



La lettre

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

ÉDITORIAL,

Dear friends, members of the Institute,

As we announced in our New Year greetings, 2014 will be rich for the Institute, including:

- **End of Jennifer BOIROT's thesis on forensic psychiatric assessment and sexual crimes in Europe (comparative study with England, Spain, Romania, Sweden and France);**
- **EGLE project funding - the Directorate General Justice, Freedom and Security of the European Commission awarded a grant of 290 371.21€.**
- **CEPEJ - the Institute has been appointed as an observer member of the Working Group on the Quality of Justice;**
- **Membership of the Appeal Court of Milan.**

1. EGLE PROJECT. European Guide for Legal Expertise. Launching March 1st, 2014.

The EEEI proposes 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 the rules of civil procedure of the 28 Member States faces legal, institutional, cultural and political disparities, the EEEI 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, firstly to help legal professionals, pragmatically, to make decisions that are fair, reasonable in terms of cost and time, and as close as possible to the needs of litigants, and secondly to strengthen 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.

AGENDA

July 9 2014 :

Meeting to launch the project EGLE (join us).

June 11, 2014:

Organisational meeting of EGLE project (join us).

May 23, 2014 :

Morning Orientation Committee and general assembly the afternoon.

April 9, 2014 :

Organisational meeting of EGLE project (join us).

February 25, 2014 :

Intervention of Mr. Jean-Raymond LEMAIRE in the working meeting on e-Justice, Consilium.

February 19, 2014 :

Mr. Jean-Raymond LEMAIRE met Luc FERRAND, member of the office of the general secretary of the Justice Ministry.

February 12, 2014 :

Mr. Jean-Raymond LEMAIRE met the new chiefs of the Appeal Court of PAU, Régis VANHASBROUCK, first president and Blandine FROMENT, general prosecutor.

February 3, 2014 :

Mr. Jean-Raymond LEMAIRE participated in a Board of UCECAAP (Union des compagnies d'Experts près la Cour d'appel d'Aix-en-Provence) to speak of the EEEI project.

January 28, 2014 :

Meeting in the Supreme Court of Italy with his first president and the first president and general prosecutor of Rome.



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

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

These steps will 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 with the need to gather evidence through an expert procedure regardless of the State of the Court where the case is pending.

The format of this Guide - which will be written in two languages (English - French) and can later be translated into all EU languages - will enable practitioners to align their practices in the context of a European legislative harmonization.

Convinced of your interest in this project, we invite you to join us as soon as possible. We need to establish working groups.

Themes of the 4 working groups:

1. Appointing an expert : mission and expectations,
2. Expertise proceedings and the expert's report,
3. Qualification, competence and assessment of experts,
4. The status and ethics of experts: free exercise and liability.

Do not hesitate to contact us for more information. The next two organizing meetings take place April 9, 2014 and June 11, 2014 at 18h in Levallois.

The first meeting of the 4 working groups will be held July 9, 2014 and following the schedule below:

WORKING GROUPS	Launching	Working 1	Working 2	Working 3
Working group 1	09/07/2014	03/09/2014	05/11/2014	07/01/2015
Working group 2	09/07/2014	10/09/2014	12/11/2014	14/01/2015
Working group 3	09/07/2014	17/09/2014	19/11/2014	21/01/2015
Working group 4	09/07/2014	24/09/2014	26/11/2014	28/01/2015
Launching meeting	Commun part : general presentation, organization, method,...			
	Specific part to every group : theme of recherche			
Working meetings	Specific to every group			

2. CEPEJ – European Commission for the Efficiency of Justice



Article written for the "Revue Expert".

Title: the EEEI admitted as observer to the CEPEJ

February 4, 2014.

The European Commission for the Efficiency of Justice -CEPEJ- was created on September 18, 2002 by the Committee of Ministers of the Council of Europe to promote a European rule of law and respect for fundamental rights on the basis of the European Convention on Human Rights, in particular Art. 5 (Right to liberty and security), Art. 6 (Right to a fair trial), Art.13 (Right to an effective remedy), and Art. 14 (prohibition of discrimination).

