THE EFFICIENT USE OF EXPERT EVIDENCE IN MARITIME COURTS

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I. AIM AND SCOPE

It is beyond dispute that justice, which is the founding principle in Law and litigation, may only be achieved by revealing the true fats of the case. Particularly in disputes of a scientific and technical nature, facts may only be revealed with the contribution of the experts. It would not be a mistake to say that in all legal systems, judicial authorities seek assistance from the experts in this respect, although rules and procedures vary in different systems.

The need for qualified and impartial experts is greater in maritime conflicts, in which revealing the truth becomes more difficult as a result of maritime conflicts' international nature and their complexity.

In 2004 The Admiralty Court has been established in Istanbul[1], where most of the maritime conflicts arise and the need for a specialized court has been greater. Since its establishment several debates took place, with respect to the establishment and the procedure of this special court, some of which are still open[2]. Among these, the establishment by adding a paragraph to a provision by a decree of the Ministry of Justice and the lack of a comprehensive statute of the court was criticized. It is indeed a vital question as to how a Court that stands on such a limited regulation can achieve the specialization which is the purpose and reason of its establishment. In the absence of special regulations relating to its procedure and to its Judges the Court is expected to be specialized simply by naming it "Specialized Maritime Court". Evidentially, it is impossible for this court to fulfill such specialization stemming from its purpose and the name. When different legal systems in which Admiralty Courts exist are analyzed, it is seen that the founding statutes or Procedural Acts provide for special rules and regulations regarding the procedure of maritime claims.[3]

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[1] By the paragraph annexed to Art.4 of Turkish Commercial Code, by the Code numbered 5136 and dated 20.4.2004

[2] See, Dünya (daily newspaper) 12.8.2004 issue, p.4-5, 16.3.2006 issue, p 4-5

[3] England: The Admiralty and Commercial Courts Guide (http://www.hmcourts-service.gov.uk/docs/guide.pdf); Canada: Federal Court Rules, 1998 (SOR/98-106) (http://laws.justice.gc.ca/en/F-7/SOR-98-106/index.html); USA: Federal Rules of

Despite the inadequacies briefly mentioned above, the establishment of Specialized Maritime Court is still a major improvement for our legal system and a positive step towards ensuring rapid and fair solutions to the conflicts of maritime trade. To make this step whole, can we ensure the proper functioning of Specialized Maritime Court in accordance with its purpose by more efficient use of the expert evidence? Are current rules in our Code of Civil Procedure sufficient to make the Specialized Maritime Court more efficient in revealing the true facts of the case? We endeavor to answer these questions in this article

To this end, regulations regarding the expertise in Turkish Law shall be compared with those in Common Law, and in Spanish Law (in the light of the information obtained from our Spanish colleague).

During this comparison, first, current regulations of Turkish Law shall be analyzed, then, the aspects of two different legal systems which may contribute to expertise practice in Turkish Law shall be pointed out.

II. EXPERTS IN DIFFERENT LEGAL SYSTEMS

1. TURKISH LAW

a. The Definition and the Status of Experts

The status of experts in litigation is a determining factor for the supervision of this evidence. In fact, in legal systems which treat the experts as part of decision, the supervising authority shall be the Judge, instead of the parties. However, in Common Law which shall be reviewed below, the assessment of validity and objectivity of the expert opinion is left to the parties' examination rather than the Judge, as expert opinion is regarded as evidence of the parties in these legal systems.[4]

In Turkish Law, expertise is regulated by Art.275 through Art.286 of the Code of Civil Procedure (CCP). Accordingly, expert is a third party to the dispute, to whose opinion

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Civil Procedure (2006), XIII Supplemental Rules for Certain Admiralty and Maritişme Claims. (http://www.law.cornell.edu/rules/frcp/# supp)

[4] Demirkapı, E. *"Anglo-Amerikan Hukukunda Bilirkişilik Kurumunda Yeni Eğilimler"* (New Approaches Towards Experts in Anglo-American Law), University of Dokuz Eylül Law School Journal, issue 2003/2 p.63

the Court addresses on matters which require technical and special knowledge, unfamiliar to the Judge (Art.275 CCP)[5].

