

A Guide to Writing Expert Reports



MPS



Putting members **first**

Advice correct as of June 2014

As an expert you should be aiming to produce a report which is free standing – from which the reader can glean the key issues in the case, understand the evidence available and reach a clear understanding of the range of expert opinion, without needing to look at any other document.

What should a good report include?

The Rules of Court 2012 (Order 40A) states that the duty of an expert is to assist the court on matters within his expertise, and this duty overrides any obligation to the person from whom he has received instructions or by whom he is paid.

A good report should include:

1. A title page – including:
 - the date of the report
 - the date of the examination (where appropriate)
 - the identity of the parties to the action
 - the full name (and date of birth) of the claimant
 - the party providing the instructions
 - the nature of the report.
2. Numbered pages, short numbered paragraphs and appropriate subheadings.
3. Your personal details, name, current post, qualifications and summary of previous experience.
4. Statement setting out the issues you have been asked to consider and the basis upon which the evidence was given.
5. Details of any literature or other material which you have relied on in making the report.
6. Chronology and summary of the relevant evidence:
 - Giving exact dates wherever possible
 - When referring to important parts of the records, quoting relevant entries verbatim, if possible (identifying it as a direct quote – eg, by the use of italics)
 - Identifying disputed facts and stating the sources of the information set out, eg, “history given on admission to hospital on 01.02.2012”
7. Where you have undertaken an examination or performed other investigation(s):
 - Explaining relevant technical terms and abbreviations
 - Reviewing the evidence for a sufficient period of time before and after the incident/period of alleged negligence – to put the events in context and highlight other relevant features of the history.
 - Say who carried out any examination, measurement, test or experiment which you have used for the report, give qualifications of that person, and say whether or not the test or experiment has been carried out under your supervision
 - Record relevant positive and negative findings
 - Maintain a clear distinction between the history given, the history recorded in the records, your own findings and your interpretation of those findings
 - Focus on the significance of the findings for the claimant’s everyday life
 - Give timescales for probable improvement/deterioration, treatment options available, etc
 - Refer back to the pleadings, if appropriate, to ensure that all relevant matters have been addressed.
8. The opinion
 - Comment on each question or allegation of negligence separately quoting the question or allegation whenever possible
 - Where the question/allegation appears to repeat or overlap with another or seems misdirected, explain why and refer to other relevant paragraphs

- Justify the conclusions reached by reference to the evidence in the case, your specialist knowledge and any published references you relied on
- When dealing with an issue on which there are a range of opinions, provide reasons for the view expressed and state those opinions
- Where you take sides in an area of factual dispute, give an explanation of why you favour one version over another
- Where there is evidence undermining your opinion, outline that evidence and explain why it is not persuasive
- When commenting on the opinions of other experts:
 - Summarise the areas of agreement and disagreement
 - Point to evidence supporting or undermining the views given
 - Avoid giving a view on matters outside your area of expertise
 - Remain focused on the facts of the particular case
 - Confine your report to the scope of your instructions and your own expertise
 - Distinguish between questions of fact and of opinion
 - Distinguish clearly between known facts and assumptions made.

9. The concluding paragraph

- Avoiding further repetition of the facts but summarise the opinions reached
- Returning to the issues you have been asked to consider and/or the pleadings, to make sure that an opinion has been given on all relevant matters with proper attention to the legal tests to be applied
- Include a statement of truth
- Conclude with a statement that you understand that in giving your report, your overriding duty is to the Court and that you have complied with that duty.

For medicolegal advice please call us on:

1 800 81 5837 (FREECALL)

or email us at: querydoc@mps.org.uk

www.medicalprotection.org

This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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