

CONDITION AND PROGNOSIS REPORTS

BACK TO BASICS

WHAT IS A CONDITION AND PROGNOSIS REPORT AND WHAT PURPOSE DOES IT SERVE IN LEGAL PROCEEDINGS?

The purpose of damages awarded in personal injury/clinical negligence claims is to put the individual back into the same position as s/he would have been in, had the accident not occurred, insofar as money can achieve this objective.

To bring a claim a Claimant must be able to show that they were (1) owed a duty of care, (2) that that duty was breached and (3) that the breach caused them to suffer some form of injury/damage. It is the third element of the three ingredients required for a successful claim that needs to be addressed by an expert witness preparing a condition and prognosis report.

What is a Condition and Prognosis report?

A Condition and Prognosis report is a report detailing the Claimant's current condition and is used to show that the Claimant has suffered some personal injury and to report on what the prognosis is likely to be.

Will the Claimant need to be examined?

For the purposes of drafting a Condition and Prognosis report the expert will need to meet with and examine the Claimant. The fact that the expert meets with the Claimant should have no impact on their professional relationship ie it remains that of Claimant and Expert not that of doctor and patient.

What use does a Condition and Prognosis report serve?

Pre-Action a Condition and Prognosis report helps the instructing solicitor to determine whether there is a potential claim and also to give an indication of the likely value of any claim. Once proceedings are issued, a Condition and Prognosis Report is used by both parties as a tool to value the claim.

What is the purpose of reporting on the Claimant's condition?

The condition element of the report helps the solicitor to indicate what the general damages are likely to be worth. General Damages is an award for pain, suffering and any other loss experienced by the claimant; this can be physical and or psychological. Typically, therefore, the expert will be asked to look to the seriousness of the injury, physical or mental and whether the Claimant will make a full recovery or suffer long term consequences. The Judicial College Guidelines (previously known as the Judicial Studies Board Guidelines) provide guidelines for the assessment of general damages with the aim being to bring a structured approach to compensation payments. The book contains advice and information on the appropriate awards for personal injury claims; it is updated annually and is a very useful tool in valuing claims.

What is the relevance of the Claimant's prognosis?

The prognosis element of the report gives the solicitor an indication of the likely value of any special damages (monetary) element to the claim. It therefore helps the solicitor to value future care needs and also loss of earnings, whether they are in the past, on-going or could be a factor to consider in the future.

Should comments on causation appear in the Condition and Prognosis report?

No. The Condition and Prognosis report should not include comments on causation. The causation report will link the alleged breach to the damage. The condition and Prognosis report should be a stand-alone report.

Do the Civil Procedure Rules (CPR) apply to Condition and Prognosis reports?

If the Condition and Prognosis report is an advisory report only prepared before proceedings are issued, it does not need to be in any set form. However, if the report is to be used in proceedings then it must comply with the Civil Procedure Rules. The instructing solicitor should always advise the expert whether the report is in connection with proceedings and whether it needs to comply with the CPR. If in doubt, ask the instructing solicitor.

SUMMARY

A condition and prognosis report is a report detailing the Claimant's current condition and is used to show that the Claimant has suffered some personal injury and to report on what prognosis is likely to be.

For the purposes of drafting a Condition and Prognosis report the expert will need to meet with and examine the Claimant. The fact that the expert meets with the Claimant should have no impact on their professional relationship ie it remains that of Claimant and Expert not that of doctor and patient. If the Claimant has died then the expert has to comment on what the prognosis would have been.

Pre-Action it helps the instructing solicitor to determine whether there is a potential claim and also to give an indication of the likely value of any claim. Once proceedings are issued a condition and prognosis report is used by both parties as an aid in valuing the claim.

The expert will be asked to look to the seriousness of the injury, physical or mental and whether the claimant will make a full recovery or suffer long term consequences.

The condition and prognosis report must comply with Civil Procedure Rules if it is to be relied upon in court proceedings.

CIVIL PROCEDURE RULES AND CONDITION AND PROGNOSIS REPORTS

What do the Civil Procedure Rules say about Condition and Prognosis reports?

The Civil Procedure Rules provide guidance on both form and content and of course the role and duty of an expert in legal proceedings. Dealing first with form and content:

Civil Procedure Guidance on Form and Content

The Civil Procedure Rules provide specific guidance as to the form and content of a Condition and Prognosis Report in both the Pre-Action Protocol and Practice Direction 35.

