



La lettre

November 2013

n°14

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

ÉDITORIAL,

Dear friends, members of the Institute,

We are pleased to announce that the Faculty of Law and Political Science at the University of Liège officially applied for membership in the Institute.

The EEEI responded to the request for proposals DG Justice on civilian expertise.

A delegation attended in September 2013 to a working meeting of the CEPEJ, European Commission to improve Justice's efficiency.

On October 17, two representatives EEEI attended the 30th anniversary of the Delegation of the Bars of France in Brussels.

On October 30, a meeting was held with Mr. Emmanuel Crabit, Head of Unit (DG Justice).

Report of foundation of Justice of the European Union which took place on November 21 and 22.

Finally organization's project of the Orientation Committee, the Scientific Council and the Admissions Committee.

1. Liège's Faculty of Law membership to Institute

At the request of the Institute the President Jean Raymond Lemaire was received on June 27, 2013 by the Dean of the Faculty of Law, Mrs. Pascale Lecocq, in the presence of Mr. Georges De Leval, Professor, and Mr. Benoît Kohl, Professor, as well as Mrs. Melissa Schneider, assistant administrative of the direction.

After Institute's presentation, a discussion took place on the expert's parts and the expert judge.

Professor Laval introduces committee organization that registers and evaluates experts at the Court of Appeal of Liège.

AGENDA

April/may 2014:

General Assembly – date to set

21/22 November 2013:

Foundations of Justice organized by the DG Justice in Brussels: participation of Mrs. Deshayes

8 November 2013:

Sending the contribution to EEEI for Foundations of Justice on the need to harmonize expertales procedures in the EU

30 October 2013:

Meeting with Emmanuel Crabit - Head of Unit (DG Justice)

7 October 2013:

Following the meeting of the CEPEJ 19/20 September 2013, the Institute has participated in the development of a questionnaire to a Norwegian expert, to better understand expertise in member countries of the Council of Europe

2 October 2013:

Deposit of the project of the Bulgarian Association SEFITA « Audi Alteram Partem », on criminal expertise to the EC. The EEEI is co-beneficiary partner.

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This committee is composed by three judges, a lawyer and an expert in the art of the candidates, there is no lawyer in this commission. Expert training includes 65 hours over a year.

The Liegen experience covers the Institute as part of training in the European Union, the participation of the University of Liège or the Faculty of Law would be an important contribution.

Following this meeting, Mrs. Pascale Lecocq sent to the Institute on July 24, 2013 a letter with the main discussions on the role that could play the Faculty of Law and Political Science of the University of Liège on the Institute and informed us that the faculty would be honored and happy to join the Institute.

Membership of the faculty as a new member will be officially presented on the next general assembly.

Written by Jacques Melin

2. The response to the call for proposals of the DG Justice on civilian expertise.

On June 4, 2013, the Institute has responded to a request for proposals and requested funding to DG Justice to organize a consensus conference and to define the best practices of civilian expertise in the European Union.

This project is based on the results of the EUREXPERTISE project and in particular the recommendations that emerged in the synthesis of the symposium in March 2012 in Brussels and on the consensus conference organized under the auspices of the French Court of Cassation and driven in particular by Alain Nuée, on 2006-2007.

DG Justice investigates cases and asked us to refine the budget presented, which was done.

We expect their official decision in the coming weeks.

Written by Jacques Melin and Jean-Raymond Lemaire.

3. Summary report of the working meeting to the European Commission for the Efficiency of Justice (CEPEJ) on September 20, 2013.



On 20 September 2013, Alain Nuée, Alain Henderickx and Jean-Raymond Lemaire attended a working meeting of the CEPEJ:

http://www.coe.int/t/dghl/cooperation/cepej/default_fr.asp

The CEPEJ has given study case to a Norwegian researcher law, Gar Yein NG for inventory expertales practices civil and criminal, in the member states of the Council of Europe? Attachment annexed summarizes the main themes that developed this researcher.

