

# **Soil Pollution and judicial trials - Search for evidence under French law**

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**Methods, traps to avoid, success factors**

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**Président de la Compagnie Nationale des Experts de Justice en Environnement**  
**INTERSOL – PARIS March 20th 2008**

# AGENDA

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☐ The subject and the problem

☐ Methods and steps

☐ Pitfalls and success factors

☐ Results

# The subject and the problem

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## ☐ Who can raise a complaint

- Civil litigation
- Expropriation

## ☐ What is at stake

- Real estate value
- Loss of amenities
- ...

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# Methods and steps

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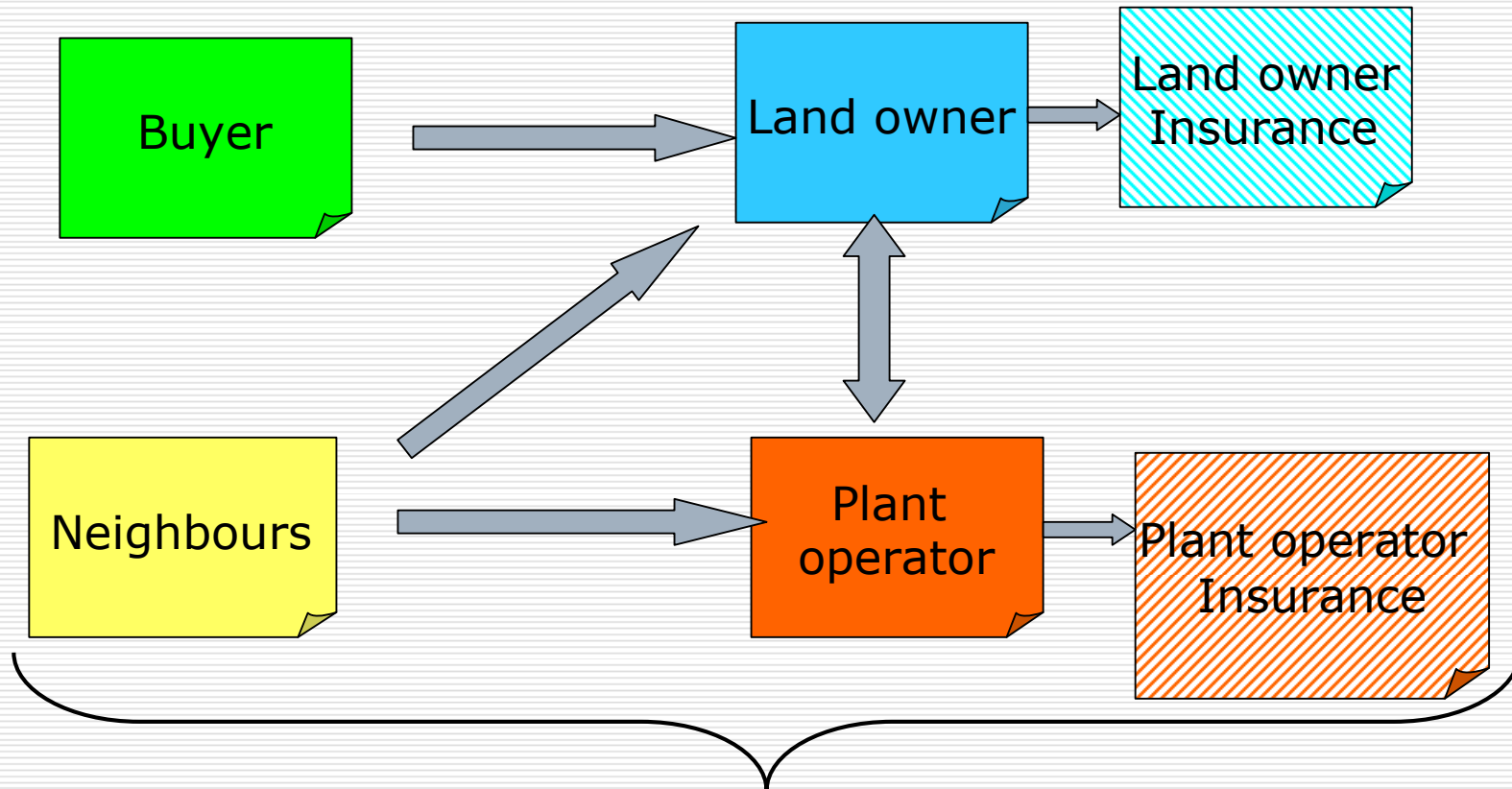
## ☐ Plaintiffs and defendants

