

DEECP Project

Dimensions of Evidence in European Civil Procedure 'Experts'

Stefaan Voet

Ljubljana

16 January 2015

Terminology

- expert witness (common law jurisdictions)
- expert (civil law jurisdictions)
 - court-appointed
 - appointed by the parties (private expert)

Decision to appoint an expert

- *ex officio* by the court
- at the request of the parties
- necessary for the proper determination or clarification of a fact / special knowledge in science, technology, art or another field which the court does not have

Which expert?

- natural person or institution
- decided by the court, parties can make (non-binding) recommendations
- lists of experts (!)

Written/oral opinion

- written opinion
- expert can always be heard, at the request of the parties or the court

Private expert reports

- possible, but regarded as one of the arguments of the parties
- private expert is not a court-appointed expert

Expert's fees and costs

- paid in advance by the party requesting the appointment or who has the burden of proof
- party who loses in the end has to pay the expert costs
- many specific rules in many countries

Evaluation expert opinion

- free assessment principle
 - in case of obscure, incomplete or insufficient report, new expert can be appointed
-