Although the expertise is regulated in the eighth chapter of the Code bearing the title "Evidence and its' submission", (for which it would not be wrong to qualify the expert opinion as an evidence) in legal doctrine, in line with the opinions in German Law, it is often suggested that the experts are assistants of the Judge[6] and they contribute to the public service under the authority of the Judge[7]. The experts being appointed by the Judge, their obligation to be impartial like the Judges, and their relationship with the Court being subject to public law are argued to be the grounds for perception of the experts as the Judge's assistant.[8]

b. Problems in Assessment and Supervision of Expert Opinion

According to Art.286 CCP, Judges are not bound with the opinion of the expert. In other words, in Turkish Law expert opinion is discretionary evidence, which is assessed by the judge at his own discretion. This principle is interpreted by the Supreme Court Of Appeals, despite several criticism and opinions to the contrary from the legal doctrine[9], as follows: In the settlement of a matter which requires technical and scientific knowledge, if the Judge does not find the expert opinion adequate then he is required to order further expertise on the matter but he cannot decide to the contrary of the expert opinion.[10] As a result of this view of the Supreme Court, in almost every action, except a limited number of conflicts which do not require expert opinion, Judges appeal to experts several times for additional or new opinions in order to complete the examination of the facts.

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[5] For definitions of experts in Turkish Law see, Kuru, B., *"Hukuk Muhakemeleri Usulü"* (Civil Procedure) Volume 3, p.2622, İstanbul, 2001; Pekcanıtez / Atalay / Ozekes, *"Medeni Usul Hukuku"* (Law of Civil Procedure), p.423, 4th ed., Ankara, 2005; Arslan, R., *"Bilirkişilik Uyulaması ve Bu Uygulamaya Yargıtay'ın Etkisi"* (The Application of Experts and the effect of Supreme Court of Appeals on This Application), Journal of The Supreme Court of Appeals,, p.157 1989/1-4; Tanrıver, S., *" Bilirkişinin Hukuki Statüsü, Yükümlülükleri, Yetkileri ve Sorumluluğu"* (The legal status, Obligations, Authorities and Liabilities of the Experts), p.33-34, Ankara,2002

[6] Pieper, H., *"Richter und Sachverstandinger im Zivilprozess"*, (ZZP), p.3-4, 1971/84; Sendler, H., "*Richter und Sachverstandinger, Neue Juristische Wochenschrift"*, p.2908-09, 1986/47; Fasching, H.,W., *"Kommetar zu den Zivilprocessgesetzen"*, 1966, Wien (as taken from Arslan, R., p.157 see fn.5)

[7] Tanrıver, S., p34-38

[8] Pekcanıtez / Atalay / Ozekes, p.424 (see fn.5)

[9] Kuru, B., p.2769-70; Belgesay, M.,R., *"Hukuk Usulü Muhakemeleri Kanunu Şerhi"* (Annotated Code of Civil Procedure) vol.2, p146, İstanbul, 1939, Guldener, M., *"Schweizerisches Zivilprocessrecht"*, p.358-359, Zurich, 1958 (as taken from Kuru, p. 2770, fn.463, see fn.5)

[10] Supreme Court of Appeals, 15. HD (15th Civil Chamber) 7.10.2002, 2002/2330E, 2002/4443K; 18.HD(18th Civil Chamber) , 22.3.2005, 2005/2197E, 2005/2600K; 11. HD (11th Civil Chamber), 13.6.2005, 2004/9575E, 2005/6071K; 19.HD. (19th Civil Chamber), 10.3.2005, 2004/13373E, 2005/2443K; decisions taken from Kuru, B., p.2770-75, fn.465-476

In principle, it is acceptable that the Judges are to follow the opinion of the experts in disputes which are progressively getting more complex and technical. At this point, the supervision of the expert opinion, which becomes the determining factor in resolution of the conflict, is more important in order to achieve the aim of revealing the true facts of the case. Unfortunately, however, in practice, the supervision of the experts is often regarded by the Courts and the lawyers as the inspection of the sufficiency of experts' titles and the supervision of the adequacy of their opinion which, we believe, should be the main priority, is omitted. In other words, the expert opinion is mostly regarded as valid and trustworthy, just by reference to the field of expertise or the academic title of the expert.

