

Appeal Decision - Moore v. Getahun

January 29, 2015 (Toronto): The CICBV is delighted to report that, in a unanimous decision of the Court of Appeal for Ontario, the decision of the trial court in the matter of *Moore v. Getahun*, with respect to communications between legal counsel and experts regarding draft reports, has been rejected.

In its unanimous decision released today, the Court of Appeal rejected the decision of the trial court on the matter of discussions regarding draft reports and instead concluded that “consultation and collaboration between counsel and expert witnesses is essential.” A January 14, 2014 decision of the trial court (Superior Court of Justice) held that it was no longer permissible for lawyers and experts to have meetings or discussions to review and shape draft reports.

The CICBV, along with the Criminal Lawyers’ Association, the Ontario Trial Lawyers Association, the Holland Group, the Canadian Defence Lawyers Association and the Advocates’ Society were granted intervenor status in the appeal of this decision, which took place in September, 2014.

A commentary regarding the decision by Courtney Raphael of Aird & Berlis, who acted on behalf of the CICBV, can be accessed [click here](#).

CBVs, particularly those who act in the capacity of expert, should read the decision of the Court of Appeal, with specific emphasis on paragraphs 46 to 78. A copy of the decision can be accessed [click here](#).

If you would like to discuss this decision please contact Robert Boulton, CICBV Director, Education and Standards at 416-977-1117 ext 223 or email robert.boulton@cicbv.ca.