PRE-ACTION PROTOCOL

What are the Pre-action Protocol guidelines?

The Pre-Action Protocol indicates that a Condition and Prognosis Report should detail:

Any relevant pre-accident medical history;

Injuries sustained;

Treatment received by the Claimant and details of their present condition, recommendation is made to deal in particular with the capacity for work and to give a prognosis;

The extent of the Claimant's injuries, in particular to establish the extent and duration of any continuing disability.

Is there any particular guidance for prognosis?

In the prognosis section, the expert should comment specifically on any areas of continuing complaint or disability or impact on daily living. If there is any continuing disability then the expert should comment on the level of suffering or inconvenience caused and, if able, give his view as to when or if the complaint or disability is likely to resolve.

Are there any other matters an expert needs to consider?

REHABILITATION

There is now a requirement to consider the possibility/ benefits to the Claimant of rehabilitation following the introduction of the 2007 Rehabilitation Code. The purpose of the Rehabilitation Code is to provide a framework within which the Claimant's health, quality of life and ability to work are restored as far as possible before or simultaneously with the process of assessing compensation. The Claimant or Defendant or both need to consider as early as possible whether the Claimant has reasonable needs which could be met by rehabilitation treatment or other measures. This might therefore be an area on which the expert is specifically asked to comment in his/her report.

PRACTICE DIRECTION 35

What guidance does Practice Direction 35 give?

More generally, Practice Direction 35(paragraph 3) gives detail as to the specifics of the Form and Content of an Expert's Report.

The practice direction makes it clear that:

The Report should be addressed to the Court not the instructing party

And must:

- (1) Give details of the expert's qualifications;
- (2) Give details of any literature or other material which has been relied on in making the report
- (3) Contain a statement setting out the substance of all facts and instructions which are material to the opinions expressed in the report or upon which those opinions are based.
- (4) Make clear which of the facts stated in the report are within the expert's own knowledge;
- (5) Say who carried out any examination, measurement, test or experiment which the expert has used for the report, give the qualifications of that person and say whether or not the test or experiment has been carried out under the expert's supervision;
- (6) Where there is a range of opinion on matters dealt with in the report
 - (a) summarise the range of opinions and
 - (b) give reasons for the expert's own opinion
- (7) Contain a summary of conclusions reached
- (8) If the expert is not able to give an opinion without qualification, state the qualification
- (9) Contain a statement that the expert
 - (a) understands their duty to the Court and has complied with that duty and
 - (b) is aware of the requirements of Part 35, this practice direction and the Protocol for the Instruction of experts to give evidence in Civil Claims

3.3 Expert Reports must be verified by a statement of truth

A precedent for a Condition and Prognosis report can be found at the end of this document.

Is there anything else in the Practice Direction that the expert should be aware of?

It is also worthy to note that provision is made for an expert who alters their opinion following a meeting of experts. Paragraph 9.8 makes it clear that if an expert significantly alters an opinion (following a meeting between experts), any joint statement must include a note by that expert explaining the change of opinion.

SUMMARY

THE REPORT IS ADDRESSED TO THE COURT

FACT AND OPINION MUST BE KEPT SEPARATE, IT IS FOR THE COURT TO DETERMINE THE FACTS

MUST INDICATE IF OPINION IS PROVISIONAL OR QUALIFIED OR IF FURTHER INFORMATION IS REQUIRED TO REACH AN OPINION.

A SUMMARY OF CONCLUSIONS IS MANDATORY

IF CONTINUING TREATMENT IS RECOMMENDED NOTE IT DOWN SO THAT IT CAN BE COSTED

CIVIL PROCEDURE RULES AND THE USE OF EXPERTS

What other impact do the Civil Procedure Rules have on the use of experts?

The Civil Procedure Rules also give guidance to the expert as to their role and duty in legal proceedings.

Specifically, **Civil Procedure Rules (CPR) 35 and Practice Direction 35** govern the use of experts instructed to give or prepare evidence for the purpose of civil proceedings in a court in England and Wales (CPR 35.2).

What do the provisions say?

These provisions make it clear that an expert owes a duty of care and skill to those instructing them and a duty to comply with any relevant professional code of ethics. However the expert's overriding duty is to help the Court with matters within their expertise (CPR 35.3). This duty overrides any obligation to the person instructing or paying them. Experts must not serve the exclusive interest of those who retain them.

Can experts be partisan?

