

Getting the most out of expert conclaves

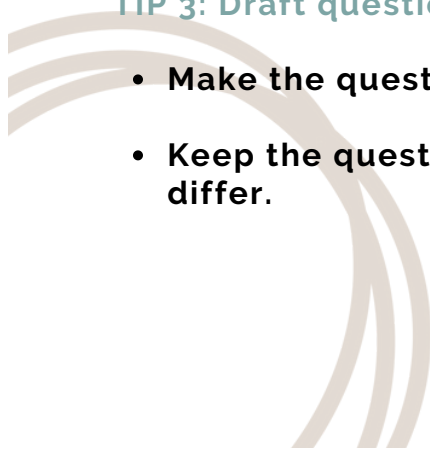
TIP 1: Always prepare in advance and do not send documents to the experts the night before the conclave

- The experts need adequate time to read the material and prepare their responses.
- If they are not prepared they will be stressed about participating which hinders their contribution.
- If they haven't had time to review the material properly then they won't be able to meaningfully discuss the questions.
- The draft report will need significant amendment taking additional time and adding to the costs.
- There is a high risk of receiving a sub-standard joint report.

TIP 2: Prepare thoughtfully

- Take time to prepare and do it well to minimise conclave costs and ensure a useful joint report is produced.
- Prepare an agreed list of assumptions with the other parties which will shorten the conclave, reduce costs and minimise the risk of experts expressing opinions that are outside the scope of the pleadings.
- Ensure your expert has seen all relevant material served since they were first retained to avoid unwanted surprises.
- Agree with the other parties on one set of appropriate questions for the experts to discuss and answer.

TIP 3: Draft questions designed to narrow the issues in dispute

- Make the questions relevant to the issues in dispute.
 - Keep the questions focused on the areas where the experts' opinions differ.
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- Do not ask questions that make the experts regurgitate facts that are not in dispute.
- Ensure the questions are clear and concise so that the experts can easily understand them and provide informed answers.
- Do not fill questions with legal jargon and use correct medical or other technical terminology.
- Make the questions as short as possible, preferably eliciting a yes or no answer followed by an explanation.
- The questions should be specific and targeted, rather than broad or open-ended so you are not at risk of your own expert going off course and offering opinions that may produce an unexpected result.
- The questions should elicit evidence that is admissible in court.
- The questions should be neutral and unbiased.
- Limit the number of questions to keep experts focused and engaged. If extensive questions are required, consider splitting the conclave into two sessions.
- Check your questions to ensure they make sense and do not contain typos that may inadvertently alter their meaning.

TIP 4: Prepare your expert

- Do not assume your expert is familiar with the conclave process.
 - Educate your expert about the process. Make sure they understand the purpose of the conclave and how it is likely to proceed, including the role of a stenographer and the facilitator if one is retained.
 - A pre-conclave conversation with your expert can help to identify which issues are in dispute, the expert can offer their views on what questions could be important and how to draft them accurately.
 - Ensure your expert understands that they will need to allocate time to prepare and to review extensive documents prior to the conclave, and then also time to prepare the joint report at its conclusion.
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