# Daubert standard

Law

According to Daubert standard, the judges of the federal court were assigned the duty of acting as the deciders of whether evidence is admissible or not admissible in the court as scientific based evidence. The judges of the trial room of federal court have to ensure whether the expert witnesses' testimony can be relied upon and is relevant to the case. This means that the expert witness testimony has to be relevant and in accordance to the case facts (Lilienfeld, 2003, p. 84). For example: a weather forecaster may be assigned the duty of testifying weather it rained on the crime day or not, the weather forecaster may act as expert witness but his testimony would not be acceptable if the fact that it rained is not related to the case. If a forensic psychologist is acting as an expert witness in a court room trial, he has to prove that his evidence and findings are in accordance to the 51% rule (Pyrek, 2007, p. 345)). This means that the evidence provided has occurred 51% of the time it has been tested (Pyrek, 2007, p. 345)). The Daubert standard states that the evidence should be reliable in nature; this means that the testimony provided by the expert witness should be obtained through a scientific method. According to the Supreme Court, an expert's testimony is reliable if the scientific method used is testable, can be proved as false, and can be tested to be proved right or wrong. The testimony is even considered as reliable if it has been previously reviewed or is going to be reviewed in future by peers and it has an error rate attached to it already and the testimony or the finding should be acceptable by the community of science.

Example: The crime scene investigators found two different sets of paints on the victims jeans, one paint was from the wall of the victim's house and the second paint was from an unknown source. The forensic lab decided to figure

out whether both the paints were from the same source or not. They developed a hypothesis stating that both paints were from different sources and then they developed a null hypothesis stating that both the paints were from similar source (Drogin, 2011, p. 349). The lab conducted various scientific tests to validate their hypothesis and prove that the paints were from different sources. The tests proved that the paints actually were from two different sources and the paints are not same. This test could have even proved the other way around that the paints were from the same source if other scientifically validity tests were used. The methodology used to test the validity of the paints have been previously used, paints are normally tested with visual assistance and instruments used for chemical testing. Methods used for testing paints are not new and have been used before, guidelines for comparing paints from each other have already been provided by ASTM and these guidelines experience updating after a period of five years and are reviewed by the scientific community to ensure testing relevance (ASTM, 2012).

References

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