- Civil litigation

- Expropriation

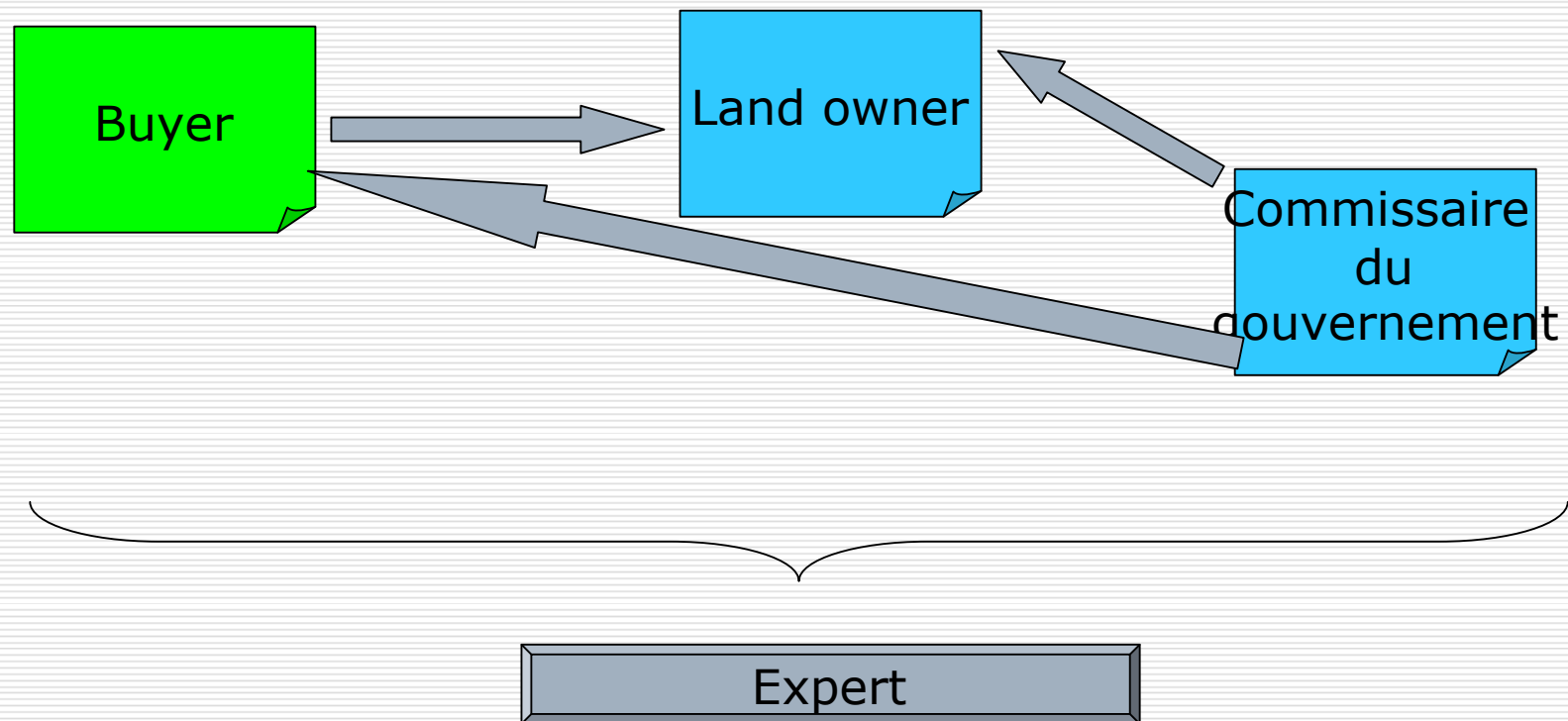
# Plaintiffs & Defendants (Liability)

