

DOI: 10.31648/pw.8467

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THE STATUS OF GENERIC STRUCTURE IN EXPERT OPINIONS. INSIGHTS FROM A COMPARATIVE ANALYSIS OF AMERICAN, RUSSIAN AND BULGARIAN DOCUMENTS

ABSTRACT: This paper attempts to describe expert opinions from a comparative and genre-based perspective. It addresses the central question of whether expert opinions follow any specific rhetorical and organizational patterns and the extent to which these may have been imposed by the respective judicial institutions in Russia, Bulgaria and the USA. After reviewing the institutional contexts and constraints imposed on experts and their opinions, the analysis focuses on exploring the status of generic structure in three sets of documents: US common law opinions, Russian and Bulgarian civil law opinions. The concept of ‘generic model’ has been approached from the perspective of Genre Analysis using the model of ‘rhetorical moves’ (Swales 1990; Tardy & Swales 2014). The analyses have revealed that expert witnesses can be described in terms of individual text segments, each with distinct rhetorical or communicative purpose(s). While most identified text segments are shared by all the opinions, irrespective of the legal system, the major difference is that the generic structures of Russian and Bulgarian opinions are strictly regulated by law, which results in increased levels of detail and conventionality. In contrast, the discourse community of American experts has much more leeway in shaping the conventions of the genre, as long as the experts take account of the general standards contained in the Federal Rules of Evidence. American opinions reflect not only the expertise of their authors but also their individual style.

KEYWORDS: generic structure, expert opinion, US common law, adversarial system, Russian legal system, Bulgarian legal system

1. Introduction

For all their central importance to the proper functioning of the justice system, expert opinions seem to remain a relatively obscure and underexplored genre in legal linguistics literature.¹ The absence of systematic and comprehensive analyses

¹ This paper capitalizes on and extends previous research published in Goźdź-Roszkowski | Mazurkiewicz-Sułkowska (forth. 2022).

could be attributed to at least a few factors. First, expert opinions are hybrid texts combining legal and administrative features with a technolect unique to a given specialist or expert. Second, expert opinions come from a multitude of highly diverse domains, such as accounting, engineering, medicine, psychology or linguistics, etc. This raises the issue of disciplinary variation and the predominant characteristics of the subject matter that a discipline represents (Bhatia 2004). Third, access to expert opinions may be sometimes restricted since they are used in court proceedings and are seldom made publicly available. Fourth, the textual and discursive form of expert opinions seems to be highly impacted by the legal system within which they are drafted and used.

It should be emphasized that the position of an expert witness and the status of expert opinion may vary considerably depending on whether the opinion is given in a common-law country or a European civil law jurisdiction (Czabański 2006; Kredens 2021). For example, in common law countries, expert witnesses are called upon by litigants and the opinions are intended to support their statements. Even if expert opinion is under obligation to be straightforward and disinterested, the evidence is often slanted towards different positions (Solan 2010). In continental Europe, expert witnesses are usually called upon by courts and they have to remain impartial. In addition, there are different requirements as to their educational background, methods used and the linguistic form in which expert opinion should be expressed.

Existing linguistics research regarding expert opinions in the common law system is carried out mainly from the perspective of Forensic Linguistics, which is concerned with using linguistic knowledge and methods to assist the justice system (Coulthard, Johnson 2009). It examines expert opinions in connection with the reliability of methods used, for example in authorship attribution, voice identification or detecting plagiarism. The basic goal is to make forensic science (concerning linguistic evidence) more scientific (Solan 2010). A considerable body of research focuses on verbal and behavioural issues related to giving testimony in court (e.g. McMenemy 2002; Szczyrbak 2022; see also Zaśko-Zielińska 2019 on the issue of how questions are posed for expert witnesses in Poland). Relatively little attention is given to ascertaining the level of rhetorical sophistication in order to gain a better understanding of how written expert opinions are constructed, interpreted and exploited in the achievement of their specific institutional goals.

