EWI Template Letter of Instruction – Civil Cases

Dear X,

**Introductory**

Re A v B

I am instructed on behalf of A/B

Contact details for A/B

Pre-Proceedings *or* In the X Court (Case Number 1234)

Please address all communications to me (or to Other Named Person), at the above address and quoting reference ABC/123

I would be obliged if you would accept instructions to prepare an expert’s report in connection with my client A/B (“the Claimant” *or* “the Defendant” *or* Other) in connection with a claim for damages (or state other form of relief).

The basis of the claim is (add a summary with sufficient chronology and detail to provide context in a balanced way, avoiding bias as the expert is obliged to record the substance of their instructions written and oral).

**Documentation**

Please find enclosed the following documents:

* CPR Part 35 and CPR PD 35
* Civil Justice Council, Guidance for the instruction of experts in civil claims
* C
* D
* E

**Time Scale/Court Orders**

Please find enclosed a copy of a Court Order dated dd/mm/yyyy. Please note the contents of Direction N from which you will see that your report must be disclosed by dd/mm/yyyy. Please confirm that you will send your report to me by (suitable date leaving sufficient time to review the report and take instructions prior to disclosure).

*Or*

Please let me know the date by which I can expect to receive your report.

*Or*

We have agreed that you will deliver your report by dd/mm/yyyy and I look forward to hearing from you. If you anticipate any difficulty in delivering your report by this agreed date please contact me to discuss.

**Instructions**

You are instructed to prepare an advisory report and as such your report will not be disclosed and it is therefore not subject to the requirements of CPR Part 35.

*Or*

You are instructed to prepare a CPR Part 35 compliant report and as such your report should be addressed to the Court. You are referred to CPR Part 35 and CPR PD 35. In relation to the form and content of your report you are specifically referred to CPR PD 35.3.

You are particularly reminded of your duties and obligations contained in CPR Part 35.3:

* It is the duty of an expert to help the court on matters within his expertise
* This duty overrides any obligation to the person from whom he has received instructions or by whom he is paid

Please make arrangements to (as appropriate) carry out an inspection of…*or* review the documents *or* examine A/B *or* other and prepare a written report.

Please provide your opinion as to the following specific issues:

* X
* Y
* Z

Please ensure that your report is signed and verified by a CPR Part 35 compliant Statement of Truth/Declaration.

**Terms and Conditions/Payment**

Add details as/to be agreed with copy documents where appropriate.

**Conflict of Interest**

Please notify me immediately should you be aware or become aware of any conflict of interest, actual or potential.

**Standard of Proof/Relevant Law**

This is a civil matter and so the Standard of Proof is proof on the balance of probabilities.

Identify any specific legal test and provide references/summaries for case law relevant to the specific matter.

**Further**

If there are any matters that you would like to discuss or if you have any questions before you proceed, please let me know.

Yours etc