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# Plaintiffs & Defendants (Expropriation)

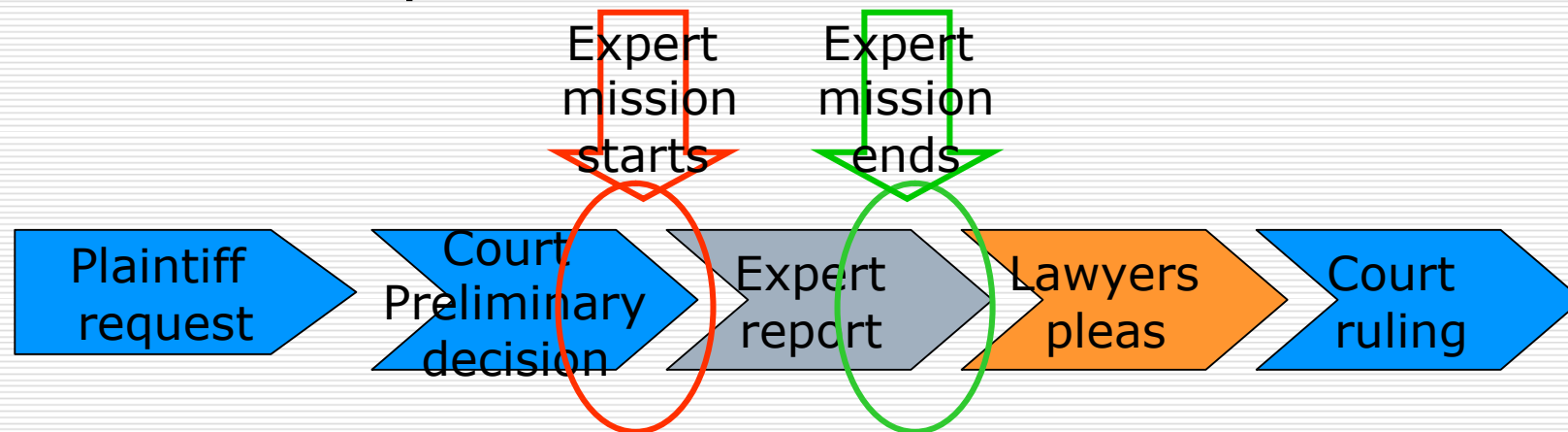
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# Processus – Main steps

