

Links with London

Reproduced below and published in *The Times* on 9 November 1996 is an article reporting a speech by one of our members, Sir Michael Davies. It provides a refreshing insight into problems which obviously exist in English Courts, as well as our own.

“Former judge tells expert witnesses to cut the waffle

By Richard Ford, Home Correspondent

A former High Court judge gave expert witnesses some blunt advice yesterday on giving evidence in court: “Straight talking, no bullshit.”

Sir Michael Davies, who was speaking at a conference in London, also warned of the risks involved in anyone trying to bring a little light relief to legal proceedings by putting jokes in a report or offering a quip from the dock. “Witnesses should not make jokes. The judge likes to make the jokes in court,” he said.

Sir Michael, 75, who retired in July, criticised experts who tried to impress judges by peppering their reports with Latin phrases or fashionable “buzz words”.

The former judge of the Queen’s Bench Division advised them against producing overwritten documents in which they pontificated or tried to blind the judiciary with science. Contrary to what the “gutter press” sometimes said, expert witnesses must assume that the judges reading reports were neither lazy nor stupid.

He told a conference in London on specialist evidence in criminal and civil cases that experts should be on their guard against advising the judge on the correct verdict, or producing “a load of bullshit - defined by *Chambers Dictionary* as ‘deceitful humbug’. Please remember that.”

Sir Michael added: “Don’t use buzz words or words you think are impressive. The latest buzz word is ‘paradigm’. ‘Parameter’ used to be a favourite word a few years ago; I still don’t know what it means.

“Why use Latin when English will do? Don’t use *in situ* when you can use ‘in position’. If you go to any of my judgments, they may be absolute rubbish, but you won’t see any buzz words or Latin,” Sir Michael told the Expert Witness Institute at Church House in Westminster. When experts write reports for court proceedings they should attempt to interest the judge with “pithy documents” and should avoid pages about their qualifications and conferences attended in exotic places such as Bangkok.

“Judges like a clear report, written in plain English and no waffling. Self-importance can show in a report as well as in the witness box. Do not try to put yourself over as self-important, don’t try to put yourself over as condescending and do not pontificate,” he said.

Sir Michael, who was a High Court judge for 23 years, is to be the chairman of the institute, which was launched yesterday. Its aim is to educate, train and certify experts, and to provide lawyers with information that would put them in touch with specialists in particular fields. “

Sir Michael was admitted to our Bar this year, having retired as a Justice of the High Court of Justice. His farewell was attended by two of our members, namely Dennis Cowdroy QC and Mr Geoffrey Jacques, a Bencher of Lincolns Inn who was admitted to our Bar in 1990. Pictured below are our three members at the farewell in London. □



(L to R) Sir Michael Davies, Dennis Cowdroy, Geoffrey Jacques)