However, in today's world where knowledge increases rapidly and is diffused and spread from several different resources, criteria as to the career, academic title and experience which are peculiar to the person as the source of knowledge may not be sufficient for the supervision of the knowledge. There should be no doubt on the necessity to appoint qualified experts from the field which relates to the facts of the case. We are of the view that even in case the experts have been appointed by satisfying these criteria, their knowledge, on which the decision will mostly stand, should still be assessed and supervised prior to the decision. For instance in the case of a Master with adequate career and experience being appointed as an expert, if he reaches a conclusion such as the existence of a *force majeur* event, although weather and sea conditions encountered by the vessel at a specific region do not permit such a conclusion in the light of basic knowledge of seafaring. In cases similar to this fictional example, the necessity to improve the current rules and practice with respect to the supervision of the expert opinion becomes more apparent.

While trying to ensure the correctness of the expert opinion, the interest in ending the litigation without unnecessary prolongations should also be taken into account. In other words, rules and practice, which would prevent unnecessary arguments and extensions, should be preferred in obtaining expert opinion which is of the scope and the content sufficient to assist the Judge in rendering his decision. The president of the Supreme Court of Appeals, Mr. Osman Arslan, stated in his opening statement of the judicial year of 2006-2007 that the prolongation of the actions is among the problems of the Turkish Judiciary, and pointed out the slow process of obtaining an expert opinion and submission of contradictory opinions to the Court, among the causes for this problem. In this respect, while revising the rules regarding the supervision of the

expert opinion, the aims of ensuring correctness and ensuring correctness without causing waste of time or additional costs should equally be taken into account.

The supervision of the expert opinion in Turkish Law is subject to the articles 283 and 284 CCP. According to these provisions, the Judge or the parties to the dispute, may ask the experts to explain the inadequate and ambiguous points in the expert report. The Judge may invite the expert to a trial for oral statement. Moreover, the Judge, if deems necessary, may order for re-examination of the matter by the same or different experts.

The experts must submit a report which responds all the questions that have been directed to them.[11] These questions are determined with the contribution of the parties (Art.279, Art.280 CCP). Despite this clear regulation, in practice, when the file is referred to the experts, they are usually not addressed with clear and particular questions and this results in submission of general and abstract reports of almost no relevance to the particular matter at hand. At the supervision stage of these reports, parties draft petitions which include their objections to the expert opinion. If these objections are considered to be serious by the Judge, an additional report is be requested from the same experts, or the matter is referred to new experts for a second opinion.

At this point arises the most important difficulty for the supervision of the expert opinion. Which objections are deemed to be serious and thus lead to the re-examination? How may the Judge be expected to decide the seriousness of an objection regarding a technical issue which, due to his/her lack of knowledge, was referred to a technical expert at first place?

Let us, for a moment, assume that the Judge by doing a research himself or by total coincidence reached the conclusion that the objections are serious. Even at this point the problem persists under current practice because often, the experts do not bring an adequate explanation or sometimes they even refrain deliberately to answer the objections of the parties. Therefore, the disputed points are not always being explained by adequate and satisfactory opinions. New objections are submitted by the parties

[11] Pekcanıtez / Atalay / Ozekes, p.430; Supreme Court of Appeals, 1. HD (1st Civil Chamber) 03.06.2004, 2004/6223E, 2004/6737K; 11. HD (11th Civil Chamber) 21.12.2004, 2004/2772E, 2004/12672K

following each report and a new examination process, which may take up to months thus begins for the experts to respond these objections. However, as we shall point out in the conclusion of this article, by adopting a different procedure which, in fact, is permitted by current procedural rules objections may be responded more rapidly and in a clear and adequate manner. Nevertheless, in current practice, instead of using and developing those options, the files are being re-submitted to the experts upon an objection for further written reports, the litigation prolongs for months, and yet a satisfactory and adequate answer may still not be received in the report drafted.

In the light of these, it is seen that the supervision of the expert opinion is not being done efficiently in Turkish Law and this alone causes unnecessary prolongations in litigations. In other words, it is often witnessed that, despite a long trial period and remarkable costs, the facts of the case are not revealed and thus the justice is not achieved.

Now that we have demonstrated the need for a faster and more efficient procedure with respect to the supervision of the expert opinion, we would like to point out the solutions and approaches of different legal systems before stating our suggestions as to the solution of this problem, particularly for Specialized Maritime Courts.

2. COMMON LAW

a. General

In Common Law experts are considered as party evidence. Therefore they are more similar to witnesses in Turkish Law[12]. Each party chooses its experts, pays their fees and the experts state their opinion in the witness bench. as a reflection of this scheme, the term “expert witness” is used in Codes of Procedure[13].

