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EURO-EXPERT: Spain Data Summary

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Spain Data Summary

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

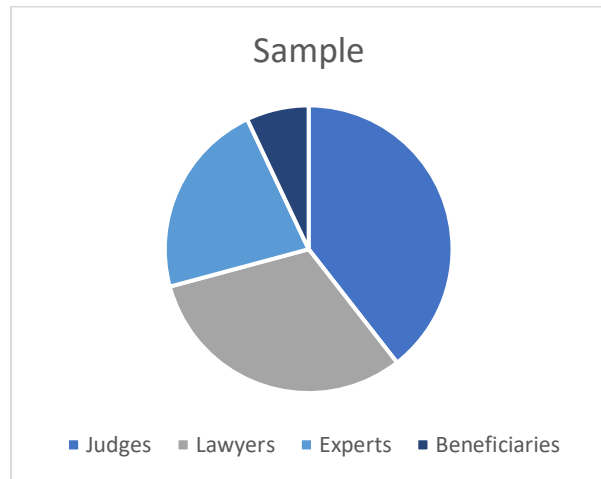
PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Beatriz Barreiro Carril

Date of First Publication: 05/08/2019

Qualities of Sample

There were 185 responses to the Spain survey, of which (39%, 73) were Judges (31%, 58) were Lawyers, (22%, 41) Experts and (8%, 13) Beneficiaries.

Respondent categories	%	#
Judges	39%	73
Lawyers	31%	58
Experts	22%	41
Beneficiaries	8%	13
Total	100%	185



Country locations

Of the 83%, 153, of respondents who indicated their location, (36%, 55) were based in Madrid, followed by Barcelona (16%, 24), Seville (8%, 12), Valencia (6%, 9) and Tarragona (5%, 8) with all remaining areas accounting for 4% or less. (7%, 11) chose 'Other'.

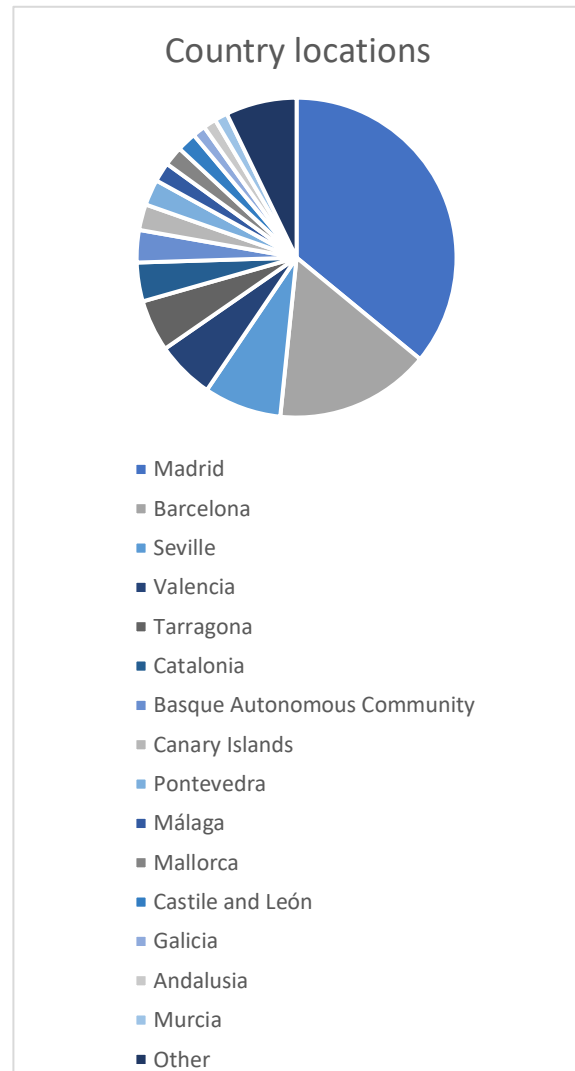
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Country locations	%	#
Madrid	36%	55
Barcelona	16%	24
Seville	8%	12
Valencia	6%	9
Tarragona	5%	8
Catalonia	4%	6
Basque Autonomous Community	3%	5
Canary Islands	3%	4
Pontevedra	3%	4
Málaga	2%	3
Mallorca	2%	3
Castile and León	2%	3
Galicia	1%	2
Andalusia	1%	2
Murcia	1%	2
Other	7%	11
Total	100%	153



Judges

The most common degree of jurisdiction for judges was ‘Lower judiciary’ (56%, 40), followed by ‘Middle judiciary’ (32%, 23), and ‘Upper judiciary’ (1%, 1). Seven respondents selected ‘Other’ (9%).

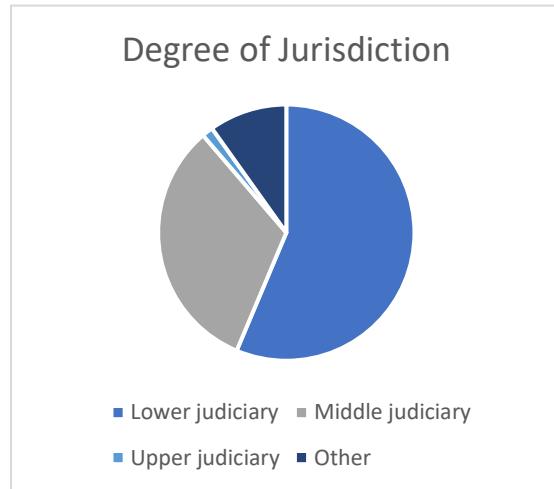
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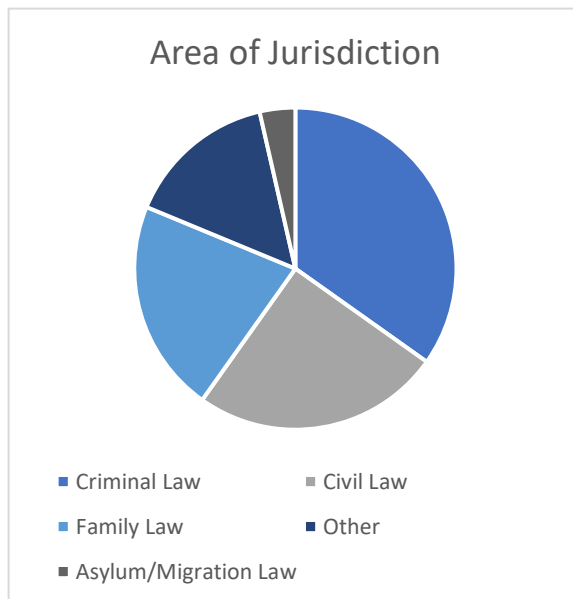
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Degree of Jurisdiction	%	#
Lower judiciary	56%	40
Middle judiciary	32%	23
Upper judiciary	1%	1
Other	9%	7
Total	100%	71



