



FOR IMMEDIATE RELEASE

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## WLF Supports Amendments to Federal Rule of Evidence 702

*(In re Proposed Amendments to Federal Rule of Evidence 702)*

**“Lower courts continue to misapply Rule 702’s requirements. Amending the Rule is the easiest way to ensure the rule is correctly applied moving forward.”**

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the Committee on Rules and Procedures to submit to the Supreme Court for approval slightly modified amendments to Federal Rule of Evidence 702. In comments filed with the committee, WLF explains that the slightly modified amendments would help ensure that the lower courts follow Rule 702’s command.

For years, some district courts and circuit courts have mangled Rule 702’s application. Rather than act as gatekeepers allowing juries to hear expert testimony only if it properly follows the scientific method, many judges permit juries to hear junk science. This is caused by reliance on pre-Rule 702 case law and creative interpretations of the rule that benefit the plaintiffs’ bar. This trend has undermined our civil-justice system.

As explained in WLF’s comments, the proposed amendments fix many ambiguities in Rule 702 by clarifying that the party offering expert evidence must prove the admissibility of the evidence by a preponderance of the evidence. The amendments also ensure that the expert’s testimony is based on reliable methods applied to the facts of that case. But further clarifications that pre-Rule 702 case law should be ignored, judges must decide the admissibility of expert evidence, and that no presumption exists that expert evidence is admissible would help prevent courts from creating new ways to circumvent Rule 702.

*Celebrating its 44th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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