

How may parties utilise the Concurrent Expert Evidence procedure?

Utilisation of the Concurrent Expert Evidence (CEE) procedure is by the mutual consent of the parties. Parties wishing to use the CEE procedure should inform the Judge at the pre-trial conference (PTC). The use of the procedure is subject to the approval of the PTC Judge, who will assess the suitability of the procedure for each case. The Civil Justice Division may designate categories of cases as being appropriate for the CEE procedure. For designated cases, the suitability of the CEE procedure would be discussed with the counsel at the PTC.

What factors should the parties consider when assessing the suitability of the Concurrent Expert Evidence for their case?

The key consideration is whether the use of the procedure will lead to efficiency gains, and improve the quality of the expert evidence. Some factors to consider are the:

- (a) Nature and complexity of the expert issues encountered;
- (b) Number of experts involved;
- (c) Importance of the expert issues to the case as a whole;
- (d) Extent to which the concurrent evidence will clarify and/or facilitate an understanding of the expert issues; and
- (e) Extent to which the concurrent evidence will save time and/or costs.

What additional pre-trial procedures would apply where Concurrent Expert Evidence is utilised?

Before a trial, after the experts have filed their individual expert reports, the Court will direct the experts to discuss and prepare a **joint expert report**, narrowing the areas of disagreement, where possible. The experts' discussion may take place via face-to-face meetings, video or teleconference, or by such other means as may be expedient. The joint expert report is a brief summary of the agreed expert issues, the non-agreed expert issues, and the experts' reasons for the areas of disagreement. The concurrent evidence session at trial will then focus primarily on eliciting the experts' views on the disputed expert issues.

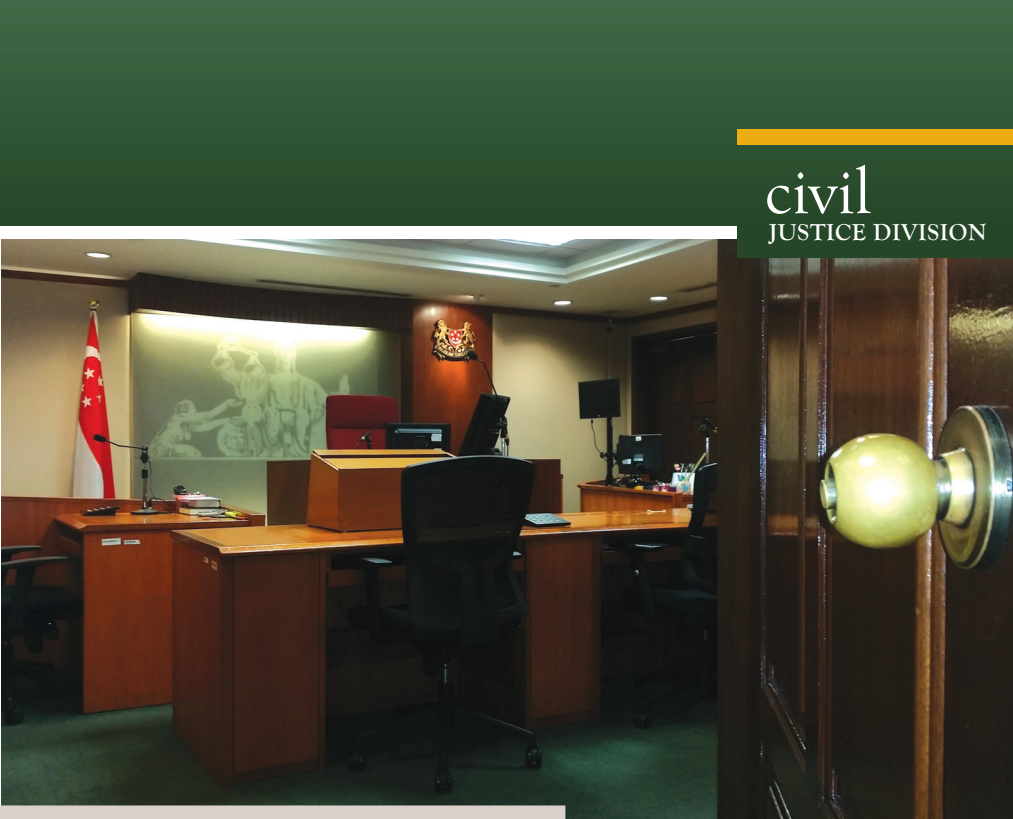
How will the concurrent evidence session be carried out at trial?

The concurrent evidence session will generally take place after all the factual witnesses have testified. At the start of the concurrent evidence session, the experts will be sworn in together. The disputed expert issues will then be dealt with, one issue at a time. Each expert will be asked, in turn, to give their opinions on a disputed expert issue. Each expert will next be invited to comment on the other expert's opinion. Counsel is then invited to cross-examine the opposing party's expert on his evidence, followed by re-examination by the expert's own counsel. The Judge may also ask questions of either expert at any time. At the end of the discussion, each expert is to make his concluding remarks on the expert issue. The process is repeated for the next expert issue until all the expert issues have been covered:



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State Courts
1 Havelock Square
Singapore 059724
Tel:1800-JUSTICE (1800-5878423)
www.statecourts.gov.sg



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Concurrent Expert Evidence

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- How is it different from the conventional expert witness examination process?
- Benefits of Concurrent Expert Evidence and other information

Concurrent Expert Evidence

What is the Concurrent Expert Evidence procedure?

Concurrent Expert Evidence is a procedural technique for admitting expert evidence. Here, opposing expert witnesses will testify concurrently in the presence of each other, and are able to comment on each other's opinion simultaneously. The Judge and counsel can also ask questions of both experts at once. Experience has shown that such a process helps to reduce the scope of disagreement between the experts, and in identifying the real issues in dispute. When the experts are able to comment on each other's opinion in this manner, they also tend to render opinions that are more precise, balanced and defensible. Judges are likely to derive more assistance from the experts when they are heard concurrently.

How is it different from the conventional expert witness examination process?

	Traditional Approach	Concurrent Expert Evidence
Sequence of experts' testimonies	Expert witnesses give evidence separately and sequentially	Expert witnesses give evidence simultaneously
Time gap between evidence of experts	Significant time gap between experts' evidence as all the plaintiff's witnesses (including the expert) would complete their evidence before the defendant's witnesses (including the expert) take the stand	No time gap between experts' evidence; experts will testify together, whether or not the party before has closed his case
Testifying in the presence of an opposing expert	Expert witnesses will generally not be present in Court at the same time	Both experts will be present in Court, and will hear first-hand what the other expert has said
Interaction between experts	Normally not contemplated	Process is interactive; differences in opinions can be discussed and clarified immediately in a conference between the experts
Expert reports	Separate reports normally prepared by opposing experts	A joint expert report must additionally be prepared

Benefits of Concurrent Expert Evidence

