

# Commercial Court Seminar, 27 Oct 2010: Concurrent Evidence and 'Hot-tubbing'

## Selected Bibliography

### Supreme Court Rules and Practice Notes

<i>Evidence Act 2008</i> (Vic) s 26
<i>Supreme Court (General Civil Procedure) Rules 2005</i> (Vic) O 44 and Form 44A
Commercial Court Practice Note 1/2010 – paragraph 13 ('expert evidence')
Commercial Court Practice Note 1/2010 – standard joint experts order (at p 52)

### Cases

<i>Roads Corporation v Love</i> [2010] VSC 253 at [29]
<i>Strong Wise Ltd v Esso Australia Resources Ltd</i> [2010] FCA 240 at [93]
<i>Peterson v Merck Sharpe &amp; Dohme (Australia) Pty Ltd &amp; Anor</i> (2010) FCA 180 at [304]
<i>Halverson &amp; Ors v Dobler, Halverson by his tutor v Dobler</i> (2006) NSWSC 1307 at [61]
<i>Re Coonawarra Penola Wine Industry Association Inc and Others and Geographical Indications Committee</i> [2001] AATA 844

### Film/DVD

<i>Concurrent Evidence: New Methods with Experts</i> (Australian Institute of Judicial Administration, 2006)
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### Journal Articles, Papers and Reports

Rares J, 'Using the "Hot Tub" – How Concurrent Expert Evidence Aids Understanding Issues' (Paper presented at the New South Wales Bar Association Continuing Professional Development Seminar, Sydney, 25 August 2010) at: <a href="http://www.fedcourt.gov.au/aboutct/judges_papers/speeches_raresj12.rtf">http://www.fedcourt.gov.au/aboutct/judges_papers/speeches_raresj12.rtf</a> .
Allsop, J, 'The judicial disposition of cases dealing with complex and specialised factual material', Summer 2009/2010 <i>Bar News: The Journal of the New South Wales Bar Association</i> 75.
Gary Edmond, 'Merton and the Hot Tub: Scientific Conventions and Expert Evidence in Australian Civil Procedure' (2009) 72 <i>Law and Contemporary Problems</i> 159.
Mia Livingston 'Have we fired the 'hired gun'? A critique of expert evidence reform in Australia and the United Kingdom', (2008) 18 <i>Journal of Judicial Administration</i> 39.
Gary Edmond, 'Secrets of the "Hot Tub": Expert Witnesses, Concurrent Evidence and Judge-led Law Reform in Australia' (2008) 27 <i>Civil Justice Quarterly</i> 51.
McClellan CJ, ' <i>Concurrent Expert Evidence</i> ' (Paper presented at the Medicine and Law Conference of the Law Institute of Victoria, Melbourne, 29 November 2007) at: <a href="http://www.lawlink.nsw.gov.au/lawlink/Supreme_Court/ll_sc.nsf/vwFiles/mcclellan291107.pdf/\$file/mcclellan291107.pdf">http://www.lawlink.nsw.gov.au/lawlink/Supreme_Court/ll_sc.nsf/vwFiles/mcclellan291107.pdf/\$file/mcclellan291107.pdf</a>
NSW Law Reform Commission, <i>Expert Witnesses</i> , Report No 109 (2005) 71.
AAT Study ' <i>An Evaluation of the Use of Concurrent Evidence in the Administrative Appeals Tribunal</i> ' (2005) at: <a href="http://www.aat.gov.au/SpeechesPapersAndResearch/ResearchPapers.htm">http://www.aat.gov.au/SpeechesPapersAndResearch/ResearchPapers.htm</a> .
Downes J, 'Concurrent Expert Evidence in the Administrative Appeals Tribunal: The New South Wales Experience' (Paper presented at the Australasian Conference of Planning and Environment Courts and Tribunals, Hobart, 27 February 2004) at: <a href="http://www.aat.gov.au/SpeechesPapersAndResearch/speeches/downes/concurrent.htm">http://www.aat.gov.au/SpeechesPapersAndResearch/speeches/downes/concurrent.htm</a> .
Vickery J, ' <i>New Approaches to Expert Witnesses</i> ' Construction Law Seminar, 26 August 2001.
Freckelton, Reddy & Selby, ' <i>Australian Judicial Perspective on Expert Evidence: An empirical study</i> ' (1999) Australian Institute of Judicial Administration.