

Implications of the Dauber Criteria for Accident Reconstruction

The Daubert criteria require the courts to determine whether an expert's testimony reflects scientific knowledge, whether his/her findings are derived by the scientific method, and whether the work product is based on good science.

The Daubert criteria are especially important in accident reconstruction litigation because issues involving collision documentation and analysis are often complex and thus a jury will typically rely heavily on the analysis and opinions of experts.

According to the Daubert criteria:

- scientific opinions must be based on a methodology that has a valid, testable hypothesis;
- has been subject to peer review;
- and is generally accepted in the scientific community.
- Additionally, the expert must be qualified to present opinions based on the methodology.

Reasons for the dismissals have included basic scientific errors such as

- failure of the expert to consider all possible explanations for an observed phenomenon,
- the selective use of data by the expert, and
- the failure to acknowledge and resolve inconsistencies between the expert's results and those of other investigators.