No, experts must remain independent regardless of the pressures of litigation.

What happens if an expert fails to comply with the Civil Procedure Rules or Court Orders?

Failure by an expert to comply with the Civil Procedure Rules or Court Orders or excessive delay for which they are responsible may result in the instructing party being penalised in costs and in extreme cases being debarred from putting expert evidence before the court.

Condition and Prognosis reports can be time consuming to prepare and deadlines can be hard to meet, can't the instructing solicitor apply for an extension of time for service of the report?

With effect from 1 April 2013 the Courts have indicated that parties to litigation are expected to comply with Court deadlines and orders and the courts will apply much stricter criteria to parties seeking extensions. Experts should decline instructions if they cannot meet the deadline. If unforeseen circumstances prevent an expert from completing their report on time, they should advise their instructing solicitor of the potential for delay as soon as possible.

SUMMARY

An expert's overriding duty is to help the Court with matters within their expertise (CPR 35.3). This overrides any obligation to the person instructing or paying them.

Experts must remain independent regardless of the pressures of litigation.

Failure by an expert to comply with CPR or Court Orders or excessive delay for which they are responsible may result in the instructing party being penalised in costs and in extreme cases being debarred from putting expert evidence before the court.

POTENTIAL PROBLEMS

Are there any pitfalls the expert should be aware of when drafting a Condition and Prognosis report?

Although preparing and drafting a Condition and Prognosis report should be relatively straightforward there are a number of potential problem areas.

THERE IS NOT A DOCTOR/PATIENT RELATIONSHIP BETWEEN EXPERT AND CLAIMANT/LITIGANT

For the purposes of writing a condition and prognosis report the doctor will need to meet the Claimant to undertake an examination . However it must be clear that the relationship between doctor and claimant is not that of doctor and patient. To retain a professional distance between expert and Claimant I would suggest that any contact, other than simply arranging a time for the examination and the examination itself, should be carried out at arms length ie via the instructing solicitor. Any email correspondence direct with the Claimant, following the examination, should be avoided. The expert must remain impartial and objective at all times. Email correspondence by its very nature is a friendly and casual form of communication and can easily be misinterpreted. It is arguable that any communication between expert and Claimant is disclosable and so, if direct email communication cannot be avoided, the expert should ensure that he/she would be happy for any communication to be disclosed to the Court and opposing party.

DRAW ATTENTION TO ANY ALTERNATIVE TREATMENTS THAT MIGHT BENEFIT THE CLAIMANT

Having just made it clear that the relationship between expert and Claimant is not one of doctor patient it may seem odd to require the expert to make recommendations for treatment if they feel that the treatment the Claimant is currently receiving is insufficient or if there is treatment that the Claimant should have but hasn't been given, but this does fall within the duty of the expert (an expert may be found to be in breach of their duty of care for prolonging personal injury if he fails to disclose an obvious course of treatment that would benefit the claimant, although the expert does not assume a general professional duty of care to advise and treat a litigant). It is in everyone's interests for the health of the Claimant to improve. Therefore if there is treatment that you, as an expert think the Claimant should receive, then incorporate this as a recommendation in your report, or at the very least draw your instructing solicitor's attention to it. If an expert considers further treatment is advisable or an opinion should be sought from a different specialist then this should also be included as a recommendation in the report.

What if an expert recommends treatment for a Claimant but those treating the Claimant choose not to follow the recommendations?

If treatment is recommended but not followed by treating clinicians this may raise ethical concerns which will be discussed later.

EXCESSIVE DELAY WILL NOT BE TOLERATED

There has always been provision in the Rules for the Court to get tough on the expert who takes an excessively long time to prepare a report. Further, the indications are that from 1 April 2013, extensions of time for preparing reports will not be so readily available. By its very nature a condition and prognosis report has potential to be time consuming not least because in most cases it cannot be written simply by reference to papers, the expert will have to physically meet with the patient. Therefore it is strongly advisable only to take on expert work of this type if you know that you have the time to do it and to speed matters along make sure that you do as much research/preparation as possible prior to the meeting/examination of the Claimant. If you cannot meet the deadline then let your instructing solicitor know as soon as possible. Costs orders against experts for delay are most unusual but not unheard of.

IF INSTRUCTIONS ARE UNCLEAR THEN GO BACK AND SEEK CLARIFICATION FROM YOUR INSTRUCTING SOLICITOR FOR CLARIFICATION OF INSTRUCTIONS.

