports are regularly discounted because the expert strayed beyond instructions, argued the client's case or hid assumptions inside the analysis. This Core Concept course trains engineers, accountants and specialists to act as independent experts: agreeing scope, building an expert report that meets the recognised content requirements, stating defensible opinions, working through joint expert meetings and giving oral evidence under cross-examination. Participants leave with an Expert Report and Testimony Preparation File built on a case exhibit.

Course Objectives:

- Explain the expert's overriding duty to the tribunal and apply independence and impartiality tests to a proposed appointment
- Agree a letter of instruction that fixes the issues, assumptions, documents and limits of the expert's scope
- Structure an expert report containing qualifications, instructions, facts relied on, methodology, analysis, opinions and a statement of independence
- Draft opinions that separate fact from assumption, state ranges and reasons, and survive scrutiny by an opposing expert
- Prepare and negotiate a joint statement of agreed and disagreed issues after an experts' meeting
- Give clear oral evidence under cross-examination and in expert conferencing while holding to the opinions in the report

Target Audience:

- Engineers and technical specialists asked to give opinion evidence on defects, design or causation
- Accountants and financial specialists quantifying losses, valuations or damages in disputes
- Quantity surveyors and cost consultants assessing variations, claims and final account values
- Planners and delay analysts preparing time-related opinions on complex projects
- Managers in consultancies who accept expert appointments and supervise the teams supporting them
- In-house claims and technical managers who instruct, review or work alongside appointed experts

Course Outline:

Day 1: The Expert's Role, Duties and Appointment

- Expert Evidence Versus Witness of Fact Evidence: Opinion, Fact and Advocacy
- Overriding Duty to the Tribunal and the Independence Principle in the CIArb Protocol
- Party-Appointed Versus Tribunal-Appointed Experts Under the CIArb Guideline
- Conflict Check and Appointment Acceptance Checklist
- Letter of Instruction Review: Issues, Assumptions, Documents and Fees

Day 2: Rules and Guidance Governing Expert Evidence

- IBA Rules on the Taking of Evidence: Article 5 Party-Appointed Expert Report Contents
- IBA Rules Article 6: Tribunal-Appointed Expert Procedure and Party Comments
- ICC Arbitration Rules Article 25 and Tribunal Control of Expert Evidence
- ICC Commission Report on Issues for Arbitrators to Consider Regarding Experts
- Court Expert Practice Compared With Arbitration: Three Comparative Examples

Day 3: Building and Writing the Expert Report

- Expert Report Architecture: Qualifications, Instructions, Facts Relied On and Documents Reviewed
- Assumptions Register and Alternative Scenarios Where Facts Are Disputed
- Methodology Statement: Choosing and Justifying the Analytical Method
- Opinion Drafting: Ranges, Degrees of Certainty and Reasons Given
- Statement of Independence, Truth Declaration and Report Sign-Off

Day 4: Joint Meetings, Challenges and Expert Fields

- Experts' Meeting Agenda and Without-Prejudice Discussion Protocol
- Joint Statement Drafting: Agreed Issues, Disagreed Issues and Reasons
- Rebuttal and Supplementary Reports Responding to the Opposing Expert
- Common Grounds for Discounting Expert Evidence: Scope Creep, Advocacy and Unsupported Data
- Expert Fields Overview: Delay, Quantum, Engineering and Forensic Accounting Opinions

Day 5: Hearing Practice and the Testimony Preparation File

- Construction Delay and Quantum Case: Expert Report Exhibit Critique and Rewrite
- Hearing Preparation: Opinion Summary, Presentation Slides and Document Bundle Map
- Mock Cross-Examination With Question Types and Answer Discipline
- Expert Conferencing Hot-Tubbing Exercise With Tribunal Questions
- Expert Report and Testimony Preparation File Assembly and Peer Review

Skills You Will Gain:

- Expert Independence Assessment
- Scope and Instruction Management
- Expert Report Structuring
- Opinion Evidence Drafting
- Assumption and Scenario Analysis
- Joint Statement Negotiation
- Cross-Examination Readiness
- Concurrent Evidence Technique

Why Attend This Course:

- Leave with an Expert Report and Testimony Preparation File that can serve as the template for your next appointment
- Recognise the drafting habits that lead tribunals to give an expert's opinion less weight, and remove them from your own reports
- Rehearse answering hostile questions on a report you have written, with feedback from peers and the trainer
- Compare expert practice with engineers, accountants, surveyors and delay analysts from different sectors

Conclusion:

An expert report is tested twice: once on paper by the opposing expert and again at the hearing under cross-examination. The course moves from the expert's duty and appointment, through the rules and guidance on expert evidence, to structuring the report and drafting defensible opinions, then to joint meetings, rebuttal reports and the typical expert fields. The final day applies these methods to a delay and quantum case, mock cross-examination and expert conferencing, and produces an Expert Report and Testimony Preparation File for future appointments.