The most common area of jurisdiction was ‘Criminal law’ (35%, 39) followed by ‘Civil law’ (25%, 28), ‘Family law’ (21%, 24), ‘Other’ (15%, 17), and ‘Asylum/Migration Law’ (4%, 4).

Area of Jurisdiction	%	#
Criminal Law	35%	39
Civil Law	25%	28
Family Law	21%	24
Other	15%	17
Asylum/Migration Law	4%	4
Total	100%	112



Lawyers

Out of the 55 lawyers who responded, (49%, 27) indicated ‘Senior’, followed by ‘Mid-career’ (42%, 23) and ‘Junior’ (9%, 5).

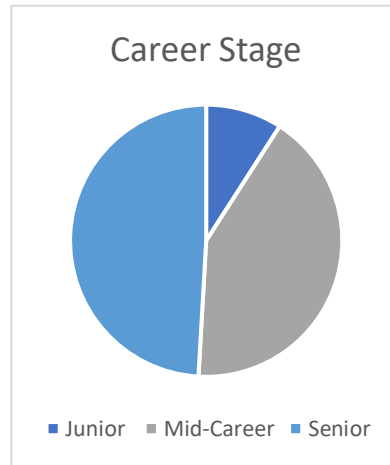
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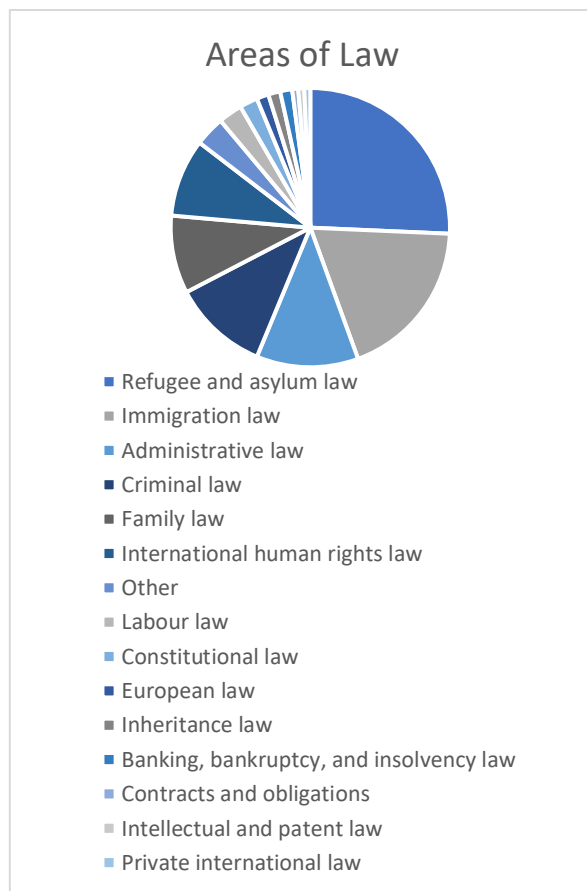
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Career Stage	%	#
Junior	9%	5
Mid-career	42%	23
Senior	49%	27
Total	100%	55



For the areas of law practiced, ‘Refugee and asylum law’ (26%, 37) was the most common, followed by ‘Immigration law’ (19%, 27), ‘Administrative law’ (12%, 17) ‘Criminal Law’ (11%, 16), ‘Family Law’ and ‘International human rights law’ (9%, 13) each with all the remaining areas accounting for 3% or less.

Areas of Law	%	#
Refugee and asylum law	26%	37
Immigration law	19%	27
Administrative law	12%	17
Criminal law	11%	16
Family law	9%	13
International human rights law	9%	13
Other	3%	5
Labour law	3%	4
Constitutional law	2%	3
European law	1%	2
Inheritance law	1%	2
Banking, bankruptcy, and insolvency law	1%	2
Contracts and obligations	1%	1
Intellectual and patent law	1%	1
Private international law	1%	1
Total	100%	144



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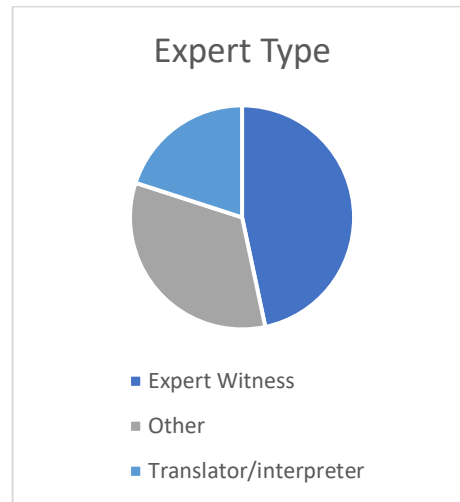
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Experts

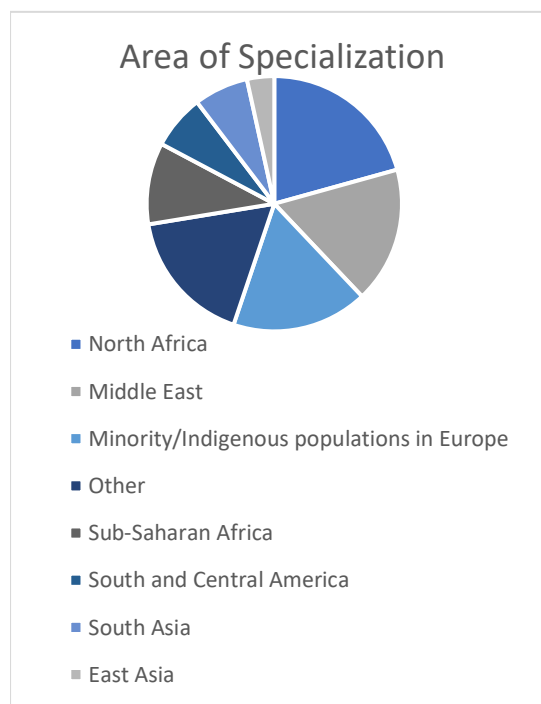
(42%, 14) chose 'Other' to the question of the most common expert type followed by 'Translator/interpreter' (28%, 9), 'Expert witness' and 'Cultural mediator' (15%, 5) each.