DO NOT BE PRESSURED INTO REACHING A CONCLUSION YOU ARE UNHAPPY WITH. IF YOU NEED TO CARRY OUT A FURTHER ASSESSMENT BEFORE YOU CAN REACH A CONCLUSION THEN SAY SO IN YOUR REPORT

ONLY SEND REPORT TO INSTRUCTING SOLICITOR UNLESS YOU HAVE EXPRESS PERMISSION TO SEND IT TO OTHERS.

As an expert you have a duty of confidentiality.

But presumably none of these potential problem areas matter too much because an expert has immunity from suit?

ABOLITION OF EXPERT WITNESS IMMUNITY

For 400 years experts were immune from suit for any work carried out in relation to a trial ie the expert report, meeting of experts, things said in the witness box. However, following the case of Jones v Kaney (2011) there is no longer expert witness immunity. Very briefly this was a case for damages for PTSD following a Road Traffic accident. Expert evidence given by a Dr Kaney supported the claim for PTSD but she changed her opinion following a telephone conversation with the Defendant's expert and went on to sign a joint statement which was drafted by the Defendant's expert and amended by the Defendant's solicitor. The joint statement did not, she argued, reflect what she had agreed to in her telephone conversation. The signed statement weakened the Claimant's case. The Claimant was not allowed to instruct another expert and so had to settle the claim for substantially less than he would have been likely to achieve but for the signed joint statement.

It was held in this case that a party who instructed and paid an expert to provide professional services should not be denied the opportunity to recover compensation for losses arising out of an expert's failure to provide those services with reasonable care and skill. However it was also made clear that it would be difficult for a Claimant to bring a vexatious claim against an expert. The facts

in this particular case were, I'm sure you will agree, extreme and in reality it will be difficult to convince a Court that an expert has acted negligently in being persuaded to change one's view by the other side's expert, particularly when you consider that the Rules were designed to encourage experts to reach agreement on as many issues as possible. However, the error of Dr Kacey was that she failed to check carefully the "agreed" note that she was signing.

What are claims against expert witnesses likely to be about?

Areas of dispute over a condition and prognosis report are likely to be two-fold : disparity over views on the claimants level of injury and disagreement about future care requirements (this can be the most expensive element of the claim).

Most claims against expert witnesses are likely to allege negligent underestimation of prognosis resulting in an undervaluation of the settlement; both expert and instructing solicitor could be sued for advising inappropriate early settlement. However, experts should not tailor their advice in the light of this case. They should also be reassured that it is unlikely that there will be a rush of claims against experts, immunity for barristers was abolished in 2002 and there has not been a rush of claims against counsel since then.

What is the best way to guard against being sued?

The best defence to a professional negligence claim is to make sure the report is well researched and drafted and has reasoned opinion and that you are familiar with the Code of Guidance on Expert Evidence (2001), Part 35 CPR and PD 35

SUMMARY

THERE IS NOT A DOCTOR/PATIENT RELATIONSHIP BETWEEN EXPERT AND CLAIMANT/LITIGANT

DRAW ATTENTION TO ANY ALTERNATIVE TREATMENTS THAT MIGHT BENEFIT THE CLAIMANT

EXCESSIVE DELAY WILL NOT BE TOLERATED

IF INSTRUCTIONS ARE UNCLEAR THEN GO BACK AND SEEK CLARIFICATION FROM YOUR INSTRUCTING SOLICITOR FOR CLARIFICATION OF INSTRUCTIONS.

DO NOT BE PRESSURED INTO REACHING A CONCLUSION YOU ARE UNHAPPY WITH. IF YOU NEED TO CARRY OUT A FURTHER ASSESSMENT BEFORE YOU CAN REACH A CONCLUSION THEN SAY SO IN YOUR REPORT

SEND THE REPORT TO YOUR INSTRUCTING SOLICITOR ONLY UNLESS YOU HAVE EXPRESS PERMISSION TO SEND IT TO OTHERS.

EXPERT WITNESS IMMUNITY HAS BEEN ABOLISHED

Given the nature of a Condition and Prognosis Report the likelihood is that in the majority of cases it will be drafted by a medical expert.

ETHICAL CONSIDERATIONS FOR MEDICAL EXPERTS

Are there any ethical considerations for medical experts?

GMC GUIDANCE FOR DOCTOR'S ACTING AS AN EXPERT WITNESS

The GMC has provided guidance for doctor's acting as an expert witness in both Good Medical Practice and their Guide to Acting as an Expert witness (summarised below).

