



Judicial Expertise in International Jurisdictions

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Introduction

Judicial Expertise:

- Expertise of Court
- Court-appointed Experts

Courts

- Specialist Courts
- Non-Specialist Courts

Specialist Courts & Specialist Judges

Jurisdiction	Specialist Court?	Do the rules allow for appointment of experts?
England and Wales	The Technology and Construction Courts	Yes, but not used
Germany	Regional Courts have specialist panel of 3 (Baukammern)	No
Singapore	Division / Chamber of Courts for construction cases	Yes, but not used
Hong Kong	Division / Chamber of Courts for construction cases	No

Specialist Courts, No Specialist Judges

Jurisdiction	Specialist Court?	Do the rules allow for appointment of experts?
UAE	Technology and Construction Division at DIFC	Yes and it is likely to be commonly used
France	Division / Chamber of Courts for construction cases	Yes and it is commonly used
Australia	Not quite, but in many jurisdictions specific lists have been established to manage building disputes	Yes, but it is seldom used and the judges rely on the expert reports adduced by the parties

Non-Specialist Courts or Judges

Jurisdiction	Do the rules allow for appointment of experts?
China	In cases where technical issues need to be addressed, the Court can appoint an expert at the cost of the parties
South Africa	Yes, but it is seldom used and the judges rely on the expert reports adduced by the parties
South Korea	Yes, but it is seldom used and the judges rely on the expert reports adduced by the parties

Different Court Systems

- A different approach to appointing expert is adopted by Courts that operate in **Adversarial v Inquisitorial court systems**
- England and Wales Courts are Adversarial Systems, and therefore seldom appoint experts
- French, Qatar and UAE courts are Inquisitorial Systems and therefore often appoint experts
- Common Law v Civil Law Jurisdiction?

Issues with Court-Appointed Experts

- What happens if the court-appointed expert gets it wrong?
- What happens if the judge disagrees with its own expert?
- Court-appointed experts often have better experience of court processes and legal issues than other experts
- Quality of judges and experts is key:
 - better outcomes
 - More certainty and less room for error
 - Confidence in the judicial system

Bottom Line...

No system is perfect.....
just rely on your own experts

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