

Dr M D Marsden BSc PhD
Expert Witness Work Fees, Terms and Conditions
(2017/01)

Telephone Discussion

I do not charge for telephone conversations with the instructing solicitor and this can be a useful way of assisting during the early stages of a case enquiry and with selection of the best fee option for individual cases should expert work be required.

Fixed Fee Options for Document based Opinion

Option 1 - a letter summarising my preliminary opinion based on documents for **£350**.

Solicitors may thereafter, if desired, instruct a full formal expert witness report, based on documents, structured in accordance with CPR, including supporting reference material, for an additional fixed fee of **£650**.

Option 2 - a fixed fee formal report, structured in accordance with CPR, can be instructed from the outset, offering opinion based on documents for **£850**. Supporting reference material (eg quotes from industry standard guidelines with copies of relevant sections in Appendices) can be added at the standard hourly rate if desired.

Standard Hourly Rate

My standard hourly rate fees are **£195.00** per hour (eg for examination of written material such as witness statements, preparation of reports, dealing with emails etc.). For a full report structured in accordance with CPR Rules, without an assessment visit and charged on this basis, including supporting reference material, the fee usually comes to around £800 - £1,200, although some cases may take more time and cost more, while others may take less time and cost less.

Assessment visits, Meetings and Expenses

It is my experience that in most cases an assessment visit is neither necessary nor helpful, as horse behaviour and condition of premises can change considerably over time and with subsequent events.

However, where desired, inspection of the premises, horse, or accident locus is charged at £500 plus travel time at standard hourly rate with mileage @ 45 pence per mile from Biggar in South Lanarkshire and expenses at cost (eg. parking/ taxi, overnight stay and meals etc.). Where an assistant is required (eg to video me riding etc) their travel, accommodation and expenses are charged at cost. Meetings with Counsel, clients or discussion with other experts are charged at £195.00 per hour, plus travel time and any expenses as above. Teleconferencing £195 per hour. Estimates and receipts provided.

Court Attendance

£500 minimum each day, £500 up to half day and £750 thereafter up to full day, plus travel and expenses as above. Cancellation incurs a fee (£250 if 24hrs notice or more, £500 if less than 24hrs notice) per day scheduled to attend, plus any expenses (mileage, travel tickets /accommodation including deposits etc) incurred. Court attendance must be pre-arranged after consultation on and subject to my availability.

Legal Aid funded cases

A fixed fee for a report can be arranged in individual Legal Aid funded cases (varies from case to case), with other fees and travel and other expenses agreed in line with MoJ recommendations.

Timescale

I aim to get most reports done by 2-4 weeks after instruction and receipt of all necessary material or any inspection visits required. My caseload is prioritised according to Court dates, 'time bar' and other procedural deadlines, including meetings with Counsel, clients etc. allowing urgent matters to be dealt with promptly and specific deadlines can usually be accommodated by prior arrangement.

Terms and Conditions

I use the standard Terms and Conditions produced by the UK Register of Expert Witnesses (see www.jspubs.com), with fees as above, due within 30 days of date of invoice, with interest at 8% above B of E base rate thereafter and liability is limited to the limit of my Professional Indemnity insurance minus Defence costs. Invoices are sent with written opinion or report and immediately after any meeting, teleconference, assessment visit, Court attendance etc. Any disputes are to be settled under the jurisdiction of Scots Law ie dealt with according to the Law of Scotland.

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