What is the role of an expert witness?

The GMC has made it clear that the role of expert witness is a different role from that of a doctor providing treatment or advice to patients.

Can the GMC adjudicate on the standard of reports?

Any report must comply with relevant professional Code of Ethics and the GMC can adjudicate on the standard of reports given by experts in judicial proceedings (Meadow and Southall cases). This was particularly important prior to the abolition of expert witness immunity, as it was the only way that doctors could be brought to account over errors made in performing expert work .

What if an expert has a restriction on their registration?

Experts should notify instructing solicitors of any current or future restrictions on their registration and of any matters which might affect their credibility to act as expert on the case.

GOOD MEDICAL PRACTICE

The advice given in GOOD MEDICAL PRACTICE (paragraphs 63-67) is very similar to that contained within the CPR but for the sake of completeness these provisions make it clear that the doctor:

Must be honest and trustworthy when writing reports and when completing or signing forms, reports or other documents.

Always be honest about experience, qualifications and position.

Do their best to make sure that any documents that they write or are asked to sign aren't false or misleading. Doctors must take reasonable steps to verify the information in the documents and mustn't deliberately leave out relevant information.

If a doctor has agreed to prepare a report, complete or sign a document or provide evidence then they must do so without unreasonable delay.

Make clear the limits of knowledge or competence.

The role of the expert witness is to assist the Court on specialist or technical matters within their expertise.

Any report must comply with relevant professional Code of Ethics and that the GMC can adjudicate on the standard of reports given by experts in judicial proceedings (Meadow and Southall cases).

Experts should notify instructing solicitors of any current restrictions on their registration and of any matters which might affect their credibility to act as an expert on the case.

The expert's duty to the court overrides any obligation to the person instructing them or paying them.

ACTING AS AN EXPERT WITNESS

Is there any further guidance from the GMC?

Yes, further more specific advice is given in the guide: ACTING AS AN EXPERT WITNESS which makes it clear that the role of the expert is to act independently and not be influenced by the party who retains them.

With reference to giving expert evidence and advice, the doctor should make sure that they understand what they are being asked to report on. If instructions are not clear then seek clarification from the instructing solicitor. Only deal with matters within your expertise. Only comment on areas in which the doctor has relevant knowledge or direct experience.

A doctor must give a balanced opinion. A good test of this is to ask yourself whether the opinion would be the same if you were instructed by the opposing party. The doctor must be able to state the facts or assumptions on which that opinion is based. If there is a range of opinion on the question they are asked to comment on, then they should summarise the range of opinion and explain how they arrived at their own view.

If there is not enough information to reach a conclusion or the opinion is qualified this must be made clear in the report.

Any reports/evidence must be accurate and not misleading.

If you have been asked to give advice or opinion without the opportunity to consult with or examine the patient, you should explain the limitations this places on your advice or opinion and be able to justify the decision to proceed on such basis.

When drafting your report bear in mind that any advice and evidence will be relied upon for decision making purposes by people who don't come from a medical background. Use language and terminology they will be able to understand. Explain abbreviations and medical or other technical terminology. A glossary of terms in the report itself is very helpful.

If at any stage the doctor changes his/her view on any material matter, he/she has a duty to ensure those instructing them, the opposing party and the Judge are made aware of this without delay. Inform your instructing solicitor and they will let the other side and the Court know.

Be honest, trustworthy, objective and impartial.

A doctor must not allow any views about an individual's age, colour, culture, disability, ethnic or national origin, gender, lifestyle, marital or parental status, race religion or beliefs, sex , sexual orientation or social or economic status to prejudice the evidence or advice given.

KEEP UP TO DATE

Must keep up to date in specialist area of practice.

INFORMATION SECURITY AND DISCLOSURE

Take all reasonable steps to access all relevant experience, materials and maintain their integrity and security whilst in the doctor's possession

If consent for disclosure is not given, return to those instructing to seek clarification.

Don't forget that a duty of confidentiality applies to expert work and so the doctor should not disclose confidential information other than to the parties to the proceedings unless:

The subject consents (and there are no other restrictions or prohibitions on disclosure)

Obligated to do so by Court or Tribunal

Overriding duty to the Court and the administration of Justice demands information be disclosed.

If in doubt on this point, check with your instructing solicitor.

