

Resolution No. (8) of 2023
Approving the Rules and Standards for
Technical Assessment of Expert Witness Work before the
Judicial Authorities in the Emirate of Dubai¹

The Director of the Dubai Courts,

After perusal of:

Law No. (13) of 2020 Regulating Expert Witness Work before the Judicial Authorities in the Emirate of Dubai;

Executive Council Resolution No. (38) of 2020 Approving the Organisational Structure of the Dubai Courts; and

The presentations submitted to the Director of the Dubai Courts,

Does hereby issue this Resolution.

Approval of Rules and Standards
Article (1)

Pursuant to this Resolution, the attached rules and standards for technical assessment of Expert Witness Work before the Judicial Authorities in the Emirate of Dubai, inclusive of the processes and forms set forth therein, are approved.

Publication and Commencement
Article (2)

This Resolution will be published in the Official Gazette and will come into force on the day on which it is published.

Taresh Eid Al Mansouri

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

**Director
Dubai Courts**

Issued in Dubai on 12 January 2023
Corresponding to 19 Jumada al-Thaniyah 1444 A.H.

Rules and Standards for Technical Assessment of Expert Witness Work before Judicial Authorities

Introduction

Assessment will be conducted based on the efforts exerted by the Expert Witness in charge of the expertise assignment, whether that Expert Witness is an individual, Expert Witness committee, or Expert Witness Firm. The assessment will be carried out after filing the Expert Witness's report to be included in the smart case file, and will cover the Expert Witness Work that is subject to supervision by the Expert Witnesses Affairs Committee at the Dubai Courts.

I. Technical Assessment Scorecard Forms

1. Scorecard Form for Assessment by a Judicial Authority Assigning an Expert Witness

A Judicial Authority that has assigned an Expert Witness will evaluate the completed Expert Witness Work using the following scorecard form:

Scorecard Form for Expert Witness Work Assessment by Judicial Authorities		
Case No.:	/ Year:	/ Type:

Expert Witness Assignment Details			
Name of Expert Witness/ Expert Witness Committee		Expert Witness Assignment Date:	
Report Filing Date:			

Assessment Areas	Expert Witness Work Assessment Score Given by the Judicial Authority			
	Maximum Score	Assessment Score Levels		
		Full Score 15	Partial Score 11	Not Done 0
1. Completing the Whole Assignment and Covering All Its Elements by the Expert Witness	15			

2. Quality of the Completed Expert Witness Work and Extent to Which the Objectives of His Assignment Have Been Achieved	15			
3. Addressing All Elements of the Expert Witness Assignment in the Report in a Clear and Orderly Manner Stating the Relevant Outcomes, Grounds, and Evidence	10	Highly Satisfactory 10	Satisfactory 7	Unsatisfactory 0
4. Extent to Which the Expert Witness Report Is Adopted by the Court	10	Fully Adopted 10	Partially Adopted 7	Not Adopted 0
Final Score		50%		
Do You Have Any Comments on the Expert Witness Work in the Case?				
Yes No				
Comments (if any)				
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.....				
.....				
.....				
Name of Member of the Judicial Authority: Date:				

2. Scorecard Form for Assessment by the Expert Witnesses and Arbitrators Directorate of the Dubai Courts

After filing the Expert Witness report to be included in the case file, the Expert Witnesses and Arbitrators Directorate will consider it based on the following Assessment Scorecard:

Scorecard Form for Assessment of Expert Witnesses by the Expert Witnesses and Arbitrators Directorate Case No.: / Year: / Type:
Expert Witness Assignment Details

Name of Expert Witness/ Expert Witness Committee		Expert Witness Assignment Date:	
Report Filing Date:			

Assessment Areas	Expert Witness Work Assessment Score Given by the Expert Witnesses and Arbitrators Directorate		
	Maximum Score	Assessme nt Score	Comments of Assessors
1. Compliance by the Expert Witness with the Deadline Prescribed by the Court for Filing His Report	10		
2. Accuracy of the Details of the Expert Witness Report (case number, details of the parties, format of the report and clarity of attached documents related to the case, particulars of the Expert Witness/ Expert Witness committee)	15		
3. Compliance by the Expert Witness with the Rules for Performing Expert Witness Work in Accordance with the Legislation Regulating Expert Witness Work before the Judicial Authorities	20		
4. Assessment of the Expert Witness Work by the Parties to the Case (through a survey)	5	Average Assessment of the Expert Witness Work by the Parties to the Case	
Final Score	50%		
Do You Have Any Comments on the Expert Witness Work? Yes			
No			
Comments (if any)			
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Representative of the Expert Witnesses and Arbitrators Directorate
Date:

3. Scorecard Form for Assessment by the Parties to the Case

The parties to the case will assess the performance of the Expert Witness, and their assessment score will be part of the scoring weight designated to the assessment by the Expert Witnesses and Arbitrators Directorate and will constitute five percent (5%) of the point weight designated to the same. This assessment by the parties to the case will be conducted using the following assessment scorecard form:

Scorecard Form for Expert Witness Work Assessment by the Parties to the Case Case No.: / Year: / Type:			
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Expert Witness Assignment Details			
Name of Expert Witness/ Expert Witness Committee		Expert Witness Work Assignment Date:	
Report Filing Date:			

