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## **EURO-EXPERT: Germany Data Summary**

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# Germany Data Summary

## CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Stefanie Lemke

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

## Qualities of Sample

There were 504 responses to the Germany survey, of which (96%, 486) were judges, (2%, 12) were lawyers, (1%, 3) were experts and (1%, 3) were beneficiaries.

| Respondent categories | %    | #   |
|-----------------------|------|-----|
| Judges                | 96%  | 486 |
| Lawyers               | 2%   | 12  |
| Experts               | 1%   | 3   |
| Beneficiaries         | 1%   | 3   |
| Total                 | 100% | 504 |



## Country locations

Of the 83%, 420, of respondents who indicated their location (45%, 188) chose 'Other', (12%, 49) indicated 'Berlin' followed by 'Bayern' (4%, 18), 'North Rhine-Westphalia' (4%, 18), 'Lower Saxony' (4%, 16), Potsdam (4%, 15), 'Hannover' (3%, 14), 'Brandenburg' (3%, 12), 'Saxony' (3%, 11), with all the remaining location accounting for 2% or less.

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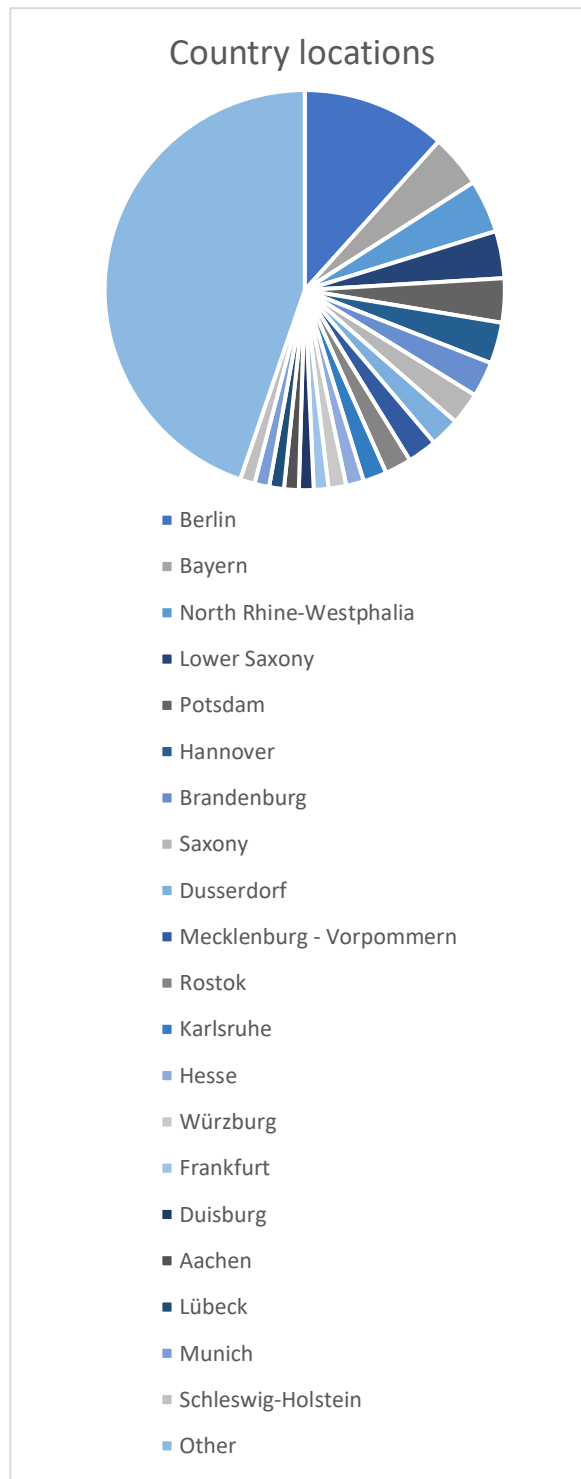
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| Country locations        | %    | #   |
|--------------------------|------|-----|
| Berlin                   | 12%  | 49  |
| Bayern                   | 4%   | 18  |
| North Rhine-Westphalia   | 4%   | 18  |
| Lower Saxony             | 4%   | 16  |
| Potsdam                  | 4%   | 15  |
| Hannover                 | 3%   | 14  |
| Brandenburg              | 3%   | 12  |
| Saxony                   | 3%   | 11  |
| Dusserdorf               | 2%   | 10  |
| Mecklenburg - Vorpommern | 2%   | 10  |
| Rostok                   | 2%   | 9   |
| Karlsruhe                | 2%   | 8   |
| Hesse                    | 1%   | 6   |
| Würzburg                 | 1%   | 6   |
| Frankfurt                | 1%   | 5   |
| Duisburg                 | 1%   | 5   |
| Aachen                   | 1%   | 5   |
| Lübeck                   | 1%   | 5   |
| Munich                   | 1%   | 5   |
| Schleswig-Holstein       | 1%   | 5   |
| Other                    | 45%  | 188 |
| Total                    | 100% | 420 |



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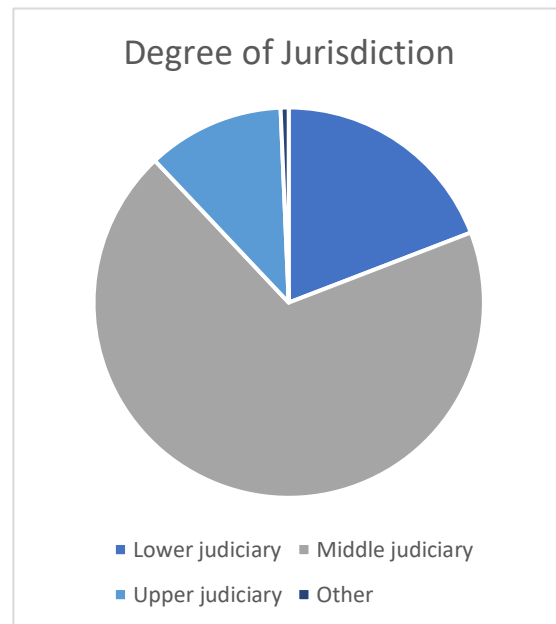
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### Judges