Expert Type	%	#
Other	42%	14
Translator/interpreter	28%	9
Expert Witness	15%	5
Cultural mediator	15%	5
Total	100%	33



The most common response to the question regarding area of specialisation was 'North Africa' (21%, 6) followed by 'Middle East' 'Minority/Indigenous populations in Europe' and 'Other' (17%, 5) each, 'Sub-Saharan Africa' (10%, 3), 'South and Central America', 'South Asia' (7%, 2) each and 'East Asia' (3%, 1).

Area of Specialization	%	#
North Africa	21%	6
Middle East	17%	5
Minority/Indigenous populations in Europe	17%	5
Other	17%	5
Sub-Saharan Africa	10%	3
South and Central America	7%	2
South Asia	7%	2
East Asia	3%	1
Total	100%	29



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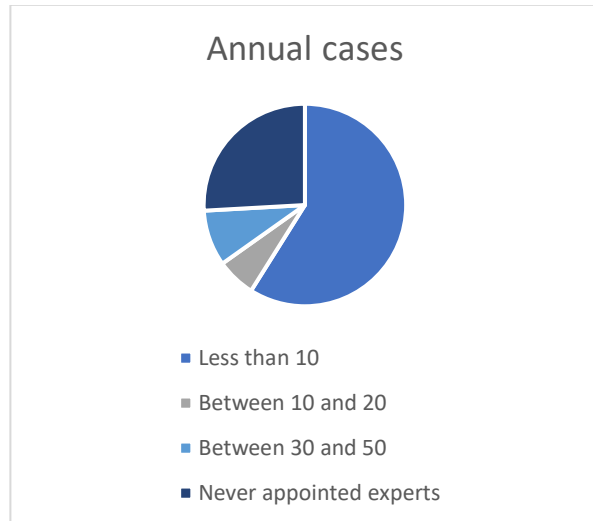
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (59%, 66) chose 'Less than 10', followed by 'Never appointed experts' (26%, 29), 'Between 30 and 50' (9%, 10) and 'Between 10 and 20' (6%, 7).

Annual cases	%	#
Less than 10	59%	66
Between 10 and 20	6%	7
Between 30 and 50	9%	10
Never appointed experts	26%	29
Total	100%	112



(45%, 15) of experts provided a total of less than 5 written reports, (21%, 7) choose 'Other', (18%, 6) a number of oral reports 'Between 50 and 100' and (15%, 6) indicated a number of oral reports 'Between 20 and 50'.

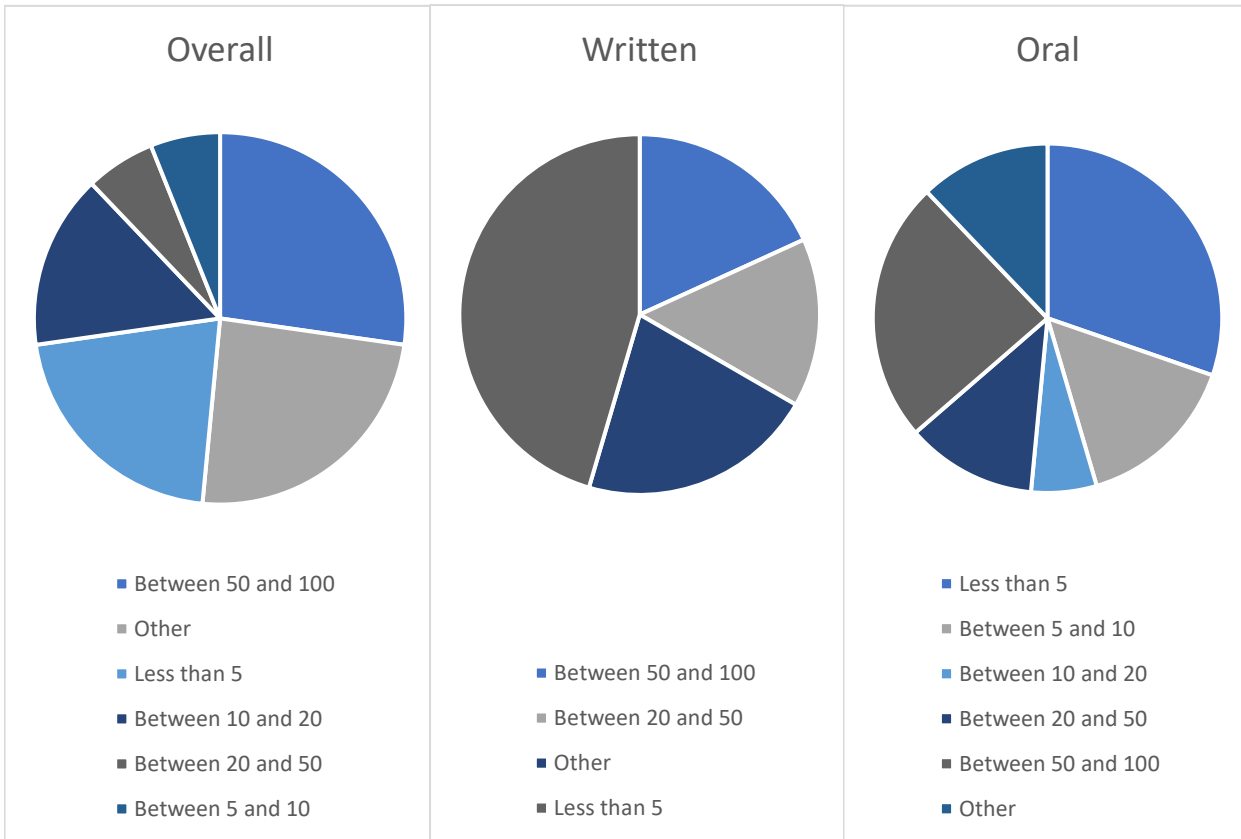
(30%, 10) of experts provided 'Less than 5' oral reports, (24%, 8) indicated 'Between 50 and 100', (15%, 5) indicated 'Between 5 and 10', (12%, 4) choose 'Other' and 'Between 20 and 50' each.