Main issues discussed during the meeting

- Standardization reports.
 - Differences in civil and criminal matters.
 - Experience during the CA Versailles.The World Bank has worked on these issues in a study for Turkey.
- Jean-Raymond Lemaire requested that study.
- Costs and delays.
 - Several interventions in response. Recurring themes.
 - just compensation, versus marginal returns.
 - Multiple causes of delay.
 - Role of Judges in monitoring these costs and delays.
- Standardization. (Representative of Croatia - Nikolina Miskovic, Judge, Commercial Court in Rijeka).
 - Response Alain Flock.
 - The mission's mandate ...
- A code of ethics.
- Insurance experts.

Note: The presentation was very oriented expert witness. The presence of a delegation of the Institute and Chairman of the Group interventions helped to rebalance the content.

Presentation of the project EUREXPERTISE and the conference in Brussels, Alain Nuée.

Alain Nuée presented the main aspects of the project.

- The application of the EC, civil justice.
- Questionnaires, establishment and spread.
- The answers to all countries.
- Synthesis.
- The conference in Brussels. 180 participants, 17 countries.
- The search for consensus, workshops.
- The "surprising" consensus including common law countries.

Presentation of summaries of workshops by Alain Henderickx.

Alain Henderickx described the workshop process, in French and English, and synthesis by topic.

He then presented the main results of 4 workshops.

- *Designation and tasks of the expert;*
- *The conduct of the expertise and the report of the expert;*
- *Training, skills and assessment experts;*
- *Status and ethics, responsibility and free exercise.*

Questionnaire project

The Norwegian expert, Gar Yein NG, presented his draft questionnaire attachment to address a number of Pilot Courts (in France TGI MARSEILLE Poitiers);

This questionnaire has been a round.

Following this it was agreed that the Institute would express its written observations on this document, including:

- definition of the expertise and the expert: it is what the judge recognizes possible to enlighten him on a technical issue, it is therefore defined by its skills more than the title that it covers;
- scope of "binding" or not, to the magistrate's report. (even on the "sometimes undue deference that it gives ...")
- principle of equality of arms and contradiction;
- leading procedure to the appointment of the expert;
- control by the judge operations expertise;
- Question about the responsibility of the expert.
- ...

These observations were written by Beatrice Deshayes, Alain Nuée and Alain Henderickx. Subsequently an additional contribution, written by Thomas Cassuto, was sent to the CEPEJ to take into account the specifics of criminal expertise.

Conclusions.

The Institute has offered to help the CEPEJ on the work in progress about the expertise and said his interest in the work on the evaluation of the quality of justice that could be transposed to expertise.

Written by Jean-Raymond Lemaire and Alain Henderickx

On 11/25/2013.

4. Report of the meeting on the 30th anniversary of the Delegation of the Bars of France, 17 October 2013 in Brussels



Morning :

It was mainly devoted to the presentation of VADEMECUM «How to respond to calls for tenders and calls for proposals of the institutions of the European Union? » Distributed on this occasion.

It appeared that the European institutions are extremely demanding in both form and substance of the answers, but these offers and calls for proposals may be a « market » for lawyers (Gérard Laprat, Director Citizens' Rights and constitutional Affairs - Yves Brulard, lawyer to the Bar of PARIS and MONS - Paraskevi Michou, Director civil Justice, European Commissions).

The VADEMECUM distributed is extremely detailed and is a valuable tool for future candidates.

It was ended by a very pro Europe policy advocacy, Bâtonnier Jean-Marie Burguburu.

Evening:

It was divided into two workshops run under the watchful but benevolent, sometimes humorous but always competent of the Head Benichou, and this was an opportunity to hear various interventions:

- Mrs. Isabelle Jegouzo, Deputy Secretary General, Secretariat for European Affairs, serving under the first Minister.

She reminded what emerged from a recent judgment of the ECJ that lawyers can perform acts of pure **"door-to-door sales"**. Consequently, the French legislation will shortly be amended to allow « custom requests ».

She also said that the implementation decree of the Law of 28 March 2011 on the inter professionalism between regulated professions was being drafted.

- Mr. Jean-Claude Bonichot, judge at the ECJ, introduced a state of the law of its jurisdiction over the application of the Charter of Fundamental Rights by the Treaty of Lisbon, and its articulation with the CEDH.

He reminded about the fact that EU recently became of member of the European Convention on Human Rights.

