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2 FEBRUARY 2018

ASA Annual Conference

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Cultural issues regarding the management of experts  
during the hearing

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*Winning is most important.  
Everything is consequence of that.*

Ayrton Senna

**KEY QUESTION**

Does culture play a role in winning?

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What do we mean by (legal) “culture”

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Civil law

Common law

“International arbitration”

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

Party-appointed experts

Right to cross (outside direct testimony)

Witness statements

Right to ask leading questions

Right to meet and prepare

Duty to cross

## 1 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)

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## 2 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

**WHAT CAN BE INFLUENCED  
DURING CROSS EXAMINATION**

Credibility	✓
Qualifications	✓
Assumptions	✓
Reliability and representativeness of data	✓
Applied methodology	✓
Opinions based on experience	÷

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