Its main tasks are to:

- analyze the results of the judicial systems of the Member States of the Council of Europe,
- identify the problems they face,
- define concrete ways to improve both the performance evaluation of judicial systems, and the functioning of these systems,
- provide appropriate assistance at the request of a Member State
- suggest to the competent bodies of the Council of Europe areas where the development of a legal instrument would be advisable.

On May 16-17, 2005, the Heads of State and Governments of the Member States of the Council of Europe decided to develop the CEPEJ evaluation and assistance functions in order to help Member States provide justice fairly and rapidly.

The CEPEJ bureau, for the period from Jan 1 2013 to Dec 31 2014, is composed of four members and is chaired by John STACEY - UK.

A number of countries are observers to the CEPEJ: the Vatican, Canada, Mexico, the USA, Japan, Israel and Morocco.

Observers are:

- the Council of Europe,
- the European Commission,
- the World Bank,
- the Hague Conference on Private International Law,
- the Bar Council of the European Union (BCCW)
- the European Association of Judges,
- European Magistrates for Democracies and Freedom (MEDEL)
- the European Judicial Training Network,
- the European Union of Clerks of Justice,
- the European Network of Councils for the Judiciary (ENCJ)
- the American Bar Association – Rule of Law Initiative.

CEPEJ, which may also provide assistance to requesting countries by delegating specialists to them, is constituted, in a sustainable way, of three working groups:

- the first, most famous, evaluates judicial systems (example: in 2008 the share of GDP spent on courts and legal aid was 0.18% in France, 0.26% Italy 0.36% Spain, 0.33% in England and Wales)
- the second focuses on the judicial time management (within a reasonable time)
- the third whose name is CEPEJ-GT-QUAL studies the quality of justice that the Council of Europe seeks to improve.

As part of the third group, the CEPEJ, in its program for the years 2014 and 2015, launched a study on the role of experts in judicial systems.

The first steps of this working group, composed of six members who are invited to participate in permanent bodies of the European Union and the World Bank was of course to prepare an inventory from a survey conducted among courts referents preselected located in different countries.

To this end, the EEEI was able to bring to the CEPEJ the fruit of its experience over several years. Indeed, based on a questionnaire prepared by the European Network of Supreme Courts as well as on an additional questionnaire that it drew up, the EEEI carried out an inventory covering both the mode of appointment of experts and the workflow of expertise in civil matters in the 28 member countries of the European Union.

This inventory was then used as a basis for the work that led to defining means of harmonization that reached a consensus at the symposium of judges, experts, academics and lawyers from seventeen countries held in Brussels on 16 and 17 March 2012 with support from the European Commission (not to be confused with the Council of Europe).

At a meeting of the working group held in Strasbourg on September 20, 2013 in the offices of the Council of Europe, the EEEI, which had delegated its president, Jean-Raymond Lemaire, Alain Nuée, the first president of the Appeal Court of Versailles, and Alain Henderickx, Lawyer of the Bar of Brussels, was able not only to share its experience, but also to propose significant changes to the questionnaire prepared for the pilot courts in the 47 countries of the Council of Europe, to the extent that the writer of this questionnaire, strongly influenced by his reading of Anglo-Saxon texts, had used concepts that are not easily understood in continental law countries.

These changes, as well as the EEEI's offer to contribute further to the CEPEJ work, were greatly appreciated by the six members of the working group. This work is of major importance for the Institute as it will be able to draw on it for useful information to advance its research and make proposals to harmonize the field of criminal expertise within the European Union which is one of its objectives.

The interest of the work of the Institute and the commitment therein to promote the quality of expertise within the European Union are to be allocated by a decision of the CEPEJ admitting EEEI as acting observer in the Working Group on the quality of justice as well as in the European Network of Councils for justice, the European Union court clerks and Rechtspfleger and the International Union of Judicial Officers.