In contrast, Russian scholars tend to address terminological issues and discuss trends in the development of the language of opinions (Krestovnikov 2018; Panarina (a); (b); (c); Radbil' | Yumatov 2014; Svetlichnyy | Panarina), while Bulgarian literature concentrates on normative aspects involved in court cases (Ceckov 1994; 1998; Kasabova | Mikhaylova 2018).

This paper has been envisaged as a first step towards a linguistic analysis of expert opinions approached from comparative and genre theory perspectives.

It starts by outlining the institutional contexts and constraints imposed on experts and their opinions and then it moves on to explore the status of generic structure in three sets of documents: US common law opinions, Russian and Bulgarian civil law opinions.

2. The opinion and the expert witness in Russian, Bulgarian and Anglo-American institutional contexts

2.1. According to the Russian “Code of Criminal Procedure”, the term ‘court opinion’ (*судебная экспертиза*) is used with reference to the outcome of expert examination carried out in a manner specified in that Code². Detailed guidelines can be found in Article 9 of the Federal Order³. This legal provision defines court examination as a procedural action which consists of carrying out an examination and preparing an opinion on issues which can only be resolved by having recourse to specialised, domain-specific knowledge of science, technology, art or craft. Other, encyclopedic sources (e.g. “Encyclopedia of Law” edited by M. Ju. Tikhomirov and “Encyclopedia of Court Opinions” edited by Averyanova) reinforce the distinction between the ‘expert examination’, understood as a study carried out by an expert or a team of experts in a manner provided by the relevant procedural law in order to clarify issues which require a specialised knowledge and analytical methods and the written ‘expert opinion’ as the outcome of an examination prepared by a person with adequate specialist knowledge (Tikhomirov 2009; Aver’yanova | Rossinskaya 1999). The examination can be commissioned by a court, a prosecuting office or the police and its goal is to determine circumstances necessary to resolve a specific case.

According to the Russian law, either a court expert (*судебный эксперт*) or a court specialist (*судебный специалист*) can be called upon to provide an opinion. Under Articles 57 and 58 of the Russian Code of Criminal Procedure, an expert is a person who possesses specialist knowledge and who is appointed in a manner provided by the Code in order to carry out a court examination and to prepare an opinion. A court specialist is also a person with specialised knowledge and appointed in accordance with the Code of Criminal Procedure but his or her task is to assist with the discovery and the protection of objects and documents connected with a given case. In addition, court specialists help with implementing technical methods and the use of documents. They can also pose questions to the expert and provide explanations of issues related to their professional competence. As can be seen, both experts and specialists need to possess specialised knowledge and they

² See Point 1 Article 5 of the Code.

³ Federal Order no. 73-ФЗ dated May, 31, 2001.

can appear at different stages in court proceedings. Each expert is a specialist but not the other way round. Specialists usually express opinions which do not need to be supported by carrying out analyses. They can assist in finding an expert with expertise most relevant to the case. Importantly, specialists are not criminally liable for giving a false testimony. The specialist's opinion is given in writing but its form is not legally prescribed.

It is the court expert that is broadly equivalent to the common law expert witness and this paper is concerned with their opinions. Even though the relevant provisions of the Russian Code of Procedural Law only require that a court expert possess specialised knowledge, in practice, it is necessary to be a citizen of the Russian Federation, hold a requisite university degree and undergo the so-called 'expert training' (*судебная экспертиза*). The major goal of an opinion is to provide the court with the expert's specialised knowledge (*специальные знания*), which is defined as knowledge that goes beyond legal knowledge, general education and life experience. Put differently, specialised knowledge is not widely known or available and it is possessed by a limited number of people (Orlov 2004; Treushnikov 2005).