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Fields of law

The most common area of use of cultural expertise was ‘Refugee and Asylum Law’ (12%, 52), followed by ‘Immigration Law’ (12%, 51), ‘Family law’ (11%, 48), ‘Criminal law’ (8%, 35), ‘International Human Rights Law’ (7%, 29) ‘Medical and bio law’ (5%, 21) and ‘Administrative Law’ (5%, 20), with all the remaining areas accounting for 4% or less.

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Fields of Law	%	#
Refugee and asylum law	12%	52
Immigration law	12%	51
Family law	11%	48
Criminal law	8%	35
International human rights law	7%	29
Administrative law	5%	20
Medical and bio law	5%	21
Labour law	4%	19
Health law	4%	17
Other	4%	16
Constitutional law	4%	15
Private international law	4%	15
Inheritance law	3%	14
European law	3%	12
Environmental law	3%	11
Contracts and obligations	2%	10
Intellectual and patent law	2%	10
Property law	2%	10
Business and commercial law	2%	10
Financial law	1%	6
Sports law	1%	5
Total	100%	426



Sites

The most common site of cultural expertise was 'In court' (25%, 50), followed by 'Through NGOs' (24%, 48) then 'Out of Court' (13%, 26), 'In hospitals' (8%, 16), 'In Universities' (7%, 14), 'In Schools' (7%, 13), 'Other' (6%, 12), 'In detention Centres' (6%, 11) and 'Through private consultancy' (4%, 8).

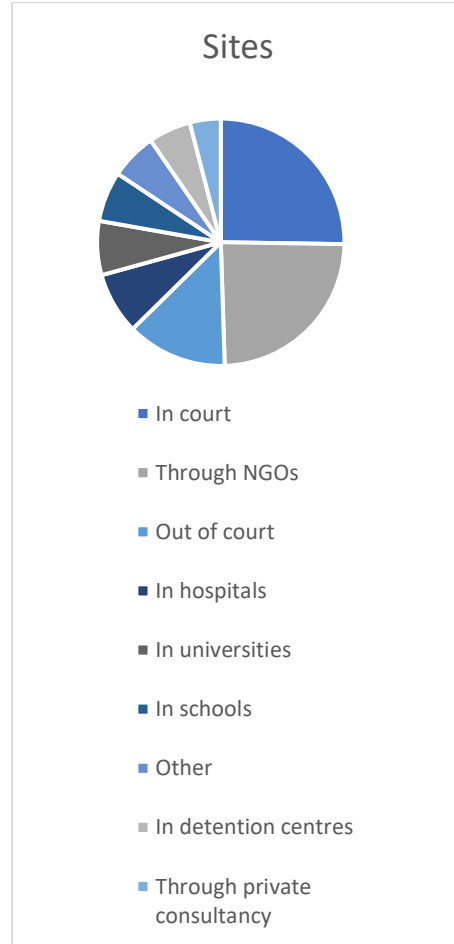
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Sites	%	#
In court	25%	50
Through NGOs	24%	48
Out of court	13%	26
In hospitals	8%	16
In universities	7%	14
In schools	7%	13
Other	6%	12
In detention centres	6%	11
Through private consultancy	4%	8
Total	100%	198



Typology of Experts

The most common response to the question regarding the expert type was ‘Native language speakers’ (28%, 40), followed by ‘Other’ (22%, 31) then ‘University professors’ (19%, 27), ‘Country experts’ (16%, 23) and Native lawyers (6%, 9), ‘Community leaders’ (5%, 7) and ‘Religious leaders’ (3%, 4).

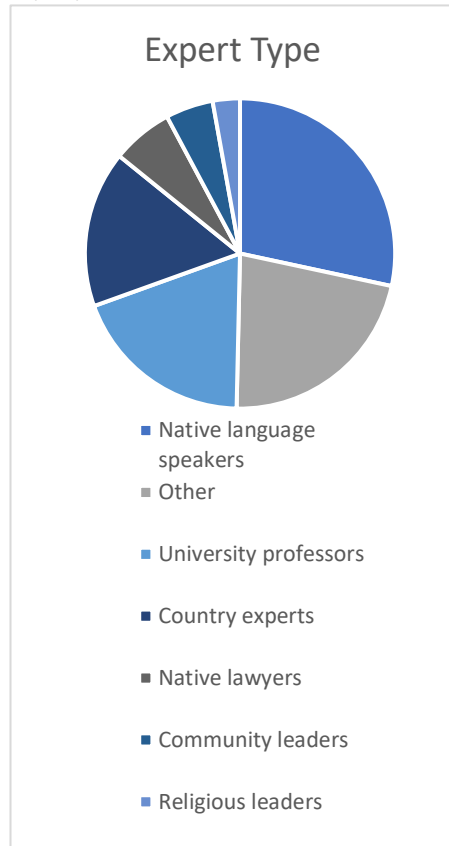
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Expert Type	%	#
Native language speakers	28%	40
Other	22%	31
University professors	19%	27
Country experts	16%	23
Native lawyers	6%	9
Community leaders	5%	7
Religious leaders	3%	4
Total	100%	141



Discipline

The (19%, 27) who selected 'University professors' were asked to specify the disciplines of those professors. The most common response was 'Law' (31%, 12), followed by 'Anthropology' (21%, 8), 'Sociology' (18%, 7), 'Linguistic' and 'Political science' (8%, 3) each and 'History' (5%, 2).

