

Amendment to Federal Rule of Evidence 702 Advances Following Key Civil Rules Committee Vote

Expert evidence reform supported by Lawyers for Civil Justice will be published for public comment in August

Arlington, VA – June 23 – Lawyers for Civil Justice (LCJ) – The Committee on Rules of Practice and Procedure today unanimously advanced 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. Although Rule 702 establishes the law on expert evidence, courts frequently and inappropriately apply outdated case law, resulting in decisions that are inconsistent with the rule. Lawyers for Civil Justice strongly supports the proposed amendment to Rule 702, which would make clear that judges are the gatekeepers for the admissibility of expert opinion and should not allow juries to hear testimony that fails Rule 702’s standards. The proposed amendment would ensure compliance with the requirements of Rule 702 by requiring courts to decide whether an expert’s basis and application of methodology is sufficient for admissibility by a preponderance of the evidence, rather than leaving it up to the jury to determine what ‘weight’ to give the expert’s testimony – a misunderstanding that has been [perpetuated in hundreds of cases in the past five years alone](#).

Lawyers for Civil Justice General Counsel Alex Dahl issued the following statement after the Committee unanimously approved the proposed Rule 702 amendment for publication:

“The Committee’s decision advances an important and long-overdue clarification to Federal Rule of Evidence 702, which will help bring greater consistency and fairness to our civil justice system. Many courts, both at the circuit and district levels, employ standards that plainly conflict with Rule 702, including determinations that an expert’s factual basis and application of methodology are matters of weight rather than admissibility. This amendment will help ensure that Rule 702 is correctly applied, and we will continue to support adoption of the amendment during the public comment period this fall.”

Upon the anticipated publication of the proposed amendment in August, the Advisory Committee on Evidence Rules will hold a six-month public comment period, during which lawyers and other members of the public are invited to submit written comments and testify about the proposal.

To read the full text of the amendment, [click here](#).

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