

# WHAT TO EXPECT IF YOU ARE INVOLVED IN A CMEE - EXPERTS

## What to expect if you are involved in a CMEE - experts

### HOW DO I PREPARE FOR A CMEE?

1. Preparing for a CMEE is no different from preparing for a meeting of experts. Have you read the relevant practice directions and the guidelines for expert evidence? Do you have a clear understanding of the questions you have to answer? Do you have all the relevant information?
2. The CMEE Convenor will already have met with the parties and their representatives in a case management conference. The case management conference is aimed at settling the questions to be answered by each group of experts and the contents of the briefs for experts.

### WHAT IS THE ROLE OF THE CMEE CONVENOR?

3. The role of the CMEE Convenor is to work with the expert witnesses to ensure their joint expert report (JER) assists the Court to decide an issue as it relates to their area of expertise. In chairing a meeting of experts, the CMEE Convenor will promote careful discussions between peers, so the experts understand each other's opinion and can integrate them into a joint expert report that can be easily understood by the parties, their representatives and the Court.
4. If the experts consider that they need to do further work to complete the JER, and that work will involve additional cost to the parties, the CMEE Convenor should inform the lawyers, and, if necessary, convene a case management conference to discuss that work.
5. The CMEE Convenor will NEVER tell you what to write in a JER but may comment on the way the JER is structured, presented or expressed. Usually, the CMEE Convenor will ask you to provide a draft JER to ensure that it is comprehensive, comprehensible, and clearly addresses the issues that the experts were briefed to consider.

### WHO CAN I TALK TO WHEN I'M IN A CMEE?

6. One of the problems of a traditional meeting of experts is the confidentiality. Traditionally, once you entered the meeting of experts you could not talk to lawyers or other experts to get clarification on issues or information.

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7. The advantage of a CMEE is its flexibility. The CMEE Convenor can facilitate requests for further information or clarity of instruction. However, you still can't speak directly to a lawyer, a party, or another expert unless the contact is facilitated by the CMEE Convenor.

### HOW DO I ASK FOR FURTHER INFORMATION/CONTACT WITH THE LAWYER OR OTHER GROUP OF EXPERTS?

8. The first step is to confer with all other experts in your meeting of experts. If they agree to the request/contact, one expert should put that request in writing to the CMEE Convenor. Your contact with the CMEE Convenor should be in writing and copied to all other experts involved in the meeting of experts. If all experts agree to the request, the CMEE Convenor will contact the relevant person to obtain that information or arrange a meeting.
9. If not all experts agree to the request, they should identify the concerns, and the reasons for their concerns, in writing to the CMEE Convenor copied to all other experts. The CMEE Convenor will either convene a meeting of experts to discuss the request, and/or or report to the parties, outlining the request and the concerns. If the parties can't agree on whether your request should be accommodated, the CMEE Convenor will prepare a report to the President, and the President will decide the issue.