

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION

Claim No.

DISTRICT REGISTRY

B E T W E E N :

Claimant

and

Defendant

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***Claimant's***  
**AGENDA FOR JOINT MEETING OF  
PAEDIATRIC NEUROLOGY EXPERTS**

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**Claimant's preamble**

*This Agenda has been drafted by the Claimant as a neutral document to help the experts focus on the issues, in accordance with guidance provided by CPR 35 and accompanying Practice Direction, the 2014 Guidance for Instruction of Experts and Yip J in Saunders v Central Manchester University Hospitals NHS Foundation Trust 2018 EWHC 343 QB and Welsh v Walsall Healthcare NHS Trust 2018 EWHC 1917 QB.*

*It has been drafted with the specific intention that it covers all issues for both parties. As such it is intended that it can be agreed by the Defendant and put before the experts as a single joint agenda, avoiding the need for separate agendas.*

*In order to avoid separate agendas, if nevertheless the Defendant considers that it must amend this agenda, it is invited to do so by adding any further matters to the end of the current agenda as additional questions, rather than revising the body of the agenda.*

*The Claimant reserves the right to draw the attention of the Court to the above on the issue of costs if the Defendant does not agree this agenda.*

### **Guidance:**

- (a) The meeting is without prejudice. Solicitors and Counsel should NOT be involved in discussing the issues with the experts from the time the expert's discussions start until the joint statement has been signed off by all experts involved. They should not be asked to "approve" any draft.
- (b) It is intended that this Agenda is agreed between the parties and should provide a framework for your meeting. Where the parties are unable to agree the Agenda they will each provide you with an Agenda and you should address and answer both. The parties expect you to draw up an agreed and signed Statement (for the joint Statement) setting out your views in relation to each question and any other issues you feel relevant.
- (c) It is desirable that the joint Statement (1) sets out the narrative and the question followed by your responses and (2) is typed and signed at the conclusion of your meeting.
- (d) Please answer each question separately using the same numbering as in this Agenda.
- (e) In answering the questions, if there is disagreement between you, please summarise the areas of disagreement and need to give full reasons for your disagreement with the other expert.
- (f) If you feel that you cannot answer a question as drafted, you should feel free to put the question in another way so that you are able to answer it.
- (g) The questions are not intended to restrict your discussion. If there are additional issues that you feel are relevant, please discuss them and note areas of agreement, disagreement and, in the case of disagreement, the reason for that disagreement.
- (h) If you feel that any question is outside your area of expertise, do not deal with the substance of the question but state that the question is outside your expertise. Equally, if you feel that an expert of an alternative discipline is better qualified than you to answer a question, please make that clear.
- (i) You may be supplied with a paginated bundle of medical records and a chronology. If you refer to any records in your answers, please include page references as necessary.
- (j) Some of the questions may relate to the standard of care provided to the Claimant. In this respect you are asked to consider whether the clinician acted with reasonable skill and care and in accordance with a practice which would be accepted as proper by a reasonable and responsible body of such clinicians

at that time. This includes an assessment of whether it satisfies a logical analysis of risks and benefits.

- (k) The standard of the proof of facts is the balance of probabilities. Thus, for legal purposes, a fact is proved if you think that it is more likely than not to have occurred. You will appreciate that this is a different standard of proof from scientific certainty.
- (l) Where the factual version of events put forward by the parties differ, if the answer to a question depends on which version of events the Court accepts, please say so and deal with the question on each account. Similarly, if the answer to a question depends on whether the evidence of a witness is accepted by the Court, or in relation to a disputed medical record, you should make that clear in your response.

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