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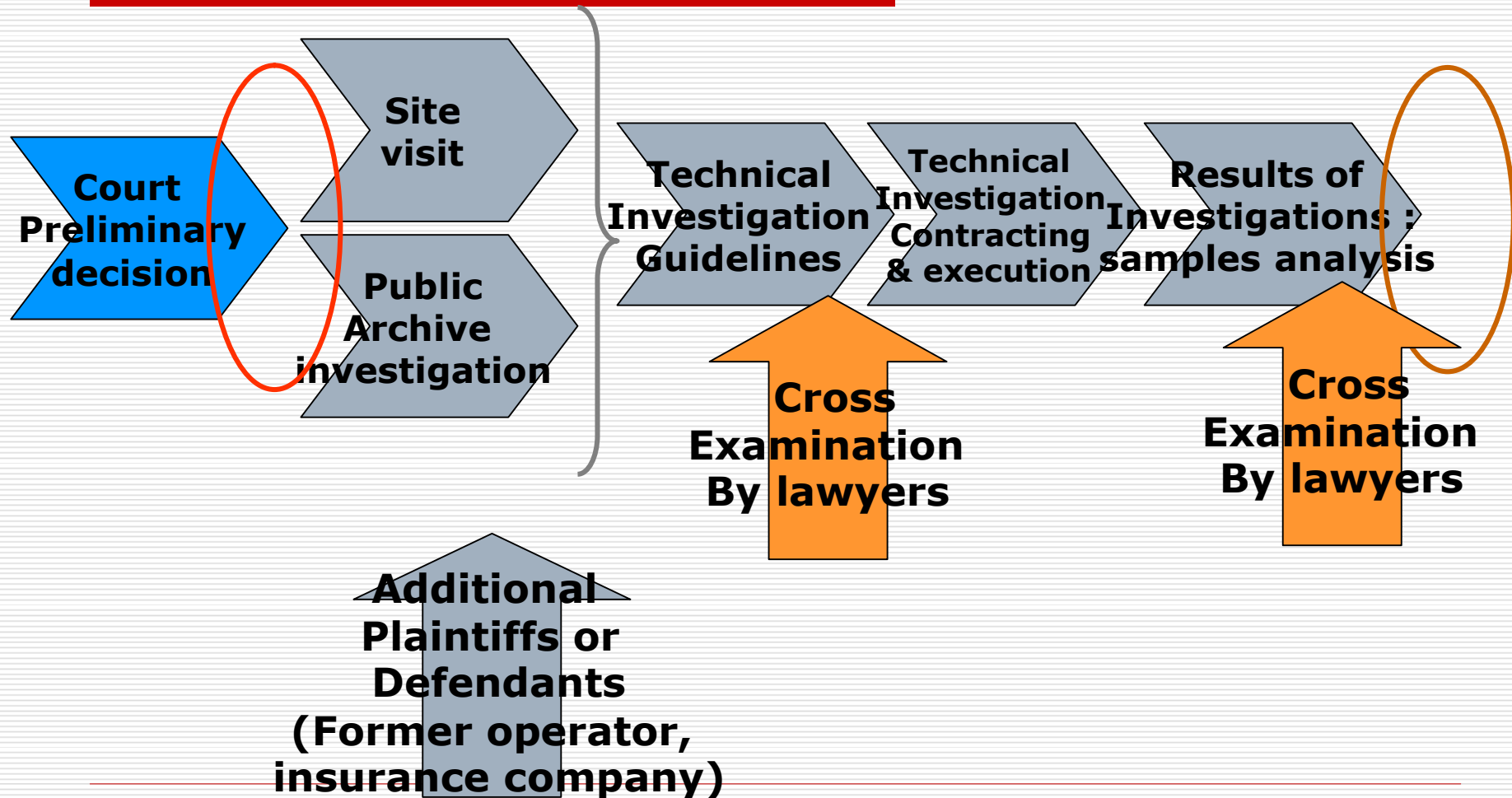
- Judicial expertise is part of a longer process (« trial process »)
- Judicial expertise is an answer to a mission, under binding procedure rules, not an academic operation