The most common degree of jurisdiction for Judges was 'Lower judiciary' (67%, 309), followed by the 'Middle judiciary' (19%, 86) and 'Upper judiciary' (11%, 51). (3%, 13) respondents chose 'Other'.

| Degree of Jurisdiction | %    | #   |
|------------------------|------|-----|
| Lower judiciary        | 67%  | 309 |
| Middle judiciary       | 19%  | 86  |
| Upper judiciary        | 11%  | 51  |
| Other                  | 3%   | 13  |
| Total                  | 100% | 459 |



The most common area of jurisdiction was 'Civil law' (30%, 166) followed by 'Asylum/Migration Law' (20%, 109), then 'Criminal law' (18%, 23), 'Other' (16%, 89), and 'Family law' (16%, 87).

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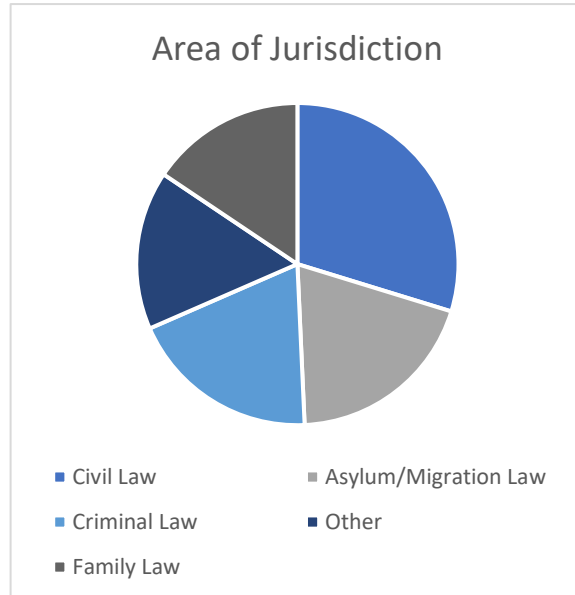
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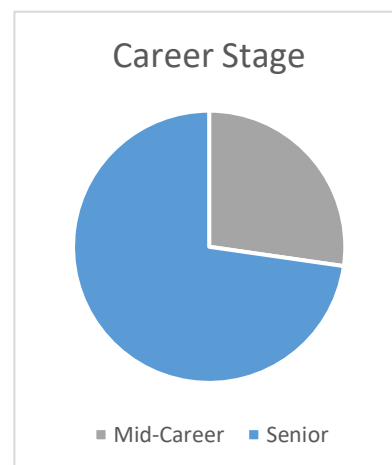
| Area of Jurisdiction | %    | #   |
|----------------------|------|-----|
| Civil Law            | 30%  | 166 |
| Asylum/Migration Law | 20%  | 109 |
| Criminal Law         | 18%  | 107 |
| Other                | 16%  | 89  |
| Family Law           | 16%  | 87  |
| Total                | 100% | 558 |



## Lawyers

Out of the 11 lawyers who responded, (73%, 8) indicated ‘Senior’ lawyers, followed by ‘Mid-career’ (27%, 3).

| Career Stage | %    | #  |
|--------------|------|----|
| Mid-career   | 27%  | 3  |
| Senior       | 73%  | 8  |
| Total        | 100% | 11 |



For the areas of law practiced, (14%, 5) chose ‘Other’ followed by ‘Family law’ and ‘Labour Law’ (12%, 4) each, ‘Contract Law’ and ‘Medical and Bio Law’ (9%, 3) each, ‘Commercial law’, ‘Health law’ and ‘Inheritance law (6%, 2) each, with all the remaining areas accounting for (3%, 1).

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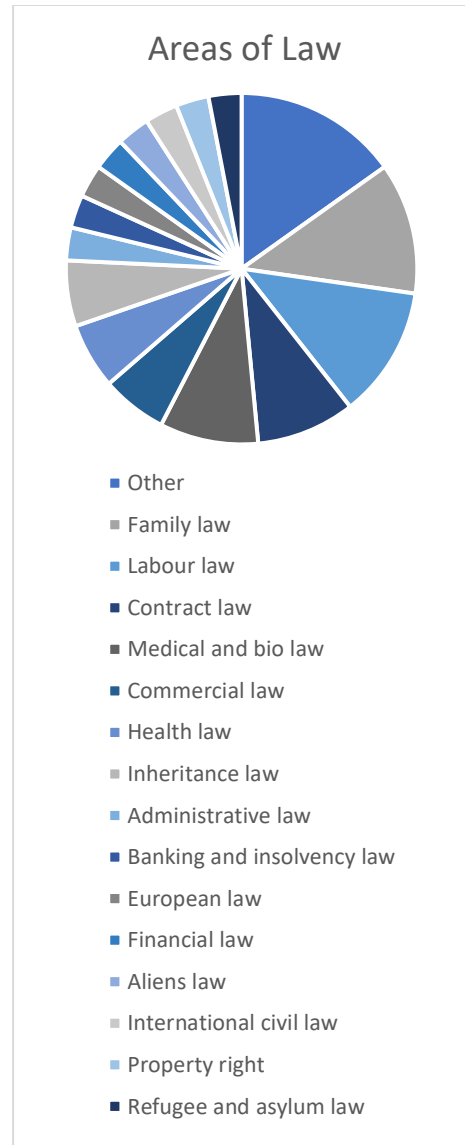
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| Areas of Law               | %    | #  |
|----------------------------|------|----|
| Other                      | 14%  | 5  |
| Family law                 | 12%  | 4  |
| Labour law                 | 12%  | 4  |
| Contract law               | 9%   | 3  |
| Medical and bio law        | 9%   | 3  |
| Commercial law             | 6%   | 2  |
| Health law                 | 6%   | 2  |
| Inheritance law            | 6%   | 2  |
| Administrative law         | 5%   | 1  |
| Banking and insolvency law | 3%   | 1  |
| European law               | 3%   | 1  |
| Financial law              | 3%   | 1  |
| Aliens law                 | 3%   | 1  |
| International civil law    | 3%   | 1  |
| Property right             | 3%   | 1  |
| Refugee and asylum law     | 3%   | 1  |
| Total                      | 100% | 33 |



