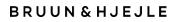
2 FEBRUARY 2018

ASA Annual Conference

KARSTEN KRISTOFFERSENCultural issues regarding the management of expertsduring the hearing

Culture is important, but ...



Winning is most important. Everything is consequence of that.

Ayrton Senna

KEY QUESTION

Does culture play a role in winning?

What do we mean by (legal) "culture"

Civil law

Common law

"International arbitration"

Know your tribunal

- Selection of arbitrators
- Cultural issues to be settled prior to hearing

Party-appointed experts

Witness statements

Right to cross (outside direct testimony)

Right to ask leading questions

Right to meet and prepare

Duty to cross

Cultural issues during hearing

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Applicable ethical standards

must not make statements or ask questions which are merely scandalous or intended or calculated only to vilify insult or annoy either a witness or some other person

UK Barristers Code of Conduct Art 708 (g)

General "cultural" issues to consider

- Aggressiveness?
- Repetition?
- Only leading questions?
- Know the answer to questions?
- Tribunal's interactions

"Be peaceful, be courteous, obey the law, respect everyone; but if someone puts his hand on you, send him to the cemetery."

Malcolm X

It's about decision-making



WHAT CAN BE INFLUENCED DURING CROSS EXAMINATION

Contact

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