



F16 You Be the Judge: An Interactive Session Regarding Admissibility of Scientific Evidence

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After attending this presentation, attendees will be able to: (1) state the elements of admissibility under the Rules of Evidence required of a trial court judge to admit scientific or technical evidence; (2) evaluate the challenges a judge faces in a variety of situations in his/her role as gatekeeper of admissible scientific or technical evidence; and, (3) apply their knowledge of the elements of admissible evidence in specific case situations.

This presentation will impact the forensic science community by increasing attendees' abilities to apply their knowledge of the elements for admitting scientific evidence in several specific case situations. Attendees will have a better comprehension of the trial court's admissibility standards regarding expert testimony through interactive audience participation of the application of these standards in several case studies.

In the tradition-bound adversarial legal process, judges and jurors in the courtrooms must reach definitive decisions for "a particular moment in time, while this scientific process is going on."¹ Within the dynamic intersection of science and law, justice and science must coexist for the good of society. Historically, courts have viewed science as an indispensable ally in their shared project of pursuing truth. Scientists seek truth by working diligently and gradually on their hypotheses, using relevant scientific methodologies to validate core insights. Scientists also recognize their evolving need to revise and refine their hypotheses and methodologies due to peer review and criticism emanating from various scientific communities.

Understanding the role of judges as gatekeepers will assist attendees in comprehending and appreciating the critical admissibility decisions judges have as gatekeepers of scientific evidence in our courtrooms. *Daubert v. Merrell Dow Pharmaceuticals, Inc.* is the leading case regarding this gatekeeper role of admissibility decision-making.² The United States Supreme Court in *Daubert* defined the judge's role as a gatekeeper for admitting scientific knowledge to assist the triers of fact in understanding the evidence. Jurors as judges of the facts must determine the facts in issue in a case by applying valid scientific conclusions to the pertinent facts in the case. Judges should admit conclusions that will qualify as scientific knowledge if the proponents of such evidence can demonstrate that such conclusions are the products of sound scientific methodology derived from the scientific method. Understanding the methodology used by an expert is critical to effective, efficient, and proper judicial gatekeeping.

Moreover, Federal Rule of Evidence 702 requires the following for expert testimony: A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if: (1) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (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.

This session will focus on teaching attendees to apply these trial court's admissibility standards regarding expert testimony through the vehicle of interactive audience participation.

Reference(s):

1. *Carnegie Comm'n on Sci., Tech. & Gov't, Science, Technology, and Government for a Changing World*. 22 (1993) [hereinafter Carnegie Task Force Report]. <http://www.ccstg.org/pdfs/Final-Report0493.pdf>.
2. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Daubert, Admissibility, Evidence