



# Judicial Expertise in International Jurisdictions

Jonathan Collier  
Partner



Pinsent Masons

# Introduction

## Judicial Expertise:

- Expertise of Court
- Court-appointed Experts

# Courts

- Specialist Courts
- Non-Specialist Courts

# Specialist Courts & Specialist Judges

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

# Specialist Courts, No Specialist Judges

<b>Jurisdiction</b>	<b>Specialist Court?</b>	<b>Do the rules allow for appointment of experts?</b>
<b>UAE</b>	Technology and Construction Division at DIFC	Yes and it is likely to be commonly used
<b>France</b>	Division / Chamber of Courts for construction cases	Yes and it is commonly used
<b>Australia</b>	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

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