

## Example letter of instruction for Expert Witness

Name of lead solicitor  
Registered office address

Contact tel, fax number & email

Date: .....

Your reference: ABC/123

Dear Dr ....

**Re:** Name of client(s) concerned  
**Court:** Inner London .....

<b>Court ref:</b>	RTS/AB/456
<b>Date report is required by:</b>	.....
<b>Date of hearing:</b>	.....

*1. Confirm that you wish to instruct the expert and your role in the proceedings e.g.*

"We act for Mrs X who is presently detained at ..... under Section 123 of the Mental Health Act 1983. We have been instructed to obtain an expert psychological report and confirm that we wish to instruct you to undertake the same **or** this is a joint letter of instruction. The lead solicitor is ..."

*2. Confirm the parties to the proceedings and legal representatives e.g.*

1. The Applicant – Mrs X, represented by XYZ & Co, PQR Street ....., tel. 0161 ..., Fax 0161 ..., email 123@..., reference ABC/123
2. The mother – Miss Y, represented by .....

*3. Provide a brief background to the case e.g.*

We refer you to the trial bundle for a detailed account of the background to this matter. In summary, our client was taken into care aged .....

Our client was transferred to ..... on 10 January 2011.....

The Local Authority issued care proceedings .....

*4. Confirm clear instructions as to what issues the expert's report should address e.g.*

We are instructed to obtain an expert psychological report to cover the following points:

1. Mrs X's intellectual functioning .....
2. In light of your testing please assess:
  - a) Her capacity to ....
  - b) Her capacity to ....
  - c) How her intellectual functioning may affect her .....
3. Would our client benefit from ...

*5. Provide details of the bundle supplied with the instructions:*

Please find enclosed the reports and documents listed below:

1. Psychiatric report of Dr ABC dated .... (20 pages)
2. Social worker's report of Ms. GHI dated ... (12 pages)
3. Our summary of ....

*6. Confirm any relevant deadlines e.g.*

The next hearing is on .... we would therefore request that your report be filed at least 7 days prior to this, by Friday 6<sup>th</sup> April

We would also be grateful if you could confirm whether you are available to attend the hearing on .... to provide evidence...

*7. Clarify any Conditions of instruction e.g.*

Your report will be disclosed to the Court and to all parties in this case.....

We are required to draw your attention to the Protocol for Judicial Case Management ...

*8. Confirm Fees arrangements and for funding*

Our client is publicly funded and your fees will be met by the Legal Services Commission ....

Further to your estimate, I can confirm that the Legal Services Commission have granted prior authority of £..... for the preparation of an expert psychological report.

The fees are to be split equally between all parties .....

Yours sincerely

Mr ABC  
XYZ & Co.

Enc.