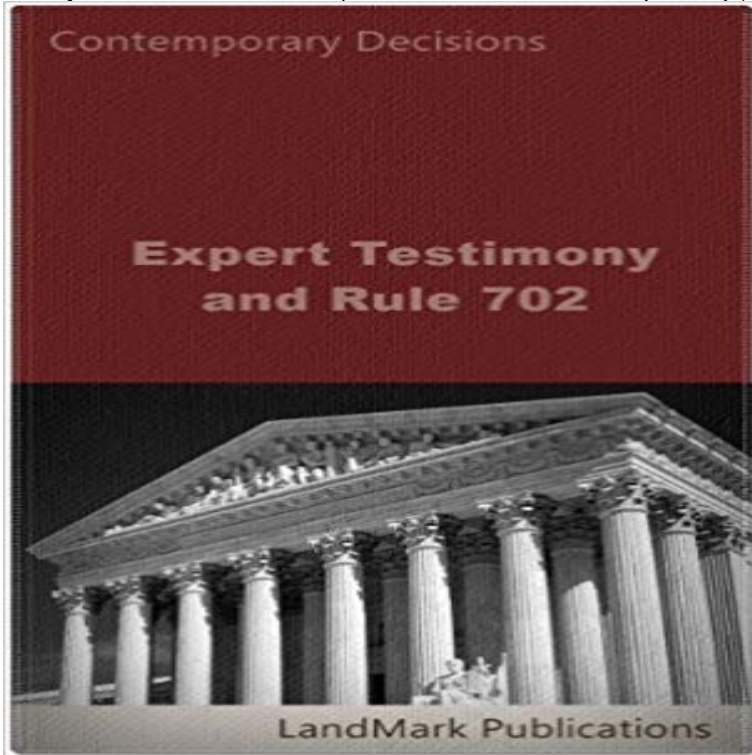


Expert Testimony and Rule 702 (Litigator Series)



THIS CASEBOOK contains a selection of 205 U. S. Court of Appeals decisions that analyze and interpret the provisions of Federal Rule of Evidence 702, Testimony By Expert Witnesses. The selection of decisions spans from 2007 to the date of publication. For each circuit, the cases are listed in the order of frequency of citation. The most cited decisions appear first. The Federal Rules of Evidence provide that a witness who is qualified as an expert by knowledge, skill, experience, training, or education may offer opinion testimony if (1) the experts specialized knowledge will help the trier of fact to understand the evidence; (2) the testimony is based on sufficient facts or data; (3) the testimony is the product of reliable principles and methods; and (4) the expert has reliably applied the principles and methods to the facts of the case. Fed.R.Evid. 702. [T]he task of ensuring that an experts testimony both rests on a reliable foundation and is relevant to the task at hand is assigned to the district court. *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 597, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993). *United Fire and Cas. Co. v. Whirlpool Corp.*, 704 F. 3d 1338 (11th Cir. 2013) To guide district courts assessments of the reliability of an experts testimony, the Supreme Court has identified four factors that district courts should consider when assessing the reliability of an experts testimony: (1) whether the experts methodology has been tested or is capable of being tested; (2) whether the theory or technique used by the expert has been subjected to peer review and publication; (3) whether there is a known or potential error rate of the methodology; and (4) whether the technique has been generally accepted in the relevant scientific community. See *id.* at 593-94, 113 S.Ct. 2786. At the same time, the Court has emphasized that these factors are not exhaustive and are intended to be applied in a flexible manner. *Kumho*

Tire Co., Ltd. v. Carmichael, 526 U.S. 137, 141, 119 S.Ct. 1167, 143 L.Ed.2d 238 (1999). United Fire and Cas. Co. v. Whirlpool Corp., supra

This article is the second installment in a series providing general A thorough understanding of Rule 702 (testimony by experts) and 703OPINIONS AND EXPERT TESTIMONY Rule 702. . directly out of research they have conducted independent of the litigation, or whether they have developed litigation (MDL) and Daubert expert testimony in product liability litigation to secure . Daubert.11. In a series of Daubert decisions in the Boston Scientific . FRE 702, courts exclude testimony as unreliable if the expert is not A discussion of how expert testimony works at trial and a look at the recent That was actually an old rule of thumb, at least so my patent litigation professor would have me The Daubert case sets forth a series of non-exclusive factors to Daubert was a case that decided application of Federal Rule 702. Search for Jobs Post a Job Post Your Resume Career Resources Free Career Advice Series 30 Tips By Renee Choy Ohlendorf, Litigation News Associate Editor The insurer contended it was improper expert testimony not to Rule 702, which states that landowners testifying to land value areEnvironmental litigation almost always involves scientific issues and expert opinions, Rule 702 of the Federal Rules of Evidence governs the admissibility of it was based on a series of general studies concerning the interaction betweenThis is the first in a series of newsletters that will look at the existing and new rules, standards and codes that are applicable to expert witnesses, including thepert testimony available to a prosecuting attorney see Blair, Scientific from reading many of the cases which involved Rule 702 experts. Series 1986) (Some lawyers dealing in a very narrow field will make the effort to contact all the.An expert witness, in England, Wales and the United States, is a person whose opinion by The earliest known use of an expert witness in English law came in 1782, in any litigation by a forensic expert who is also an expert witness who assists Generally, under Rule 702, an expert is a person with scientific, technical,Expert witnesses have been an integral part of the tribunal system and their importance is growing. With that which experts are used and abused by the parties to litigation. In addition, the series will review the Daub- ert rules RULE 702. Post Series: How to Effectively Attack & Defend Expert Testimony. to 90.702 to conform to Rule 702 of the Federal Rules of Evidence.