

# **Evidence in civil proceedings focused on expert activities**

## **Abstract**

The rigorous thesis is divided into two parts. The first part focuses on presenting evidence in civil proceedings in general and, during its processing, the main purpose was to comprehensively address the basic issues of presenting evidence in civil proceedings as a court procedure in finding facts. Attention is focused primarily on the definition of basic concepts such as presenting evidence, means of proof, duty to assert and duty to prove, as well as burden of assertion and burden of proof related thereto. Emphasis is also placed on the basic principles governing the process of presenting evidence and its basic phases, that is applying, obtaining, implementing and subsequently evaluating evidence. At the end of the first part of the thesis there is a demonstrative list of individual means of proof together with their brief characteristics.

The second part focuses on the topic of expert activity and everything related to this. Firstly, the historical development of expert knowledge in the Czech lands is summarized from when first mentioned, then the current legislation effective in the Czech Republic for almost 53 years right through to the legislation effective from 1 January 2021.

A substantial part is also devoted to the expert, the conditions of establishment, suspension and termination of authorization to perform expert activities, rights and obligations associated with the performance of expert activities and related legal responsibilities.

The next part provides an overall picture of the expert opinion as a result of the expert activity, especially its essential characteristics and elements. With regard to the first part of the thesis, the issue of the expert opinion submitted by the party to the proceedings and the evaluation of the expert opinion as means of proof in civil proceedings were also included in this part.

In conclusion space was devoted to the upcoming legislation with consideration of its future functioning, including a summary of the shortcomings most frequently criticized by the experts themselves and the professional public.

**Keywords:** evidence, expert, expert opinion