

“How Now, *Daubert*: Dilemma About Application,” *Leader’s Prod. Liab. L. & Strategy*, at 1, (April 1997).

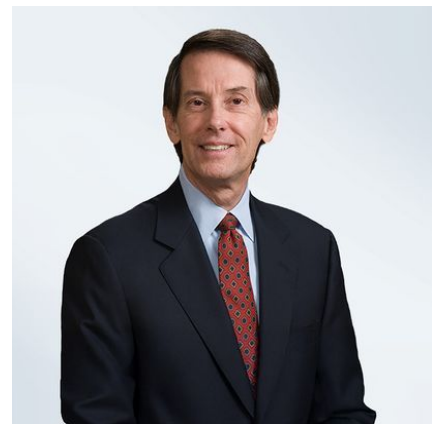
Articles

Apr 1, 1997

Although the expert opinion evidence directly at issue in the 1993 U.S. Supreme Court’s *Daubert* decision was scientific in nature, the Court’s reliability analysis of the evidence, including the specific factors discussed by the Court, should provide substantial guidance for any court considering the admissibility of any proffered expert testimony.

The author concludes that the split among the circuits in 1996 had arisen because some courts have mistakenly phrased the question as whether this decision *should* be applied. The careful lawyer’s task is to explain that the correct question is *how* this decision should be applied.

Related Professionals



Malcolm E. Wheeler
Counsel Emeritus