TIMELINE

1993

The Supreme Court's opinion in Daubert v. Merrill Dow Pharmaceuticals (509 U.S. 579) holds that "scientific" testimony by expert witnesses is only admissible in federal court if the proponent of the evidence can show that it is relevant and valid, and affirmed that the judge has a 'gatekeeping' responsibility to prevent inadmissible testimony from being introduced to a jury.

1997

The Supreme Court in General Electric Co. v. Joiner (522 U.S. 136) held that courts must determine the admissibility of expert testimony based not only on the reliability of the expert's methodology, but also on whether the expert's conclusion is supported by the data.

1999

In Kumho Tire Co. v. Carmichael (526 U.S. 137), the Supreme Court ruled that the trial judge's 'gatekeeping' obligation is not limited to "scientific" testimony only, but also extends to any testimony based on "technical" and "other specialized" knowledge.

2000 -2021

After a lengthy debate and public comment process, the proposed amendment to Rule 702 went into effect on December 1, 2000. In drafting the amendment, the Advisory Committee on Evidence Rules made clear that, far from attempting to 'codify' Daubert, the amendment was intended to remedy the widely differing approaches that courts had taken since Daubert by providing a uniform standard for assessing expert evidence admissibility. Continued confusion over the proper application of the Rule 702 standard resulted in hundreds of rulings that have allowed flawed and unreliable testimony to be presented to juries.

2022

The Committee on Rules of Practice and Procedure unanimously approved a proposed amendment to Federal Rule of Evidence 702 that would clarify the long-misinterpreted standards for expert evidence admissibility in U.S. federal courts. Specifically, the amendment clarifies that:

- The court must decide admissibility employing Rule 702's standards;
- The proponent of expert testimony must establish its admissibility to the court by a preponderance of the evidence; and
- The court's gatekeeping responsibility is ongoing—the decision to admit testimony does not allow the expert to offer an opinion that is not grounded in Rule 702's standards;
- The amendment is meant to change practice, starting today;
- Rule 702, not Daubert or any other case law, sets the standards for admissibility.

2023

The Supreme Court approved the new amendment to Rule 702 of the Federal Rules of Evidence and transmitted the rule to Congress for final review. Barring action by Congress to disapprove the amendment, it will take effect on December 1, 2023.