Assessment Areas	Expert Witness Work Assessment Score Given by the Parties to the Case		
	Maximum Score	Assessment Options	
		Yes 1	No 0
1. Did the Expert Witness Introduce Himself to the Parties to the Case and Present His Registration Card?	1	☐	☐
2. Did the Expert Witness Explain to the Parties to the Case the Scope of His Assignment under the Relevant Assignment Resolution and the Phases of Implementation of the Assignment?	1	☐	☐
3. Were the Time Frames Set by the Expert Witness for Holding Meetings, Conducting Inspections, and Submitting Documents Sufficient?	1	☐	☐
4. Did the Expert Witness Perform his Assignment in a Healthy and Appropriate Environment?	1	☐	☐
5. Did the Expert Witness Follow a Clear and Accurate Approach in Performing His Assignment?	1	☐	☐

Total Score	5%
Do You Have Any Comments on the Expert Witness Work in the Case? Yes	
No	
Comments (if any)	

II. Completion by the Expert Witness of his Assignment

The Expert Witnesses and Arbitrators Directorate will commence the assessment process after the Expert Witness files his report through the systems adopted by the Dubai Courts. The Expert Witnesses and Arbitrators Directorate will review the report to verify that it meets the formal requirements and that the Expert Witness has complied with the legislation regulating Expert Witness Work before Judicial Authorities. The audit and review reports made by the employees of the Expert Witnesses and Arbitrators Directorate during the performance by the Expert Witness of his assignment may affect the final score of assessment by the directorate, which is capped at fifty (50) points.

III. Assessment by the Expert Witnesses and Arbitrators Directorate

The Expert Witnesses and Arbitrators Directorate will assess the final Expert Witness report filed through the systems of the Dubai Courts as follows:

a. Satisfaction of the Mandatory Formal Requirements and Admission of the Report

The Expert Witnesses and Arbitrators Directorate will review the report to verify that the Expert Witness has addressed the comments and enquiries of the Judicial Authority that had assigned him, and the objections of the disputants to any unnecessary conclusions included by the Expert Witness. The Expert Witnesses and Arbitrators Directorate will commence the assessment process according to the items set forth in its assessment form and any other input, if any.

b. Non-satisfaction of the Mandatory Formal Requirements of the Report

Where a report fails to meet the formal requirements, the Expert Witnesses and Arbitrators Directorate will return the report back to the Expert Witness, together with its comments and grounds for the return. The Expert Witness will address these comments and re-file the report. The Expert Witnesses and Arbitrators Directorate may accept the report as is, proceed with the assessment, and include the report in the smart case file.

c. Re-assignment by the Same Judicial Authority

Where the case is re-assigned to the Expert Witness by the same Judicial Authority, the Expert Witnesses and Arbitrators Directorate will modify its assessment score after completion of the assignment by the Expert Witness and filing the supplementary report to be included in the case file.

IV. Assessment by Judicial Authorities

1. Assessment of an Individual Expert Witness

The competent Judicial Authority will assess the Expert Witness Work using the form prescribed for this purpose after fully completing his assignment, or after instructing the Expert Witness to reconsider his report (re-assignment) where applicable, whether or not his final report is adopted by the Judicial Authority.

However, this will not apply where the Judicial Authority decides to assign another Expert Witness, in which case the Judicial Authority will assess the work of the two Expert Witnesses separately if its decision does not stipulate that both of them be combined in an Expert Witness committee.

2. Assessment of an Expert Witness Committee

The Judicial Authority will assess the work of the Expert Witness Committee based on the final outcomes of the assignment.

V. Filing Expert Witness Technical Assessment Reports

The final assessment report will be issued automatically upon entry of the assessment score by each entity (50% for the Expert Witnesses and Arbitrators Directorate and 50% for the Judicial Authority). The person in charge of assessment at the Expert Witnesses and Arbitrators Directorate will approve the final technical assessment report through the system adopted by the Dubai Courts, and provide the Expert Witness with a copy of that report, within fifteen (15) days from the date of its issuance, using any of the methods adopted by the Expert Witnesses and Arbitrators Directorate.

VI. Effect of Technical Assessment Reports

1. Presentation of Assessment Outcomes to the Expert Witnesses Affairs Committee

- a. Expert Witness Assignments with a Technical Assessment Score of at Least Seventy Percent (70%)

The technical assessment report will be lodged in the Expert Witness's file without the need to present the same to the Expert Witnesses Affairs Committee. This does not apply to the technical assessment reports in respect of which grievances are submitted within the legally prescribed time limit.

- b. Expert Witness Assignments with a Technical Assessment Score of Less than Seventy Percent (70%)

The technical assessment score will be presented to the Expert Witnesses Affairs Committee after the lapse of the time limit prescribed under Article (25) of the above-mentioned Law No. (13) of 2020 for submitting grievances, being thirty (30) days from the next day following the delivery of the assessment report to the Expert Witness. Where the Expert Witness submits a grievance against the technical assessment score, the assessment will be presented, together with the grievance, to the Expert Witnesses Affairs Committee to take any of the measures stipulated in Article (26) of the above-mentioned Law No. (13) of 2020, or amend the technical assessment score.