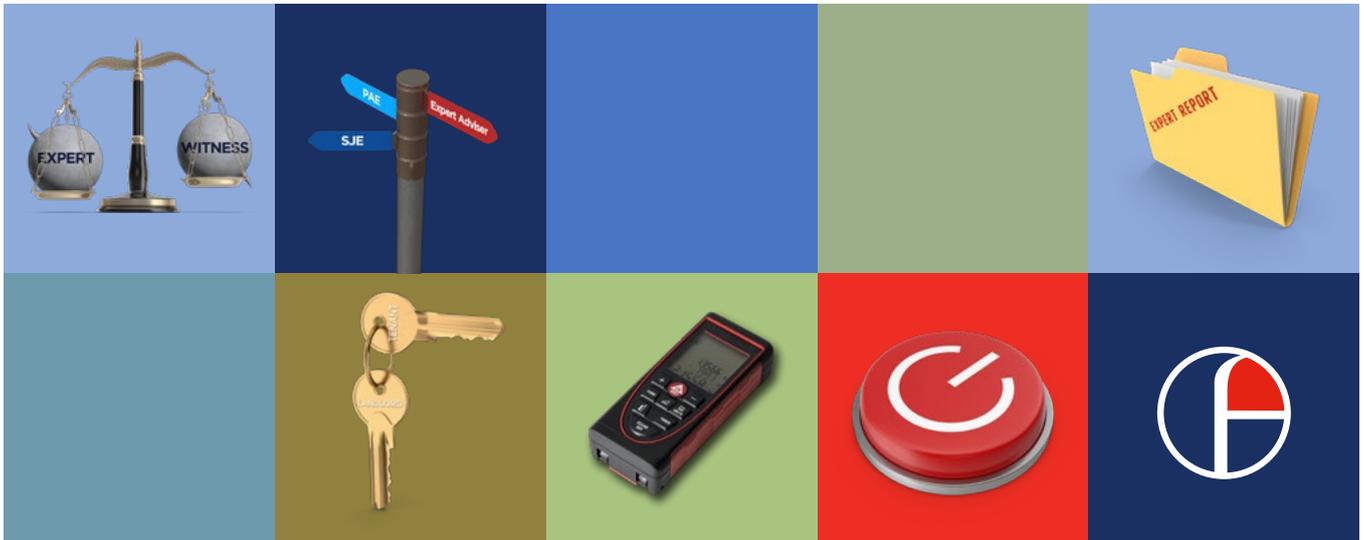


Expert Witness



Expert Witness

3. Expert Witness
4. Expert Advisers
5. Asset Valuation
6. Landlord & Tenant
7. Building Surveying
8. Business Rates
9. CPO
10. Expert Report
11. Why Us
12. Our Promise

CONTENTS

Expert Witness



A proven track record is critical

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

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 Procedure Rules



Jason Clines

Partner

Jason.Clines@fishergerman.co.uk
01905 728431



Paul Brown

Joint Head of Building Society

Paul.Brown@fishergerman.co.uk
01530 567461

Expert Advisers



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



Jason Clines

Partner

Jason.Clines@fishergerman.co.uk
01905 728431



Paul Brown

Joint Head of Building Society

Paul.Brown@fishergerman.co.uk
01530 567461

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 Expert Valuation Team is underpinned by the fact that the specialists:

- Understand the laws of Contract and Tort and are able to translate it into applicable procedural law
- Evaluate information and present an argument clearly, compellingly and in a fair and neutral way
- Prepare Expert Witness property Valuation Reports which are fully compliant with Civil, Family and Criminal Procedure Rules
- Have 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.



Phil Winckles

Partner

Phil.Winckles@fishergerman.co.uk
01512 421097



Tom Norfolk

Partner

Tom.Norfolk@fishergerman.co.uk
020 7747 3119

Landlord & Tenant



Combining market knowledge with technical expertise

Our highly experienced Lease Advisory Team has acted for landlords and tenants.

It combines considerable technical expertise with extensive market and sector knowledge.

The team has:

- Represented claimants and defendants (but not at the same time)
- Provided preliminary pre-action advice and current/retrospective advice
- Acted in rent review arbitration cases, as well as for Landlord & Tenant 1954 Act renewal cases referred to court

However, irrespective of the brief, one thing clients and their legal teams will always be assured of is that our Landlord & Tenant Experts will always provide concise, informed and independent advice.

The Team's property 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



Rupert Collis
Head of Commercial Lease Advisory
Rupert.Collis@fishergerman.co.uk
01565 745324



Richard Beaumont
Partner
Richard.Beaumont@fishergerman.co.uk
02077 473183

Building Consultancy



Critical reports in disrepair disputes

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.



Paul Brown
Joint Head of Building Society
Paul.Brown@fishergerman.co.uk
01530 567461



John Owen
Joint Head of Business Consultancy
John.Owens@fishergerman.co.uk
020 7747 8831

Business Rates Consultancy



Appealing to the tribunal

Occasionally, Business Rates challenges have to be appealed to the Valuation Tribunal.

In these instances, our team of Business Rates experts:

- Represents clients at the Tribunal hearing
- Prepares and presents 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.



Jonathan Young
Head of Business Rates Consultancy
Jonathan.Young@fishergerman.co.uk
0151 242 1081



David Wagstaffe
Partner
Paul.Brown@fishergerman.co.uk
02073 675394

Compulsory Purchase Orders



Understanding the law and local sensitivities

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.

*Usually used to promote national infrastructure projects such as major road schemes, pipelines and rail developments



Jason Clines

Partner

Jason.Clines@fishergerman.co.uk
01905 728431



Phil Winckles

Partner

Phil.Winckles@fishergerman.co.uk
01512 421097

Expert Report



Compelling facts simply told

The Expert Reports we prepare are 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.

Expert Reports are designed to help determine the strength of a legal case. Often, both parties appoint their own Expert Witness, who each compile 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 rationale which 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.

In addition, as the Expert Witness's overriding duty is to the court, the Report must include (validated) data, information and opinion even if it may have an adverse impact on the case of the party for whom it has been prepared.

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



Jason Clines

Partner

Jason.Clines@fishergerman.co.uk

01905 728431



Paul Brown

Joint Head of Building Society

Paul.Brown@fishergerman.co.uk

01530 567461

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, as well as our professional obligations within the civil justice system. That is why we stringently adhere to deeply held commitment to impartiality and not being 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. Our conduct and reporting must therefore 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, used 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.



Jason Clines
Partner
Jason.Clines@fishergerman.co.uk
01905 728431



Paul Brown
Joint Head of Building Society
Paul.Brown@fishergerman.co.uk
01530 567461



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.