2.2. In the Bulgarian legal system, a court opinion is also the outcome of court examination as set out in the relevant provisions of the Code of Administrative Procedure (articles 49-51), the Code of Civil Procedure (articles 195-203) and the Criminal Code (articles 144-154). Similarly to Russian legal provisions, a court examination is defined in statute law⁴ as a procedural action carried out by persons possessing specialised knowledge and research skills requisite for specific objects or circumstances. Worth noting is that in the Bulgarian system, just as in the common law system, the results of a court examination are not always admitted as evidence. A court may accept or reject the expert witness's conclusions as long as judges justify their decision. Under the law⁵, Bulgarian court examinations are divided into eleven categories, including, *inter alia*, criminology (forensic), medicine, mental health, agriculture, art, etc.

An expert witness (*вещо лице*) is an individual with specialised knowledge and full legal capacity. Expert witnesses must be able to demonstrate sufficient educational background or professional skills in the area in which they profess their expertise. They should have at least five years of experience in that area. A clean criminal record and permanent residency in Bulgaria are also required. An expert witness must be a disinterested individual, who is not party to the case. Expert witnesses are criminally liable for giving a false testimony.

⁴ Order no. 2 dated 29th June, 2015 regulating registration, qualifications and remuneration for expert witnesses in Bulgaria.

⁵ Order no. 2 dated 29th June, 2015 regulating registration, qualifications and remuneration for expert witnesses in Bulgaria.

After being duly appointed, an expert witness must carry out an examination and prepare a written opinion. The opinion is expected to triangulate different methodologies and take into account all circumstances suggesting both positive as well as negative answers to the questions posed in it. When calling upon an expert witness, courts can refer to an official register of experts or they can choose an independent expert witness. In both cases, very strict regulations apply. Until 2006, two terms were used to refer to an expert witness: *эксперт* and *вещо лице*. The former was used in criminal cases, while the latter in all the others. After the Code of Criminal Procedure was amended in 2006, only *вещо лице* has remained in use.

2.3. In common-law tradition, the law related to the expert witness and the opinion may vary depending on a specific jurisdiction.⁶ However, both systems require that an expert witness should be qualified “by knowledge, skill, experience, training, or education”⁷. It should be noted that there are no official registers of expert witnesses. In the common-law jurisdictions, expert witnesses are called upon on an *ad hoc* basis. The testimony may be expressed in the form of a written opinion or by means of an oral deposition given in the course of court proceedings. The testimony should be based on sufficient facts or data and it should be the product of reliable principles and methods. The expert is expected to reliably apply the principles and methods to the facts of the case. As discussed in Tiersma and Solan (2002) and Solan and Tiersma (2004), the American system differs from the Anglo-Australian one by adopting a standard for allowing expert evidence, named after the US Supreme Court ruling in the case of “Daubert v. Merrel Dow Pharmaceuticals”. In that ruling, the Court proposed four criteria to assess the scientific quality of expert opinions:

1. whether the theory ... has been tested;
2. whether it has been subjected to peer review and publication;
3. the known rate of error; and
4. whether the theory is generally accepted in the scientific community (509 US at 593 as cited in Tiersma and Solan 2002).

It should be noted that legal regulations in both UK and the USA do not distinguish between an oral testimony and a written opinion or report. In addition, they do not specify how such opinions should be written (cf. McMenamain 2002).

⁶ See, for example, Coulthard and Johnson (2009) for differences between the Anglo-Australian system and the US system.

⁷ See Rule 702 of the Federal Rules of Evidence.

3. The status of the generic structure of expert opinions in Russia, Bulgaria and the USA

This section addresses the question of whether expert opinions in Russia, Bulgaria and the USA follow any specific rhetorical organizational patterns and the extent to which these may have been imposed by the relevant judicial institutions or, rather they are the products of expert members belonging to the discourse community.

