

Expert's Guide

01.1 Qualification - In principle, the expert needs to be legally qualified, belong to the court's registry (art. 156, first paragraph, of the CPC) and the court's list of experts (art. 157, second paragraph, of the CPC). Of the legally qualified professions, among others, accountant, doctor, engineer, architect, agronomist, administrator, economist, mathematician, dentist, physiotherapist, professional in the environmental, IT, safety and occupational medicine fields. Legally qualified normally means that the professional is registered with the Class Council relevant to the area of expertise.

01.2 The expert is appointed in the process, observing the specialization (art. 465, caput, of the CPC), the character of equality of appointments (equity) and the technical capacity necessary in the expert (art. 157, second paragraph, of the CPC). Technical capacity may be in terms of knowledge in the scientific area (postgraduate studies, professional renown, congresses and seminars attended, publications, etc.) or in terms of experience in the area of judicial expertise (courses, congresses and expert seminars held, reports concise reports that suffered the minimum of coherent objections and objections, number of examinations carried out, appropriate behavior of the professional during the investigations, etc.).

01.3 The expert will be appointed according to his or her specialty. Doctors carry out medical examinations; administrators, accountants and economists, of financial and labor calculations; realtors, property appraisals etc. (art. 156, caput, of the CPC)

01.4 In locations where there are no professionals registered with the court, the appointment of experts will follow the judge's free choice, but they must be professionals with the necessary knowledge in the area (art. 156, fifth paragraph, of the CPC).

01.5 The courts will look for professionals to register as experts, through forms on their websites, through agreements with professional bodies (CREA, CRC, CRA, CRM, etc.), through newspapers and other forms (art. 156, paragraph second, from the CPC).

01.6 The courts will carry out evaluations and re-evaluations of experts registered with them (art. 156, third paragraph, of the CPC).

01.7 After the expert examination phase has passed, it may be interesting for the expert to file a petition requesting that the judge issue a Certificate of Technical Capacity for the expert examination he carried out, supported by the need to have justification for his good activity when the court makes the assessment and the reevaluation of your registration (art. 156, third paragraph, of the CPC). The Certificate of Technical Capacity is the same one used when the official body explains that the supplier's service was carried out with the expected technical capacity, according to Law 8666, which deals with tenders. The same Certificate of Technical Capacity can be added to the CV when seeking appointments with new judges.

01.8 Impediments - The expert is not allowed to be a legal entity; can only be an individual. The nature of the position is non-transferable (very personal).

01.9 The judge appoints the expert in the case; If the parties do not express their opposition, before the start of the expert examination, the determination remains valid. The expert has 15 (fifteen) days to excuse himself from the appointment, after the summons (art. 157, first paragraph, of the CPC), as long as he alleges a legitimate reason.

01.10 The charge and title of expert are only for the process that requires technical and scientific clarification.

01.11 To be an expert, it is not necessary to have a course or postgraduate degree in any area, competition, or be a member of a council, association, institute or any group of experts; essentially, it is enough to be legally qualified in the area in which the expertise concerns and to be registered with the court (art. 156, first paragraph, of the CPC). However, the party may wish for the expert to have a certain specialization within their qualifications and challenge (challenge) the appointment; If the expert does not have it, the judge will decide whether or not to accept the party's request. In turn, the expert can file a petition claiming that he will have a specialist consultant in the area, in order to maintain his appointment.

01.12 The following can be experts: self-employed professionals, retirees, company employees, public servants and recent graduates.

01.13 There are no age and gender restrictions to be appointed as an expert.

01.14 The expert does not need to have an established office or location to assist technical assistants and parties; nor be registered with the City Hall to provide this service. However, the Court may make certain requirements for the expert's legalization with public bodies, such as registration with the City Hall Tax on Services of Any Nature - ISS.

01.15 The expert can carry out his work at any time: on Saturdays, Sundays, whenever he wishes; with the exception of the beginning of the examination, when you must be present at the location, on the scheduled date and time. The schedule will be determined by the expert, if the judge has not done so.

01.16 The courts' internal affairs bodies will issue rulings