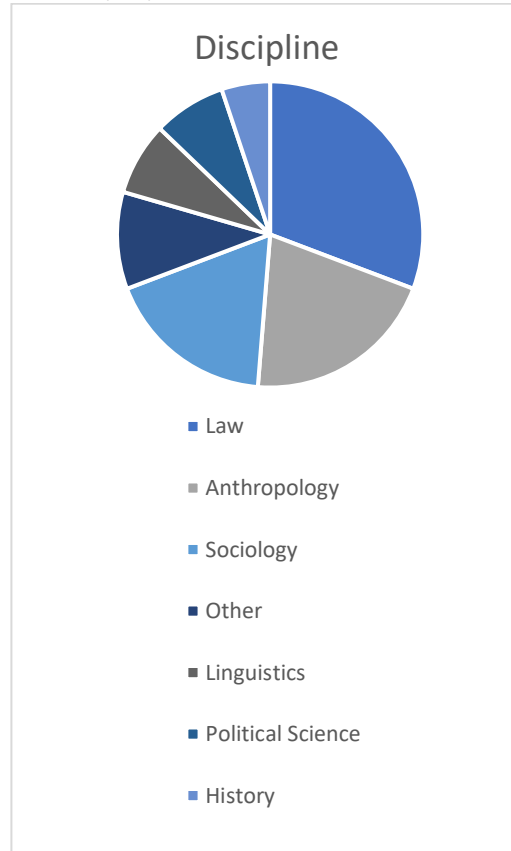
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Discipline	%	#
Law	31%	12
Anthropology	21%	8
Sociology	18%	7
Other	10%	4
Linguistics	8%	3
Political Science	8%	3
History	5%	2
Total	100%	39



Modalities

Appointment of Experts

The most common factor influencing the decision to appoint was that the appointment of experts was 'Client request' (21%, 65), followed by 'The law allows the appointment of experts' (16%, 49), 'The court is keen to hear cultural arguments' (15%, 46), 'Time' (9%, 27), 'Useful for an out of court settlement' (8%, 26), 'Cost' (8%, 23), 'Experts facilitate successful legal outcomes' (7%, 22), 'Advised by the court' (6%, 19) 'The reputation of the expert' (5%, 16), 'The court/ prosecutor/Ministry of the Interior have already appointed their expert' (4%, 13).

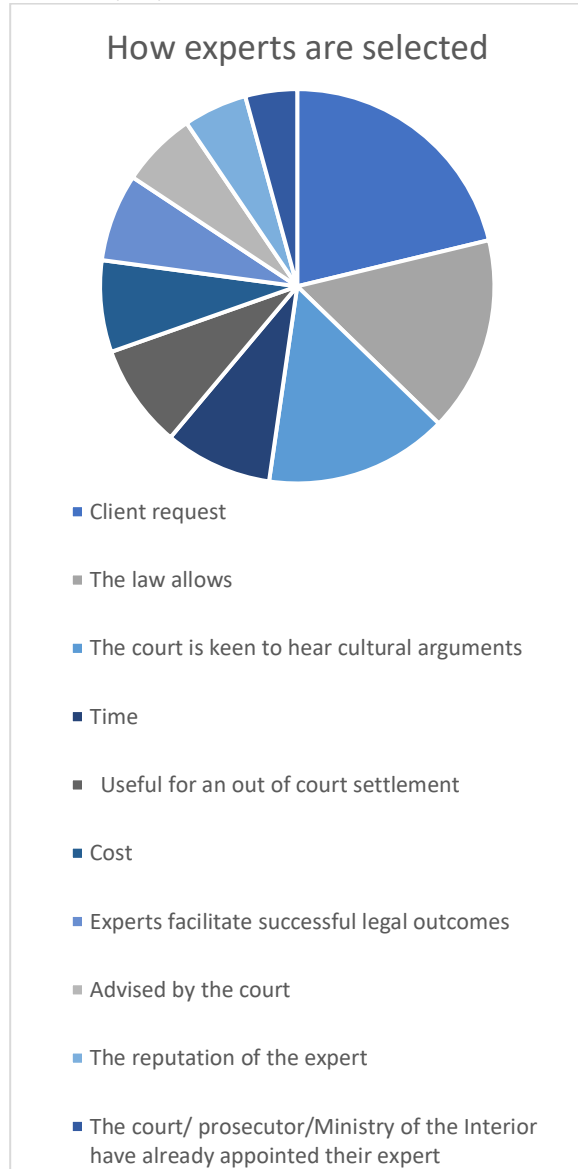
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How experts are selected	%	#
Client request	21%	65
The law allows	16%	49
The court is keen to hear cultural arguments	15%	46
Time	9%	27
Useful for an out of court settlement	8%	26
Cost	8%	23
Experts facilitate successful legal outcomes	7%	22
Advised by the court	6%	19
The reputation of the expert	5%	16
The court/ prosecutor/Ministry of the Interior have already appointed their expert	4%	13
Total	100%	306



Most experts chose ‘Other’ (42%, 9) when asked how they started giving expert opinions, followed by ‘Contacted by a lawyer’ and ‘Directly contacted by clients’ (19%, 4) each, ‘Contacted by a court’ (10%, 2), ‘Contacted by the Ministry of the Interior’ and ‘Referred by a colleague’ (5%, 1) each.