- Mr. Emmanuel Crabit, Head of Unit « General Policies of justice and judicial systems », « DG Justice » European Commission presented the European e-Justice: new tools for the profession. In concluding his presentation, Mr. Crabit recalled the days Audience Justice 21 and 22 November 2013 in Brussels by encouraging his listeners to submit their contributions emphasizing the exceptional opportunity that offered both days.
- Mr. Fernando Paulino Pereira, Head of Unit at the General Secretariat of the Council of the European Union-detailed 6 targets its service to 2014/2018, including, in particular, access to courts and alternative Internet and treatments online.

Written by Claude Duvernoy, Lawyer, on 10/17/2013.

5. Report on meeting with Emmanuel Crabit, Head of Unit (DG Justice) on 10/30/2013 à Brussels.

Presentation of the activity of Mr. CRABIT.

Depending directly of the DG Justice, Françoise Le Bail

Mandate: take knowledge of national legal systems.

Today the Commission proposed and the Council and Parliament decide "together".

Each semester, are proposed in the context of civil justice, commercial and administrative, major structural reforms. The scoreboard is a tool for measuring the quality of justice in every country of the European Union.

<http://www.consilium.europa.eu/special-reports/european-semester?lang=fr>

For some countries (10 or 13?) it was decided to help them reform their justice. To do so, structural funds have been allocated to them.

An assessment of Justice in each country of the European Union is regularly performed with a tool: Scoreboard Justice (compare Justice) based on:

- quality ;
- independence ;
- perception of individuals ;
- efficiency. ☒

It is a tool that just started. This is a big change that would better identify improvements in each country.

After a presentation of the Institute, Mr. Crabit expressed his expectations.

He wanted us to communicate it to the documentation on our work (large sample key) judgment Penarøjà...

It will communicate to the Institute contacts DG Internal Market for regulated professions.

SCOREBOARD for the tool, thought it might be interesting to integrate the expertise, he wondered, is it possible? Is it modeled?

Outside border expertise, he understood the possible contribution of the Institute and in particular for countries that need to improve their judicial processes. DG Justice could assign tasks.

http://ec.europa.eu/cvm/progress_reports_en.htm

Mr. Crabit was very interested in jurisprudence litigation expertise. Bernard Peckels decided to subscribe to the Journal Experts.

He would welcome receiving studies from different countries about expertise.

He wants us to share a copy of Jennifer Boirot thesis once published.

Written by Jean-Raymond LEMAIRE on 11/17/2013.

6. Point on the conference on the European Union Justice 21 and November 22, 2013

"When an update on the implementation of the Stockholm Programme, which established priorities of the European Union in the field of justice, freedom and security for the period 2010-2014, the European Commission wished to launch a broad debate on the achievements and progress still pending in various fields. She has prepared several papers on which each was asked to contribute according to the following themes:

Droit civil de l'UE Civil Law of the EU

1. Civil Law of the EU
2. EU criminal law
3. Administrative law and national government
4. Rule of law
5. Fundamental rights

The EEEI contributed with text, published on the website of Audience Justice under number 23:

http://ec.europa.eu/justice/events/assises-justice-2013/contributions_en.htm

At the Assizes of Justice that took place in Brussels on 21 and 22 November 2013, with hundreds of participants from all fields and professions of law, Viviane Reding, Vice-President of the European Commission and Commissioner justice has emphasized the need to strengthen mutual trust between Member States in all these areas. She reiterated the need for this purpose, to create common standards and European rules. She recalled the recent establishment of Justice European comparison (EU JUSTICE SCOREBOARD) for, publishing objective on the functioning of justice in the Member States data, to improve confidence, allowing a better understanding of systems national justice.

According to her, every European citizen should be able to «feel in a European procedure as if he/she was at home ».

A highly acclaimed speech of Mr. Robert Badinter, who reminded that he felt " a French European or a European French" stated that it is necessary to have faith in Europe, which was built not by force , but by treaties between hundreds of millions of Europeans divided by nationalisms. He insisted on the necessary and inevitable unification of Europe, including the structural member and founder, in terms of justice, is trust, which is notable for the fact that Europe has signed all the Charter of Fundamental Rights , and the EU countries apply the same principles of fair trial.

