

Science on Trial: What Environmental Consultants Need to Know About Giving Evidence in Court



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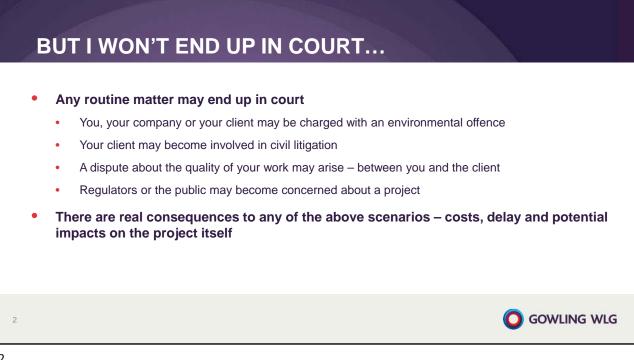
SMART Remediation Toronto, ON | January 23, 2020

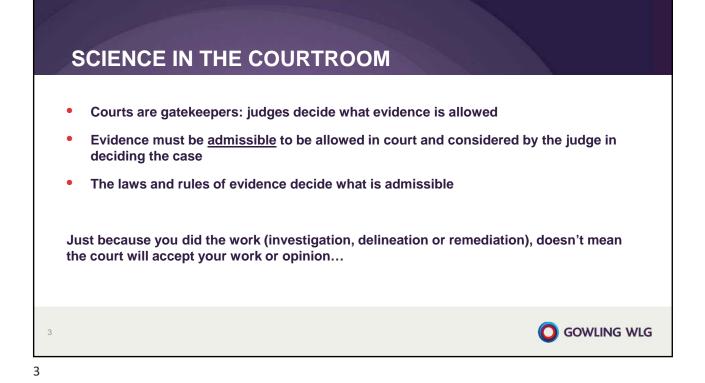
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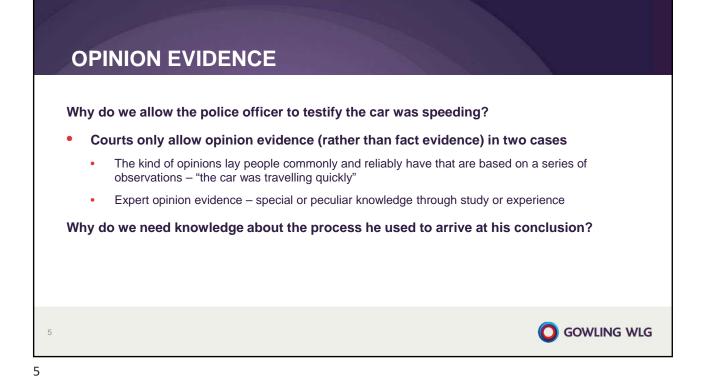
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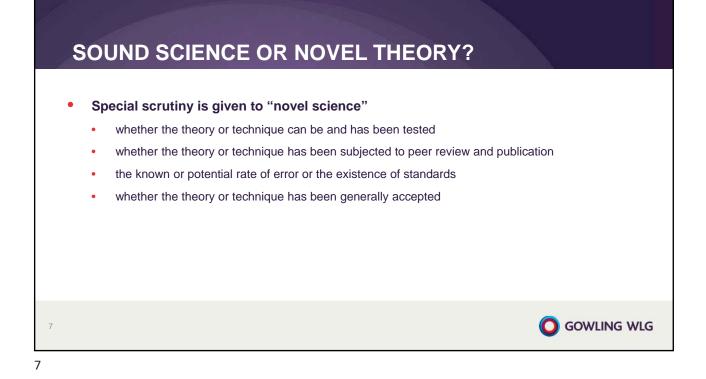


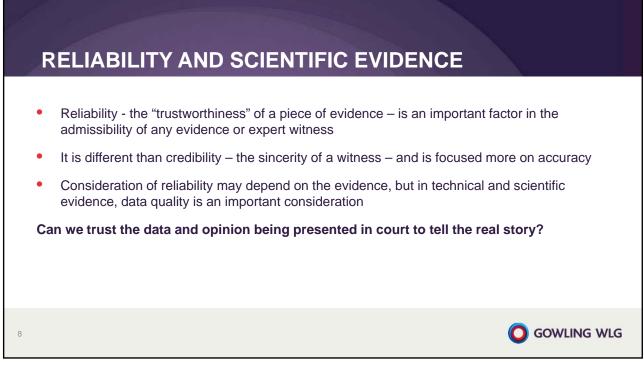






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ENVIRONMENTAL CONSULTANTS IN THE COURTROOM	
	 May act as a party's "expert witness" Retained for the purpose of providing an opinion on one of the matters in issue (source of contamination, standard of care, etc.) May be a participant expert Can give opinion evidence based on direct experience and participation in an event Summons (subpoena) by an opposing party Data collected or work done may be needed as factual evidence (foundation for
9	another witness)

	ESSONS LEARNED IN A VOIR DIRE
•	Recent case involved a voir dire on the admissibility of field and lab test results Cross-examination of environmental monitor and testimony of an expert witness Court agreed the results were unreliable and could not be admitted into evidence • Court could not consider that data at all in arriving at its decision
•	Experts were not permitted to rely on the data providing the foundation for their opinions
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