

Is there expert liability?

¿Hay responsabilidad pericial?

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ABSTRACT

“Expert” is synonymous with specialist, knowledgeable in a certain science, technology, profession, trade or occupation; therefore, his/her activity in a judicial process is of utmost importance when a judge needs technical, scientific or artistic knowledge that he/she does not have, which is essential to reach the truth to issue a decision and dictate a sentence. The opinion of an expert is precisely the instrument that provides this knowledge to the judge; hence, it must be supported by essential principles such as objectivity and impartiality. However, problems arise when experts do not adhere to the principles outlined above and carry out illegal conducts when issuing their opinions, being partial, trying to benefit one of the parties or seeking personal gain. Thus, they may incur in responsibilities of criminal order (committing a crime), civil order (causing damage), administrative (incurring in an administrative fault) or disciplinary, and even ethical ones (breach of the basic rules governing the association to which they belong).

RESUMEN

“Perito” es sinónimo de especialista, conocedor y experto en una ciencia, técnica, profesión, arte u oficio; por ello, su actividad dentro de un proceso judicial cobra suma relevancia en el momento en que el juzgador necesita allegarse de conocimientos técnicos, científicos o artísticos que no posee y que le resultan indispensables para llegar a la verdad y poder emitir una decisión y dictar una sentencia. Es precisamente el dictamen emitido por un perito el instrumento que le proporciona esos conocimientos al juez; por ello, debe realizarse sustentado en principios indispensables como la objetividad e imparcialidad. Sin embargo, el problema se origina cuando los peritos no se apegan a los principios señalados y realizan conductas ilegales al momento de emitir sus dictámenes, siendo parciales, tratando de beneficiar a alguna de las partes u obtener un beneficio personal; así, pueden incurrir en responsabilidades del orden penal (al cometer un delito), del orden civil (al causar daños), administrativas (al incurrir en una falta administrativa) o disciplinarias, e incluso, éticas o deontológicas (por incumplimiento de las normas básicas que regulan a la asociación o colegio al que pertenecen).

INTRODUCTION

Within a judicial or administrative procedure, the judge needs to gather technical, scientific and practical knowledge in a specific subject according to what one is trying to judge. It is precisely there where expert's opinions become relevant, since judges recur to them to dictate their sentence. Therefore, the importance of experts in a judicial proceeding is emphasized, since the sentence a judge may issue based on this reports may have legal consequences, such as the updating of certain crimes, patrimonial damages or even disciplinary sanctions. It is for these reasons,

that expert opinion becomes so important, since based on it, the judge can reach a decision within a process. As a consequence, the illegal conduct an expert may commit will result in the legal consequences already mentioned. From all this, it follows that the immediate response to the title of this article (the question whether there is expert responsibility) is “yes”, and of various kinds, as we will see later.

Experts are a key part of the judicial system since, as we already mentioned, they become ancillary to the judge. For this reason, their importance is undeniable, insofar as their reports, opinions or advice will determine the position the judge will take when facing

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the process of deliberation and issuance of a sentence. Consequently, the decision of a judge also implies a great responsibility from the expert when issuing their opinion, which must be based not only on their technical, scientific and practical knowledge, but also on objectivity, impartiality and legality, otherwise, the expert may be fully responsible for the reach a given resolution or sentence may have.

The word “responsibility” comes from Latin ‘*responsum*’, meaning a way of being considered the subject of a debt or obligation. In a more restricted sense, the word **responsible** means **the person obliged to answer for something or someone**. In a more current use, it includes various meanings, such as the duty when in a position, or the cause of an event. In the legal sense, individuals are liable when there is a sanction derived from an act or omission of them contained in the norm.

There is no doubt, then, that experts may incur responsibility, since they have to fulfill the duty of the position to which they protest as such, and adhere to the highest principles that govern their activity, such as the already mentioned objectivity and impartiality.

Professional responsibility of the expert

Experts, like other professionals, incur responsibility because of their assignment under oath. Such responsibility can be very broad, so they should always conduct themselves diligently, making themselves available to all who require their professional services and the administration of justice all the technical, scientific and practical knowledge they have, thereby issuing an objective and impartial report. However, there are cases in which experts use such knowledge in order to obtain benefits for the party who hired them, or even for the institution for which they work, which entails legal consequences to third parties, therefore harmed by their opinion. It is in these cases where the professional act of an expert is disqualified by incurring criminal, civil or administrative responsibilities.