[12] *Op cit,* fn.4 p.50
[13] England: The Admiralty and Commercial Courts Guide, Section H; Canada: Federal Court Rules, 1998 (SOR/98 – 106), art. 279-281

As a result of the perception of experts as party evidence, the Judges have the freedom to assess the opinion of the expert witness just like any other evidence presented to the court by the parties.

Despite the divergences among different countries with respect to the presentation of the expert opinion to the court[14], regardless of whether the opinion is presented orally or in a written form, the experts are subject to direct or cross examination of the parties and the Judge[15]. Leaving the supervision of expert evidence to the assessment of the parties is undoubtedly a consequence of a liberal notion of Law, which is principally based on the domination and the contention of parties. Some views[16] suggest that to emphasize oral procedure may be explained by the aim of supervising the witnesses and the experts more efficiently. Namely, some points, which one may fail to notice while examining a report can be detected during oral presentation. Besides, during cross examination it is possible to highlight the loopholes in order to the facts of the case. However in written procedure, it is often seen that the expert reports either does not give a sufficient answer, or does not even give an answer at all to inquiries of the Judge and the parties to the dispute. This, of course, makes it more difficult, if not impossible, to reveal the facts of the case.

The Common Law system, besides its listed advantages, had also some downsides that needed to be reformed. For instance, serious doubts arise regarding the objectivity of the expert's view in a trial where each party presents its own expert and the trial itself turns into some kind of a "battle of experts"[17]. These criticisms led to some changes, such as amendments to the procedural codes to allow the assignment of experts by the court, which could be described as a movement towards the Civil Law system from the competitive Common Law approach.[18]

It must be noted that, despite the different approach of the Common Law with respect to the status and the supervision of experts, the cross examination of the experts by the parties and the Judge is also in accordance with the principles of "directness" and "oral

[14] In American Law experts are to present their opinion by a report during the pre-trial stage. This report should include all the information, evidence and documents on which the opinion stands and the expert should demonstrate his/her proficiency by annexing a list of his/her published works in the last ten years. The expert should also state the cases in which he/she took part as an expert and finally, should declare his/her fee for the case at hand.
[15] *Op cit,* fn.4, p.47, USA: Federal Rules of Evidence, Rule 706; Canada Federal Court Rules, 1998 (SOR/98 – 106), art. 279
[16] *Op cit,* fn.4, p47
[17] *Op cit,* fn.4, p.51 Australian Law Reform Commission Report, http://www.austlii.edu.au/au/other/alrc/publications/bp/6experts.html
[18] *Op cit,* fn.4, p52-55, USA Federal Rules of Evidence, Rule 706

trial" in Civil Law. Directness means the examination of the evidence by the judge himself (CCP art. 241)[19]. It allows the judge to perceive and evaluate the evidence directly. The submission of the expert opinion by a report is recognized as an exception to this principle[20].

However, it is still possible for the Judges to examine the expert opinion themselves in line with the principle of directness, since there is no obligation for expert opinion o be in written form and considering the fact that art.283 of CCP which allows the attendance of the experts to the trial session. At this point it must be noted that, although Turkish Law of Procedure is, in principle, based on written form, oral trial and directness together plays a crucial role in revealing the facts of the case and it is often suggested that overlooking these principles is a vital defect in respect of revealing the truth.[21] In this respect it may be concluded that the cross examination of the experts by the parties is not unique to Common Law, but also is compatible with the principles in assessment of the evidence in Civil Law.

b. The Position of the "Assessors" in Admiralty Courts and Supervision of Their Opinions

While analyzing the status of the experts in Common Law, the assessors, who are peculiar to the Admiralty Law procedure should also be talked upon. In the Admiralty Courts of Common Law countries assessors assist the Judges with their expertise in shipping, by giving written advice to the Judge regarding the conflict at hand.[22] The assessors differ from the expert witness by not being evidence of the parties but, instead, acting as an assistant to the Judge. According to the well established procedure of the Admiralty Courts, Judges shall seek assistance of the assessors in a conflict, settlement of which requires technical expertise. Parties to the dispute are not permitted to present their own expert evidence on the same matter[23]. By their nature, they seem more similar to the experts in Turkish Law.

