

## **THESIS TITLE, ABSTRACT AND KEYWORDS**

### **Evidence proceeding focused on expert opinion**

This diploma thesis is dedicated to the problematics of performance of expert activity in relation to judicial evidence proceeding. The main goal of this thesis is to provide a comprehensive explanation about expert opinion whereas it is based on effective legal regulation of expert activity, on higher courts judicial practice and finally on professional literature. Understanding of this issue may play a significant role in both expert opinion elaboration and its subsequent production and evaluating before courts.

The diploma thesis is notionally divided into two parts. The first part is the theoretical part, and it includes the first to third chapters of the thesis. In the first chapter the thesis deals with a general description of evidence proceeding in civil procedure. There are explained the basics concepts of this process without which would not be possible to continue in next explanation. There are also described other typical means of proof together with their specific characteristics in order that the reader of the thesis can distinguish the differences between them and expert opinion. In the second chapter of this thesis is discussed expert activity as such. Particularly important subchapter of this chapter is description of expert's rights and duties because their fulfilment substantially determines quality of elaborated expert opinions. End of this chapter is dedicated to expert's liability namely from both private and public law point of view. The third chapter of the thesis describes expert opinion as an outcome of expert activity performance. It covers all the phases of evidence proceeding using this means of evidence. Firstly, it describes possibilities of assigning expert opinion and differences and consequences rising from each of the possibility. Then the elaboration of expert opinion by expert is discussed which is greatly related to subchapter about expert's rights and duties. After that, the phase of expert opinion production before court is described. Finally, the last part of this subchapter is dedicated to apparently most important of all phases, which is evaluating expert opinion by court whereas there are described different opinions about amount of which court is able to evaluate this means of proof.

The second part of the thesis is dedicated to practical knowledge and the author's own opinion. At first the collecting of the data provided by judges of district courts in the Czech Republic is described. Then these data are analysed and evaluated by author. In next subchapters author focuses on selected parts of expert activity performance which in his

opinion show practical drawbacks that make the achieving of the main goal of using of expert opinions impossible.

**Keywords: expert opinion, evidence proceeding, civil procedure**