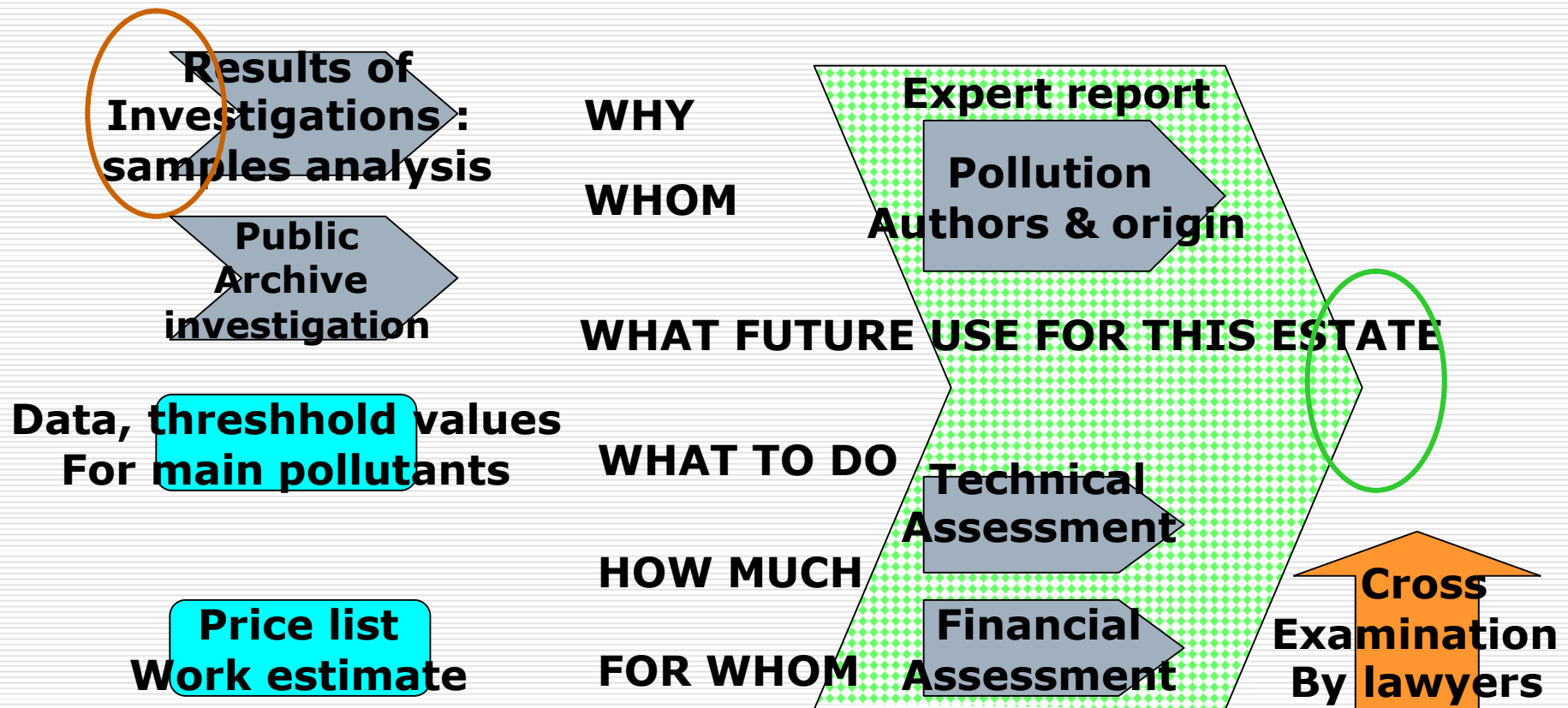
# Expert mission : preparation (liability)