In recent years there have been important developments regarding the status of the assessors and their relationships with the parties, and these developments should be

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[19] Yildirim, M.,K., *"Medeni Usul Hukuku'nda Delillerin Değerlendirilmesi"* (The Examination of Evidence in Civil Procedure Law), p.90 Istanbul, 1990

[20] *Ibid*, p.93

[21] *Ibid*, p.97

[22] Meeson, N., *"Admiralty Jurisdiction and Practice"* 3rd ed., p.225; England: *The* Admiralty and Commercial Courts' Guide N.14.1; Civil Procedure Rules, Part 35.15; Canada: Federal Court Rules, 1998 (SOR/98-106) art.52.

[23] Meeson, N., p.225; The Admiralty and Commercial Courts Guide N.14.1 (http://www.hmcourts-service.gov.uk/docs/guide.pdf)

taken into consideration while regulating the procedure of examining evidence in Turkish Specialized Maritime Courts, in line with modern approaches of law.

Supreme Court of Canada, in a decision in December 1998[24], held that courts may only refer to the assessors by informing the parties and giving them the opportunity to respond. The Supreme Court has also stated that prohibition of presenting expert evidence by the parties in Admiralty Law, is against the right of the parties to be heard and to the contemporary principles of trial. According to this decision, parties shall have the right to present their own expert evidence against the opinion of the assessor. Federal Court Rules in Canada have been amended later in 1998 to comply with this decision and presenting expert evidence to courts other than the opinion of the assessors is also permitted with an express provision[25]. These expert witnesses may also be cross examined by the parties.

In England, the established practice in Admiralty Courts was that the nautical assessors were being asked questions which were prepared with the contribution of the parties, and their opinions were being demonstrated in the Judgment. Nautical assessors were not subject to cross examination.[26] In *The Bow Spring*[27], the Court of Appeal amended this practice to comply with the right to a fair trial, which is guaranteed by the Art. 6 of the European Convention of Human Rights. The Court held that one of the main requirements of a fair trial is that the Court should know what parties think about the evidences and issues on which the Judgment shall stand. In line with this approach, when the issue is referred to a nautical assessor by the Court, the opinion of the assessor should be serviced to the parties and the parties should be allowed to submit their statements as to whether the Judge should take the assessor's opinion to his consideration, or not.

The decisions of the High Courts in Canada and England mentioned above demonstrate that the supervision of the opinions of assessors is now being considered within the standards of fair trial. Same understanding and approach should be taken into consideration while amending and applying rules of procedure in Turkey, which is also party to the European Convention of Human Rights. We believe that our suggestion on supervision of expert evidence before Specialized Maritime Court set

[24] *Porto Seguro Companhia De Seguros Gerais v. Belcan S.A.* et. al. (December 18, 1997) No.25340 (S.C.C)
[25] Federal Court Rules, 1998 (SOR/98-106), Art.52
[26] Meeson, N., p.226, 7.66; The Admiralty and Commercial Courts Guide, PD 35, 6.4
[27] [2005] 1 Lloyd's Rep.1-11

out at the end of this article is compatible with this understanding as it increases the role of the parties and allows a more efficient supervision

3. SPANISH LAW

Spanish Law is of importance for this article as it is a member of the Civil Law system and yet allows the cross examination of the experts in trial by deviating from written procedure.

There are no special admiralty courts in Spain, except the "*Tribunal Maritimo Central"* which only deals with salvage and follows administrative procedure. As such, the evaluation of the expert opinion is subject to the general principles of civil procedure.

Expert evidence is regulated by the Code of Civil Procedure numbered 1/2000, dated 7 January 2000 (LEC 1/2000). According to the Code, experts are to join the trials and briefly explain their opinions and their rationales to the Court and to the parties, unless it is deemed unnecessary by the Court. Following this explanation the Judge and parties are permitted to cross examine the expert, if necessary.

It is stated that the new Code of Civil Procedure which entered into force in 2000, has given more emphasis to the oral principle, *"principio de oralidad*", instead of the written principle of the previous Code of 1881, in order to increase the dynamism of the litigation. Thus, oral procedure is followed in pre – trials and trials and these sessions are even recorded into CD ROM / DVD's.

In conclusion, as a result of the reform in 2000 in Spanish Law which belongs to the civil law system, priority is given to oral procedure and cross examination of the witnesses and the experts has become regular practice in trials.