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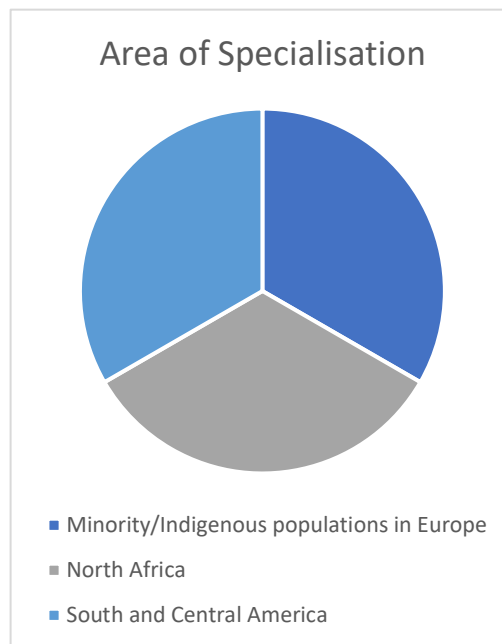
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### Experts

Only one of the three experts that responded to the survey indicated that he was a translator. The experts' area of expertise were 'North Africa', 'Minorities/Indigenous Populations in Europe' and South and 'Central America' (1, 33%) each.

| Area of Specialisation                    | %    | # |
|---|------|---|
| Minority/Indigenous populations in Europe | 33%  | 1 |
| North Africa                              | 33%  | 1 |
| South and Central America                 | 33%  | 1 |
| Total                                     | 100% | 3 |



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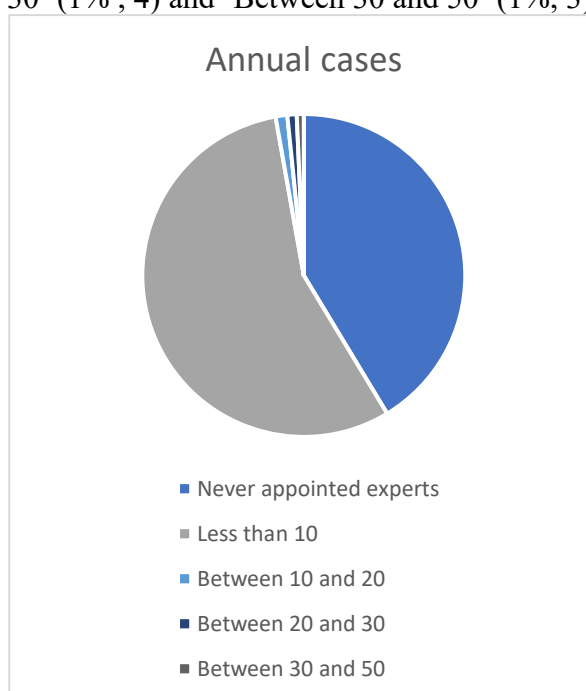
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## Frequency

### Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (56%, 239) chose 'Less than 10', followed by 'Never appointed experts' (41%, 177), 'Between 10 and 20' (1%, 5), 'Between 20 and 30' (1%, 4) and 'Between 30 and 50' (1%, 3).

| Annual cases            | %    | #   |
|-------------------------|------|-----|
| Never appointed experts | 41%  | 177 |
| Less than 10            | 56%  | 239 |
| Between 10 and 20       | 1%   | 5   |
| Between 20 and 30       | 1%   | 4   |
| Between 30 and 50       | 1%   | 3   |
| Total                   | 100% | 428 |



Two experts indicated that they had provided expert evidence in both written and oral format for between 20 and 50 cases.

### Fields of law

The most common area of use of cultural expertise was 'Refugee and Asylum Law' (16%, 204), followed by 'Family law' (14%, 185), 'Immigration Law' (13%, 173), 'Criminal Law' (11%, 138), 'Administrative law' (9%, 120), 'International human rights law' (7%, 93), 'Inheritance law' (5%, 65) with all the remaining areas accounting for 3% or less.



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| Fields of Law                           | %    | #    |
|---|------|------|
| Refugee and asylum law                  | 16%  | 204  |
| Family law                              | 14%  | 185  |
| Immigration law                         | 13%  | 173  |
| Criminal law                            | 11%  | 138  |
| Administrative law                      | 9%   | 120  |
| International human rights law          | 7%   | 93   |
| Inheritance law                         | 5%   | 65   |
| International civil law                 | 5%   | 58   |
| European law                            | 3%   | 41   |
| Constitutional law                      | 3%   | 40   |
| Contracts and obligations               | 3%   | 33   |
| Other                                   | 2%   | 26   |
| Labour law                              | 2%   | 23   |
| Business and commercial law             | 1%   | 18   |
| Intellectual and patent law             | 1%   | 17   |
| Health law                              | 1%   | 15   |
| Medical and bio law                     | 1%   | 12   |
| Banking, bankruptcy, and insolvency law | 1%   | 9    |
| Financial law                           | 0%   | 6    |
| Property law                            | 0%   | 6    |
| Sports law                              | 0%   | 6    |
| Total                                   | 100% | 1288 |



