

RULE 4.1

DUTY OF EXPERT

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- 4.1.01(1)** It is the duty of every expert engaged by or on behalf of a party to provide evidence in relation to a proceeding under these rules,
- (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within the expert's area of expertise; and
 - (c) to provide such additional assistance as the court may reasonably require to determine a matter in issue.

Duty Prevails

- (2) The duty in subrule (1) prevails over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

MacWilliams v. Connors PESC 2014 12

The Court declined to grant an Order disqualifying the expert. There may be cases in which a motions judge could disqualify an expert but only where it is clear from the evidence that the proposed expert would be biased.

The weight to be given to the evidence of an expert witness falls within the province of the trial judge, not a pre-trial motions judge.