

# SHORTAGE OF HIGH QUALITY EXPERT WITNESSES

## OBSERVATIONS

Experienced expert witnesses are repeatedly engaged by courts and are overburdened with work. Because of this heavy workload they delay submission of their opinions and cause trial delays. New and less experienced expert witnesses have no training in trial requirements, so the opinions they produce are of lower quality and judges avoid engaging them.

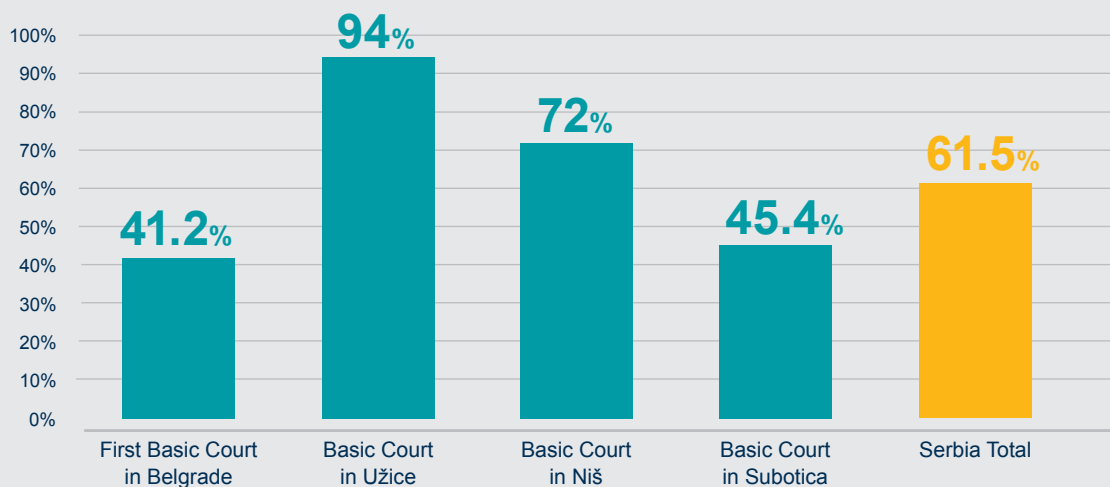


On the books there is an oversupply of experts, but, in practice, there is a serious shortage of high quality expertise needed for trials.

The statistics collected from courts confirm frequent engagement of the same expert witnesses. Looking at the reviewed Basic Courts, the top 10 most frequently engaged expert witnesses are engaged in as much as 61.5% of all cases where an expert witness opinion was used.

 **61,5%**  
OF ALL  
CASES

### Basic Courts - Engagement of top 10 expert witnesses



## KEY RECOMMENDATIONS



**Set up training for expert witnesses.** By providing training and improving the quality of the work of all expert witnesses experienced experts would no longer hold a competitive advantage over other less engaged ones.



**Allow experts to take on expert associates.** This would, in the long term, bring a new qualified cadre into the expert witness profession. Once frequently used expert witnesses have adequate assistance in office, being overburdened with cases should no longer be a valid justification for delays.



**Regular refreshment of the existing list of experts should be conducted.** Refreshment of the list of experts should be conducted through regular calls into the expert witness profession, by renewal of the licence and requirement that calls into the profession should be organized based on the request of Higher Courts.

## ACTIVITY & AUTHORITY RESPONSIBLE FOR IMPLEMENTATION

### MINISTRY OF JUSTICE



Draft amendments to the Law on Expert Witnesses which would introduce:

- Mandatory training for expert witnesses prior to entry into the profession;
- Mandatory exams for expert witnesses for entry into the profession;
- Mandatory continuous training of expert witnesses;
- Institutionalize the expert witness trainees, interns and associates and define their rights and duties in and out of trial;
- Regular calls into the expert witness profession;
- Regular update of the list of expert witnesses (e.g. renewal of the licence);
- Require that calls into the profession be organised by request of Higher Courts.

### JUDICIAL ACADEMY

- Organize trainings for expert witnesses.