

## EXPERT EVIDENCE IN THE DIGITAL AGE

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The role of experts and expert evidence has affected all aspects of the legal process in the Digital Age. The key elements of admissible expert evidence are specialised knowledge, the identification and proof of assumptions and a statement of reasoning by the expert. The High Court of Australia in the recent case of *Dasreef Pty Ltd v Hawchar* [2011] HCA 21 (22 June 2011) has reinforced the importance of each of these elements. Each of those criteria can be challenging in the context of technology, security and digital information matters – both criminal and civil - due to the “leading-edge” nature of expertise in those fields, the characteristics of digital evidence and the use of complex, technical language and concepts. This presentation will seek to identify how experts and practitioners can enhance the prospects of the admissibility of such expert evidence and also its persuasiveness to both courts and juries by having a better understanding of the criteria for the admissibility of expert evidence, the purposes which they serve and the practical requirements for their proof.