In 2014, Unisearch Expert Opinion Services announced its association with The University of Western Australia in its engagement with industry and the wider community.

About Unisearch

Unisearch is Australia’s largest provider of Expert Opinion Services to the legal fraternity, government and industry. Unisearch has operated since 1959 and now case manages over 900 expert opinion and consulting matters each year from offices in Sydney, Melbourne and Perth. We provide expertise in over 2,000 discrete areas including engineering and construction, commercial litigation, personal injury and criminal, mining, resources and rural, medico legal and healthcare, to name just a few.

The Unisearch team have a wealth of experience to advise and support experts in their role as Consultants and of providing independent objective evidence in legal proceedings.

**Topic content:** Preparing to be a Consultant or Expert Witness, including:

- What exactly is required? - developing an achievable Scope of Services
- Can the work be done with available resources? - realistic budgeting and milestone payments
- Protect yourself and the University - risks and liabilities inherent in consulting assignments
- Sign on the dotted line – letters of engagement, contracts, agreements
- Client communication – build rapport with a sensible level of reporting
- Legal work - The role of the Expert in Commonwealth Jurisdictions
- Issues for first time experts
- Briefing instructions and dealing with Lawyers and Barristers
- What can go wrong .....How to ensure your evidence/report is admissible
- The key elements of an expert report
- Going to court and preparation for trial
- Factors which impress Judges in the presentation of expert evidence
- Engagement and payment issues

Case law referred to:

- **Makita v Srowles [2001]** Criteria for admissibility
- **Jones v Kaney (UK) (2011)** Principle of expert immunity from litigation for expert witnesses
- **Dasreef v Hawchar (2011) HCA** Examines the matters that must be demonstrated for expert opinion evidence to be admissible
- **Temwell Pty Ltd v DKGR Holdings Pty Ltd [2003] FCA** Examines adverse impact of changes made to the Expert’s opinion at the suggestion of the legal team
- **Pownall V Conlan Management [1995]12 WAR 370** The treatment of hearsay in regard to the expert opinion exception rules of evidence
- **Woods v DPP (WA) [2008] WASA 188** Challenge to the admissibility of psychiatric evidence ( and by extension evidence from patient assessments)
- **R v Gordon Woods (Carolyn Byrne) (2011) NSWCCA** Appeal judges found grounds to doubt the motivations and admissibility of the Expert
- **Land Enviro Corp v HTT Huntley Heritage [2012] NSWSC** Assumptions relied on by experts must be independently proved by admissible evidence
- **Smith v Gould [2012] VSC 461** Failure of Expert to pay anything more than lip service to the Expert Code of Conduct
Presenter: John Arneil, Group Executive, Unisearch Expert Opinion Services
Bio of John Arneil

John Arneil is Group Executive of Unisearch Expert Opinion Services. He has a B.A. and an M.A. from UNSW. His career spans education, international development economics and management consulting. Since 1995 John has implemented as over 200 consulting projects across 25 regional countries in areas such as Public Health, HIV, Taxation Law, Resource Economics and Public Finance.

Since 2006 he has had primary responsibility for Unisearch Consulting and Expert Opinion Services and oversees a team of staff which manage up to 900 matters per annum. In that role he has built extensive experience overseeing the management and production of expert evidence and reports.

John regularly presents seminar topics in the area of Expert Evidence for legal fraternity, the UNSW Centre for Continuing Legal Education (Faculty of Law) and groups of visiting Judges. He also has taught in the UNSW Australian School of Business in the areas of Negotiation and Management.