The expert activity has not yet begun to live the problem of the indiscriminate increase of suits, denunciations or complaints against the opinions they issue. This does not mean that in

the future, judicial or administrative processes against them will not skyrocket. Sues against these professionals is a trend in the United States. In other countries such as France, claims of responsibility against experts have increased in the last five years. This because at present, society has become aware of the importance of an expert opinion in legal processes, and of the rights they have to claim damages caused by a judicial or administrative decision considered unfair and based on an incomplete, inadequate, insufficient or partial legal opinion without support. In such situations, resolutions issued based on an illegal expert opinion will be appealed, or may even generate legal processes directly against the expert who produced them.

Judges always make decisions of great relevance and social impact that entail consequences, such as deprivation of liberty, embargoes, payment of fines and compensations. In many cases, these decisions are based on expert opinions; therefore, not only judges have responsibility, but also those professionals who advise them on matters they do not know: experts.¹

Types of expert liability

As already mentioned, experts may incur liability at the time of issuing their opinion. However, there are different types of liability, according to the particular situation for which their intervention has been requested. They are as follows.

Civil liability

In this area, experts will be responsible for the damages, material and moral, and the damages their actions cause to parties or third parties, due to lack of diligence required in issuing their expert opinion. These are the cases in which damages are a consequence of the fault, negligence or inexcusable ignorance in the recognition of, or in the act of issuing, an opinion. We are here thinking about the loss of the object entrusted for examination or its deterioration, the issue of a recognition without due care, or the elaboration of an opinion incurring in a manifest or inexcusable error.

Civil liability can be contractual (a breach of a contractual obligation) or extra-contractual (when the expert is an official appointed by a judge).

For this type of responsibility to exist, damage must be caused, as established in numerals 1910, 1915 and 1916 of the Federal Civil Code, which determines the following:²

“Article 1910. Anyone who, acting illegally or against good customs, causes harm to another is obliged to repair it, unless they prove that the damage occurred as a result of the victim’s inexcusable guilt or negligence.

Article 1915. The repair of the damage must consist, at the option of the offended party, in the reestablishment of the previous situation, when possible, or in the payment of damages and prejudices.

When damage is caused to people and causes death, permanent total or permanent partial disability, temporary total or partial disability, the degree of repair will be determined according to the provisions of the Federal Labor Law. To calculate the corresponding compensation, the quadruple of the highest daily minimum wage in force in the region will be taken as the base, and will be extended to the number of days the Federal Labor Law indicates for each of the mentioned disabilities. In case of death, compensation will correspond to the heirs of the victim.

Compensation credits when the victim is an employee are non-transferable and will preferably be covered in one single payment, unless otherwise agreed by the parties.

The above provisions will be observed in the case of article 2647 of this Code.

Article 1916. Moral damage, is understood as the affectation a person suffers in their feelings, affections, beliefs, decorum, honor, reputation, private life, physical configuration and appearance, or, in the consideration others have of themselves. It will be presumed there is moral damage when the liberty or physical or psychological integrity of the persons is illegitimately vulnerated or undermined. When an unlawful act or

omission causes moral damage, the person responsible for it will have the obligation to repair it through compensation in money, regardless of whether material damage has been caused, both in contractual and non-contractual liability. The same obligation to repair the moral damage will be had by those who incur objective responsibility under article 1913, as well as the State and its public servants, in accordance with articles 1927 and 1928 of this Code. The reparation action is not transferable to third parties by act among the living, and only passes to the heirs of the victim when they have tried the action in life.

The amount of compensation will be determined by the judge taking into account the injured rights, the degree of responsibility, the economic situation of the person responsible and that of the victim, as well as other circumstances of the case. When the moral damage has affected the victim in their decorum, honor, reputation or consideration, the judge will order, at their request, and charged to the responsible, the publication of an extract of the sentence that adequately reflects its nature and scope through the informative media deemed appropriate. In cases where the damage derives from an act that has been disseminated in the news media, the judge will order them to publicize that extract of the sentence with the same relevance as the original diffusion. They will be subject to the reparation of moral damage according to what is established by this ordinance and, therefore, the behaviors hereby described will be considered as illegal acts:

