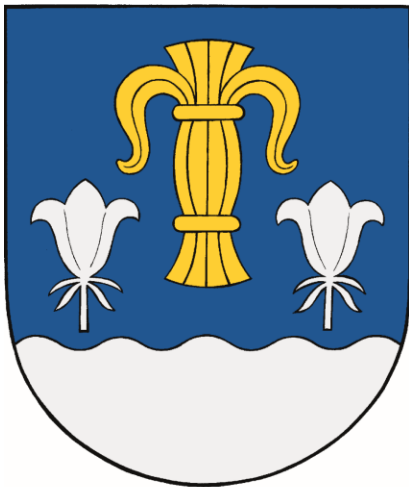


Expert judge: the finnish solution of securing scientific expertice in litigation



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Judge, but not lawyer?

- Env cases mainly in Vaasa Adm Court
 - ➔ Supreme Adm Court, leave needed
- Judges without judicial education = expert judges
- In-house exp judges are part of court's panel: having a say to every matter of a case and a right to vote (also lawyer judge to exp matter)
- Supreme Adm Court: experts, but not in-house

History and today

- Environmental cases: tradition of being the former appellate court for cases for former water courts
- Before: more special courts
- History as a part of Sweden: similar solutions
- Trying to find a balance between specialization and arbitrary distribution of cases between judges

Principles of litigation

- A broad and deep scope of legality review
- Procedural limits (e.g. ultra petita)
- Inquisitorial and investigative handling
 - mainly up to the parties to provide the material
 - exp judges mainly to assess the material rather than to provide it
 - no infringement of contradictory principle
- Does the system require exp judges or have the exp judges affected the system?

Limits to power of expert judges

- Voting happens rarely and even more rare is having the expert judges on one side and the lawyer judges on another
- The lawyers final say is secured by rules of how many of each kind of judges there are in the panel
 - a lawyer is always chair of the panel – if voting takes place, vote of the chair settles the case If there are equal numbers of votes for each proposal
 - a panel of 3 (1 exp) or 4 (2 exps) are common



Thank you for your attention!