Wojtak defines, what she refers to as, ‘generic model’ (Pol. *wzorzec gatunkowy*) as a set of rules regulating the major levels of a generic organizational pattern, the relations between these levels and the way in which they function (Wojtak 2008, 354). She distinguishes four levels at which such generic model can be described: the structural aspect (textual frame, division into text segments and how the segments interrelate), the pragmatic aspect (the relations between the interactants, the communicative purposes of a text), the epistemic aspect (the topic and its presentation in a text) and the stylistic aspect.

Russian scholars tend to use the concept of *жанровая модель*, defined by Shmelova (Shmelova 1997), which establishes a generic model by considering the following aspects: the purpose of the message, the sender and the recipient, the presentation of the past and the future, the linguistic aspect and the aspect of a given event. In Bulgarian literature, the generic model consists of three major elements: content, form and function (Angelov 2007).

In English linguistics, the issue of ‘generic model’ has been approached from the perspective of Genre Analysis using the concept of ‘rhetorical moves’ (Swales 1990). A ‘move’ denotes a section of a text that performs a specific communicative function. In addition, each move not only has its own purpose but it contributes to the overall communicative goal of the genre (Biber et al 2007). According to Swales (1990, 58), these purposes combined together provide the rationale for the genre, which then “shapes the schematic structure of the discourse and influences and constrains choice of content and style”. Texts belonging to a genre show “various patterns of similarity in terms of structure, style, content and intended audience” (Swales 1990, 58). This section sets out to explore the structural aspect of expert opinions adopting the term ‘generic structure’.

3.1. In the Russian legal system, the structure of a court opinion (*заключение судебного эксперта*) is strictly regulated.⁸ An opinion can be provided either by an individual expert or a team of experts but individual opinions are very rare. Courts accept only written opinions which consist of three parts:

⁸ This matter is regulated by Article 25 of the Federal Order 31.05.2001 no. 73-ФЗ “On state and court-expert activity in the Russian Federation”, and also in Article 294 of the Code of Criminal Procedure, Art. 86 of the Code of Civil Procedure of the Russian Federation and Article 86 of the Code of Arbitration Procedure of the Russian Federation.

- introductory part (*вводная часть*)
- analytical part (*исследовательская часть*)
- conclusions (*выводы*)

The structure of each part is fixed and clearly defined. The introductory part should specify (1) the place and time of carrying out an expert examination and writing an opinion; (2) the legal basis for providing an opinion (case number, reference to the relevant court decision, etc.); (3) professional title, academic degree and position of an individual providing an opinion; (4) data related to an institution where examination has been carried out, the name of an expert, his or her education, academic specialization, academic degree and title, position; (5) declaration on civil liability for false testimony; (6) questions for an expert should be placed in inverted commas as they were formed in a court order in which an expert was called upon. If a question is not entirely clear and it is not possible to obtain any clarification, an expert witness should formulate the question as he or she understands it adding the following: “Question X is understood by the expert witness in the following way: (the expert formulates the question)”; (7) a list of objects evaluated by an expert; (8) any documents relevant to the examination; (9) persons present during the examination; (10) this part of an opinion should mention if an examination has been repeated, and if it has, information about the previous examination should be provided: its place, time, personal data of the experts involved, and conclusions.

The analytical part should include:

1. A description of the evaluated objects. The expert witness provides general and individual features of the objects pointing towards facts which will be relied upon during the examination. This part also includes relevant literature and a description of analytical methods used to carry out the examination.
2. The analytical part *per se*. The expert witness divides the objects into parts so that each part can be clearly and precisely examined.
3. The synthesizing part. The expert witness connects all the elements into one in order to provide new and comprehensive information about the object.
4. The description of an experiment (if applicable).
5. The results. The expert witness summarizes the results, drawing conclusions, justifying them and specifying the methodology that was used.

