



# La lettre

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*European Expertise and Expert Institute  
Institut Européen de l'Expertise et de l'Expert*

## **E**DITORIAL,

Dear friends, members of the Institute,

**During the second quarter, the Institute travelled in Vilnius (Lithuania), in Milan and Brescia and in Madrid and approached several contacts, especially the CEPEJ, institutions of Hungary, Faculty of Liege...**

### 1. **Vilnius – Lithuania – 24 May 2013**

On the recommendation of the President of the Supreme Court of Lithuania, Philippe Jacquemin and Jean-Raymond Lemaire met two Presidents of regional Courts, the French equivalent of the Appeal Courts:

- Mr. Vytautas Zelianka, Member of the Judicial Council, President of the regional Court of Vilnius,
- Mr. Valdas Meidus Petras, President of the Court of the District of Panevezys.

The meeting was very constructive. We have maintained the contact since and sent to them at their request an extensive documentation.

We hope that these two chiefs of jurisdiction will become members of the Institute before the end of 2013.

We had also a meeting with the Dean of the Faculty of Law of Vilnius, Prof. Dr. Thomas Davulis and the Deputy Director of the Center of Legal Science of Lithuania, Mr. Vidmantas Vaitekunas, Organization, from the Ministry of Justice, of experts involved in criminal matters.

This second meeting will not give any result in the short term. The Professor Davulis, very clearly, informed us that the expertise is not a topic of interest of the faculty.

Mr. Vaitekunas explained the status of official experts in Lithuania.

## **A**GENDA

### **October 23, 2013:**

Conference by Mr. Lemaire to the National School of Magistrates (ENM) during a training session entitled "extensive session of legal studies" (CADEJ) under the direction of the First President of the Court of Appeal of Rennes, Mr. Jeannin.

### **19 and 20 September, 2013:**

Presentation of the EUREXPERTISE project at the request of the CEPEJ during a work meeting in Strasbourg.

### **September 3, 2013:**

Meeting with the President of the Administrative Court of Appeal of Versailles, Mrs. Deboisdeffres.

### **July 24, 2013:**

Meeting with Mr. Luis Manuel Ugarte Oterino from the General Council of the Judiciary of Spain.

Meeting with two lawyers representing the General Council of Lawyers of Spain.

### **July 17:**

Meeting with the President of lawyers Association of VERSAILLES, M<sup>e</sup> Fontibus and Jean-Christophe Caron

### **June 27, 2013:**

Meeting with Pascale Lecocq, Dean of the Faculty of Law of the University of LIEGE. Professor Georges de Leval and Professor Benoit KOHL were also present.

### **17 and June 18, 2013:**

Visit of Courts of Appeal of BRESCIA and MILAN along with the first president of the Court of Appeal of LIEGE, Marc Dewart, Daniel Tardif, president of Chamber in the French Cour de Cassation and Claude Duvernoy, Former President of the lawyers Association of the Hauts-de-Seine.

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## **2. Appeal Court of Milan - June 17, 2013**

The delegation of the Institute consisted of Marc Dewart, First President of the Appeal Court of Liege, Jean Raymond Lemaire, President of the Institute, Julie Mitton interpreter and Mr. Jacques Melin, both experts at the appeal Court of Lyon.

President Giovanni Canzio and five personalities of the Milan judiciary welcomed them:

- Mrs. Carmen Manfredda, representing the Attorney General of the Republic,
- Mrs. Francesca Fiecconi, in charge of the training of judges at the Appeal Court,
- Mrs. Damiano Spera, 10th President of the Civil Division of the Court of Milan,
- Mrs. Maria Carla Giorgetti, Professor of Civil Law at the Law Faculty of Milan,
- Mr. Massimo Aurisio, representing the Bar of Milan.

Milan's judicial authorities organized this meeting to present the Institute, its organization, its work and projects in the context of possible membership of the chiefs of jurisdiction of the Court of Appeal of Milan.

Participants appreciated particularly the intervention of the First President of the Court of Appeal of Liege who presented the creation of a list of experts (see Letter No. 12 in May 2013).