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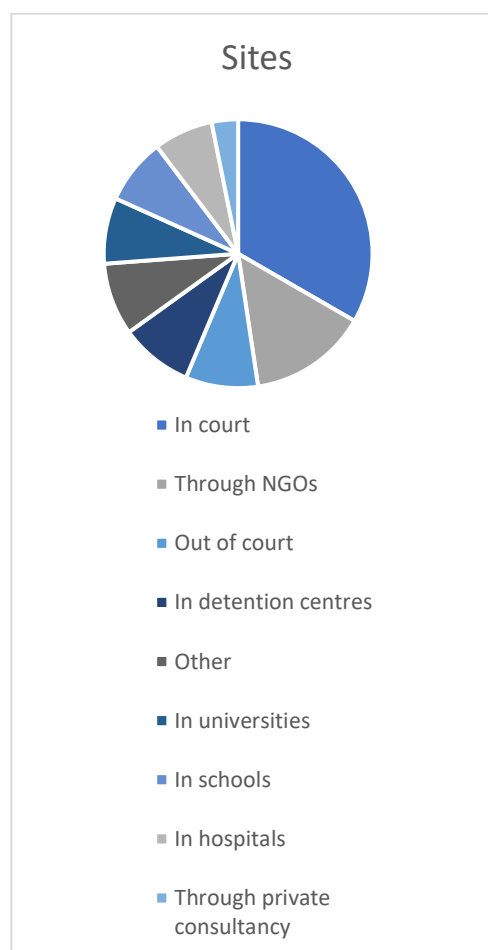
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### Sites

The most common site of cultural expertise was 'In court' (43%, 143), followed by 'Other' (14%, 45), 'Through NGOs' (11%, 36), 'Out of Court' (8%, 27), 'In detention Centres' (6%, 21), 'In university' (6%, 20), 'In school' (5%, 16) and 'In hospital' and 'Through private consultancy' (3%, 11).

| Sites                       | %    | #   |
|-----------------------------|------|-----|
| In court                    | 43%  | 143 |
| Other                       | 14%  | 45  |
| Through NGOs                | 11%  | 36  |
| Out of court                | 8%   | 27  |
| In detention centres        | 6%   | 21  |
| In universities             | 6%   | 20  |
| In schools                  | 5%   | 16  |
| In hospitals                | 3%   | 11  |
| Through private consultancy | 3%   | 11  |
| Total                       | 100% | 330 |



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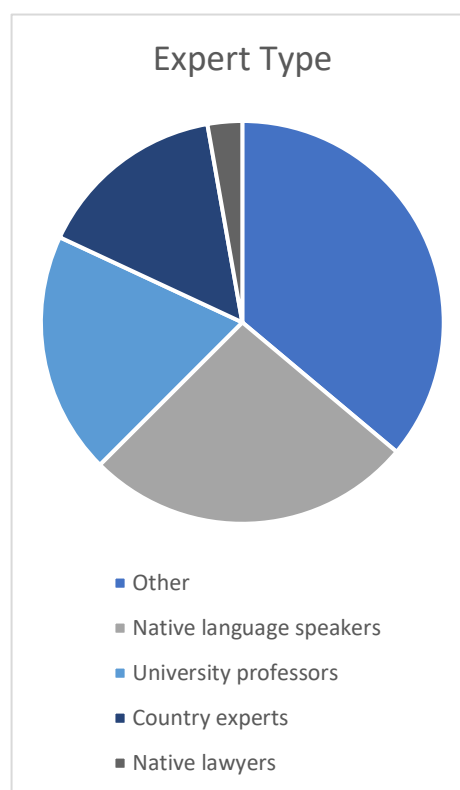
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### Typology of Experts

The most common response to the question regarding the expert type was 'Other' (43%, 132), followed by 'Country experts' (25%, 77), 'Native language speakers' (14%, 43) then 'University professors' (13%, 41), 'Native lawyers' (4%, 12), 'Community leaders' and 'Religious leaders' (1%, 2) each.

| Expert Type              | %    | #   |
|--------------------------|------|-----|
| Other                    | 43%  | 132 |
| Country experts          | 25%  | 77  |
| Native language speakers | 14%  | 43  |
| University professors    | 13%  | 41  |
| Native lawyers           | 4%   | 12  |
| Community leaders        | 1%   | 2   |
| Religious leaders        | 1%   | 2   |
| Total                    | 100% | 72  |



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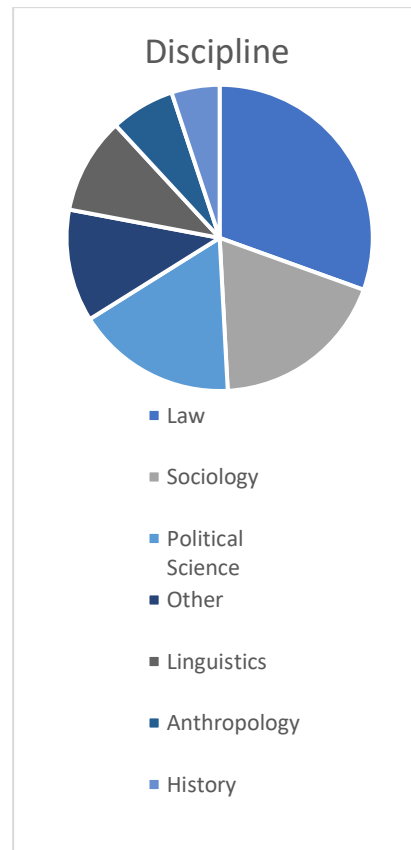
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### Discipline

