

WHAT TO EXPECT IF YOU ARE INVOLVED IN A CMEE - LAWYERS AND PARTIES

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HOW DO I PREPARE FOR A CMEE?

1. Usually, the CMEE will start with a case management conference between the lawyers and/or parties, without the experts. Before that meeting, you should think about whether there are any issues about disclosure or particulars that might require discussion. You should be thinking about the issues that the experts need to answer and the material to be included in the brief to experts. You should also be thinking about the timetable for filing any joint expert report (JER) and whether one set of experts will need information from another set to finalise their JER.

WHAT IS THE ROLE OF THE CMEE CONVENOR?

2. The role of the CMEE Convenor is to work with the expert witnesses to ensure their joint expert report 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 JER that can be easily understood by the parties, their representatives and the Court.
3. The CMEE Convenor will ensure that the experts will not undertake any additional work required for the preparation of the JER unless the lawyers have been informed about the extra work and consent to it being undertaken.
4. The CMEE Convenor will NEVER tell the experts 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 the experts to provide a draft JER to ensure that it is comprehensive, comprehensible, and clearly addresses the issues that the experts were briefed to consider.

CAN I TALK TO THE EXPERTS DURING THE CMEE PROCESS?

5. Once the experts start the meeting of experts, usually, the ordinary rules apply and you cannot communicate with them.
6. However, the advantage of the CMEE is its flexibility. With the guidance and assistance of the CMEE Convenor, the meeting of experts can be suspended so that the experts can seek

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clarification or further information and you can talk to them about issues that may have arisen since they entered into the meeting of experts.

HOW DO I ASK FOR CONTACT WITH THE EXPERTS?

7. Put your request for contact in writing to the CMEE Convenor, with a copy to all other parties/lawyers. If the other parties/lawyers agree, the CMEE Convenor will organise contact. If the other parties do not agree, it is likely that the CMEE Convenor will organise a case management conference to discuss the issue.

WHAT HAPPENS IF THERE IS AN ISSUE THAT CANNOT BE RESOLVED AT CMEE?

8. The CMEE Convenor has no power to decide disputes. If the parties cannot reach agreement on an issue, the CMEE Convenor must prepare a report to the President, so that the President can decide the issue.
9. The report to the President should be comprehensive statement of the issue and each party's position. Ideally, there should be no need to file an application, supporting affidavits or additional submissions. Where appropriate, the President will decide the issue on the papers.
10. The CMEE Convenor must send the parties a draft report before it is filed. Best practice suggests that the draft report should clearly identify the issue and provide for written submissions by way of correspondence to be annexed to the final report.