We hope that the Court of Appeal of Milan, one of the largest European Courts, will join the Institute.

## **3. Appeal Court of Brescia - June 18, 2013.**

To share experience with the Chiefs of the Appeal Court of Brescia, we based this meeting on the results of the work of the Institute. The aim for us was to be informed about the works of the Appeal Court of Brescia.

Represented the Institute:

- Mr. Tardif, President of Chamber at the French Court of Cassation,
- Mr. Claude Duvernoy, former president of the Bar of Nanterre,
- Mr. Jean Raymond Lemaire, President of EEEI,
- Mrs. Julie Mitton and Mr. Jacques Melin, experts.

Works started after a lunch, organized by The First President of the Court of Appeal, Mrs. Graziana Campanato, together with:

- Mr. Rossi, Vice-President of the Appeal Court of Venice,
- representing a magistrate of the Appeal Court of Milan,
- two judges of the Court of Cassation in Rome,
- Mr. Amadeo Carlo Bianchetti, advise the Court of Appeal of Brescia

The meeting began at 2:30 pm in the presence of nearly a hundred individuals (judges, academics, lawyers, experts, students ...).

Mrs. Carmen Manfredda, representing the Attorney General and Mrs. Francesca Fiecconi, from the Court of Appeal of Milan in charge of the training of judges were present.

Welcome address by the President of the Court of Appeal, Madam Graziana Campanato.  
Address by the President of the Tribunal de Grande Instance of Brescia, Ms. Adriana Garramone.

Speech by Mr. Amadeo Carlo Bianchetti , President of Chamber at the Court.

Then the President Jean-Raymond Lemaire presented the works of the Institute and its objectives.

Mr. Daniel Tardif introduces the main rules of the expertise in the judicial system in France.

Mr. Claude Duvernoy presented then best practices about exchanges between experts and lawyers in France.

Mr. Saverio Regasto: Professor of Comparative Public Law, Director of Law Department reports on the work undertaken for the future establishment of a permanent training for forensic experts.

Mr. Pierluigi Tirale, President of the Bar of Brescia,

Dr. Ottaviano Di Stefano, President of the College of GPs and dentists in the province of Brescia, Paolo Pezzagno, Delegate of the Order of Engineers and Brescia, Mr. Ferruccio Gasparini, Delegate of the Order of Chartered Accountants and business Consultants Brescia, have given their point of view on the topics to be improved:

- practice of the expertise,
- preparation of lists,
- choice of the expert
- and the training.

Mr. Mauro Mocci, advisor to the Court of Appeal of Brescia, has presented the general framework of expertise and expert in Italy, highlighting strengths and weaknesses.

Mr. Amadeo Carlo Bianchetti presents the framework that the Court of Appeal is **establishing with the assistance from the University of Brescia, the "Banca Italia", the Council of the Bar and from the main professional categories**, in order to make changes to improve practices in the selection of experts and in monitoring for the development of professional lists.

End of work at 6pm.

#### 4. **Activities in the second quarter**

##### **a. Contact with the CEPEJ (Council of Europe)**

The European Commission for the Efficiency of Justice (CEPEJ) contacted the Institute in early June.

Dependent of the Council of Europe, the CEPEJ works for the improvement of the efficiency and functioning of justice in the Member States, and the development of implementation tools created by the Council of Europe for this purpose.

[http://www.coe.int/t/dghl/cooperation/cepej/default\\_fr.asp](http://www.coe.int/t/dghl/cooperation/cepej/default_fr.asp)

A contact occurred in mid-June with Mrs. Maria Oreshkina, Secretary of the Working Group for the quality of justice. This Working Group (GT-QUAL of CEPEJ) is looking for an expert to prepare a comparative study on the role of experts in the quality of justice in Europe.

The proposed study presents similarities with the work already done by the Institute in the EUREXPERTISE project and at the conference in Brussels in March 2012. However, this study covers the 47 countries of the Council of Europe while our work concerns the 27 countries of the European Union plus Norway.