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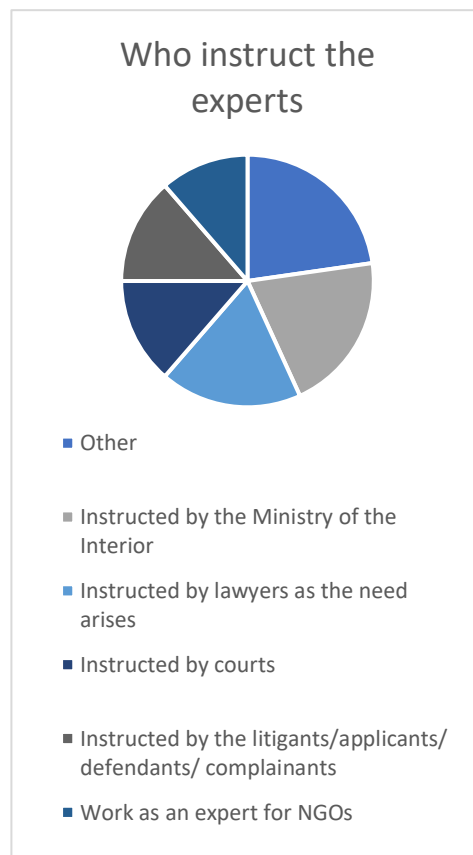
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How experts started their career	%	#
Contacted by a lawyer	19%	4
Contacted by a court	10%	2
Contacted by the Ministry of the Interior	5%	1
Directly contacted by clients	19%	4
Referred by a colleague	5%	1
Other	42%	9
Total	100%	21



Most experts chose ‘Other’ (23%, 10) followed by ‘The Ministry of Interior’ (20%, 9), ‘Instructed by lawyers as the need arises’ (18%, 8), ‘Instructed by courts’ and ‘Instructed by the litigants/applicants/ defendants/ complainants’ (14%, 6) each, and ‘Work as an expert for NGOs’ (11%, 5).

Who instruct the experts	%	#
Other	23%	10
The Ministry of Interior	20%	9
Instructed by lawyers as the need arises	18%	8
Instructed by courts	14%	6
Instructed by the litigants/applicants/ defendants/ complainants	14%	6
Work as an expert for NGOs	11%	5
Total	100%	44



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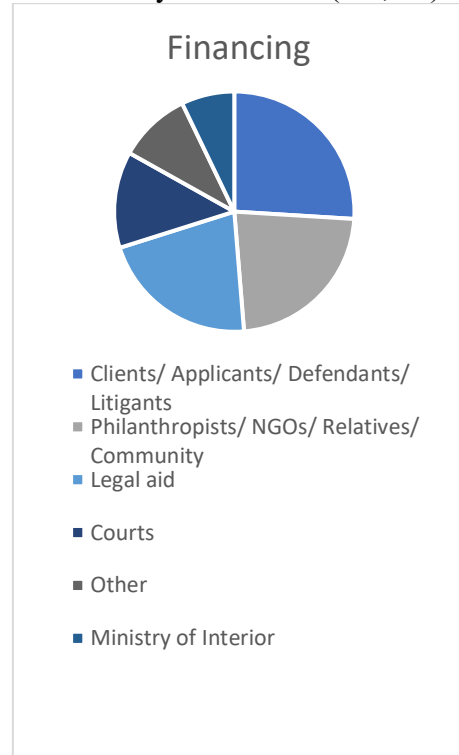
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Cost of Cultural Expertise

Cultural expertise is most commonly financed by ‘Clients/ Applicants/ Defendants/ Litigants’ (26%, 40), followed by ‘Philanthropists/ NGOs/ Relatives/ Community’ (23%, 35), ‘Legal aid’ (21%, 33), by the ‘Courts’ (13%, 20), ‘Other’ (10%, 15) and ‘Ministry of Interior’ (7%, 11).

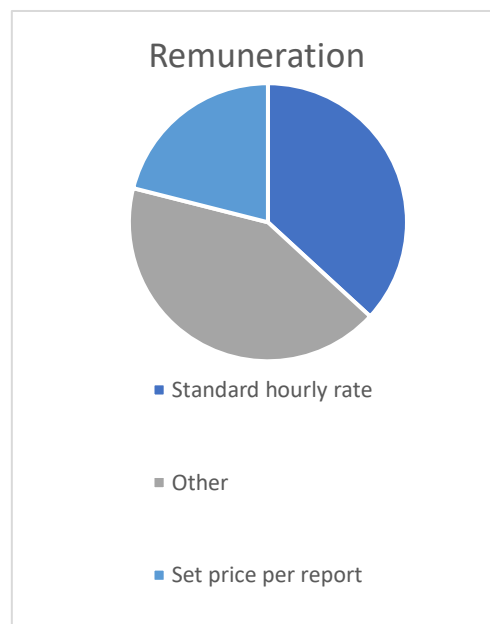
How are experts paid?	%	#
Clients/ Applicants/ Defendants/ Litigants	26%	40
Philanthropists/ NGOs/ Relatives/ Community	23%	35
Legal aid	21%	33
Courts	13%	20
Other	10%	15
Ministry of Interior	7%	11
Total	100%	154



Remuneration of cultural expertise

(42%, 8) chose ‘Other’, followed by ‘Standard hourly rate’ (37%, 7) and ‘Set price per report’ (21%, 4).

Remuneration of experts	%	#
Other	42%	8
Standard hourly rate	37%	7
Set price per report	21%	4
Total	100%	19



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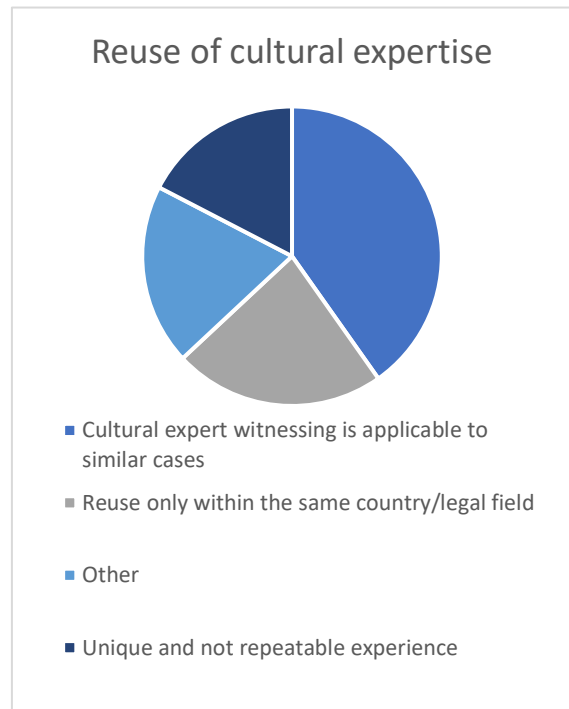
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Reuse of cultural expertise

The most frequent responses to the question of the reuse of cultural expertise was ‘Cultural expert witnessing is applicable to similar cases’ (40%, 37) followed by ‘Reuse only within the same country/legal field’ (23%, 21), ‘Other’ (20%, 18) and ‘Unique and not repeatable experience’ (17%, 16).

