

# EXPERTS - SELECTION AND INSTRUCTION

## CASEWORK POLICY

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### Introduction

1. The CCRC regularly instructs a variety of experts during the case review process. Some will be familiar with the CCRC's role and others will not. Instructions will be confirmed in writing using the CCRC's 'expert instructions letter and contract' and will include:
  - (i) A clear explanation of what the CCRC is asking the expert to do;
  - (ii) Agreed fees;
  - (iii) Agreed timescale;
  - (iv) Terms and conditions;
  - (v) Relevant Criminal Procedure Rules and Criminal Practice Direction.
2. The Criminal Procedure Rules set out the duty of an expert to the court and the content of an expert's report. It is relevant for the CCRC (and experts instructed by the CCRC) to have regard to those rules and to the relevant Practice Direction on expert evidence.

### Selecting an Expert

3. The CCRC decides whether or not the services of an expert are required for the review of a case.

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4. The CCRC will instruct the expert who appears to the CCRC to be best suited for the task. The CCRC will generally make enquiries about the expert's qualifications, experience and membership of any relevant professional body.

#### **Experts instructed at the time of trial and/or appeal**

5. Where the CCRC considers that issues (potentially) arise in respect of expert opinion gathered for the purpose of the trial and/or appeal, it will consider whether it is necessary and appropriate to obtain an updated opinion from such expert(s) during the review process.

#### **Criticised expert witnesses, lawyers or other professionals**

6. An application to the CCRC may include an assertion that the expert opinions or evidence at the time of the original trial were flawed. If so, the CCRC may contact the expert(s) at trial and invite a response to any such criticism.
7. In order to assist in assessing the validity and strength of any such criticism, the CCRC may obtain a report from a fresh expert. If so, the trial expert(s) may be invited to comment on any such report.

#### **Appeal**

8. The question of whether an application is made to call an expert (from the original trial or a fresh expert instructed by the CCRC) at any appeal following a referral is a matter for the parties to the appeal.

#### **Time and Cost Estimates for Experts' Services**

9. When instructing experts the CCRC will seek a firm date by which the expert will be able to complete the work. Time is of the essence in the CCRC's contracts with experts.
10. In addition, the CCRC will obtain a quote, or failing that a firm estimate, of the financial cost for the completion of the relevant piece of work by the expert.

#### **Disclosure**

11. Any expert report which the CCRC has obtained is usually disclosed with the CCRC's Statement of Reasons, unless there are particular circumstances that dictate earlier disclosure or (exceptionally) non-disclosure.
12. The CCRC will inform the relevant expert when his/her report is disclosed.

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13. Where the expert's address and telephone number on the report appear to be personal, the expert should be consulted before that information is disclosed. That information may be redacted as appropriate.
14. For further information see the CCRC's policy on [Disclosure by the CCRC](#).