



La lettre

November 2012

n°10

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

EDITIONAL,

Dear friends, members of the Institute,

Four important events stood out during the second and third quarters of the year 2012: the General Assembly of the Institute held at the Commercial Court of Nanterre on June the 20th, the Eurexpertise report submitted after the end of June Brussels conference, the application to DG Justice of the European Commission for the project "European Consensus for Civil Expertise" (ECCE) in early April, the submission of the implementation and financial reports for the Eurexpertise project at the end of September. We are following the progress of these events.

1. The General Assembly.

The minutes of the meeting were widely distributed to the members of the Institute, we summarise them hereafter.

The accounts for the year 2011 were adopted unanimously by the present and represented members.

The 2012 budget was accepted: the projected revenues are about € 62.000 and expenses about € 44.500.

A statement was made about institutional memberships: there currently are 65 members and institutions with which we are discussing membership, distributed among 13 countries representing four groups involved in expertise (magistrates, academics, lawyers and experts).

The E.C.C.E. project was outlined, more details follow.

AGENDA

November 23, 2012 :

Speech by a member of the Institute at a conference organized by the ADIJ Association, about:
"E-Justice, the new access to Law and Justice in the European Union."

November 14, 2012 :

Meeting between the First President of the Court of Appeal of Douai, Mrs Dominique LOTTIN, Mr Lemaire and Mr Martel.

October 18, 2012 :

Meeting with Isabelle GOANVIC, Technical Advisor civil, political family, occupations and Constitutional Affairs at the Office of the Justice Minister of France.

October 10, 2012 :

Telephone interview with Professor DE LEVAL, Professor of Law of Belgium

End of September 2012 :

The implementation and financial reports of EUREXPERTISE project were sent to the European Commission financial.

September 12, 2012 :

Telephone interview with Mrs DECONINCK, Advisor to the High Court of Belgium

August 23, 2012 :

Meeting between the First President of the Court of Appeal of Brussels, Mr Antoon BOYEN, Mr Jean-Raymond LEMAIRE and Mr Alain HENDERICKX.

Meeting between Michel VLIJES, President of of the French Bar Association of Brussels, Mr. Jean-Raymond LEMAIRE and Alain HENDERICKX.

July 11, 2012 :

Meeting with the President of the Conference of Presidents of the Bar, Mr Jean-Luc FORGET

End of June 2012 :

The final report of the EUREXPERTISE project was sent to the European Commission

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Miss Jennifer Boirot provided an update on the progress of her thesis on the theme:

"Psychiatric expertise and criminal sexual offenses, comparative study: England, Spain, Romania, Sweden and France."

We reproduce the main parts of her speech below.

PhD student: *Jennifer Boirot*

University of Versailles-St-Quentin-en-Yvelines (UVSQ), Center for Sociological Research on Law and Criminal Justice Institutions (**CESDIP**)

This work was supported by grants from the European Institute of Expertise and Expert (EEEI).

❖ **FIELDWORK CARRIED OUT DURING THE LAST THREE YEARS :**

My PhD is a five country comparison (France, England, Romania, Spain and Sweden) of the use of Forensic Psychiatric evidence regarding offender/offence characteristics during sexual violence trials.

For three years, I have conducted research both in France, but also in each of the countries studied:

- **October 2009 – June 2011: Work in France** (reading, interviews, preparation of research abroad)
- **1st July 2011 – 30th September 2011: Romania**, city of Iasi and Bucharest

University « Alexandru Ioan Cuza » in Iasi ; under the supervision of Professor Calin Scripcaru, Professor of Psychiatry and Manager of Socola Hospital in Iasi, and Professor Toader Tudorel, Dean of the University of Law in Iasi and Judge of the Constitutional Court of Bucharest.

Scholarship: Agence Universitaire de la Francophonie.

- **20th November 2011 – 20th December 2011: Sweden**, city of Gothenburg and Stockholm

Grants: Center for Sociological Research on Law and Criminal Justice Institutions (CESDIP, UMR CNRS)

- **4th February 2012 – 30th March 2012: England, city of London**

University: Partnership with « Middlesex University » and the « Crime and Conflict Research Center», London ; under the supervision of Vincenzo Ruggiero, Professor of Sociology, Director of the Crime and Conflict Research Centre and Dr Miranda Horvath, Senior Lecturer of Forensic Psychology.