- I. The one who communicates to one or more persons the imputation that is made to another natural or moral person of a true or false fact, determined or indeterminate, that may cause him dishonor, discredit, prejudice, or exposure to the contempt of someone;
- II. The one who imputes to another a fact determined and qualified by law as a crime, if this fact is false, or the person to whom it is attributed is innocent;

- III. *The one who files slanderous lawsuits or complaints, understood as those in which the author imputes a crime to a specific person, knowing that they are innocent or that the crime has not been committed, and*
- IV. *The one who offends the honor, attacks the private life or the proper image of a person.*

The reparation of the moral damage in relation to the previous paragraph and subsections will contain the obligation of rectification or response to the information disseminated in the same medium where it was published and with the same space and the same circulation or audience to which the information was originally directed, this without prejudice to what is established in the fifth paragraph of this article.

The faithful reproduction of information does not give rise to moral damage, even in cases where the information reproduced is not correct and may damage the honor of any person, as it does not constitute a responsibility for the person who disseminates said information, as long as the source from where it was obtained is cited.

Article 1916 Bis. *He who exercises his rights of opinion, criticism, expression and information in the terms and with the limitations of articles 6th and 7th of the General Constitution of the Republic will not be obliged to repair moral damage. In any case, **whoever claims the reparation of moral damage due to contractual or non-contractual responsibility must fully prove the illegality of the defendant's conduct** and the damage that such conduct would have directly caused him. In no case shall unfavorable opinions of literary, artistic, historical, scientific or professional criticism be considered offenses to honor. Neither will unfavorable opinions made in fulfillment of a duty or exercising of a right be considered offensive when the way of proceeding or the lack of reservation does not have an offensive purpose."*

From the articles invoked it can be deduced that the action of an expert may result in they incurring civil liability, for example, at the time they issue a false opinion, far from the concrete case, due to a negligent assessment of the facts and that this, in turn, generates damage to the affected part; with the same false opinion they can incur this type of responsibility.

Penal liability

We can define the penal liability of the expert as the obligation to penally respond for committing criminal conduct in the exercise of their profession, which will result in a criminal penalty consistent with the crimes that have been incurred, resulting in a fine, a penalty custody and suspension or disqualification from their professional practice.

In accordance with the foregoing, Article 228 of the Federal Penal Code establishes the following:³

"Article 228. Professionals, artists or technicians and their assistants will be responsible for the crimes they commit in the exercise of their profession, in the following terms and without prejudice to the preventions contained in the General Health Law or in other rules on professional practice, where appropriate:

- I. *In addition to the penalties set for the crimes that result consummated, depending on whether they are deceitful or guilty, a month or a two-year suspension in the exercise of the profession will be applied to them, or definitive if in case of relapse; and*
- II. *They will be obliged to repair the damage for their own acts and those of their auxiliaries, when these acted in accordance with their instructions."*

Consequently, an expert may commit criminal conducts during the exercise of his profession, for example, when judicially appointed they accept money or any other gift to issue or stop issuing an opinion or missing the truth, or even disobeying an order of court. The above situations are classified within the

Federal Criminal Code in Articles 178, 222, 247 and 247 bis as disobedience and resistance of individuals, bribery and falsehood in judicial declarations, respectively.

Disobedience and resistance of individuals

“Article 178. To those who, without legitimate cause, **will refuse to provide a service of public interest to which the Law obliges them, or disobeys a legitimate mandate of the authority**, fifteen to two hundred working days of community labor will be applied.

Anyone who disobeys a house arrest mandate or the prohibition of abandoning a geographical demarcation issued by a competent judicial authority, will be imposed from six months to two years in prison and a fine of ten to two hundred days of salary.”

“Article 222. Commits the crime of bribery:

- I. The public servant who by themselves or by an interposed person improperly request or receive for themselves, or for another, money or any other gift, or accept a promise to effectuate or not an act related to their functions inherent to their employment, position or commission, and
- II. The one who spontaneously gives or offers money or any other gift to any of the people mentioned in the previous section, so that any public servant makes or omits an act related to their functions, to their employment, position or commission.

