

HB 1021 -- Reliability in Expert Testimony Standards Act

Sponsor: Stevenson

This bill establishes the Reliability in Expert Testimony Standards Act which limits testimony by a non-expert witness to opinions that are based on firsthand knowledge or experience of the witness; help in determining an issue of fact; and not based on scientific, technical, or other specialized knowledge. In its main provisions, the bill:

(1) Allows any witness testifying as an expert to give his or her opinion only when the testimony is based on sufficient facts or data and the witness has applied reliable principles and methods to the specific facts of the case;

(2) Prohibits any facts or data that are otherwise inadmissible from being disclosed to a jury unless the evidence is more helpful to the jury in evaluating the expert's opinion than it is prejudicial in its effect;

(3) Allows expert witnesses to receive a reasonable and customary fee for the testimony they provide;

(4) Allows any party to the lawsuit to request a pre-trial hearing to determine whether a witness qualifies as an expert and whether the testimony he or she offers satisfies the requirements of the bill;

(5) Requires all parties to the suit to disclose the identity of their expert witnesses prior to the trial and allows a party to take a deposition from any identified expert witness before the trial;

(6) Instructs courts to follow the Supreme Court opinions of *Daubert v. Merrell Dow Pharmaceuticals*; *General Electric Company v. Joiner*; *Kumho Tire Company v. Carmichael*; and *Weisgram v. Marley* in their interpretation and application of the bill; and

(7) Requires appellate courts to apply a de novo standard of review in determining whether the trial court applied the proper legal standards specified in the bill when admitting expert testimony.