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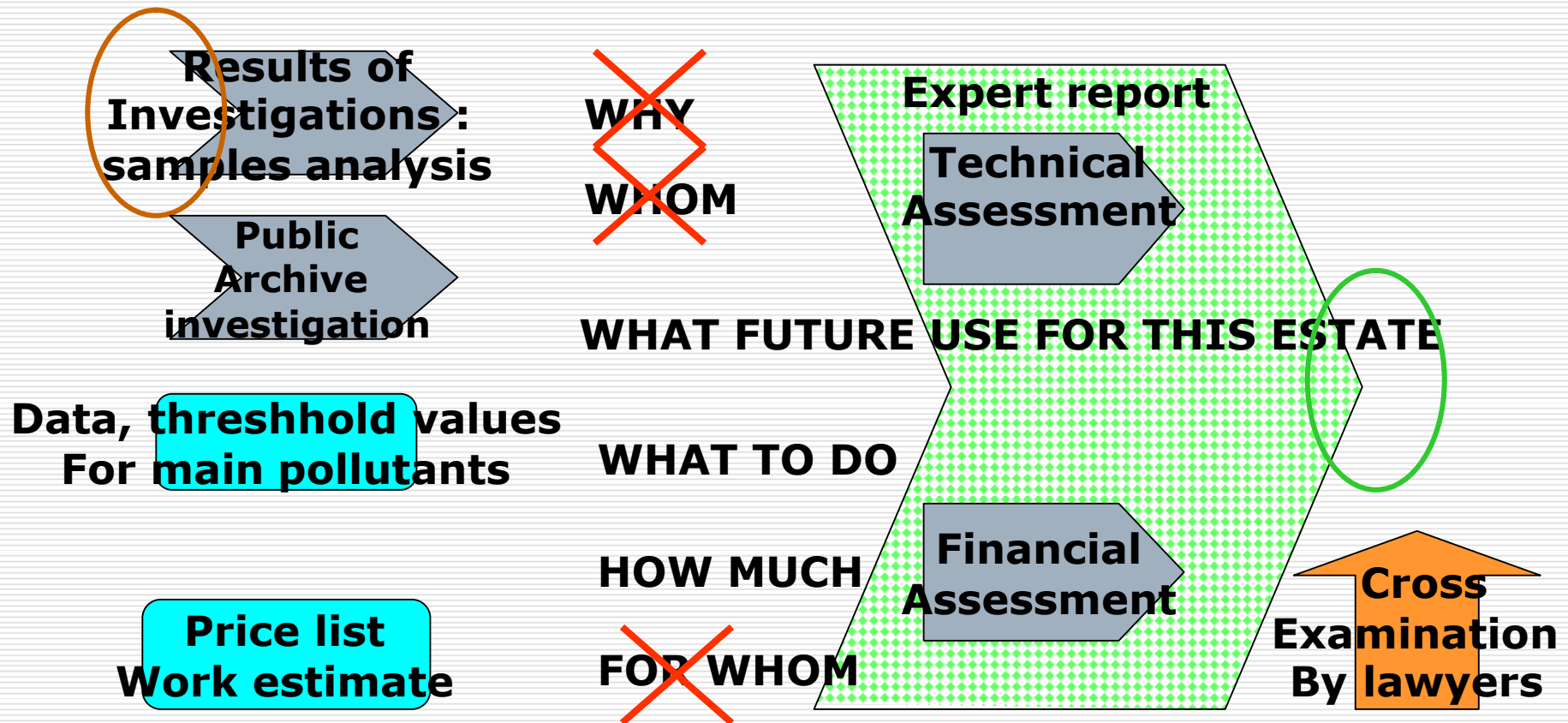
# Expert mission : conclusion (liability)

