

**Křístek, L. Znalectví. Praha: Wolters Kluwer ČR, 2013, 332 s.  
[Expertise. Prague: Wolters Kluwer ČR, 2013, 332 pp.]**

Recently a book by author Lukáš Křístek titled *Znalectví* [Expertise] was published. This monograph deals with the Expertise as a general concept rather than Expertise as specializations in individual fields. This is in a way unusual.

Several books were published about Expertise in the past, but none dealt purely with theory. The first book we could mention was the *Soudní znalci* [Legal Experts] published in 1940 by J. Pražák. However, the author merely summarized the fragmented legislation on Expertise. Since 1970 J. Musil has been addressing Expertise in some chapters of his books on criminality and the criminal law.

Also other authors deal with Expertise in the criminal law – J. Chmelík, M. Fryšták with Z. Krejčí. It is worth to mention Dörfl's commented Act on Experts and Translators with jurisprudence and Experts in International Environment from Bělohávek with Hótová. Perhaps closest to the topic chosen by Lukáš Křístek is a work by V. Mathern titled *Znalecký posudok ako dôkazný prostriedok v československom trestnom konaní* [Expert Opinion as Evidence in Czechoslovak Criminal Proceedings]. However, none of the above books deals to such an extent with the theory of Expertise or inspects Expertise in individual types of proceedings just as this one.

It is true that not many books deal with Expertise. Lawyers pay almost no attention to this topic. Experts – practitioners focus on their field and the theory of Expertise is beyond the scope of their profession.

Theoretical lawyers will find relevant chapter titled *Theory of Expertise as an Activity*, which addresses various theoretical concepts of providing Expertise. The author also considers whether the relation between regional courts and the minister (ministry) is constitutional (compare with pp. 53–54).

Lawyers – practitioners will find most relevant chapters titled *Expert Opinion and Assessment of an Expert Opinion*. Lawyers are here given tools for evaluating expert opinions, with methodology based on findings of the Constitutional Court and earlier books on Expertise.

This monograph could be also useful to lawmakers, who may consider author's suggestions for future regulation of Expertise. His proposals are based on extensive practical experience (the author is an Expert himself).

The author in his work also addresses voices critical to expert opinions. In response to the critique of poor-quality expert opinions he objects that experts will start writing better expert opinions once they are more severely punished for poor quality. Using statistical data on expert opinions in criminal legal practice he proves that punishments are mild and rare.

In the final parts of the book the author lists the total numbers of expert opinions made in the CR in individual years. He concludes that the numbers of expert opinions have been steadily decreasing since 2007.

Two points in the book seem controversial to me. First, the author recommends confronting experts in criminal matters should they have contradictory opinions (p. 241). The criminal law recommends such confrontations in case it can be assumed that one person lies. The purpose of confrontation is to induce conflicting psychological situations. I find such confrontation unsuitable when interrogating an expert.

The second moment is that the author believes that administrative tasks of the chairmen of courts (chairman of the regional court appoints experts and translators) go against article 82, section 3 of the Constitution (p. 54), when the function of a judge is incompatible with any public administration function. In my opinion this argumentation is inapt. These administrative responsibilities of judges do not violate the principle of independence and impartiality of judges.

As a certain shortcoming of this monograph we could point out the lack of foreign sources (Slovak sources are in certain way not to be considered foreign) and comparison with foreign regulations on

Expertise. I believe that argumentation and comparisons with foreign sources and foreign rulings<sup>1</sup> would improve the quality of this monograph.

Strengths of this publication come from the choice of the topic. Such book has not yet been written in the CR, so it is hard to compare. A positive aspect is certainly the included large Czech jurisprudence, including the jurisprudence of the Constitutional Court. Very beneficial are also parts related to the expert opinion.

The book can be recommended to lawmakers, lawyers – practitioners, who can improve their arguments against low-quality expert opinions and other experts working in this area.

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<sup>1</sup> The author here mentions only one foreign ruling on p. 246. Although we find in his monograph chapter Komparistika (p. 243–247), the author only pays very little attention to it.

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