- *This section is prepared with the valuable contributions of our dear colleague Mrs. Anna Mestre from Barcelona, Spain.*

III. CONCLUSIONS AND SUGGESTION

In Common Law System and in Spanish Law, which are briefly touched upon and which are undoubtedly modern legal systems, it is seen that the experts are attending the sessions and the parties have the opportunity to address questions to them.In such systems, it is possible to prevent the experts giving unsatisfactory answers, intentionally or unintentionally, to the questions of the parties and it is also possible to prevent the loss of time which arises in submitting written comments and questions to the expert. Indeed, when the experts are invited to trials instant answers may be received from the experts on the parties' questions and if the answer is inadequate and dissatisfactory, the knowledge of the expert and the validity of his/her opinion may be supervised by posing more questions before the Judge and by the parties.

It can easily be said that a similar procedure is permitted by present rules of Civil Procedure in Turkey. There is an express provision in the Code of Civil Procedure (art. 279) which allows the experts who are assigned by the Court to interrogate the parties, following the stage of collecting evidence. Similarly, paragraphs 2 and 3 of Art. 283 CCP states that the Judge may invite the expert to the hearing and ask for an oral explanation, in order to receive answers to the questions and comments of the parties. Contradictions and ambiguities in expert reports, particularly the ones which include technical issues, may be prevented by the application of this method which is actually existent in our Code of Civil Procedure but somehow never used. Accordingly the experts should be questioned by the parties, the parties should explain the details of the disputed issues to the experts and the parties should cross examine the experts at trial, all these preferably after the collection of evidence. The adoption of this method has become an inevitable need in respect of revealing the facts of the case. The phrase "revealing the truth" included in Art. 284 CCP is a key phrase which demonstrates that, revealing the truth is also the main purpose of the Code itself.[28]

We believe that the application of these procedures at least in the Specialized Maritime Court is very necessary -if not compulsory- and the judicial authorities must demonstrate the intention and the determination to invite the experts to the trials.

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[28] Karaman, M., *"Deniz İhtisas Mahkemesinde Bilirkişilik Sistemi Çok Önemli"* (Expert System in the Maritime Court is of Remarkable Importance), Dünya (daily newspaper) 16.3.2006 issue, p.4

The need in the Specialized Maritime Court for qualified experts whose knowledge is subject to supervision is clearly demonstrated by the commission report regarding the Code numbered 5136 which allowed the Specialized Maritime Court to be established.[29] The rationale behind the establishment of these courts may not be fulfilled just by naming a court "Specialized Maritime Court". Establishing a specialized court may only be done by fulfilling several requirements, one of which is to obtain opinions from the experts by an efficient method and provide the supervision of these opinions. In this case, it will not be wrong to assume that parties who expect a fair and fast settlement of the disputes, shall also be ready to bear the cost of such expertise. Therefore, the courts must appoint qualified experts and, if necessity occurs, invite them to the trials to answer the objections and questions of the parties, by determining their fees in accordance with their merits

Thus, we believe, both the purpose of establishing a Specialized Maritime Court shall be achieved and common expectations for revealing the truth in litigation shall be met.

This seems to be the only way to meet the expectations that arose by the formation of the Specialized Maritime Court.

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[29] The report dated 15.4.2004 and no:1/761 of the Commission of Industry, Commerce, Natural Resources, Information and Technology regarding the Code no:5136:

"Environmental awareness which becomes apparent in the daily agenda, as a result of economical and political developments, benefiting from the sea and shipping, utilization of sea and shipping in terms of economy renders it necessary to give importance to shipping in industrial base. The movements in sea trade due to the developments and the sea traffic that results thereof, the need for ensuring safety of life and property at sea and services provided to the maritime industry have increased rapidly. The Commercial Courts which deals with maritime cases, are unable to follow recent technical and scientific developments, agreements and maritime regulations because of their obligation to deal with many other commercial disputes which deprives them of the opportunity to focus on Maritime Law. Thus, in disputes which generally concern movable properties like ships and their cargoes which may be deteriorated or lost very rapidly, remarkable amounts are being lost due to the lack of speed in dispute resolution. Indeed, speed is what is mainly required in the resolution of these disputes. Hence, in order to provide the expected speed in dispute resolution and to fulfill the aim of settling the disputes in exact compliance with maritime regulations and traditions, specialized litigation institutes should be commissioned and, in this respect, establishment of Specialized Maritime Courts…"