Reuse of cultural expertise	%	#
Cultural expert witnessing is applicable to similar cases	40%	37
Reuse only within the same country/legal field	23%	21
Other	20%	18
Unique and not repeatable experience	17%	16
Total	100%	92



Impact

Components of Impact

The most common components of impact include ‘Reliable sources of contents’ (16%, 83), followed by ‘Stringent conclusions’ (15%, 76), ‘First-hand experience’ (12%, 64), ‘Use of statistics’ (12%, 61), Advocacy (11%, 55), ‘Quantitative assessment of risk’ (10%, 50), ‘Reputation of experts’ (9%, 49), ‘Style’ (8%, 40), ‘Remuneration of experts’ (7%, 26) and ‘Other’ (1%, 7).

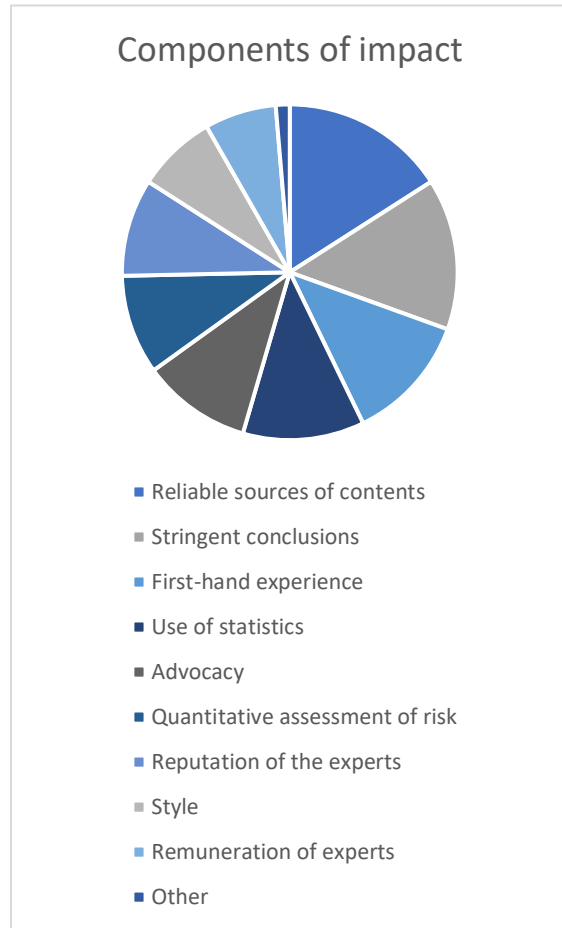
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Components of Impact	%	#
Reliable sources of contents	16%	83
Stringent conclusions	15%	76
First-hand experience	12%	64
Use of statistics	12%	61
Advocacy	11%	55
Quantitative assessment of risk	10%	50
Reputation of the experts	9%	49
Style	8%	40
Remuneration of experts	7%	36
Other	1%	7
Total	100%	521



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'Very useful' (28%, 24), followed by 'Moderately useful' (26%, 23), then 'Slightly useful' (25%, 23), 'Extremely useful' (20%, 17) and 'Not useful at all' (1%, 1).

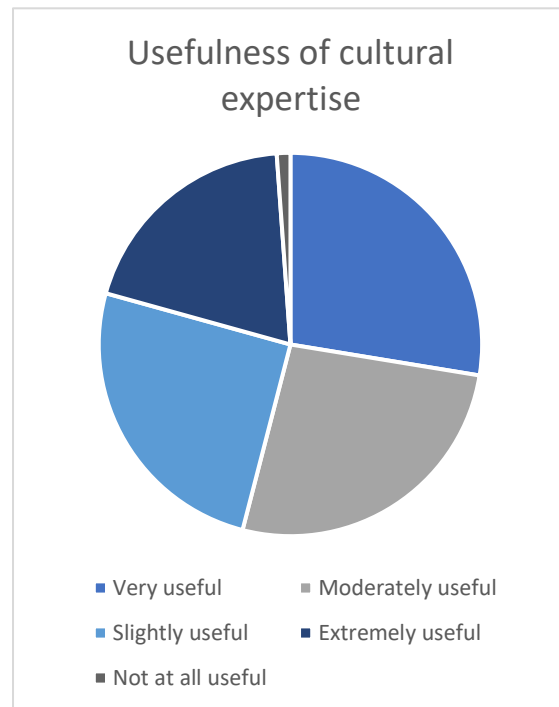
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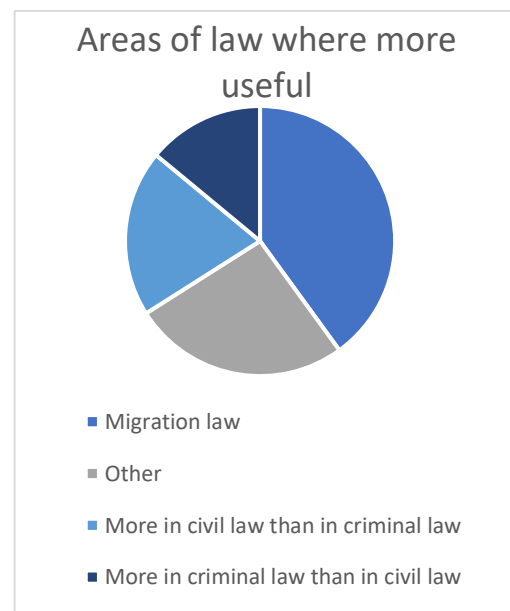
Usefulness of cultural expertise	%	#
Very useful	28%	24
Moderately useful	26%	23
Slightly useful	25%	22
Extremely useful	20%	17
Not at all useful	1%	1
Total	100%	87



Usefulness: fields

Cultural expertise is most useful in 'Migration law' (40%, 40), followed by 'Other' (26%, 26), 'More useful in civil law than criminal law' (20%, 20) and 'More in criminal law than in civil law' (14%, 14).