The respondents who selected 'University professors' were asked to specify the disciplines of those professors. The most common response was 'Law' (30%, 18), followed by 'Sociology' (19%, 11), 'Political Science' (17%, 10), 'Other' (12%, 7), 'Linguistics' (10%, 6), 'Anthropology' (7%, 4) and 'History' (5%, 3).

| Discipline        | %    | #  |
|-------------------|------|----|
| Law               | 30%  | 18 |
| Sociology         | 19%  | 11 |
| Political Science | 17%  | 10 |
| Other             | 12%  | 7  |
| Linguistics       | 10%  | 6  |
| Anthropology      | 7%   | 4  |
| History           | 5%   | 3  |
| Total             | 100% | 59 |



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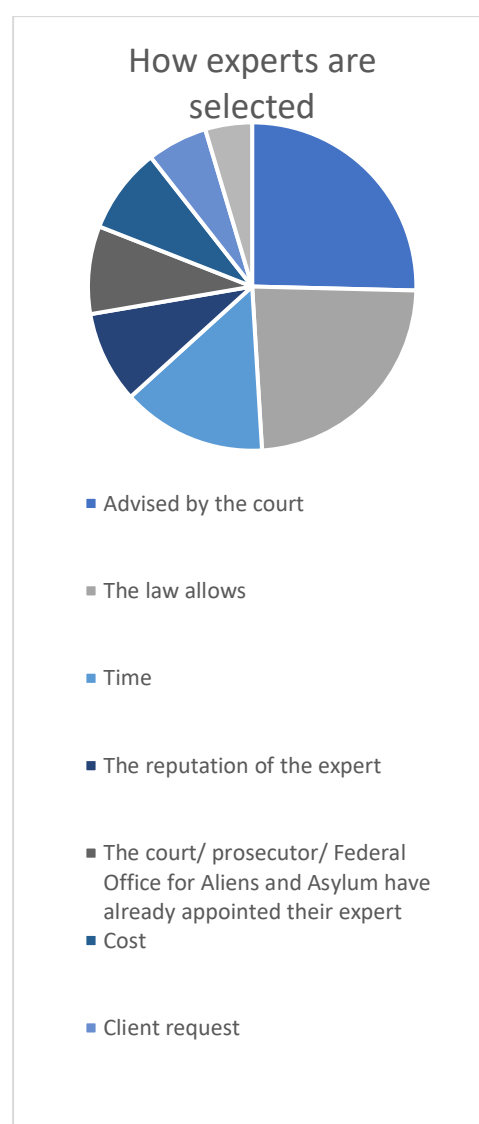
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## Modalities

### Appointment of Experts

The most common factor influencing the decision to appoint was that the appointment of experts was 'Advised by the court' (25%, 132), followed by 'The law allows the appointment of experts' (24%, 123), 'Time' (14%, 74), 'The reputation of the expert' (9%, 47), 'The court/prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert' (9%, 45), 'Cost' (8%, 44), 'Client request' (6%, 31) and 'Other' (5%, 24).

| How experts are selected  | %    | #   |
|---|------|-----|
| Advised by the court  | 25%  | 132 |
| The law allows  | 24%  | 123 |
| Time  | 14%  | 74  |
| The reputation of the expert  | 9%   | 47  |
| The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert | 9%   | 45  |
| Cost  | 8%   | 44  |
| Client request  | 6%   | 31  |
| Other   | 5%   | 24  |
| Total   | 100% | 154 |



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To the question on how experts started their career, one respondent answered ‘Contacted by a court’ and the other ‘Referred by a colleague’.

| How experts started their career | %    | # |
|----------------------------------|------|---|
| Contacted by a court             | 50%  | 1 |
| Referred by a colleague          | 50%  | 1 |
| Total                            | 100% | 2 |



## Who instructs the experts

One expert answered that he/she was appointed by the court.

## Cost of Cultural Expertise

Cultural expertise is most commonly financed by ‘Courts’ (41%, 134), followed by ‘Legal aid’ (17%, 55), ‘Clients/ Applicants/ Defendants/ Litigants’ (15%, 47), ‘Other’ (13%, 43) ‘Home Office/Federal Office for Migration and Refugees’ (11%, 36) and ‘Philanthropists/NGOs/Relative/Community’ (3%, 9).

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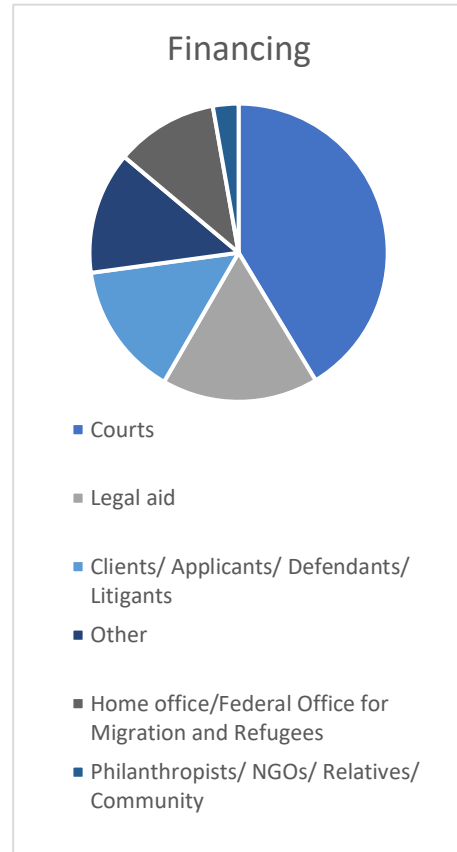
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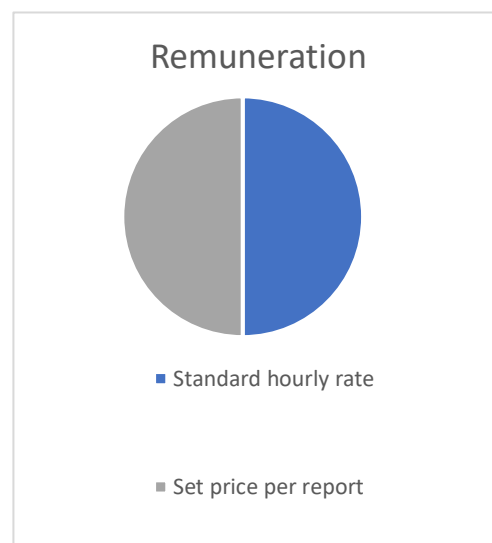
| How are experts paid?                                 | %    | #   |
|---|------|-----|
| Courts  | 41%  | 134 |
| Legal aid   | 17%  | 55  |
| Clients/ Applicants/ Defendants/ Litigants            | 15%  | 47  |
| Other   | 13%  | 43  |
| Home office/Federal Office for Migration and Refugees | 11%  | 36  |
| Philanthropists/ NGOs/ Relatives/ Community           | 3%   | 9   |
| Total   | 100% | 324 |



