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George Cumming, *Expert Evidence Deficiencies in the Judgments of the Courts of the European Union and the European Court of Human Rights*, Kluwer Law International, 2014, 272 pages, ISBN 9789041141231. GPB 80

Inevitably, litigation often revolves around complex issues whose determination requires specialised knowledge, which generalist judges typically lack. In this respect, recourse to expert evidence is an effective way of dealing with the so-called 'epistemic deficit' of judges. Nonetheless, the use of expert evidence has not been uncontested. On the contrary, scholars have been particularly concerned with, inter alia, its admissibility, its probative value, the risk of expert bias and the ability of the courts to benefit from its use.

Interestingly, George Cumming takes these debates a step further by considering the use of expert evidence in the context of the judicial interpretation of the provisions of the Treaty on the Functioning of the European Union (TFEU) and the European Convention of Human Rights. As the author insightfully remarks, both legal texts feature technical words and meanings whose proper construction necessitates the engagement of expert evidence. By drawing upon the extensive use of expert evidence in certain illustrative US judgements concerning the voting rights of prisoners, capital punishment for juveniles and the criminalisation of polygamy, the author contrasts the practice of the US courts with the practice of the European Union (EU) Courts in preliminary ruling references concerning citizenship rights, in the field of competition law and in one direct action for non-contractual liability and with that of the European Court of Human Rights (ECtHR) in cases concerning prisoners' rights. On the basis of this analysis, the author highlights the failure of the EU Courts and the ECtHR in having recourse to expert evidence with a view to correctly ascertaining the meaning of the TFEU and the ECHR respectively.

Evaluating the implications of this evidentiary deficiency and pointing at the adequacy of the existing procedural framework, Cumming ingeniously demonstrates that conformity with the right to a fair trial and the principle of effective judicial protection as well as the principle of rectitude of decision may well require that the EU Courts and the ECtHR appoint an expert to assist them with the statutory interpretation of technical or even ordinary meanings. As the author additionally explains, a failure to benefit from this procedural possibility may culminate in further adverse effects on the plausibility and legitimacy of the judicial decision-making. Therefore, Cumming's book contributes to the existing literature by drawing attention to the problems associated with expert evidence deficiencies in the context of the EU Courts' and the ECtHR's statutory interpretation.

Written by a barrister with extensive experience in civil procedure, the book includes a table of contents, a bibliography and an index, while its introductory chapter and overall structure enable the reader to easily follow the logic of the author's analysis. Strangely though, the book lacks a table of cases and legislation, while it could significantly benefit from a more careful and diligent editing which would do justice to the fresh ideas explored therein. Nevertheless, this should not distract from the original argument of the book, which will be of much interest to academics and practitioners active in the field of EU law and human rights in general, or of EU competition law in particular.