On August 22, Mr. Roberto Chenal, member of the CEPEJ, informed us that the Institute would be welcome at the next meeting of the working group in Strasbourg on 19-20 September 2013.

On August 27, we provided a full documentation of the Institute, its members, its work and a complete record of the Conference of Brussels. We will use the EUREXPERTISE project as a basis for exchanges between the "Group Quality" and Institute at the September meeting.

We asked that three persons (judge, lawyer, expert) represent the Institute.

Finally, it seems that the Working Group has approached the first expert, Ms. Gar Yein Ng (Norway). She will be present at this meeting.

## **b. SPAIN.**

### **Contact with Mr. Ugarte Oterino, General Council of Judicial Power in Madrid. 07/24/2013.**

The President of the Superior Tribunal of Justice of Catalonia, in his reflection on joining the Institute, advised us to meet a representative of the Spanish General Council of the Judicial Power (GCJP).

The main functions of GCJP are the following:

#### 1. Functions relating to the appointment of senior magistrates:

- President of the Supreme Court and of the GCJP;
- Judges of the Constitutional Court;
- hearings for the appointment of the state attorney general;
- Secretary General of the GCJP.

#### 2. Function in relation to the Judiciary:

- selection of Judges and Magistrates;
- initial and continuing training of judges and magistrates;
- promotions;
- administrative Situations;
- disciplinary.

#### 3. Inspections of Courts

4. In an advisory function, CGPJ must present financial reports of the situation of the autonomous communities and, at the request of Parliament or the legislatures of the autonomous communities, propositions or amendments on issues following:

- determination and modification of legal action;
- determination and modification of the organization of judges, magistrates, clerks and staff providing services in the administration of justice;
- organic Statute of Judges and Magistrates;
- organic Statute of secretaries and other staff in the departments of the administrations of justice;
- rules of Procedure, concerning legal and constitutional aspects of guardianship before the ordinary courts of the exercise of fundamental rights and others that affect the establishment, organization and functioning of the courts;
- penal Laws and standards of the prison system;
- other laws entrusted.

5. Preparation of the annual report: GCJP must submit an annual report on the status, operation and activity of GCPG and the courts of justice, with requirements, including staffing and resources that, in its opinion, are necessary for the proper performance of the functions that the Constitution and organic laws grant the judiciary

Publication of the official collection of Supreme Court Jurisprudence.

6. Budget preparation for the management of the implementation and application of the judiciary and its own budget

7. Regulatory power: the GCPG can dictate its own rules for staff management, on the organization and operation, and those necessary for the administration and consolidation of the judiciary, as well as those expressly authorized in its field of expertise.

Mr. Ugarte Oterino, responsible for international relations of the General Council of Judicial Power, received Jean- Raymond Lemaire and Rafael Orellana (Chairman of Association of experts of justice in Catalonia).

Special thanks to Mrs. Hélène Davo, French liaison magistrate in Madrid, who organized the meeting and to Mr. Nuée, Chairman of the Orientation Committee of EEI, who, few days before our meeting, has addressed to Mr. Ugarte Oterino a letter with a presentation of the Institute.

### **Meeting with two representatives of the General Council of Spanish Lawyers:**

We met, with Mr. ORELLANA, two lawyers in the International Department of the General Council of Spanish Lawyers. We proposed a solution for associate the General Council with the Institute. The two representatives will disseminate information to a number of Spanish bars for eventual membership in the Institute.

The idea is to organize a one-day meeting in Madrid with four or five Presidents of regional associations of lawyers and representatives of the Institute.

### **c. Contact with Mrs. Lecocq, Dean of the Faculty of Law and Political Sciences of the University of Liège**

Meeting dated 27/06/2013, University of Liège.

Participants:

- Pascale Lecocq, Dean;
- Georges de Leval, Professor;
- Benoit Kohl, Professor;
- Melissa Schneider, Assistant Administrative Management;
- Jean-Raymond Lemaire.

After a presentation of the Institute's work and exchange between participants, the Dean of the Faculty of Law and Political Sciences of the University of LIEGE said she would consult his colleagues and that we would quickly its response on the accession of the Faculty of Law and Political Sciences. However, the Belgian participants stated that membership was not in doubt.

