

How to conduct a disciplinary hearing – Part 6

Expert Evidence

What is it?

It is evidence presented by either party of a person who is qualified, has extensive knowledge and expertise on a particular issue, or in a specific field.

What does a chairperson remember when hearing or reading this evidence?

Expert evidence carries more weight than other evidence.

The facts upon which the expert opinion is based on admissible evidence.

Guidance offered by the expert must be sufficiently relevant.

The witness is not permitted to give opinion on the legal or general merits of the case.

The latest evidence in the Oscar Pistorius trial is a good example of how important expert evidence is. The evidence of forensic psychiatrist Merryll Vorster and her diagnosis of Generalised Anxiety Disorder (GAD) in respect of the accused turned his case on its head. The Judge was placed in a position of ordering further expert opinion as to whether the accused suffered GAD and whether it would have had an effect on his behaviour at that time.

Conclusion

Use expert evidence to make an educated decision.