Grants: European Institute of Expertise and Expert (EEEI) and Groupe Européen de Recherche sur les Normativités (GERN, UMR CNRS)

▪ **20th May 2012 – 15th June 2012: Spain, city of Barcelona**

University: Collaboration with Sara Pons, Lawyer and member of ESADE Business&Law Schools, Institute of Forensic Evidence and Probative Law (IPDP), Barcelona; and Rafael Orellana, President of the Catalan Association of Judicial Expert and Forensic, Barcelona.

Grants: European Institute of Expertise and Expert (EEEI)

State land research conducted since 2010

1-Interviews :

Profession Countries	Psychiatric experts and psychologists	Magistrates	TOTAL
France	15	8	23
Romania	8	6	14
Sweden	4	2	6
England	9	1	10
Spain	7	5	12
TOTAL	43	22	65

Observations:

Countries	Observation hearing	Obs. Expertise in situ (1)	Obs. Expertise (Report)	TOTAL (observations)
France	4	-	50 (*)	54
Romania	-	2	5	7
Sweden	1	1	2	4
England	1 (2days)	-	3	4
Spain	4	3	8	15
TOTAL	10	6	68	84

(*): work experience/Memory of Master 2

(1): Observation of the real progress of psychiatric expertise medico-legal institute

2. The Eurexpertise report

The Brussels symposium proceedings have been finished in mid-May and distributed to members (on USB sticks). They contain the presentations and speeches that took place in the first part.

- *can we speak of causality? Expertise and causality by Mr Bostjan ZUPANCIC, Slovenian Judge in the European Court of Human Rights.*
- *the European civilian Expertise by Mrs Irmgard GRISS, former President of the Supreme Court of Austria and former President of the European Network of Presidents of Supreme Courts.*
- *the cost and financing of civilian Expertise by Mr Daniel CHABANOL, State Councillor emeritus (France).*

The studies have continued in four workshops (each split in an English and a French workshop):

- Appointment and mission of the expert,
- Expertise and expert's report development,
- Training, skills and assessment of experts,
- Status and Ethics - Free exercise and Accountability.

The final report, which includes all the proceedings, was presented to the European Commission at the end of June.

Implementation and financial reports were sent to the European Commission on September the 25th, 2012. This opens a period of three months for the DG Justice to share its observations.

3. The European Consensus for Civil Expertise Project (ECCE)

This project is in line with the Eurexpertise project.

Objectives are:

- First, the organization of a consensus conference at EU level to promote the harmonisation of national procedures about civil legal expertise;
- Secondly, the development of a procedure of European expertise using a common standard based on the tracks of convergence already identified.

The project should be organised in four areas:

- Appointment of the expert and definition of its mission,
- Workflow of the expertise and preparation of the report,

- Training, skills and assessment of the experts,
- The status and ethics of experts - Free exercise and responsibility.

The planned duration of the project is 21 months, making it finish at the end of September 2014, if the project can start in early 2013.

The budget is estimated at 404 K€.

We await the response of the DG Justice by the end of 2012.

4. The new governance

During the General Assembly, we discussed the need to change the statutes of the Institute from an *association* under French law into an international non-profit organisation in order to allow European members to participate fully in the management of the institute and consolidate the international image of the EEEI.

EEEI currently includes organisations from many European countries. Its statutes, under French law, are not compatible with this international dimension.

Moreover, the composition of its decision-making and operational authorities needs to be reviewed in order to guarantee both the durability of the Institute and the participation of all its members in its governance, in a totally democratic transparency.

It is also necessary to organise the representation of members from different categories while keeping reasonable operational dimensions for the various instances of control...

The Belgian law of 25 October 1919, as amended, appears to be the only one in Europe in line with this objective and to precisely establish an international non-profit organisation. Among the mandatory constraints: a top manager and headquarters must be Belgian.

Legally, a simple transfer to place the current *association* under the Belgian Law of 1919 is not possible.

The process that emerges is the creation of an international non-profit organisation under Belgian law, then the dissolution of the current *association*.

A small team within the Board of Directors has prepared draft statutes and internal rules of procedure. These documents were distributed to institutional members for

comments. Once we have the response of the DG Justice about project E.C.C.E., we will be able to create this new international organisation.

