



Expert Witness



# Expert Witness

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Expert  
Witness



## Proven Expertise Is Critical

Our team of highly experienced property specialists are uniquely qualified to present their independent expert opinions at arbitrations, tribunals and in a court of law to help in the resolution of disputes.

Our Expert Witness Team has considerable experience of providing Courts and tribunals with informed and impartial opinion on the property related aspects of a dispute. Unlike an Expert Adviser (who is normally appointed by a party to assist in the formulation and preparation of a party's claim or defence), our team of Expert Witnesses know that their duty is to the Court and not to clients who appoint them.

The Team has a proven track record of working closely with legal teams whether they are:

- Providing initial advice/counsel
- Helping develop/refine a resolution strategy
- Appearing in Court
- Providing mediation services
- Providing a report which complies with CPR\* Part 35

Its experience and expertise is often the difference between the success or failure of a claim.

\*Civil Rules

Providing informed opinion

# PAE, SJE, Expert Adviser



## You Choose

In England and Wales, there are three types of experts:

- **Party Appointed Expert (PAE)**
  - The Expert Witness is appointed and instructed by one of the parties in the dispute
  - Their primary role is to advise the Court on matters within his/her expertise
  - This duty overrides any obligation to the party from whom he/she received instructions, or by whom he/she is paid
- **Single Joint Expert (SJE)**
  - The Expert Witness is appointed and instructed by all parties involved in the dispute
  - Their primary role is to advise the Court on matters within his/her expertise
  - This duty overrides any obligation to the parties from whom he/she received instructions, or by whom he/she is paid
- **Expert Adviser (Shadow Expert)**
  - The Expert is appointed by one of the parties to advise them in a dispute
  - The Expert is not covered by the Civil Procedure Rules
  - He/she does not have a duty to the Court and will not normally give evidence.

Technical knowledge & expert opinion



# Asset Valuation

## Understanding Value & The Law

Property valuations for litigation purposes, matrimonial disputes, negligence claims and rights of way is something our team of Valuation Expert Witnesses is very experienced in.

The strength of the Team is underpinned by the fact that it:

- Understands the laws of contract and tort and is able to translate it into applicable procedural law
- Evaluates information and presents an argument clearly, compellingly and in a fair and neutral way
- Prepares Expert Witness property Valuation Reports which are fully compliant with Civil, Family and Criminal Procedure Rules
- Has significant experience of appearing before, or providing written representation at planning inquiries and hearings – especially in connection with employment land disputes or appeals.

The Team's valuation experience includes residential, commercial and industrial properties, as well as development land.

**When accurate evidence on capital and rental values is vital**

# Landlord & Tenant



## We Have The Knowledge

Our highly experienced Lease Advisory Team, which has acted for landlords and tenants, combines considerable technical expertise with extensive market and sector knowledge.

Whether retained by claimants or defendants; providing preliminary pre-action advice or current/retrospective advice; acting in rent review arbitration cases, or for Landlord & Tenant 1954 Act renewal cases referred to court, there is one thing clients and their legal teams will always be assured of – our team of Landlord & Tenant Experts will always provide concise, informed and independent advice.

The Team's experience includes commercial, industrial and the third sector. Their skills cover:

- Lease Renewals
- Rent Reviews
- Third Party Disputes
- Diminution in Value
- Restrictive Covenants
- Professional Negligence claims.

**When 'devil-is-in-the-detail' matters**

## Building Surveying



## When Accuracy Matters, We Deliver

Providing accurate informed advice on disrepair matters in the built environment is what our experienced team of Building Surveyor Experts does best.

Our team has a proven reputation for identifying and pricing building fabric related solutions to issues such as:

- Dilapidations within a property
- The quality of building work
- The accuracy of building costs submitted to clients
- Building Surveys
- Assessing the efficacy of technical (development and refurbishment) specifications.

Expert Witness Reports, prepared by the team, are used in Court, tribunal, arbitration, or alternative dispute resolution cases.

We know that it is preferable to resolve disputes quickly and at a cost which is proportionate to the dispute, rather than embark on an expensive and lengthy court action. This is why we focus on preparing Expert Reports which are accurate, well informed and produced in a timely manner.

