

**The Pluralistic Roles of Experts in the Civil Court and
Protection of the Right to be Heard: Is the Commercial Case
Adjudication Act the Last Piece of the Puzzle?**

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Abstract

With the increasing complexity of disputes in modern society, the system of trial by professional judges is increasingly challenged. Since 1999, the establishment of specialized courts has been discussed in Taiwan. This article analyzed the types of experts participating in litigation Taiwan's courts, which are the most diverse from the perspective of comparative legal study. There are different roles and tasks, including (1) exercising parts of the court's authority to investigate evidence and facts, such as family investigator in family court; (2) providing technical information and advice to judges, such as technical examiners and business investigators in intellectual property and commercial courts who are experts as professionals inside the court, as well as mediators and professional advisors who are experts outside the court, which are advisory and not evidentiary methods; and (3) providing evidence, such as expert witness and court-appointed expert witness. However, in all cases, in the interest of procedural fairness and transparency, the parties shall be given an opportunity to express their views on the content of the expert's description or opinion and the qualifications and candidates of the experts before their selection.

The Commercial Case Adjudication Act 2019 introduced the expert witness system in Taiwan. The system of court-appointed experts may be supplemented by the expert witnesses as evidence. The potential for bias in the opinions of expert witnesses can be avoided through the questioning of a court-appointed expert

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witness. In selecting a court-appointed expert witness, the court shall respect the wishes of the parties and select experts from the list proposed by the parties. Concerning the expert's report, the method of the concurrent expert witness has the effect of simplifying issues in dispute and deepening the discussion of disagreements, which can be used to protect the parties' right to be heard when the expert witness is being investigated.

Keywords: commercial investigator, technical examination officer, expert advisor, expert witness, court-appointed witness, right to be heard, fair procedure, concurrent expert evidence