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'Scientific Evidence' Is Sharply Limited by U.S. Supreme Court

'Junk Science' Under Attack

By Susan A. Bocamazo

The U.S. Supreme Court has made it harder for scientific evidence to be admitted in a wide variety of cases, including personal injury, products liability and toxic tort suits as well as criminal trials.

The Court says that even if an expert relies on valid scientific studies, a judge can disagree with the expert's *conclusions* based on the studies and bar him or her from testifying.

In this case, a judge properly

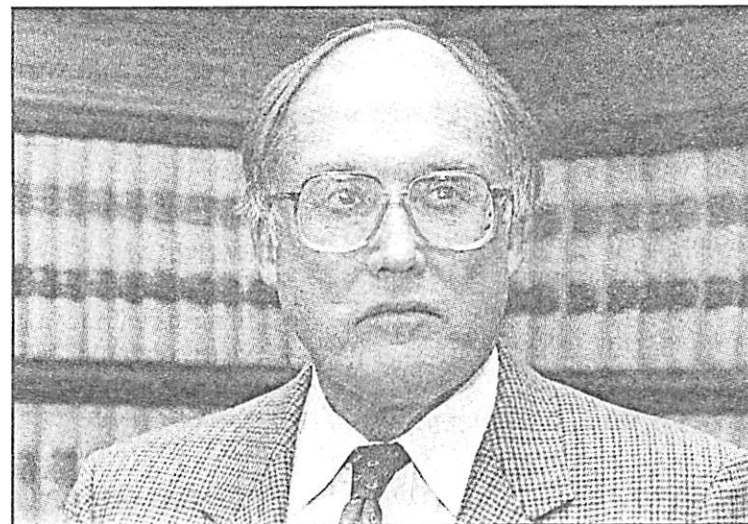
excluded expert testimony that PCBs caused cancer, the Court held in an 8-1 opinion.

"[T]here is simply too great an analytical gap between the data and the opinion proffered," it said.

This is the first time the Court has applied its landmark decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Many experts believed that *Daubert* would lead to the increased admission of scientific

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AP/Wide World Photos

Chief Justice William Rehnquist wrote the Supreme Court's 8-1 opinion that prohibits an expert from testifying that exposure to PCBs causes lung cancer.