CREDIBILITY OF EXPERTS

I: The relevance and need for expert valuation evidence in Canadian Courts	
Relevance	• Canadian Courts view expert evidence as relevant and useful on matters not within the ordinary knowledge of the Court. • Experts have tremendous opportunities to make useful contributions to the Court.
Independence	• Independence and objectivity are mandatory for experts. Independence is not a quality to be adhered to in outward form/appearance only, but should be adhered to in spirit and substance.
II: Factors impacting the weight placed on expert valuation evidence in Canada	
Proper Use of Assumptions	• Assumptions are appropriate when facts are not available, unclear or contradictory. However, experts must reasonably attempt to obtain required factual information before reverting to assumptions. • When assumptions are used, adequate due diligence should be undertaken to test assumptions for reasonability and factual consistency.
Explaining Concepts Logically and Clearly	• Articulation of complex concepts in a logical and clear manner is extremely important, and can, among other things, mean the difference between one expert's evidence being preferred over that of another.
Demeanour	• It is difficult to definitively conclude, from legal judgments, what is an "ideal" or "preferred" demeanour for experts. • Some legal judgments suggest that Courts prefer experts that maintain a modest, calm and "academic" demeanour. • Experts are better able to maintain a modest and calm demeanour if they are amenable to alternate views on cross-examinations.
Asking for Relevant Information	• It is not sufficient to disclose scope limitations in expert reports without making reasonable efforts to ask for required information or to obtain information from other sources or by alternate means. • Experts should exercise caution and carry out adequate due diligence when using materials provided by clients.

The Importance of Qualifications	• Having relevant qualifications for the subject matter at hand is important but the number of designations does not provide one expert with an advantage over another.
The Importance of Experience	• Courts value relevant experience on the part of experts. However, what is more important is the independence and due diligence undertaken by an expert in arriving at his or her opinion.
Being Organized	• Evidence (oral or written) that is well organized and presented in a methodical fashion tends to be viewed favourably.
Level of Detail Involved	• Being detailed is important to the extent that such detail relates to the subject matter at hand, and to the extent that sufficient work is undertaken by the expert to support his or her opinion. • Notwithstanding the level of detail incorporated into an expert analysis, what is more important is that the "big picture" conclusions reached are reasonable and accord with common sense.
Remaining within one's Area of Expertise	• Experts should avoid straying too far from their expertise. • In cases where a significant component of the overall analysis is outside of the expert's expertise, experts may need to consider retaining another expert.