We received their membership was received on 24/07/2013.

### **d. Contact with Aldo De CHIARA, Advocate General at the Court of Appeal of Salerno**

During a meeting with Mr. Venegoni Andrea, Italian magistrate working in the organization of the "Anti-Fraude" in Brussels, Jean-Raymond Lemaire asked to give him contacts to get in touch with chiefs of jurisdiction Courts of Appeal of Southern Italy.

Mr. Aldo De Chiara, Advocate-General at the Court of Appeal of Salerno, contacted, is interested. We are going to get in touch with him.

### **e. Contact with the courts of Hungary**

We are looking to join some Hungarian institutions.

Here is the list of current processes.

- So far here are the answers we got on our various letters:
  - Regional Court of Appeal of Pecs who sent us the details of the Hungarian Chamber of Justice Experts and the research Institute of Expert and Justice;
- Debrecen Regional Court of Appeal has given us the details of the National Office of Judiciary;
- Hungarian Bar Association: they agree to have a meeting;
- Faculty of Law of Széchenyi István Egyetem (University SZIE): they agree to have a meeting;
- Faculty of Law of Eötvös Loránd Tudományegyetem (ELTE University): they agree to have a meeting;
- Office of the Prosecutor General who sent us the details of the Hungarian Chamber of Justice Experts.

We will organize a meeting in Budapest in the last quarter of 2013.

## **f. Following contacts with Sylvie Guillaume, MEP.**

On 15 July, we sent to Mrs. Guillaume, several documents and in particular the response of the Institute in a call for proposals of DG Justice and practical cross-border expertise and broader examples of experts appointed by a court in another EU country as the original expert. We also asked his opinion on a meeting to present our project and to contact a number of European personalities.

## **g. Result about our proposal following the call for proposal of DG Justice**

Under the leadership of Patricia Grandjean, Magistrate at the Court of Appeal of Versailles, and Beatrice Deshayes, a lawyer practicing in PARIS and COLOGNE, we responded in early June to a call for proposals of the European Commission. We have proposed, following EUREXPERTISE project, to organize a consensus conference in the next two years.

We will probably have an answer, positive or negative, in the last quarter of 2013.

Here is a summary of the project.

The EEEI propose to develop a good practice guide for civil legal expertise in Europe, designed to allow a reconciliation of practices of civil legal expertise in the different Member States.

Aware that the harmonization of rules of civil procedure of the 27 Member States faces legal, institutional, cultural and political disparities, the IEEI, nevertheless, believes that improving practice is possible under the lines of convergence defined in the Eurexpertise project that took place in 2011-2012. This is essential to help legal professionals to take pragmatically the right decisions, reasonable in terms of cost and time and closer to the needs of individuals. It will also allow strengthening the confidence of economic and social actors in the judicial process, which is a recognized tool for growth and for the free movement of people and goods within the Union.

Demonstrated in various scientific fields, the method of the consensus conference, based on the expertise and cooperation of professionals from the Member States and the exchange of experiences, seems the best suited to build a common practice directly inspired by the rules of the fair trial fixed by the European legislation and largely implemented by the European Courts.

Many problems still affect the cross-border civil proceedings depending from the different approaches of Member States in the collection and use of evidence in civil matters. The creation, in this context, by professionals from different Member States, from a guide of good practice for civil legal expertise in Europe and its wide dissemination to judicial actors and European legal experts will contribute very directly to solve these problems.

They are going to contribute, firstly, to improve the quality of civil justice in Europe, secondly to create a single judicial area guaranteeing equal treatment to all litigants from the Union faced the need to gather evidence through the expertise regardless of the State and the Court where the case is pending. The format of this Guide, written in two languages (English - French), that can later be translated into all EU languages, will enable practitioners to bring closer their practices in the context of a European legislative harmonization.



#### **h. Partnership in Bulgaria with an association of experts: SEFITA.**

The President of the SEFITA, Lyubomir P. Gerdzhikov, who is working with the Institute for several years, would like to define, with judges, lawyers and the Bulgarian authorities, the status of the expert in Bulgaria.