The last part – conclusions – should be concise and it should contain a unanimous response the question(s) posed for the witness expert. The Russian system specifies types of conclusions that are allowable in an expert opinion. These range from ‘categorical conclusions’ (affirmative or negative), alternative conclusions, through conditional conclusions, to admissible conclusions. For example, ‘categorical conclusions’ testify to facts irrespective of any conditions surrounding their occurrence. An opinion can state in its conclusions that a shot was fired from

a specific firearm.⁹ Conditional conclusions link the presence of facts to the fulfilment of specific conditions as in the following example: “if a vehicle has been immobilised by means of brakes which are in good working order, then its spontaneous movement is out of the question.”¹⁰

3.2. Under the Bulgarian system, a court opinion should be made in writing. Written form is obligatory for an opinion to be admitted as evidence. Similarly to the Russian system, the structure of an opinion is strictly defined. What distinguishes Bulgarian opinions is that there are different text structures defined for each of the 11 opinions in separate regulations. A comparative analysis of all these types led to the identification of text segments shared by all the opinions. It turns out that there are three obligatory parts:

- introductory part (*уводна част*)
- analytical / descriptive part (*изследователска / описателна част*)
- concluding part (*заклучение*).

The relevant legal provisions stipulate that the introductory part must contain the following:

1. Name and surname of the expert witness, his/her position and scientific title;
2. Number of a case which requires an expert opinion;
3. A brief description of the case;
4. Time and place of carrying out an examination;
5. The goal of an examination defined in terms of questions directed at the expert (assignment);
6. Materials used in the course of the examination with an accurate description of their state;
7. A list of analyses carried out and technical equipment used

The analytical / descriptive part contains the following information:

1. The description of the object under examination (if it is a material object, then its state, quantity, etc. should be described);
2. An exact description of the data, methodology and tools.
3. A detailed description of the findings with a clear explanation for the layman.

The last part (conclusions) should provide answers to questions posed in the first part. Each question must be answered in a concise and exhaustive manner and in the same order as it appeared in the assignment. Expert witnesses usually first reiterate the questions and then provide their answers as in the following example:

- (1) Question 1: Are terms “trustworthy shares” and “untrustworthy shares” used in economic theories in Bulgaria or abroad?

⁹ Compare the original Russian expression *Выстрел произведен из данного оружия*.

¹⁰ Если автомобиль был заторможен технически исправным тормозом, то самопроизвольное движение его исключено. See also (Kuznetsov 2014; Lesnyak; Butyrin | Danilkin 2018).

Answer 1: Economic theories do not use terms “trustworthy shares” and “untrustworthy shares” in order to classify shares as a financial instrument.¹¹

While answers should be phrased unequivocally to avoid any misunderstanding by the layman, conclusions are expected to be categorical by making affirming or negating statements, as illustrated in the following example:

(2) Question: Does the auditor’s opinion, provided upon the approval of the financial report, contain any comments concerning the company’s impaired financial standing?

Answer: The auditor’s opinion provided upon the approval of the financial report does not contain any comments concerning the company’s impaired financial standing.¹²

As shown in Example 3 below, expert opinions often include so-called ‘probable conclusions’ (*вероятни изводи*):

(3) Most probably, an episode of depression in 1999 was mild and occurred only once because there are no data to track its progress after the hospital treatment ended.¹³

Probable conclusions are only admissible if reasons for the absence of categorical conclusions are also provided. According to the Bulgarian law, only the latter can be allowed by courts, while the former are not taken into account irrespective of the degree of their probability. Still, experts attempt to define the degree of probability. In the example provided above, the superlative form *най-вероятно* (*most probably*) was used to indicate that the depressive episode was mild and happened only once. The conclusion was justified by the absence of data on the course of hospital treatment after it ended.

The practice of allowing only categorical conclusions has attracted some criticism in Bulgaria. The critics advocate adopting a fixed semantic scale and attaching that scale as an appendix to their opinions, a practice widespread in many European legal systems (cf. Coulthard | Johnson 2009). The uppermost values

¹¹ Въпрос 1: Термините «надеждна акция» и «ненадеждна акция» познати ли са на (световната и българската) икономическа теория?