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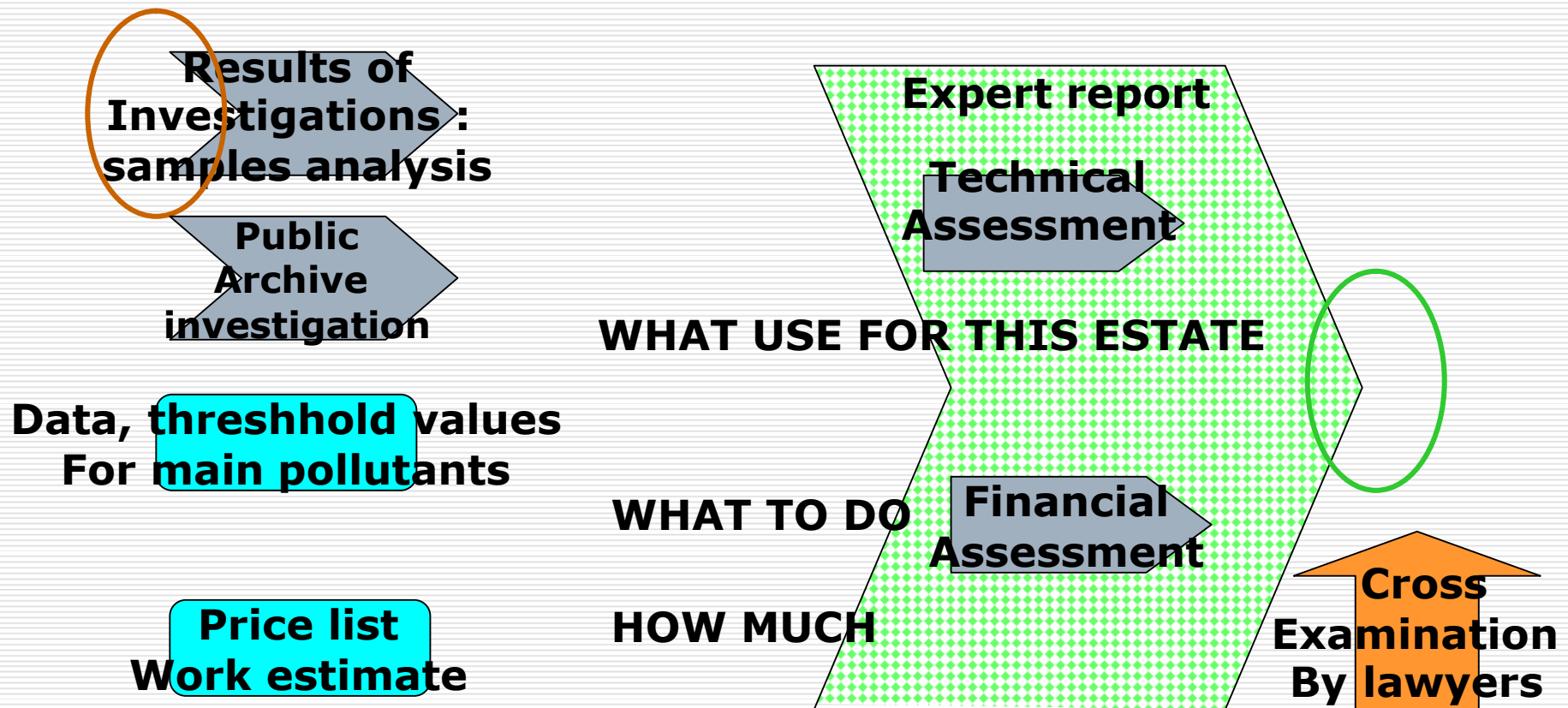
# Expert mission : conclusion (expropriation)

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# Expert mission : conclusion (expropriation)

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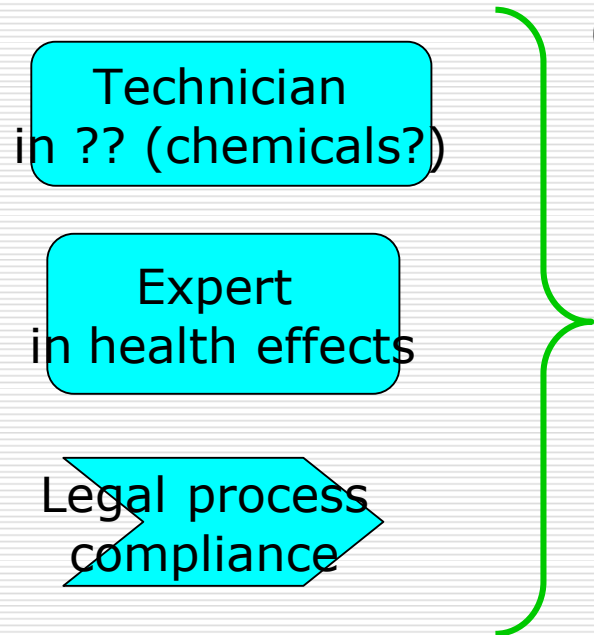
# Pitfalls and success factors