He is going to ask for funding from the EC in the context of a call for proposals about criminal justice; response deadline in October 2013 (JUST/2012/JPEN/AG/EJT Project).

He asks to the Institute to be a partner of this operation.

We answered:

1. we agree, in principle, and we are going to submit this request to the next Executive Committee;
2. we will meet with senior judges and lawyers, quickly in SOFIA.

#### **5. Realization of a collective work under the direction of Patricia Grandjean, President of TGI Quimper**

We received a proposal of Mr. Thomas Cassuto to make a book managed by Mrs. Grandjean, under the auspices of the Institute and in partnership with editions Brylant and PRESAJE institute.

This book would have as main theme the impact that could have the recommendations adopted at the Brussels conference on the practice of courts about expertise and further reflection on how to implement effectively these recommendations and obstacles.

The Institute will search contributions from its members, which we will publish on the site.

A committee headed by Patricia Grandjean will select among them, with the consent of the authors, those who will constitute the collective work under the title (provisional):

*"Towards a harmonization of legal expertise in Europe - Challenges and Opportunities."*

#### **6. Expertise in criminal matters - a collection of articles in October 2013**

Waiting for the opportunity to answer a new call for proposals of the DG Justice and to initiate the work of the Institute of inventory compared expertales procedures in criminal matters, Philippe Jacquemin proposed to solicit contributions interested members of the Institute.

These contributions should address one or more countries of the Union, one or the following themes:

- who appoints the expert ?
- who is appointed ?
- with which communicates the expert ?
- what type of report is established ?



- the contradictory is it the rule ?

In addition, the publishing in the next newsletter, these articles are going to create the basis for future work of the Criminal Group.

Anyone interested must inform by email the Institute.

We will receive the items no later than 31 October 2013.

## **7. Updated inventory EUREXPERTISE (In civil matters)**

The final report of the EUREXPERTISE project date now more than 15 months (June 2012).

In addition of its incompleteness perfectly identified at the time on a number of topics and for some countries, it is likely that the procedures included elsewhere can have evolved.

The Institute must lead every effort to complete and maintain the results of its work.

This is why we will form a small group to take on this task, which consists, with the help of our correspondents in each country, to complete this update.

Everyone understand that the members of executive committee of the Institute cannot assume the multitude of tasks to done.

Therefore, we thank in advance all the goodwill who agree to participate to these works.

## Website Audience Overview Dashboard

[www.experts-institute.eu](http://www.experts-institute.eu)

The figures presented here are extracted from the statistics provided by Google Analytics.  
Probes are installed since initial site design to produce global or very subtle analyzes of our website visitors.  
We publish only monthly figures in order to make comparisons.  
The tool is structured to eliminate visits from search engines constantly scanning websites.

	April 2013		May 2013		June 2013		July 2013		August 2013	
<b>Visitors</b>										
Visits	710		706		586		661		541	
New Visits	585		576		554		527		443	
Avg. Visit Duration	1min30		1min32		1min38		1min31		1min06	
Bounce Rate	72%		72%		73%		76%		76%	
<b>Visitors location, only top3 locations are listed (country / visits)</b>										
Top 1	France	421	France	441	France	426	France	365	France	293
Top 2	Belgium	53	Belgium	41	Belgium	46	Netherland	35	Belgium	34
Top 3	Benin	52	Spain	28	Italy	20	Belgium	31	Benin	34
<b>Pageviews</b>										
Pageviews	1537		1775		1464		1436		1034	
Pages / Visit	2,16		2,51		2,15		2,17		1,91	
Page Top1	Civil legal expert examination in France	231	Home page in French	199	Civil legal expert examination in France	239	Home page in French	233	Civil legal expert examination in France	151
Page Top2	Home page in French	178	Civil legal expert examination in France	178	Home page in French	152	Civil legal expert examination in France	187	Home page in French	125
Page Top 3	Directory	85	Directory	97	Psychiatric expertise	98	Psychiatric expertise	72	Directory	109
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