When accuracy & speed are key

# Business Rates



## Benefit From Our Expertise

Although most of our Business Rates Appeals are successfully settled using the Valuation Office's Check/Challenge process, in some circumstances, cases have to be appealed to the Valuation Tribunal.

In these instances, our team of Business Rates experts:

- Represents clients at the Tribunal hearing
- Prepare and present the client's case, either as an advocate or an expert
- Enables the Tribunal to reach the correct decision on the evidence presented.

In addition, the team also acts as an Expert Witness, representing owners and occupiers in Magistrates and Higher Courts in Rates related matters, as well as liability disputes with Local and other Authorities.

**When knowledge and experience is critical**



CPO



## Facilitating Equitable Agreements

Compulsory Purchase Orders (CPO) are a legal mechanism by which Acquiring Authorities (such as public authorities and certain organisations) can acquire land without the consent of the owner.

This is usually used to facilitate the development of a public site or highway, or for regeneration and/or infrastructure projects - deemed to result in social, economic and environmental wellbeing benefits for the local and wider communities.

Our Team of CPO Expert Witnesses has advised both Acquiring Authorities, as well as affected property/land owners and occupiers who are entitled to compensation for any loss suffered as a result of a CPO or a Development Consent Order\*(DCO).

The Team's combination of confidentiality, technical knowledge, efficient and timely delivery, as well as understanding of local market sensitivities underpins the service we offer our CPO clients.

**Understanding the law & local sensitivities**

# Expert Report



## Our Report Can Make All The Difference

An Expert Report, compiled by one of our team of Expert Witnesses, is used to inform a Court or tribunal on property matters, in order to help it reach the right decision and resolve a dispute.

It can also be used to inform an instructing party and their lawyers on a technical matter related to a property asset and/or property portfolio. In this instance, the Report is designed to help them determine the strength of their legal case. Often, both parties appoint their own Expert Witness, who each compiles an Expert Report: in this instance, both reports are used to help resolve a dispute.

The Report comprises:

- A concise statement of the facts
- An outline of the assumptions the Expert has used to determine his/her opinion
- A logical narrative which outlines the reasoning which has led to the Expert's conclusions
- Technical information communicated simply (ie devoid of acronyms and jargon), to allow an intelligent lay person to understand the facts and the conclusions
- A summary of instructions received.

As the Expert Report can be considered evidence in a court of law, it has to comply with Civil Procedure Rules (CPR) Part 35 and, as the Expert Witness's overriding duty is to the Court, it must include (validated) data, information and opinion even if it may have an adverse impact on the case of the party for whom the Report has been prepared.

The Report is a comprehensive summation of the Expert Witness's independent professional opinion.

**Compelling facts, simply told**

# Why Us?



Every member of our Expert Witness team is RICS qualified and the team also includes RICS Registered Valuers.

Underpinning our Expert Witness capability are six core principles:

INFORMED	Our extensive local market knowledge is underpinned by a deep understanding of national sector trends.
IMPARTIAL	We have a clear understanding of the role of an Expert Witness and our professional duties within the civil justice system. The key point being we are impartial and not influenced by those instructing or paying us to provide evidence.
INDEPENDENT	As an Expert Witness actively involved in a dispute, our primary duty is not to a client but to the Court or tribunal and our conduct and reporting must be seen to be independent and unbiased.
EXPERIENCED	Our dedicated Expert Witness Team has a proven track record and is highly respected for its preparation of Expert Reports, for use in Courts and tribunal proceedings..
SENSITIVE	Being acutely aware of the stresses and sensibilities which inevitably arise during matrimonial disputes and divorces, we act quickly and with discretion when fact finding, compiling and finalising our reports.
CLARITY	Our clear, accurate and validated Expert Reports are produced in a timely manner and always well within the timeframe of the brief.

**Informed & independent property experts**



## Our Promise

Every member of the Expert Witness Team is RICS qualified and the team also includes RICS Registered Valuers.

The team has a proven track record of working closely with legal teams – whether they are providing initial advice/counsel, helping develop/refine a resolution strategy, appearing in court, providing mediation services, or providing a report which complies with CPR Part 35.



Valuation | CPO

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