

The Rule Book

1923: **FRYE** v. US-generally accepted in scientific community.

1993: **DAUBERT** v. Dow - Federal Court.

*TESTED.

*PEER REVIEW/PUBLICATION.

*POTENTIAL RATE OF ERROR-Level of Confidence & **KUMHO**.

*ACCEPTED BY RELEVANT SCIENTIFIC COMMUNITY.

NFPA1033/921/901/NIST/FEMA/NIJ/DeHANN/PATC/IAAI/NAFI/BATF.

1999: **KUMHO** v. Carmichael:

1) Daubert applies to ALL experts.

2) ABUSE-of-discretion standard for the judge [Gatekeeper].

3) REASONABLE MEASURE of RELIABILITY of expert's testimony.

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SCIENTIFIC METHOD

Systematic Method of Inquiry.

- 1) Recognize the **NEED**. PREVENTION.
- 2) Define the **PROBLEM**. O&C.
- 3) COLLECT **DATA**. OBSERVATION/EXPERIMENT.
- 4) **ANALYZE** the Data [INDUCTIVE] OBJECTIVE
- 5) DEVELOP a **HYPOTHESIS**. EXPLAIN O&C.
- 6) **TEST** the Hypothesis[DEDUCTIVE]CHALLENGE.
- 7) Select the Final Hypothesis

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