When Can You Commission Your Own Expert Report – Family Law Lawyers Know How

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In circumstances where there is an issue that is contested in family law proceedings, parties may look to obtaining a single expert report from an expert who is instructed by both parties' family law lawyers to provide evidence on the issue. Common examples of an expert report include a valuation report to determine the value of the family home or one party's business.

In the recent Family Court case of *Rigby & Kingston (No. 2)* [2020] FamCA 467, one of the issues in contention was whether the Husband was underpaid for his work when he was employed as a contractor. The Wife's family law lawyers had directly invited the Husband on three separate occasions to engage a jointly appointed expert. The Husband did not agree to the Wife's propositions. In that event, the Wife's family law lawyers had commissioned their own report with instructions solely from the Wife to provide evidence on whether the Husband was being underpaid.

While the usual course is for parties to jointly engage an expert, it seemed that the Wife had no other option than to engage an expert on her own. According to the Family Law Rules, the Wife's family law lawyers were required to seek leave of the Court to rely on that report because it was not a joint report. The Court considered that without the report being admitted into evidence, the Court would have had no expert evidence to determine one of the issues identified by the parties as an issue for trial. Appropriately, the Family Court granted leave to the Wife and she was permitted to adduce evidence from the report.

For advice about single expert reports contact one of our divorce lawyers on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.