

In *Daubert*, the Supreme Court ordered federal trial judges to become the “gatekeepers” of scientific evidence. Trial judges now must evaluate proffered expert witnesses to determine whether their testimony is both “relevant” and “reliable”; a two-pronged test of admissibility.

- The relevancy prong: The relevancy of a testimony refers to whether or not the expert’s evidence “fit” the facts of the case. For example, you may invite an **astronomer** to tell the jury if it was a **full moon** on the night of a crime. However, the astronomer would not be allowed to testify if the fact that the moon was full was not relevant to the issue at hand in the trial.
- The reliability prong: The Supreme Court explained that in order for expert testimony to be considered reliable, the expert must have derived his or her conclusions from the scientific method. The Court offered "general observations" of whether proffered evidence was based on the scientific method, although the list was not intended to be used as an exacting checklist:
 - Empirical testing: the theory or technique must be **falsifiable**, refutable, and testable.
 - Subjected to **peer review** and publication.
 - Known or potential error rate.

- Whether there are standards controlling the technique's operations.
- Whether the theory and technique is generally accepted by a relevant scientific community.

Although trial judges have always had the authority to exclude inappropriate testimony, previous to *Daubert*, trial courts often preferred to let juries hear evidence proffered by both sides.⁽¹⁾ Once certain evidence has been excluded by a *Daubert* motion because it fails to meet the relevancy and reliability standard, it will likely be challenged when introduced again in another trial. Even though a *Daubert* motion is not binding to other courts of law, if something was found not trustworthy, other judges may choose to follow that precedent.