

SUMMARY

Connoisseurship

I conceived my rigorous work as a summary of theoretical information about the connoisseurship in the Czech Republic. I began with the historical development of the connoisseurship in the Czech Republic and found out that the Ministry wants to repeat certain historical errors. I assume that there will be experts among the future readers of this work and, therefore, I also analyze the system of law and the role of experts in procedural law to facilitate understanding of the expert's position in the legal system.

Then, I continue with the theoretical concepts of the expert activities, which occurred in the doctrine during the period from the Inquisition processes to the present, including examples of judicial decisions that favor different theoretical concepts. Due to the fact that an expert opinion is considered as evidence, I also deal with evidence from the legal and logical point of view, from which I deduce strategies at the expert opinion's assignment.

A substantial part of my work is focused on an expert in person, including his rights, duties, responsibilities and protection. I focus on the expert's appointment and dismissal or another way of termination of expert activities as results from Act No. 444/2011 Coll. I highlight the differences between the expert and other persons involved in the court proceedings with the emphasis on the difference between an expert and a witness.

The key parts of the work are both the treatise on and its evaluation of the expert opinion. I refer to cases where the expert opinion is necessary. I draw attention to cases where the expert opinion is documentary evidence only. I continue with the basic requirements imposed on the expert opinion. Finally, I deduce the opinion's properties from the above. In addition, I summarize the scientific methods used in the course of expertise elaboration. Particularly those, which focused on deduction and the result always logically follows from the premises if the deductive reasoning is used.

The expert opinion's evaluation follows the expert opinion's elaboration. I point out the different judicial decisions as regards the expert opinion's evaluation, and I clearly prefer the opinion of the Constitutional Court. I subject the expert opinions to the evaluation as well as the entire expert's procedure, including evaluation of the sources from the point of their

completeness. The objective of the expert opinion's evaluation is to determine the expert opinion's veracity. In addition, it is necessary to evaluate the expert opinion's formal and procedural accuracy. Within the summary, I present the system on the basis of which the expert opinion should be evaluated.

Consecutively, I point out the interesting provisions on expert activities in Europe, USA and Australia. I conclude the work with proposals for legislative modifications that differ from the substance of a bill. My basic objection to the substance of the bill is that the concept of modifications is too narrow. In addition to modifications of the Act on Experts, the rules on experts in the Civil Procedure Code and Criminal Procedure Code have to be modified as well. I draw the attention to the unconstitutional appointment of an expert, which exists in the Czech Republic since the adoption of the current Constitution. I conclude the work with appendices in which I summarize the deceits, errors and mistakes at the evidence, requirements of the Securities Commission on an expert opinion and the classical foundations of logic.

Key words

Expert opinion, expert, evidence, expert opinion's evaluation, connoisseurship