## Remuneration of cultural expertise

To the question on how experts are remunerated one expert indicated ‘Standard hourly rate’ and another expert chose ‘Set price per report’.

| Remuneration of experts | %    | # |
|-------------------------|------|---|
| Standard hourly rate    | 50%  | 1 |
| Set price per report    | 50%  | 1 |
| Total                   | 100% | 2 |



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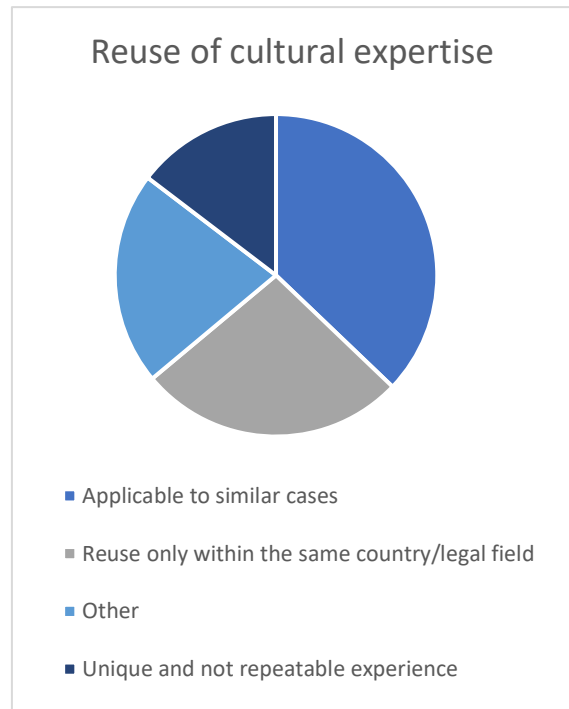
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### Reuse of cultural expertise

The most frequent response to the question of the reuse of cultural expertise was ‘Applicable to similar cases’ (37%, 104) followed by ‘Reuse only within the same country/legal field’ (27%, 75), ‘Other’ (21%, 60) and ‘Unique and not repeatable experience’ (15%, 21).

| Reuse of cultural expertise                    | %    | #   |
|--|------|-----|
| Applicable to similar cases                    | 37%  | 104 |
| Reuse only within the same country/legal field | 27%  | 75  |
| Other  | 21%  | 60  |
| Unique and not repeatable experience           | 15%  | 41  |
| Total  | 100% | 280 |



### Impact

#### Components of Impact

The most common components of impact include ‘Stringent conclusions’ (18%, 206), followed by ‘Reliable sources of contents’ (17%, 198), ‘First-hand experience’ (15%, 168), ‘Use of statistics’ (13%, 149), ‘Reputation of experts’ (11%, 126), ‘Style’ (8%, 87) ‘Quantitative assessment of risk’ (7%, 80), ‘Remuneration of experts’ (5%, 58), ‘Advocacy’ (5%, 54) and ‘Other’ (1%, 11).



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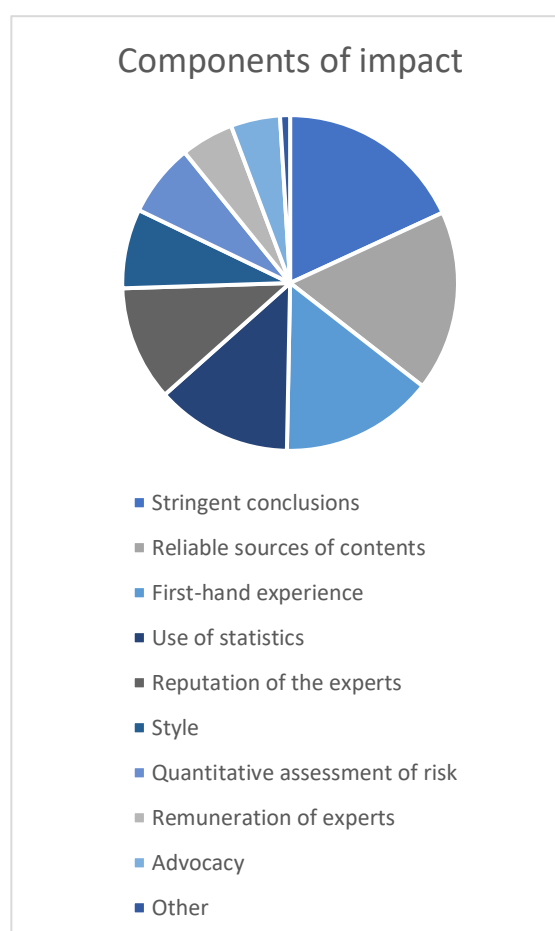
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| Components of impact            | %    | #    |
|---------------------------------|------|------|
| Stringent conclusions           | 18%  | 206  |
| Reliable sources of contents    | 17%  | 198  |
| First-hand experience           | 15%  | 168  |
| Use of statistics               | 13%  | 149  |
| Reputation of the experts       | 11%  | 126  |
| Style                           | 8%   | 87   |
| Quantitative assessment of risk | 7%   | 80   |
| Remuneration of experts         | 5%   | 58   |
| Advocacy                        | 5%   | 54   |
| Other                           | 1%   | 11   |
| Total                           | 100% | 1137 |



## Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'Moderately useful' (38%, 129), followed by 'Very useful' (24%, 83), then 'Slightly useful' (23%, 78), 'Not useful at all' (13%, 43) and 'Extremely useful' (3%, 9).

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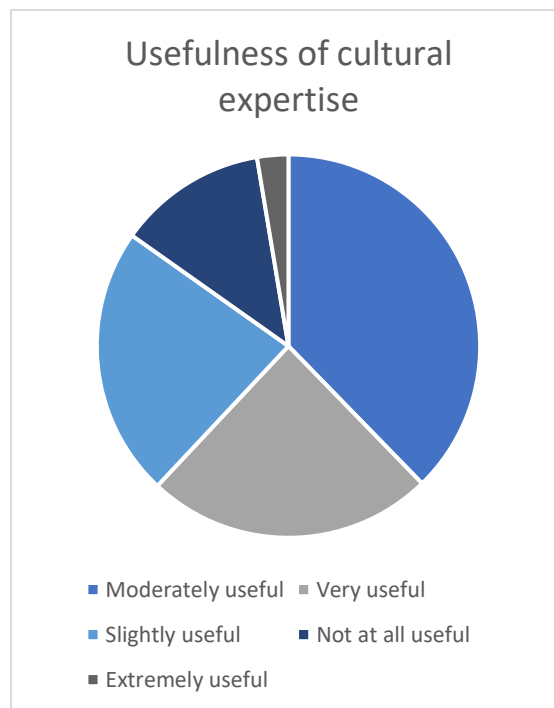
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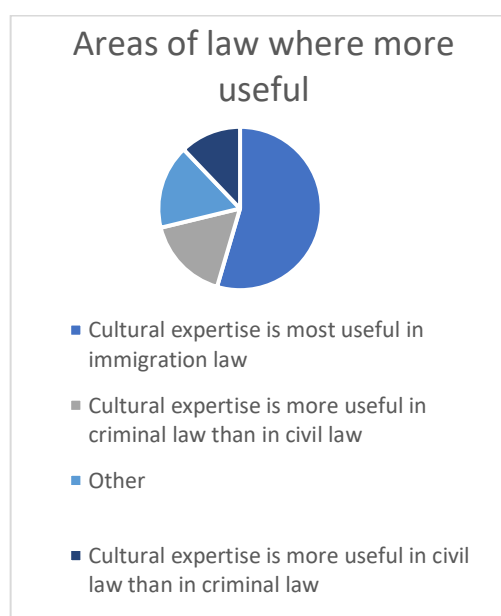
| Usefulness of cultural expertise | %    | #   |
|----------------------------------|------|-----|
| Moderately useful                | 38%  | 129 |
| Very useful                      | 24%  | 83  |
| Slightly useful                  | 23%  | 78  |
| Not at all useful                | 13%  | 43  |
| Extremely useful                 | 3%   | 9   |
| Total                            | 100% | 342 |



## Usefulness: fields

Cultural expertise is most useful in 'Migration law' (58%, 136), followed by 'More useful in criminal law rather than civil law' (25%, 59), 'Other' (12%, 29), and 'More useful in civil law than criminal law' (5%, 11).

| Areas of law where cultural expertise is more useful | %    | #   |
|--|------|-----|
| Migration law  | 58%  | 136 |
| More in criminal law than in civil law               | 25%  | 59  |
| Other  | 12%  | 29  |
| More in civil law than in criminal law               | 5%   | 11  |
| Total  | 100% | 235 |



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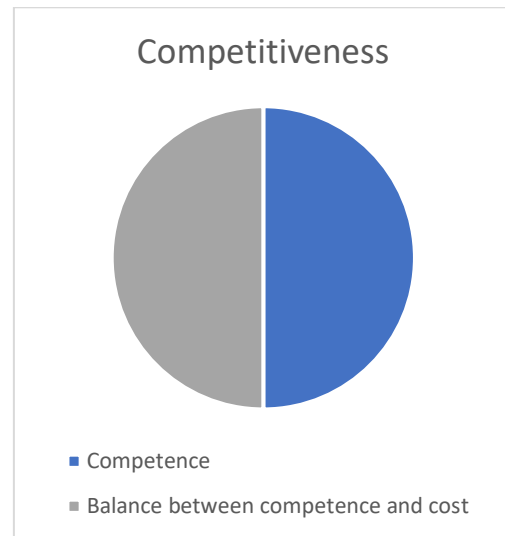
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### Competitiveness

The two respondents indicated that their expertise was competitive because of their 'Competence' (50%, 1), and 'Balance between competence and cost' (50%, 1).

| Competitiveness                     | %    | # |
|-------------------------------------|------|---|
| Competence                          | 50%  | 1 |
| Balance between competence and cost | 50%  | 1 |
| Total                               | 100% | 2 |



### Reputation of Experts

One expert indicated that she/he had been 'Regularly instructed/ appointed as expert for many years'.

### Improved Access

### Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Somewhat useful' (43%, 111), followed by 'Very useful' (35%, 91), of 'No use' (16%, 40). (6%, 16) choose 'Other'.