The one who commits the crime of bribery will be imposed the following sanctions:

When the amount or value of the gift or promise does not exceed the equivalent of five hundred times the daily minimum wage in force in the Federal District at the time the crime is committed, or if it is not valuable, they will be imposed from three months to

two years in prison, from thirty to three hundred labor days fine and dismissal and disbarment from three months to two years to perform another public employment, position or commission. When the amount or value of the gift, promise or benefit exceeds five hundred times the daily minimum wage in force in the Federal District at the time the crime is committed, two to fourteen years in prison, three hundred to one thousand days fine and dismissal and disbarment of two to fourteen years to perform another public job, position or commission will be imposed.

In no case will the money or gifts given will be returned to those responsible for the crime of bribery, they will be applied for the benefit of the State.”

Falsehood in judicial declarations and in reports given to an authority

“Article 247. Four to eight years in prison and a hundred to three hundred days fine will be imposed to:

- I. Anyone who is questioned by any public authority, other than the judicial, in the exercise of their functions or on the occasion of them, misses the truth.
- II. Abrogated.
- III. To the one who bribes a witness, an expert or an interpreter so that they produce false judgment, or compels or commits them to do so by intimidating them or otherwise;
- IV. To whom, in accordance with the law, with any character except that of a witness, is examined, and mistook the truth to the detriment of another, denying that the signature with which the document was signed is theirs, or affirming a false fact or altering or denying a true one, or its substantial circumstances. The provisions of this section do not include the cases in which the party is examined on the amount in which they estimate a thing or when they are accused;

- V. *To the person who in appeal proceedings reports as the responsible authority, in which they affirm a falsehood or deny the truth in whole or in part."*

"Article 247 Bis. Five to twelve years in prison and a three to five hundred days fine will be imposed:

To anyone who, when examined by the judicial authority as a witness or expert, misses the truth about the fact that it is a question of finding out, or aspects, quantities, qualities or other circumstances that are relevant to establish the meaning of an opinion or report, either by affirming, maliciously denying, or hiding the existence of any data that can serve as proof of the truth or falsity of the main fact, or that increases or decreases its severity, or serves to establish the nature or particularities of a technical or scientific order that matters for the authority to pronounce resolution on a questioned affair in the matter where the testimony or the expert opinion is voiced. When the defendant is sentenced to more than twenty years in prison for a false testimony or false expert opinion, the sanction will be eight to fifteen years in prison and a five to eight hundred day fine."

The conduct experts may incur in breach of the truth in what they have knowledge and know, ceasing to act objectively and acting with partiality towards any of the parties, or altering relevant data that is available to them, can bring them as a consequence a criminal responsibility with the consequences derived from the numerals previously invoked; from this, the importance of their actions within a legal process, since their faults can generate third-party legal implications of great importance when the judge takes into account their opinions to issue their verdict.

Administrative liability

The expert incurs administrative responsibility when appointed by a judicial or administrative authority, has an appointment and fails to comply with the provisions of the Federal Law on

Administrative Responsibilities of Public Servants, which can cause them, generally with warnings, suspension of employment, position or commission, dismissal from the post, financial sanctions or disqualification from holding a position, for which reason it is mandatory that the expert who holds an official appointment complies with the provisions of Article 8 of the Federal Law of Administrative Responsibilities of Public Servants, which is as follows:⁴

"Article 8. Every public servant will have the following obligations:

- I. *To fulfill the service entrusted to them and refrain from any act or omission that causes the suspension or deficiency of the said service, or implies abuse or undue exercise of an employment, position or commission;*
- II. *To formulate and execute the plans, programs and budgets corresponding to their competence and comply with the laws and regulations that determine the management of public economic resources;*
- III. *To use the resources assigned and the faculties that have been assigned to them for the performance of their employment, position or commission, exclusively for the purposes to which they are affected;*
- IV. *To render accounts on the exercise of the functions that have been conferred and to assist in the rendering of accounts of the federal public administration, providing the documentation and information that is required in the terms established by the corresponding legal provisions;*
- V. *To guard and care for the documentation and information that by reason of their employment, position or commission is under their responsibility, and prevent or avoid their improper use, subtraction, destruction, concealment or uselessness;*
- VI. *To observe good conduct in their employment position or commission, treating with respect, diligence,*