Written by Mr. Alain Nuée, First President of the Appeal Court of Versailles, President of the Orientation Committee of the EEEI and Mr. Jean-Raymond Lemaire, President of the EEEI.

3. Meeting with the First President of the Supreme Court of Italy and the First President of the Appeal Court of Rome and the General prosecutor, January 28, 2014.

The French delegation of the Institute composed of Julie Mitton, Italian translator-interpreter and member of the Institute, Jacques Melin, administrator, and Jean-Raymond Lemaire, president, met:

- Mr. Giorgio Santacroce, First President of the Supreme Court and former First president of the Appeal Court of Rome ;
- Mr. A.M. Pandolfi, First President of the Appeal Court of Rome,
- Monsieur A.M. Campioloni, General prosecutor of the Appeal Court of Rome.

Italy will chair the EU during the second half of 2014. We think it would be interesting to set up the EGLE project with the support of Italy. Indeed, projects are often driven by the EU President during their term.

It would be a legitimate choice to hold the EGLE project Consensus Conference in Rome in May 2015.

The First President is very interested and we will be discussing the details.

4. Appeal Court of MILAN – Membership received.

We had the pleasure of receiving mid-February 2014, the membership of the Appeal Court of MILAN signed by its First President Dottor Giovanni Canzio.

We had met him a few months earlier (June 17, 2013) with Marc Dewart, First President of the Appeal Court of Liège.

Our visit was successful and we are delighted.

5. Appeal Court of DEN BOSCH (Netherlands) – Membership declined.

Unfortunately, we did not get the same result with the President of the Appeal Court of DEN BOSCH, Ronald Philippart, who has just declined membership of the Court to the EEEI following a meeting with the Council of the Judiciary. It was noted that given the position of independent legal expert towards the Court, membership was not feasible.

6. Contact with Mr. Fernando PAULINO PEREIRA, general secretary of E-Justice.



This contact was initiated following a meeting with Claude DUVERNOY at an event celebrating the 30 years of the DBF.

When Claude DUVERNOY contacted the DBF, they invited the EEEI to present the Institute and its work at the next meeting of the e-Justice working group, which took place February 25, 2014.

We were offered to intervene twenty minutes with an extra 10 to 20 minutes of questions / answers.

Outline:

- EEEI structure;
- EEEI work and projects;
- the European Guide for Good Practices, the consensus conference.

We are going to:

- propose to work with e-justice to give information on Court experts and expertise;
- ask the representatives of the 28 countries to give us contacts with magistrates and experts;
- set up the directory of European experts on the e-justice website;
- test exchanges of experience between European experts in the same field; project HELEN (CNEJITA - EEEI project Sylvain Faurie).

After this procedure a few contacts were initiated:

Croatia asked us for our contact details in order to start exchanges and to provide us with the expertise procedures in their country.

UK. Found the presentation and the project and very interesting. As this requires standardization, the representative requested that the presentation be made to other more political bodies.

The representative of France and the European Commission found the idea of legal expertise in the e-Justice portal very interesting.

The Secretary General, Mr. Fernando Paulino Pereira, said it would be interesting to publish the Good Practice Guide on the e-Justice portal.

The Greek President congratulated the EEEI.

7. General Assembly and Orientation Committee – May 23, 2014 in the Appeal Court of Versailles.

We remind you that Friday, May 23, 2014 from 2.30pm to 4.30 pm the General Assembly of the European Institute will be held at the Appeal Court of Versailles.

In the morning Alain NUÉE, whom we thank for his hospitality, will receive the representatives of the Institutional Members, who make up the Orientation Committee. The goal is to define proposals of action for the Institute for the years to come.

A lunch with all the Members of the Institute will precede the General Assembly and a cultural event is being organized to follow it.

Please save this date in your schedule. The Institute is counting on you and your presence.