

Giving Evidence in a Judicial Environment: Do you Think Giving Evidence is Easy?

Session 1: 2 November 2021		Session 2: 11 January 2022	
£130 + VAT or £70 + VAT each	Registration: 9.55 Finish: 12.00	4 CPD Hours or 2 CPD Hours each	
To book full conference : https://cptevents.co.uk/event/giving-evidence-in-a-judicial-environment			

You may be a frequent flyer or a novice, but never ever be ill prepared before entering a judicial environment. It only takes one flippant remark, a comment without suitable foundations, or one biased statement and at best you will be digging yourself and your evidence out of the quick sand. At worst you could leave the witness box with your reputation and expert witness career in tatters. The same is true of written evidence. This event is hugely relevant to anyone who appears in any judicial environment. The speakers have been invited because of their skills and experience across Landlord & Tenant, rating and CPO practice.

CPT has run events focusing on giving evidence in a judicial environment for many years. This year there are a number of compelling subject areas for us to address. This event will focus on how do you get your message across when giving evidence; whether in court, in written evidence or even arbitration rather than focusing on procedures or on the Expert Witness rules. The event is divided into 2 parts;

1. Being an Effective Expert Witness
2. The Burden and Standard of Proof, Admissibility and Weight

Speakers:

Mark Higgin

Member of The Upper Tribunal (LC)

Edward Gardner

Bryan Cave Leighton Paisner LLP

Blake Penfold

Blake Penfold Consultancy

Colin Smith

CBRE Ltd

Rebecca Cluffen

Francis Taylor Building

Gary Garland

President of the Valuation Tribunal for England

Barry Denyer-Green

Falcon Chambers

Colin Cottage

Ardent

Colin Hunter

Lambert Smith Hampton

Jon Bestow

Valuation Tribunal for England



Topics Being Covered:

Session 1: Tuesday 2 November 2021 - Being an Effective Expert Witness

Welcome & Introduction from the Conference Chair - [Mark Higgin](#)

The Valuer and the Role of the Expert Witness - [Edward Gardner](#)

- Picking the right expert
- How much can the team guide the witness without stepping into coaching territory?
- Assisting and managing an inexperienced witness

A Lamb brought for Slaughter? The View of the Expert - [Colin Smith](#) and [Blake Penfold](#)

- When to prepare for your case?
- Key things to do when your work gets bogged down and you think it may end up before the court
- Instruct early and take advice
- Handing on the file to the expert

Making Sure your Case is Robust - An Advocate's Viewpoint - [Rebecca Clutten](#)

- Expert -v- Advocacy: know which hat you are wearing
- Fee structures - don't be trapped and compromised by fee structures - *Gardiner and Theobald -v- Jackson (VO) UKUT 253 (LC)*
- Making the most of expert discussions
- The impact on *Liverpool Victoria Insurance Co Ltd v Zafar [2019] EWCA Civ 392* and making deliberate or reckless false statements
- Getting your expert report right
- Make every effort to assist the court and never be less than transparent
- The Electronic filing regime - dealing with sensitive and confidential material that will be presented to the court. How to avoid it falling into the public domain. How easy is it to refer to such documents?
- What is going on in the advocate's mind? What is their strategy? What tools do they employ in cross examination?

Knowing When to Stop Digging - [Edward Gardner](#)

- There may come a time when you realise it would be better to settle rather than to let the case run
- Whose decision?
- How do you go about stepping back?
- Can this be a ploy all along, to get the best deal?
- Are there consequences of doing so?
- Is there a hybrid option where both sides subsequently agree on certain points and can not agree on others?
- How would the court react?

Creating the Right Impression (and when not to) - [Colin Smith](#) and [Blake Penfold](#)

- Can you really sell yourself before you step into the court?
- Dealing with pre court hearings
- Saying the right things in your statement of case and agreed facts
- Clear, sufficiently detailed documents in the work file
- How to present yourself in Court and how to hold it together when being cross examination

Session 2: Tuesday 11 January 2022 - The Burden and Standard of Proof, Admissibility and Weight

Welcome & Introduction from the Conference Chair - [Gary Garland](#)

Panel: [Barry Denyer-Green](#), [Colin Cottage](#), [Colin Hunter](#) and [Jon Bestow](#)

- What is meant by the burden of proof? Including the legal and evidential burdens
- How do we compare the burden and the standard of proof?
- How significant are they, and in what types of cases?
- When is an expert concerned with these concepts?
- How should the rating surveyor/advocate deal with proof in a case about rateability?
- What about rating valuation cases?
- What facts have to be proved in CPO cases?
- What about compensation in telecoms cases?
- What evidence is admissible?
- What weight is given to evidence and how does the expert influence that assessment?

A View from the Bench

A View from the Advocates

The Expert Witness Viewpoint: CPO, Rating and Telecom Cases

The Solicitors' View

Panel Discussion