- impartiality and rectitude the people with whom they have a relationship on the occasion of this;
- VII. To communicate in writing to the head of the agency or entity in which they provide their services the founded doubts that the origin of the orders they receive may arise and that could imply violations of the Law or any other legal or administrative provision, so that the holder dictates the measures that are appropriate in law, which must be notified to the public servant who issued the order, and to the interested party;
 - VIII. To refrain from exercising the functions of an employment, position or commission for having completed the period for which they were appointed, for having been terminated or for any other legal reason that prevents them;
 - IX. To refrain from arranging or authorizing that a subordinate does not attend their work without just cause, as well as improperly granting licenses, permits or commissions with partial or total enjoyment of salary and other perceptions;
 - X. To abstain from authorizing the selection, hiring, appointment or designation of who is disabled by resolution of the competent authority to occupy an employment, position or commission in the public service;
 - XI. To excuse themselves from intervening, by reason of their commission, in any way in the care, processing or resolution of matters in which they have a personal, family or business interest, including those in which any benefit may result for them, their spouse or relatives by blood or by affinity, up to the fourth degree, or civil relatives, or for third parties with whom they have professional, labor or business relationships, or for partners or companies of which the public servant or the aforementioned persons form, or have formed, a part. The public servant must inform the immediate boss, in writing, about the care, processing or resolution of the matters referred to in the preceding paragraph and that are known to them, and observe their written instructions on their care, processing and resolution when the server public cannot refrain from intervening in them;
 - XII. To refrain, during the exercise of their functions, from requesting, accepting or receiving, by themselves or through a person, money, goods or real estate property, through alienation at a price notoriously lower than what they have in the ordinary market, donations, services, jobs, charges or commissions, for themselves or for the people referred to in section XI of this article, which may come from any natural or moral person whose professional, commercial or industrial activities are directly linked, regulated or supervised by the public servant in question in the performance of their employment, position or commission, and that implies conflicting interests. This prevention is applicable up to one year after they have retired from their job, position or commission. There will be conflicting interests when the personal, family or business interests of the public servant may affect the impartial performance of their job, position or commission. Once the employment, position or commission has ended, the public servant must observe, to avoid incurring conflicting interests, the provisions of article 9 of the Law. In the case of the staff of public research centers, the governing bodies of said centers, with prior authorization of their internal control bodies, may determine the specific terms and conditions of application and exception to the provisions of this section, dealing with conflicts of interest that may involve the activities in which these personnel participates, or is linked to scientific research and technological development projects in relation to

third parties, in accordance with the provisions of the Law of Science and Technology, Paragraph added DOF 08-21-2006 (DOF, Diario Oficial de la Federación, Official Journal of the Federation).

- XIII. To perform their job, position or commission without obtaining or seeking to obtain additional benefits to the verifiable benefits that the State grants them for the performance of their function, be they for them or for the people referred to in section XI;
- XIV. To refrain from intervening or improperly participating in the selection, appointment, designation, hiring, promotion, suspension, removal, cessation, termination of the contract or sanction of any public servant when they have personal, family or business interest in the case or may derive in any advantage or benefit for them or for the people to whom fraction XI refers;
- XV. To present with opportunity and truthfulness their declarations of patrimonial situation, in the terms established by the Law;
- XVI. To diligently attend to the instructions, requirements or resolutions that they receive from the Secretariat, from the internal controller or from the heads of the audit, complaints and responsibilities areas, according to their competence;
- XVII. To supervise that the public servants subject to his direction comply with the provisions of this article;
- XVIII. To report in writing to the Secretariat, or the internal comptroller, the acts or omissions that in the exercise of their functions will come to notice regarding any public servant who may constitute administrative liability under the terms of the Law and other applicable provisions;
- XIX. To provide in timely and truthful manner all information and data requested by the institution legally responsible for monitoring and defending human rights. In compliance

with this obligation, in addition, the public servant must allow, without delay, access to the premises or facilities, files or documentation that the referred institution deems necessary to review for the effective performance of its powers, and also corroborate the content of the reports and data that have been provided; Fraction reformed, DOF 06-30-2006 XIX-A.- To respond to the recommendations presented by the institution that is legally responsible for monitoring and defending human rights, and in the event that it is decided not to accept or not comply with the recommendations, they will make their negative public, founding and motivating it in terms of the provisions of Section B of Article 102 of the Political Constitution of the United Mexican States and Article 46 of the Law of the National Commission on Human Rights; Added fraction DOF 06-15-2012 XIX-B.- To answer the calls of the Chamber of Senators, or during their recesses, of the Permanent Commission, to appear before the said legislative bodies, in order to explain the reason for their refusal to accept or comply with the recommendations of the institution that is legally responsible for monitoring and defending human rights in terms of Section B of article 102 of the Political Constitution of the United Mexican States; Added fraction DOF 06-15-2012. XIX-C.- To comply in due time and form the mandates of the National Electoral Institute and any of its organs as established by applicable electoral legislation, provide them in a timely and truthful way with the information requested and to provide them with the help and collaboration that is required by the said electoral authorities; Fraction added DOF 05-23-2014. XIX-D.- To refrain from infringing, by action or omission, the constitutional, legal, regulatory and normative provisions on electoral matters, government propaganda

