



Daubert Overview

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Scientific Admissibility Tests

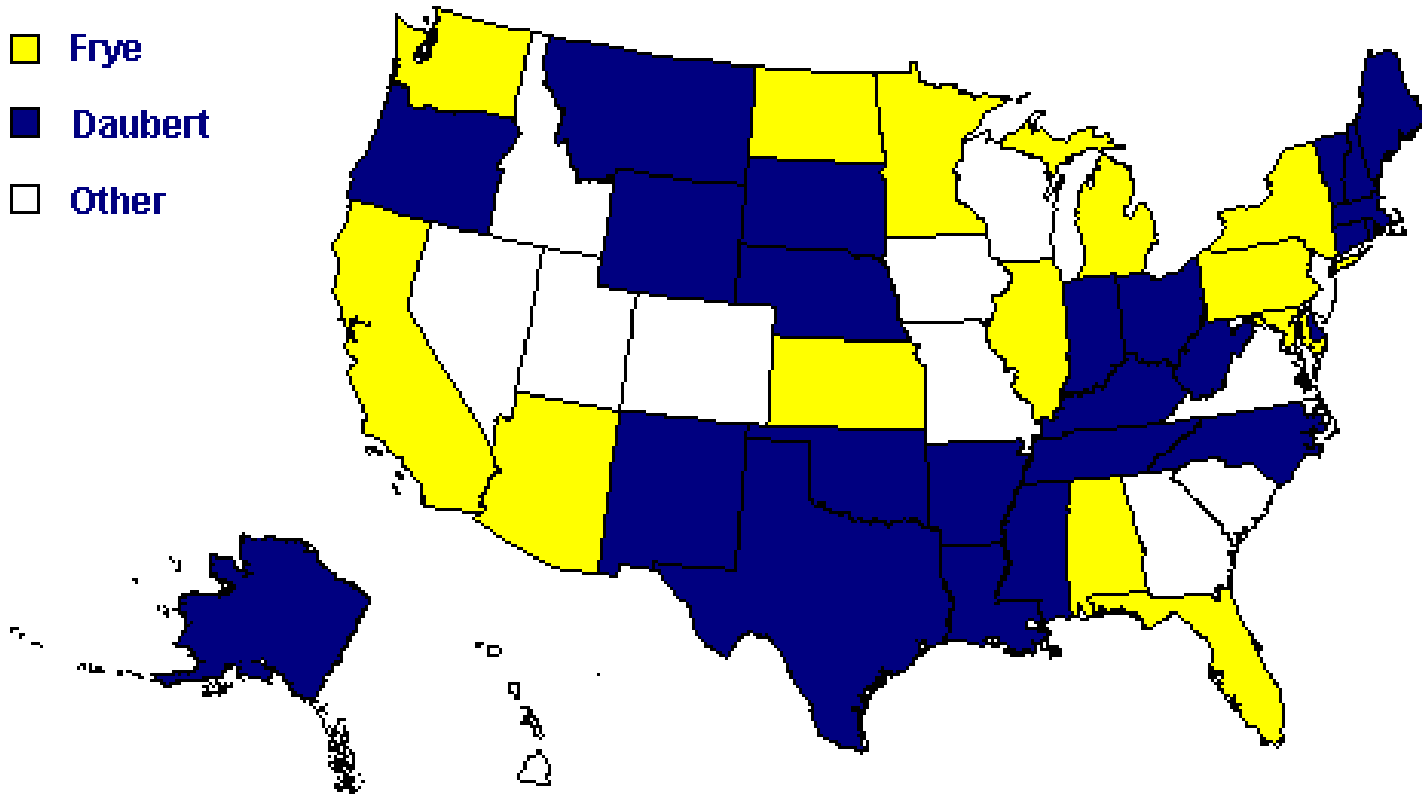
- Relevancy
 - FRE 702: “. . . assist the trier of fact . . .”
- Frye (1923)
 - General acceptance
- Daubert (1993)
 - Four factor test

Daubert Adoption

■ Frye

■ Daubert

□ Other



Effects of Daubert

- Initial lack of clarity
 - NY Times vs. Wall Street Journal
- Now clearly greater scrutiny
 - “exacting standards of reliability”
Weisgram v. Marley Co., 528 U.S. 440, 455 (2000).
- Leakage to Frye jurisdictions

[The Daubert *Trilogy*]

- Daubert v. Merrell Dow Pharms.
- General Electric v. Joiner
 - Abuse of discretion review
- Kumho Tire v. Carmichael
 - Daubert applies to all expert testimony, not just scientific