

Tensions in Daubert: Perspectives from the Bench and Bar

Symposium by NCJI, BADC & AUWCL

March 30, 2024

Presentation of John Vail

Partial List of Citations to Sources Discussed or Consulted

Motorola, Inc., v. Murray, 147 A.3d 751, 752 (DC 2016)

Eric Helland & Jonathan Klick, Does Anyone Get Stopped at the Gate? An Empirical Assessment of the Daubert Trilogy in the States, 20 Sup. Ct. Econ. Rev. 1 (2012)

David M. Flores et. al., Examining the Effects of the Daubert Trilogy on Expert Evidence Practices in Federal Civil Court: An Empirical Analysis, 34 S. Ill. U. L.J. 533 (2010)

A. Leah Vickers, Daubert, Critique and Interpretation: What Empirical Studies Tell Us About the Application of Daubert, 40 U.S.F. L. Rev. 109 (2005)

James C. Cooper, Information and Settlement: Empirical Evidence on Daubert Rulings and Settlement Rates, 51 Int'l Rev. L. & Econ. 1 (2017)

David Lee, Raising The Bar: Rule 702 Changes Illuminate The Need For Science Literacy In The Judiciary, <https://mjlst.lib.umn.edu/2023/12/16/raising-the-bar-rule-702-changes-illuminate-the-need-for-science-literacy-in-the-judiciary/> (2023)

Cecil, Joe S., Ten Years of Judicial Gatekeeping Under Daubert. American Journal of Public Health, Vol. 95, No. S1, pp. S74-S80, 2005, The Coronado Conference: Scientific Evidence and Public Policy Paper, Available at SSRN: <https://ssrn.com/abstract=849525>

Susan Lanham and Casey Warren Baker, The Adjudication of Expert Witness Testimony: A Comparative Analysis, https://www.americanbar.org/groups/business_law/resources/business-law-today/2023-december/adjudication-expert-witness-testimony/ (December 2023)

Nicole Walters, Effects of the Daubert Trilogy in the Delaware State Courts, National Center for State Courts (2005), available at <https://cdm16501.contentdm.oclc.org/digital/collection/civil/id/81>