# Germany Data Summary

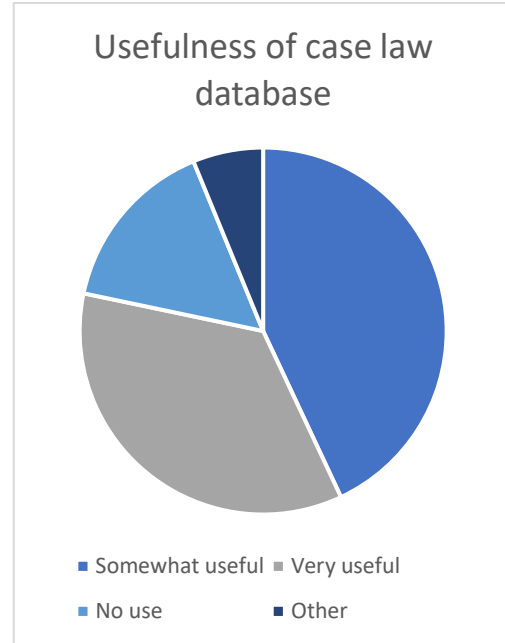
## CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Stefanie Lemke

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

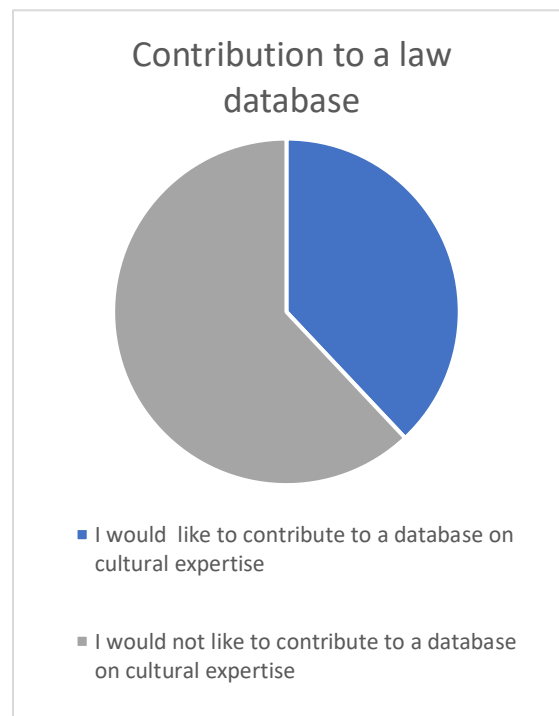
| Usefulness of case law database | %           | #          |
|---------------------------------|-------------|------------|
| Somewhat useful                 | 43%         | 111        |
| Very useful                     | 35%         | 91         |
| No use                          | 16%         | 40         |
| Other                           | 6%          | 16         |
| <b>Total</b>                    | <b>100%</b> | <b>258</b> |



## Contribution to law database

Most respondents did not wish to contribute to the establishment of a case law database (62%, 80), while (38%, 49) did wish to contribute.

| Contribution to a law database                                     | %           | #          |
|--|-------------|------------|
| I would not like to contribute to a database on cultural expertise | 62%         | 80         |
| I would like to contribute to a database on cultural expertise     | 38%         | 49         |
| <b>Total</b>   | <b>100%</b> | <b>129</b> |



# Germany Data Summary

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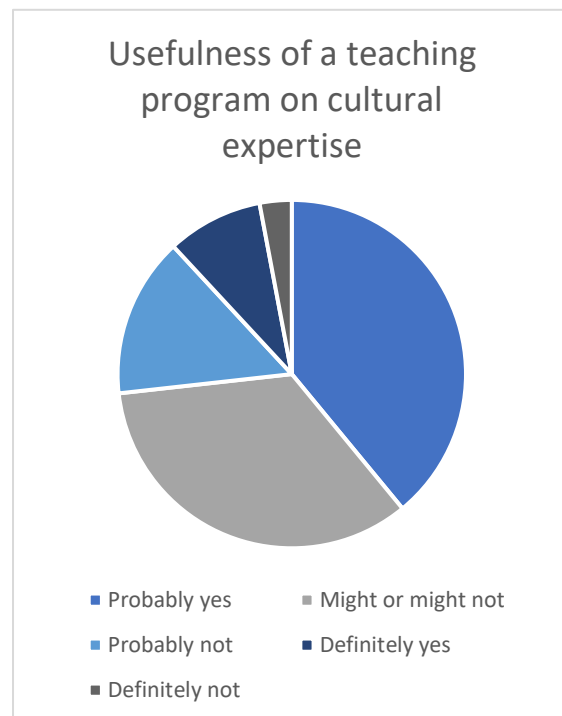
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### Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was 'Probably yes' (39%, 105), followed by 'Might or might not' (34%, 92), 'Probably not' (15%, 40), 'Definitely yes' (9%, 24), and 'Definitely not' (3%, 8).

| Usefulness of a teaching program on cultural expertise | %    | #   |
|--|------|-----|
| Probably yes   | 39%  | 105 |
| Might or might not                                     | 34%  | 92  |
| Probably not   | 15%  | 40  |
| Definitely yes   | 9%   | 24  |
| Definitely not   | 3%   | 8   |
| Total  | 100% | 269 |



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### Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was 'Other' (81%, 21), followed by 'Know educational organisations which may be interested' (15%, 4), and 'Know professional organisations that may be interested' (4%, 1).

| <b>Organisations interested in a teaching program</b>  | %           | #         |
|--|-------------|-----------|
| Know educational institutions interested in teaching   | 15%         | 4         |
| Know professional organisations interested in teaching | 4%          | 1         |
| Other  | 81%         | 21        |
| <b>Total</b>   | <b>100%</b> | <b>26</b> |