- and impartial application of public resources, as well as refraining from influencing the fairness of competition between political parties; Added fraction DOF 05-23-2014.
- XX. To refrain, in the exercise of their functions or on the occasion of them, from celebrating or authorizing the execution of orders or contracts related to acquisitions, leases and disposal of all types of goods, provision of services of any nature and the contracting of public works or services related to them, with whom they perform an employment, position or commission in the public service, or, with the societies of which such persons are part. Under no circumstances may an order or contract be signed with anyone who is disabled to perform a job, position or commission in the public service;
- XXI. To refrain from inhibiting, by themselves or by an interposed person, using any means, the possible plaintiffs in order to avoid the formulation or presentation of complaints, or to carry out, on the occasion, any act or omission that is detrimental to the interests of they who formulate or present them;
- XXII. To refrain from taking advantage of the position that their employment, charge or commission confers upon them to induce another public servant to perform, delay or omit any act of their competence that reports any benefit, or advantage to themselves or to any of the persons to which fraction XI refers.
- XXIII. To refrain from acquiring for themselves or for the people referred to in section XI, real estate that could increase its value or, in general, that improve its conditions, as a result of carrying out public or private works or investments that they have authorized or had knowledge of, on the occasion of their employment, position or commission. This restriction will be applicable up to one year after the public servant has

withdrawn from the job, position or commission, and

- XXIV. To refrain from any act or omission that implies breach of any legal, regulatory or administrative provision related to public service.

Failure to comply with the provisions of this article will give rise to the corresponding procedure and sanctions, without prejudice to the specific regulations that govern the service of the armed forces in this regard."

The medical expert

We can define the professional responsibility of the medical expert as their obligation to respond or repair the damage produced by the behaviors carried out against the legal norms that regulate their professional practice. From this concept we obtain the different types of liability that may be incurred. As we saw previously, it can be criminal, civil or administrative, depending on the violated legal norm. The medical expert must bear in mind that, depending on the conduct carried out, they may incur one, two or all three types of professional liability; their actions are extremely important within a legal procedure, since (as has been mentioned throughout this work) from legal opinions, consequences can be derived to third parties and, if they do not agree with the expert report or find irregularities in it, they can file lawsuits or complaints against the expert for the causation of damage or the commission of a crime, especially in cases of medical expertise, where expert evidence becomes of vital importance in conflict resolution.⁵

CONCLUSION

As noted through this work, it is concluded that the expert does have responsibility, and this is very large. They acquire it since they protest the charge, which obliges them to issue their opinion based on the technical, scientific and practical knowledge that they possess, based on basic principles such as objectivity and impartiality, since from their experience the truth can be reached in the resolution of a

conflict when the judge or the law enforcement agency recurs to these professionals to make decisions when issuing a sentence that may imply a disbarment, fines, loss of assets and even loss of liberty. For this reason, the actions of experts are of the utmost importance in a legal proceeding, because not only should the judge issuing the sentence be responsible, but also the professional who influenced the issuance of that sentence.

Therefore, the expert becomes a core piece within the justice system. In attention to that importance, comes the responsibility they have, since on occasion —as already mentioned— from their opinions stem legal consequences

for third parties. Thus, their great power also implies a great responsibility.

REFERENCES

1. Carreras EJ. Actividad pericial y responsabilidad de los peritos. Artículo Derecho Procesal Civil, March, 2014.
2. Civil Federal Code.
3. Penal Federal Code.
4. Federal Law of Responsibilities of Public Servants.
5. De Lorenzo R. El médico perito y su responsabilidad profesional. [Internet] [May 27th, 2014] At: www.redaccionmedica.com

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