Since the last letter of April 2012, several institutions joined the Institute:

- The Court of Appeal of LIEGE, represented by its First President, Mr Marc DEWART,
- The Court of Appeal of COLOGNE, represented by its President, Mr Johannes RIEDEL,
- The Court of Appeal of LIEGE, represented by the Attorney General, Mr Christian De VALKENEER,
- The Law Society of LIEGE, represented by its President of the Bar, Mr Eric LEMMENS,
- The Law Society of PARIS, represented by its President of the Bar, Mrs Christiane FERAL-SCHUHL,
- The Labour Court of LIEGE, represented by its President, Mrs Viviane LEBE-DESSART,
- The Labour Court of YPRES & FURMES, represented by its President, Mr Pol VAN ISEGHEM
- La Compagnie Nationale des Experts de Justice et Techniques Associées (CNEJITA) represented by its President, Mr Serge MIGAYRON,
- Register Landelijk van Gerechtelijke (LRGD) represented by the Secretary of the Administrative Council, Mr Nico M. KEIJSER,
- Register Gerechtelijk Deskundigen Nederlands (NRGD) represented by its President Mr John A. COSTER VAN VOORHOOT.

Moreover, we have developed our contacts and we hope to be soon joined by :

Member State	Category	Type	Name	Status
Belgium	1 Court	Commercial	Bruxelles	Talks
Belgium	1 Court	Judicial	Antwerpen	Talks
Belgium	1 Court	Judicial	Brussels	Talks
Belgium	1 Court	Labour	Gand	Talks
Belgium	2 Bar		Brussels	Talks
Bulgaria	3 Experts	Association	Sefita	Talks
Czech Republik	2 Bar		National	Talks
Czech Republik	3 Experts	Association	National	Talks
France	1 Court	Administrative	Versailles	Talks
France	1 Court	Judicial	Amiens	Talks
France	1 Court	Judicial	Metz	Talks
France	2 Bar		Lyon	Talks
France	2 Bar		Délégation des Barreaux de France	Talks
France	3 Experts	Association	Dijon	Talks
Germany	1 Court	Judicial	Naumburg	Talks
Hungary	1 Court	Judicial	Budapest	Talks
Italy	2 Bar		Brescia	Talks
Italy	2 Bar		Roma	Talks
Latvia	1 Court	Judicial	Riga	Talks
Malta	1 Court	Judicial	Malta	Talks
Poland	1 Court	Judicial	Varsaw	Talks
Romania	1 Court	Judicial	Suceava	Talks
Romania	2 Bar		Bucarest	Talks
Spain	1 Court	Judicial	Navarre	Talks
Spain	1 Court	Judicial	Catalogna	Talks
Spain	4 University		Esade (Barcelona)	Talks
The Netherlands	1 Court	Judicial	Arnhem	Talks
Total	27	19	27	27

We wish you all a good fourth quarter and look forward to seeing you for the letter n°11.

Jacques MELIN

Jean-Raymond LEMAIRE

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.

	May 2012		June 2012		July 2012		August 2012		September 2012		October 2012 (1st to 28)	
Visitors												
Visits	601		589		488		448		630		723	
New Visits	403		424		365		345		499		609	
Avg. Visit Duration	3min30		2min46		3min19		3min30		1min33		1min09	
Bounce Rate	62%		67%		61%		70%		74%		79%	
Visitors location, only top3 locations are listed (country / visits)												
Top 1	France	350	France	329	France	256	France	261	France	365	France	433
Top 2	Ivory Coast	52	Belgium	47	Ivory Coast	52	Ivory Coast	38	Ivory Coast	80	Ivory Coast	72
Top 3	Belgium	44	Ivory Coast	44	Belgium	37	Belgium	18	Belgium	40	Belgium	32
Pageviews												
Pageviews	2302		1961		1465		1490		1462		1521	
Pages / Visit	3,83		3,33		3		3,33		2,32		2,1	
Page Top1	Home page in French	282	Home page in French	241	Home page in French	204	Home page in French	144	Home page in French	166	Home page in French	136
Page Top2	Directory	119	Directory	95	Directory	138	Directory	74	Directory	134	Directory in English	100
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