

# CONCURRENT EXPERT EVIDENCE DURING HEARINGS

## REAL ESTATE SECTION



### 1. What is concurrent expert evidence (CEE)?

CEE is a **discussion** among experts held during a hearing and led by one – or more – administrative judge. It is also referred to as “hot-tubbing”.

The **purpose** of CEE is to resolve disagreements among experts in a case. The participants may discuss these issues in a cooperative manner.

The parties and the administrative judge determine which expert reports will be the subject of the CEE.

### 2. When does CEE take place?

CEE may be held at **any time** during a hearing. It takes place at the request of the parties or on the initiative of the administrative judge. In that case, CEE takes place only if all parties agree.

A party may decide to end the CEE at any time and request a return to a more traditional hearing.

### 3. Why participate in CEE?

During a traditional hearing, the parties take turns presenting all their evidence. Expert reports are presented with the other evidence submitted. The purpose of CEE is to allow expert reports to be presented **at the same time**, regardless of which party had them prepared.

This approach can be **beneficial** because:

- It helps all participants in the hearing to focus their efforts more effectively on disagreements;
- The experts may discuss issues directly with each other, which helps to identify and explain the disagreements;
- It encourages cooperation between the experts, and the joint search for solutions;
- It promotes a better understanding of the evidence by the administrative judge;
- It allows the experts to express their opinions more freely than in the context of a traditional hearing. The administrative judge may even allow the experts to meet without the presence of the parties and their counsel.

### 4. How does CEE work?

The administrative judge ensures the orderly conduct of the CEE process. He explains the steps to the participants and guides them through the process. Generally, the **steps** are the following:

- The experts take turns presenting their reports;
- They identify the points on which they disagree;
- The experts then present their position on the points of disagreement identified;
- The administrative judge may ask questions on these points to each expert;
- The other participants in the CEE can then ask questions.



## HOW TO CONTACT US

Toll-free: 1 800 567-0278

[www.taq.gouv.qc.ca](http://www.taq.gouv.qc.ca)

[tribunal.administratif@taq.gouv.qc.ca](mailto:tribunal.administratif@taq.gouv.qc.ca)

### In Québec

TRIBUNAL ADMINISTRATIF DU QUÉBEC

Secretariat  
575 Jacques-Parizeau St., RC.10  
Québec, Québec G1R 5R4

Telephone: 418 643-3418  
Fax: 418 643-5335

### In Montréal

TRIBUNAL ADMINISTRATIF DU QUÉBEC

Secretariat  
500 René-Lévesque Blvd. West, 21st Floor  
Montréal, Québec H2Z 1W7

Telephone: 514 873-7154  
Fax: 514 873-8288

Our staff is available to help you  
Monday to Friday, 8:30 a.m. to 4:30 p.m.

## 5. What is the role of each participant?

In addition to the experts, the parties to the hearing and their counsel, if they have any, participate in the CEE process. The good will of all participants is essential to the success of the CEE. The participants must also clearly understand their role.

### • The role of the administrative judge

The administrative judge **oversees** the conduct of the CEE. He manages speaking rights. Participants must therefore wait for the administrative judge to indicate that it is their turn to speak.

The administrative judge may ask question the experts at any stage of the CEE.

### • The role of the experts

The experts' role is to **enlighten** the Tribunal in an independent, impartial, and objective manner. The opinions expressed by the experts must be consistent with the scientific, professional, and technical standards applicable in their field of expertise. These opinions must also be expressed clearly.

The experts present their opinions on the technical and specialized matters on which the parties disagree. They answer questions from the other participants of the CEE.

The experts may also, at the request of the administrative judge, comment on the reports and opinions of the other experts and ask them questions directly.

### • The role of unrepresented parties

Parties that retain experts must provide them with **all information relevant** to the experts' opinion, including information that may be prejudicial to their case.

Parties who are not represented by counsel **may ask questions** to the experts when directed to do so by the administrative judge. They may get help from their experts to ask questions and to understand the answers obtained.

### • The role of counsels

Before the CEE process begins, lawyers must disclose to their experts all information relevant for the experts' opinion, including information that may be prejudicial to their case.

Counsels have the opportunity **to ask questions** to the experts at the time indicated by the administrative judge, usually after the administrative judge and the experts have asked their questions.

## 6. How to apply for CEE?

The Tribunal decides whether the CEE process may take place in a case.

A request for a CEE may be made at any time before or during a hearing. It is preferable to submit the request as soon as possible before the hearing to allow all participants to prepare themselves.

### Written request

The request may be submitted in writing to the Secretariat of the Tribunal with a copy to the other parties involved in the case. The request must indicate the names of the parties and the file number.

#### • By mail:

- In Québec City  
Secretariat  
575 Jacques-Parizeau St., RC.10  
Québec, Québec G1R 5R4

- In Montréal  
Secretariat  
500 René-Lévesque Blvd. West, 21st Floor  
Montréal, Québec H2Z 1W7

#### • By email: [tribunal.administratif@taq.gouv.qc.ca](mailto:tribunal.administratif@taq.gouv.qc.ca)

#### • By fax:

- In the Québec City area: 418 643-5335  
- In the Montreal area: 514 873-8288

### Oral request

The request may be made verbally to an administrative judge at a calling of the roll, a case management conference, a pre-hearing conference, or even at the hearing.