



# Road Traffic Reconstruction: A Comparative View

Gerben Janson – The Netherlands

Rebeca Martínez Fariñas - Spain

Peter De Maeyer - Belgium

Chair – Ian Denham – England & Wales



Leidse Letselschade  
ADVOCATEN

HBSV  
ADVOCATEN



# The Panelists

---

# The Chair



What do we mean by  
reconstruction evidence?

A photograph of a crime scene. In the foreground, a white police van with high-visibility orange and yellow chevron markings on the back is parked. The license plate reads 'YJ17 EFX'. A police officer in a high-visibility vest and uniform stands next to the van, looking towards the right. Blue and white 'POLICE LINE DO NOT CROSS' tape is stretched across the road. In the background, there are residential houses and other vehicles. The text 'What do we mean by reconstruction evidence?' is overlaid in white on the image.

# When might one want to use reconstruction evidence?

- Police Reports – are they always sufficient?
- The role of Public Prosecutors and Criminal Proceedings (and evidence gathering)
- Court appointed experts?
- Can the parties obtain their own reports?
- Jointly or independently instructed experts?



motorweek.org

# Expert Reports

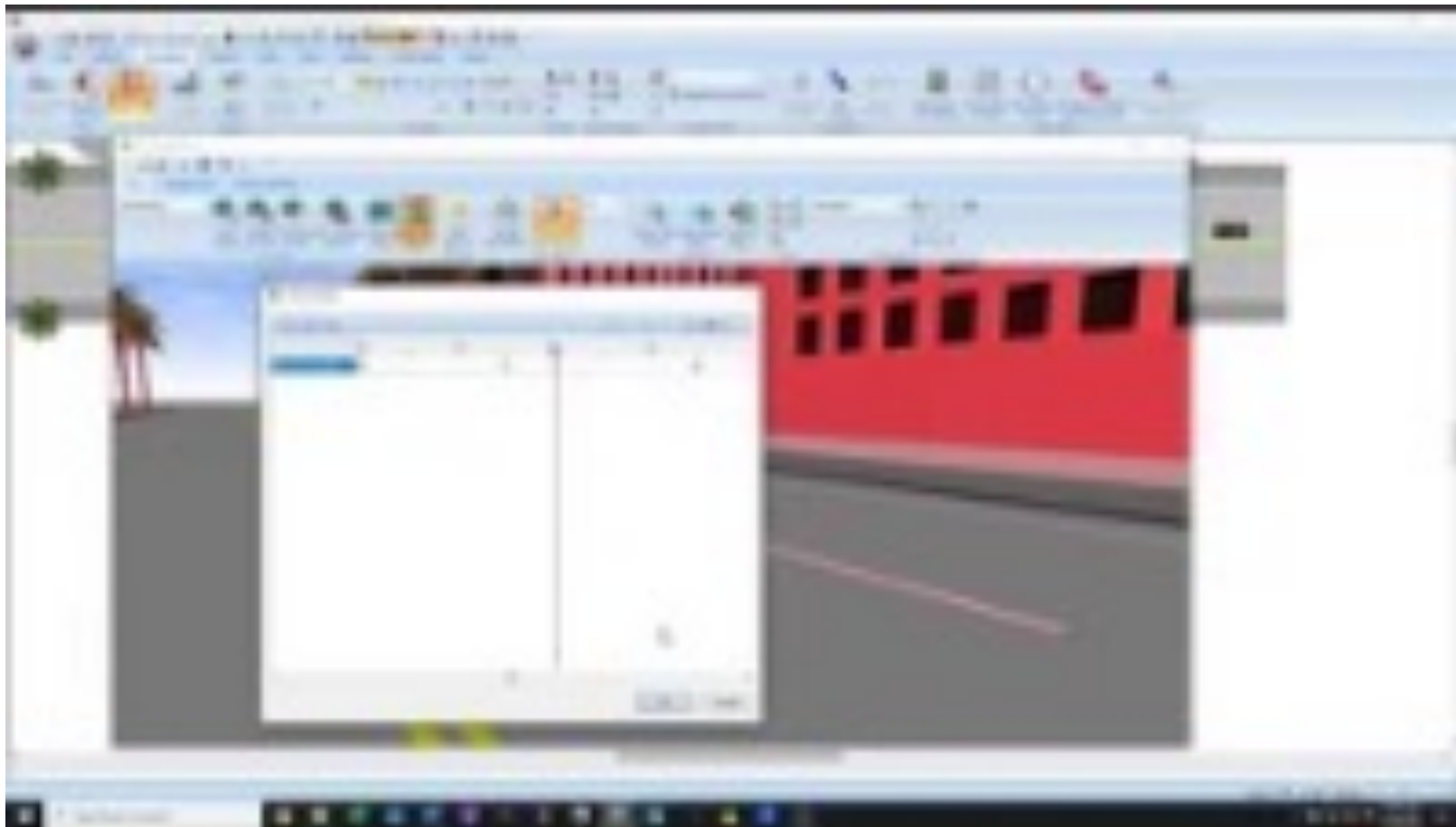
- Qualifications of the Experts:
  - Engineers?
  - Police Officers?
  - Others?
- Does the expert owe a duty to the party commissioning / funding their report or is there an overarching duty to the Court?
- Are there any formalities that a report must comply with?
- Is there a duty to disclose your report ahead of negotiations / Court hearings?
- Is 'expert shopping' permissible?

# Evidence before the Courts

- Admissibility of evidence
- Are there any limitations on the evidence that may be called?
- Is the Court's permission required to adduce reconstruction evidence?
  
- What weight is placed on Reconstruction evidence?
- Are the findings made earlier criminal proceedings binding on a civil claim?
  
- How are differing opinions resolved by the Courts:
  - Expert vs Expert
  - Expert vs Police
  - Joint reports of the experts setting out areas of agreement / disagreement
  - Cross-examination of experts?
  - Decisions on paper?



# The use of technology in the Courts



# Funding of accident reconstruction evidence

- Who pays for the report...
  - Court appointed?
  - Jointly instructed?
  - Individually instructed?
- Can the cost of a report be recovered from the unsuccessful party?

LOONEY TUNES



*That's all*