CONFLICTS OF INTEREST

If any matter gives rise to a potential conflict of interest such as prior involvement with one of the parties or a personal interest this must be disclosed. A conflict of interest does not automatically debar you from acting as expert – the Court may decide that the conflict is not material to the case. However take care not to create a conflict. Try not to have direct communication with the Claimant, besides the formalities of arranging an appointment.

What should an expert do if they have ethical concerns as a result of their work as an expert witness?

If an expert has any concerns arising from their appointment as an expert witness they should seek advice from their MDO or professional association, or BMA if they are not a member of an MDO. This could include a scenario whereby a particular form of treatment has been recommended in the expert's report but not followed up by treating clinicians or if the expert is concerned about the patient's safety.

CONCERNS ABOUT PATIENT SAFETY

Patient safety is very topical at the moment. Is this something the expert needs to consider when preparing a Condition and Prognosis report?

Although the litigant is not a patient of the expert, given the current climate of concerns about patient safety, a very rare case may arise where the expert has concerns about the treatment the Claimant is currently receiving. RAISING AND ACTING ON CONCERNS ABOUT PATIENT SAFETY is a GMC provision which came into effect on 12/3/12, the principle being that all doctors have a duty to act when they believe a patient's safety is at risk or that patient's care or dignity is being compromised and that the safety of patients must come first at all times. It is debatable as to whether this strictly applies to the expert/litigant relationship and given the very limited contact the expert will have with the Claimant it is probably unlikely to arise. However, I think it is important that doctors should be aware of these provisions and if they come across anything in the course of their work as an expert which raises concerns about patient safety then they should take advice from either their instructing solicitor, MDO, Royal College or Professional Body such as BMA, or even the GMC or other professional regulator.

SUMMARY

The role of an expert witness is a different role to that of a doctor providing treatment or advice to patients.

Any report must comply with the relevant professional Code of Ethics. The GMC can adjudicate on the standard of reports given by experts in judicial proceedings (Meadow and Southall cases).

Experts should notify instructing solicitors of any current restrictions on their registration and of any matters which might affect their credibility to act as expert on a case.

The role of the expert witness is to assist the Court on specialist or technical matters within their expertise

A doctor must give a balanced opinion

Any reports/evidence must be accurate and not misleading.

When drafting your report bear in mind that any advice and evidence will be relied upon for decision making purposes by people who don't come from a medical background. Use language and terminology they will be able to understand. Explain abbreviations and medical or other technical terminology. A glossary of terms in the report itself is very helpful.

If at any stage the doctor changes his/her view on any material matter has a duty to ensure those instructing them, opposing party and Judge are made aware of this without delay. Inform your instructing solicitor and they will let the opposition and the Court know.

Be honest, trustworthy, objective and impartial.

Keep up to date in your specialist area of practice.

Take care not to create a conflict.

If you have any concerns arising from your appointment as an expert witness you should seek advice from GMC, MDO or professional association

SOURCES:

CPR 35, Practice Direction 35, Pre-Action Protocol

GMC – Good Medical Practice. Giving Expert Evidence and Advice (2008). Raising Concerns about Patient Safety

Cases:

Phillips v Symes(2004)ewhc 2330

Hall v Edgell (2004) Unreported

Jones v Kaney (2011) UKSC 13

FORM AND CONTENT OF A CONDITION AND PROGNOSIS REPORT

The Report must be addressed to the Court

Title Page

The title page should contain the following details: date of report, parties to action, claimant's details, instructing party, nature of report

Personal details – current post and qualifications. Make sure that your qualifications are relevant to the report.

Nature of instructions

Chronology - statement of facts including those that are disputed, explanation of terms abbreviations

Examination – findings, history

Opinion – deal with what instructions asked you to focus on

Conclusions – If the expert is recommending that there are outstanding requirements as to treatment these should be set out in detail so treatment can be costed.

A statement that the expert has:

Understood duty to court, complied with that duty,

Aware of requirements of Part 35, practice direction to part 35, Protocol for the Instructions of Experts to give evidence in Civil Claims and the practice direction on Pre-action conduct.

Statement of Truth

Statement that there is no conflict of interest in acting as expert on the case

Any literature and studies referred to in the report should be listed in a schedule at the end of the report. If a glossary of medical terms was not included at the chronology stage then include one here.

Don't forget to number pages, paragraphs and sub-headings.

Don't forget the medical records should be paginated so please refer to pagination in report.