

## Conclusions of the summary report on expert evidence in court proceedings

The taking of expert evidence has become a real focus of attention in the administration of justice, which is strictly correlated to scientific and technological developments and consequent societal changes that have occurred over the past few decades. As a result, the number of scientific fields requiring specific expertise has increased and social relations have grown more complex. These phenomena had a significant modifying impact on the subject-matter and structure of court proceedings. In parallel, the courts have raised the need to use the findings of modern natural sciences in the process of taking of evidence.

The above tendencies have brought about qualitative changes in respect of the taking of evidence in court proceedings, which necessitated the comprehensive analysis and re-regulation of this legal instrument in more and more countries. In view of the above, research has started in various legal workshops in Hungary, while the President of the Curia decided to set up a jurisprudence-analysing working group with the tasks of carrying out an in-depth examination of the organisational and institutional framework of the taking of expert evidence and the various phases of its implementation as well as identifying the areas that would require legislative changes to be initiated.

The jurisprudence-analysing working group was comprised of Curia justices, high court and district court judges, forensic experts and the representatives of different prosecution services, ministries, notarial bodies and bar associations. Its method of analysis was based on the so-called mixed work-sharing process. The working group drew up a questionnaire with 66 multiple-choice questions and invited the presidents of all the high courts, the presidents of those district courts that are situated at the seat of the high courts and the presidents of all the administrative and labour courts to examine a number of cases, that have been selected according to a predefined set of criteria, on the basis of the questionnaire. Subsequently, the working group gave an overview of the data collected by including them in field-of-law specific charts and summarising them in a nation-wide chart. In addition, the working group extended its empirical research by conducting short interviews with judges and experts with the aim of presenting their opinion on the current system of taking of expert evidence.

The structure and content of the working group's summary report relied upon the dogmatic characteristics of the legal issues which constituted the subject matter of the examination. The working group therefore took into consideration that i) the taking of expert evidence is a complex legal instrument that has equal relevance in the fields of criminal, administrative, labour and civil law, and, furthermore, that ii) the pieces of legislation governing the taking of expert evidence include not only the codes of civil, administrative, labour and criminal procedure, but a series of rules and decrees concerning the courts' general administration and financial management as well. Thus, the summary report reflects the subject matter's complexity by providing a collection of studies on the taking of expert evidence made by the designated working subgroups. Analysing the conclusions drawn from empirically based data obtained through the subgroups' research, these separate studies cover ten different strands as follows: the conditions for becoming an expert, the forms of providing expert evidence, the methodology used for the appointment of experts, the courts' tasks related to the taking of expert evidence, the rights and obligations of experts, the principal rules on the delivery of expert opinion, the determination of the amount of expert fees, the use of evidence taken by private experts, the use of expert opinion evidence in making a decision on the merits of the case, and the areas of the taking of expert evidence which require further development.