Moderated by Françoise Le Bail , head of the Directorate General for Justice of the European Commission , and many prestigious speakers have succeeded during these two days , during which were treated the following topics:

- effectiveness of justice systems in the EU and the dashboard of justice in the EU;

- independence of the judiciary and the dashboard of justice in the EU;
- towards a new mechanism for the rule of law;
- towards a more integrated European area of justice based on mutual trust.

On several occasions, it has been observed that the trend was the establishment of common rules for optional contracts or border disputes. Some speakers stressed that it was unwise to attempt to establish unified procedural rule, as this could undermine the confidence of citizens in the justice of their own country, but rather provide common standards.

Viviane Reding concluded by stating that the written submissions published on the site, used to feed the reflection of the Commission should publish a document on the basis of the results of Assizes and these contributions, indicating the directions to allow this mutual trust. It hopes that we can see in 2020 the fruits of this work. She invited participants to develop innovative ideas coming out of the box (« think out of the box! »), Respecting national specificities but nevertheless proposing concrete solutions, so that we finally enters a genuine European area of justice.

The EEEI, which was represented at the European days , intends to be one of the players in the creation of this space, providing concrete advances in the field of expertise of justice , to improve mutual trust in procedures in Member States ».

Written by Béatrice Deshayes, Lawyer, on 11/27/2013.

7. Point on the structure of the Institute

Orientation Committee.

It is composed of delegates by institutional members to represent them in the work and projects of the Institute.

Its President, Alain Swarm, First President of the Court of Appeal of Versailles was elected for 3 years during the General Assembly in Brussels in 2012.

He will be assisted by Vice-Presidents and a Secretary General.

The responsibilities of this Committee include the following.

- Provide work and projects at the Institute based on priorities.
- Rate and recommendations on projects for which the Executive Committee and / or the President consults.
- Establish a permanent link between the Institute and institutional members;
- Participate in the expansion of the Institute.
- Rate memberships institutional members?
- Define a repository that members agree to abide.

Within this Committee, two entities have been created.

Scientific Committee.

On notification of the President of the Steering Committee, the scientific committee, composed of personalities close to the expertise and the right:

- suggested topics for research;
- examine records research to the Institute and offers those to be retained;
- following research and help researchers as necessary;
- advises more generally on the projects of the Institute;
- is a permanent force proposal

Admissions committee.

This Committee is composed of member of the Steering Committee and has three main missions:

- provide the conditions to be fulfilled by candidates wishing to become institutional and individual members of the Institute;
- consider nominations and give a reasoned opinion on each;
- more generally, dealing with all matters concerning ethics and professional conduct of members of the Institute.

The terms of appointment of the members of the Accreditation Committee are still to be defined.

Written by Jean-Raymond Lemaire on 11/17/2013.

GENERAL ASSEMBLY 2014

The Annual General Meeting will take place in April or May 2014 in Versailles, it will run on the day. Regardless of the presentation of the activity report and the financial report, the Orientation Committees, Scientific and Admission will be presented. Following this work a cultural activity will be organized.

Website Audience Overview Dashboard

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.

	September 2013		October 2013		November 2013	
Visitors						
Visits	757		976		876	
New Visits	63		787		752	
Avg. Visit Duration	1min24		1min14		1min15	
Bounce Rate	73%		78%		80%	
Visitors location, only top3 locations are listed (country / visits)						
Top 1	France	421	France	523	France	527
Top 2	Bulgaria	47	Bulgaria	61	Ivory Cost	46
Top 3	Belgium	40	Ivory Cost	57	Bulgaria	40
Pageviews						
Pageviews	1552		1804		1543	
Pages / Visit	2,01		1,85		1,76	
Page Top1	Civil legal expert examination in France	194	Home page in French	279	Civil legal expert examination in France	354
Page Top2	Home page in French	176	Civil legal expert examination in France	207	Home page in French	136
Page Top 3	Psychiatric expertise	101	Psychiatric expertise	127	Psychiatric expertise	73
Page Top 4	Homme page in English	69	Directory	67	Directory	60