Отговор 1: Икономическата теория не борави с понятията «надеждна», «ненадеждна», за да квалифицира / класифицира акцията като вид финансов инструмент.

¹² Въпрос: Одиторското мнение, изразено при заверката на индивидуалния финансов отчет на X, съдържа ли някакви забележки във връзка с влошено финансово състояние на дружеството?

Отговор: Одиторското мнение, изразено при заверката на индивидуалния финансов отчет на X, не съдържа никакви забележки във връзка с влошено финансово състояние на дружеството?

¹³ Депресивният период през 1999 г. е най-вероятно лек по протичане и единствен, понеже няма данни за проследяване на заболяването след датата на хоспитализацията.

(e.g. I personally feel *quite satisfied* that X is the author) are in fact close to the values found in categorical conclusions (Bobev 1979; 2013). A Bulgarian expert witness can also decide that she is not capable of providing an answer based on probability due to the absence of adequate evidence or because the issue goes beyond the scope of his or her expertise as the following example shows:

(4) Questions 9 and 10 are outside the remit of the expert's medical expertise.¹⁴

Bulgarian opinions can be both individual and collective. If an opinion has been prepared by a team of experts, then all the experts sign the document. If experts cannot agree, then each must formulate his or her conclusions in a separate document. The final draft of an opinion should incorporate all the conclusions (Kasabova | Mihaylova 2018).

3.3. Unlike the Russian and Bulgarian generic structures, expert opinions used in US jurisdictions do not have a generic structure in the normative sense, due to the absence of any legal provisions regulating this aspect of the expert witness work. The macro structure presented in Table 1 is proposed after examining several written expert reports in order to identify text segments (moves) that carry out distinct rhetorical and communicative functions (cf. Tardy | Swales 2014). This approach is in line with the current perception of genre as a functional rather than a formal concept (Groom | Grieve 2019). The analysis focuses on describing how the moves of American expert opinions are structured and sequenced.

Table 1. Generic structure of an expert opinion in the US legal system

0.	Text segments and their rhetorical functions
1.	Indicating the type of opinion and its role in the proceedings
2.	Presenting the expert's credentials
3.	Presenting the expert's assignment
4.	Expressing opinion
5.	Presenting justification for the choice of a theoretical framework
6.	Clarifying methods and listing analytical procedures
7.	Announcing and discussing results
8.	Providing conclusions

In Segment 1, expert opinions provide an accurate designation of their types, i.e. whether they are expert reports, expert witness disclosure, or perhaps, expert declaration. This reflects a plethora of different names used to refer to written expert opinions in various US jurisdictions. Given that it is parties to a case rather than

¹⁴ Въпросите 9 и 10 не са в правомощията на медицинско вещо лице.

courts that engage experts, an opinion usually specifies its role in the proceedings, the litigants, the case number, etc. as in Example 5:

- (5) United States District Court, Western District of New York
Civil Action No. 1:10-cv-00569-RJA
Declaration of Gerald R. McMenamain in support of Defendant's Motion for Expedited Discovery.

Interestingly, this part is followed by the presentation of the expert's employment and educational background, which seeks to establish his or her credentials:

- (6) Dr. Robert Leonard is a tenured Professor of Linguistics at Hofstra University, and he has taught linguistics at the college level for 35 years [...].

It is not uncommon to see descriptions of the expert's credentials running into several pages attached to the opinion. Their primary goal is to demonstrate the expert's expertise and credibility in view of the absence of clear statutory requirements.

In the next segment, experts provide details of the task they have been assigned. This part can range from rather enigmatic and verbatim reiteration of statements (e.g. "Linguistically analyze Article VII with particular attention to Sections 1 and 2"), to more elaborate and personalized paraphrases:

- (7) I was asked to give an opinion on whether any of the Q share likely common authorship with the K. For that purpose I analyzed language patterns of all Ks and all Qs and compared them.