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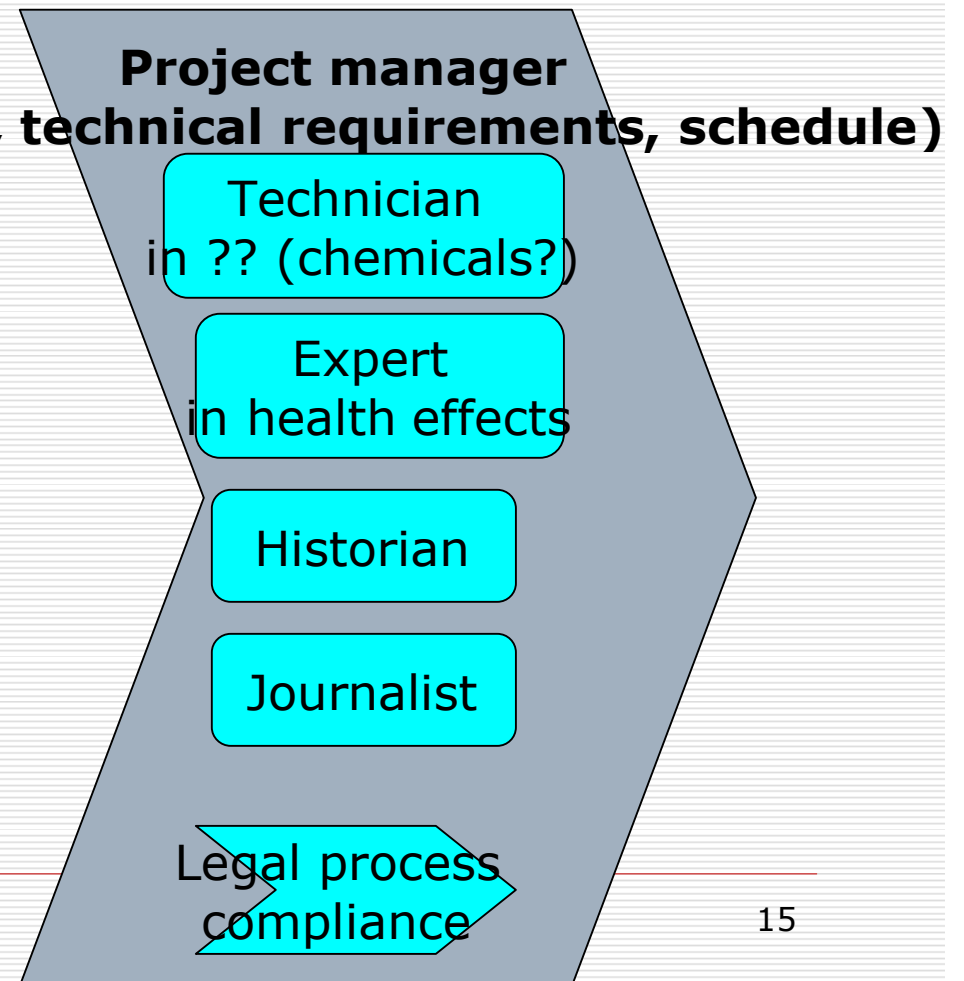
- ❑ Collecting evidence :
  - Barely provided by plaintiffs,
  - Necessary to have a sampling properly done at reasonable expanse
- ❑ Assessing evidence
  - Is information accurate
  - Is information comprehensive
- ❑ Knowledge management Soft documents
  - Use soft documents
  - Use a knowledge management tool to collect and broadcast information from and to plaintiffs

# Expert role

## FROM TECHNIQUE



## TO MANAGEMENT



# AGENDA

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# Results for average missions

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- ❑ Costs : from 9000€ to 22 000€
- ❑ Time span : 9 months to 24 months
- ❑ Stakes : 20000€ to 200 000€

# Thank you for your attention

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