Areas of law where cultural expertise is more useful	%	#
Migration law	40%	40
Other	26%	26
More in civil law than in criminal law	20%	20
More in criminal law than in civil law	14%	14
Total	100%	100



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Competitiveness

Experts thought that their expertise was competitive because of their ‘Competence’ (34%, 10), ‘Other’, ‘Balance between competence and cost’ and ‘Reputation’ 17%, 5) each. (15%, 4) indicated ‘Convenient hourly quote’.

Answer	%	#
Competence	34%	10
Other	17%	5
Balance between competence and cost	17%	5
My reputation	17%	5
Convenient hourly quote	15%	4
Total	100%	29



Reputation of Experts

The majority of experts said that they had been ‘Regularly instructed/ appointed as expert for many years’ (48%, 9), followed by ‘Other’ (26%, 5) and ‘The cases in which expert opinion was provided were successful’ (26%, 5).

Reputation of experts	%	#
Regularly instructed/appointed as an expert for many years	48%	9
Other	26%	5
Expert opinions have been successful	26%	5
Total	100%	19



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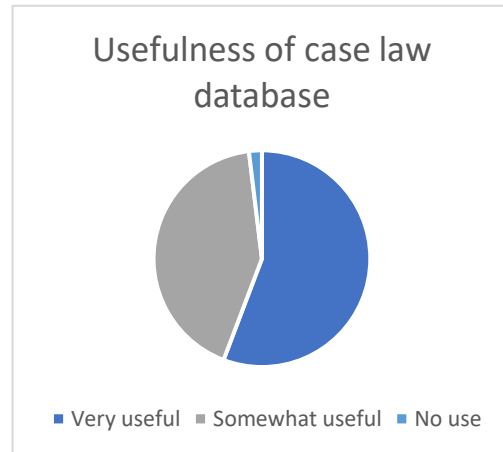
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Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be ‘Very useful’ (56%, 58), followed by ‘Somewhat useful’ (42%, 44) and of ‘No use’ (2%, 2).

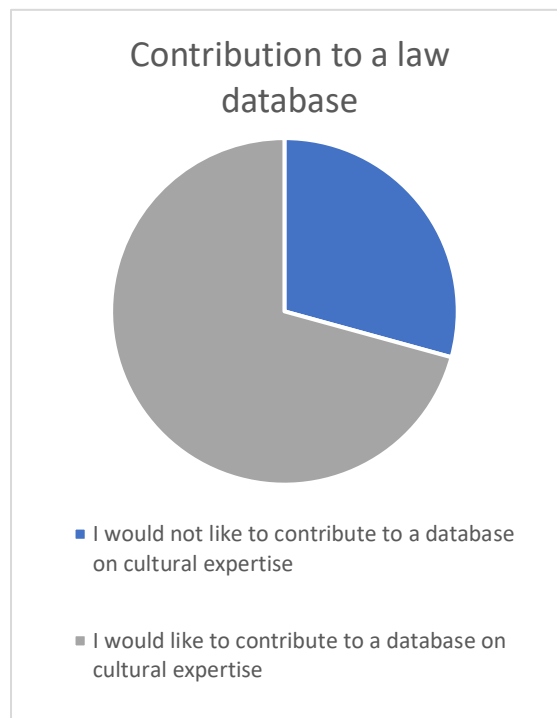
Usefulness of case law database	%	#
Very useful	56%	58
Somewhat useful	42%	44
No use	2%	2
Total	100%	104



Contribution to law database

Most respondents did wish to contribute to the establishment of a case law database (71%, 58), while close to one third of respondents did not (29%, 24).

Contribution to a law database	%	#
I would not like to contribute to a database on cultural expertise	29%	24
I would like to contribute to a database on cultural expertise	71%	58
Total	100%	82



Spain Data Summary

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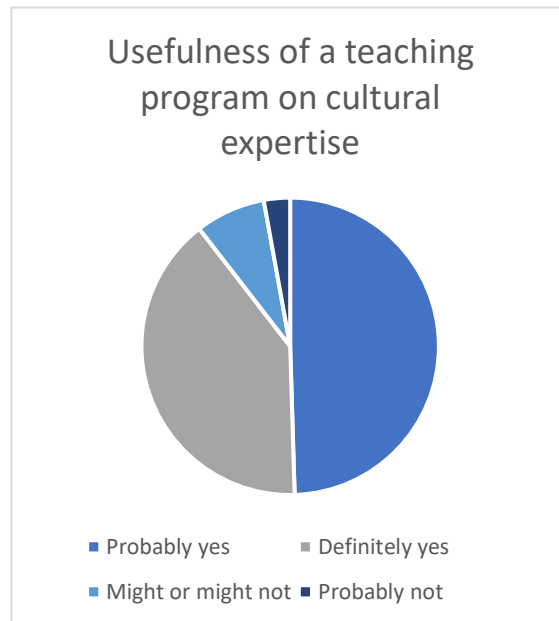
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Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was ‘Probably yes’ (50%, 52), followed by ‘Definitely yes’ (39%, 42), ‘Might or might not’ (8%, 8) and ‘Probably not’ (3%, 3).

Usefulness of a teaching program on cultural expertise	%	#
Probably yes	50%	52
Definitely yes	39%	42
Might or might not	8%	8
Probably not	3%	3
Total	100%	105



Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was ‘Interested in teaching cultural expertise themselves’ (36%, 18), followed by ‘Know educational organisations which may be interested’ and ‘Know professional organisations that may be interested’ (32%, 16) each.

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Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	32%	16
Know professional organisations interested in teaching	32%	16
Interested in teaching themselves	36%	18
Total	100%	50