Segment 4 brings an immediate answer to questions posed in the assignment. Typically, the opinion expressed here is formulated in general terms, assessing the degree of probability, especially in cases of disputed authorship:

- (8) It is probable that Mr. Zuckerberg is not the author of the questioned writings.

It is only in Segment 8 (conclusions) that this opinion is reiterated and elaborated by referring to the results of the expert's examination:

- (9) Conclusion. Based on the contrastingly-distinct style markers which the QUESTIONED excerpts and the KNOWN – Zuckerberg writing demonstrate, as well as the presence of no more than two minimally-significant similarities between the QUESTIONED and KNOWN- Zuckerberg writing, I conclude that the KNOWN writings of Mr Zuckerberg demonstrate a sufficiently significant set of differences vis a vis the QUESTIONED writings to constitute evidence that Mr Zuckerberg is not the author of the excerpted QUESTIONED references.

The presence of Segment 5 is evident of how a legal system in general and the Daubert Standard in particular can exert its influence on how expert opinions are drafted.

- (10) Linguistics is a well-established science, and there are scores if not hundreds of professional peer-reviewed journals. Linguistics is the scientific study of language and is recognized as a science by the American Academy of Sciences [...].

Example 10 shows how the expert attempts to fulfil the statutory requirement that the theory used in the analysis is generally accepted in the scientific community (509 US at 593 as cited in Tiersma | Solan 2002). The same rationale can be provided for the specification of methods and analytical procedures (Segment 6). Rule 702 of the Federal Rules of Evidence allows an expert to testify as a witness if “the testimony is the product of reliable principles and methods, and the witness has applied the principles and methods reliably to the facts of the case.”

Segment 7 should be considered as a key move in expert opinions because it announces principal findings obtained in the course of the analyses and it connects Segment 6 with Segment 8 enabling the expert to reach his or her conclusions. It is worth noting how expert witnesses are at pains to emphasize the scientific value of their conclusions by adopting reliable and commonly accepted methods. This is manifested in Example 9 by means of expressions such as ‘significant similarities’ or ‘sufficiently significant set of differences’ alluding to the use of statistical techniques.

4. Summary and conclusions

Despite the absence of statutory regulations specifying the textual organization of expert opinions in the US legal system, it turns out that this genre can be described in terms of individual text segments, each with distinct rhetorical or communicative purpose(s). It should be pointed out that the perceived regularities are of functional nature rather than of linguistic form. This means that there does not seem to be a direct connection between the segments and specific lexico-grammatical patterns.

The identified segments and their functions in the US opinions overlap with those found in Russian and Bulgarian documents. Expert witnesses in both common law (adversarial) and civil law systems need to prove their expertise, reiterate the issue(s) they are asked to address, explain the methods and analytical procedures used during the examination stage and provide unequivocal and clear conclusions. In addition, common law experts are expected to justify the selection of theoretical principles and methods used in the examination. The major difference is that the generic structures of Russian and Bulgarian opinions are imposed under the relevant

legal provisions, which results in increased levels of detail and conventionality. Expert opinions in Russia and Bulgaria constitute allowable evidence in court only if they comply with these requirements. In contrast, the discourse community of American experts has much more leeway in shaping the conventions of the genre, as long as the experts take account of the general standards contained in the Federal Rules of Evidence. In the absence of a uniform textual format, the texts of opinions are characterised by considerable variability, with some moves occurring more frequently (those presented in Table 1) and other moves being infrequent and considered as optional. American opinions reflect not only the expertise of their authors but also their individual style.

This paper is intended as only a first step towards a more systematic linguistic description of expert opinions and much more work is needed to describe the structural and pragmatic aspects of the generic model. For example, one line of future research could focus on discursive and argumentative strategies adopted by experts to communicate specialised knowledge in a way that is convincing to judges and accessible to jurors in the adversarial legal system. Our concluding hope is that this paper has raised the profile of expert opinions as an empirical focus for discourse analytic research and it will inspire a new wave of genre-based analyses.

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