

Language concerning the Use of Experts

Expert

A person who, through professional qualification(s) with special skills, technical knowledge and practical experience in one or more discipline(s), has competence to give an opinion in the fields about which he/she is consulted.

1) The Expert in Court

Expert witness

An expert whose opinion on any matter within his expertise is used for giving evidence.

Court appointed Expert (CAE)

An expert witness appointed and instructed by the Court. The overriding or paramount duty is to assist the Court on the matters within his expertise.

Party Appointed Expert (PAE)

An expert witness appointed and instructed by one of the parties in a dispute. The overriding or paramount duty is to assist the Court on the matters within his expertise and this duty overrides any obligation to the party from whom he has received instructions or by whom he is paid.

Single Joint Expert (SJE)

As with the PAE except that the SJE is appointed and instructed by two or more parties involved in the dispute. The overriding or paramount duty is to assist the Court on the matters within his expertise and this duty overrides any obligation to the parties from whom he has received instructions or by whom he is paid.

Expert Adviser

The Expert is appointed by one of the parties as their consultant in the dispute.

Professional witness

A professional person, for example a doctor of medicine, who because of his professional knowledge is called as a witness of fact.

Expert evidence

Any evidence given by an expert in his capacity as an expert witness.

Litigation

The taking of legal action in court.

Dispute

Disagreement leading to legal action.

2) The Use of Experts out of court

Adjudication

Exercise of a power delegated by contract or statute to a third party to resolve disputes on an interim or final basis as they arise without recourse to formal arbitration or litigation.

Expert Determination

The use of an independent Expert to investigate the referred matters and to give his determination which becomes binding on the parties.

(Early) Expert Evaluation

The use of an independent Expert to investigate and give his Expert opinion on any matter referred to him jointly by the parties. Normally this process will be used by the parties to assist them in reaching a settlement or narrowing the issues.

Arbitration

The private judicial resolution of a dispute in a final and legally binding manner, by a neutral or independent person, other than a judge in court, who is usually selected by or for the parties on the basis of his expertise and reputation in the field of activity from the which the dispute stems. Arbitration is governed by statute in most jurisdictions.

3) Competence of Experts

Certified, accredited, recognized, registered, listed

The method by which an Expert can demonstrate his competence varies with different countries. In some countries experts do this by an application procedure by a private association. In other countries experts are registered by the courts having satisfied them of that they are competent and have the appropriate qualifications. In some countries third party certification by private or public authorities is the method used.

The experts are then termed recognized, accredited, certified or registered. In some countries these Experts are listed as qualified experts by courts, private and public authorities.

Practise of Experts

It is recognized that there are different systems of law and many jurisdictions in the world, any of which may impose duties and responsibilities which must be complied with by Experts (e. g. Code of practice, Code of Ethics, General Professional Principles).

The value of an Expert Service depends essentially on a variety of criteria. The most important principles include the:

- : independence
 - : impartiality
 - : objectivity and
 - : integrity
- of an Expert.

4) Expertise Services

Appointment

The Expert having been selected by the court, a public authority, lawyer or a party (private client) to do expert work is formally appointed and has the duties and responsibilities of the appointment.

Assignment

The project or work that involves the expert.

Instruction

Having been selected and appointed for a particular case the expert is instructed by the court or the public or private client, as appropriate. The appointer gives the details of the mission and sets out in the expert's instructions the questions the expert has to answer.

To give an opinion

To evaluate and draw a conclusion.

Expert Report

Opinion formally expressed after evaluation. A Report is a document that records (i) the instructions in respect of the assignment, (ii) the basis and purpose of the report, and (iii) the analysis and reasoning that have led to (iv) the opinion and conclusion arrived at by the expert. The type, content and length of a report will vary according to the intended user, legal requirements and the nature and complexity of the assignment.

First opinion

Giving a first or preliminary statement to a question stipulated.

Inspection

Evaluation by observation, measurement, testing or gauging to determine the extent which inspection criteria are fulfilled.

Test

Evaluation to determine the extent to which test criteria are fulfilled (e. g. variance comparison) or the results of the tests.

Audit

Evaluation to determine the extent to which audit criteria are fulfilled.

Loss adjusting

Investigating insurance claims or claims for damages and recommending how much money should be paid out.

Valuation

Estimation of worth.

Verification

Evaluation and confirmation to ensure the accuracy, correctness, or truth of information and/or data.

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