

Quick Daubert Ruling Script:

Admissibility of expert opinion is governed by Fla. Stat. § 90.702. The proponent of expert testimony bears the burden of establishing each requirement by a preponderance of the evidence.

First, I find that scientific, technical, or other specialized knowledge [**WILL or WILL NOT**] assist the trier of fact in understanding the evidence or in determining a fact in issue in this case.

Second, I find that the witness [**IS or IS NOT**] qualified as an expert by knowledge, skill, experience, training or education. [**name a specific way, if possible**]

Third, I find the testimony [**IS or IS NOT**] based upon sufficient facts or data. [**articulate how, if possible. Say something like “This includes...”**]

Fourth, the testimony [**IS or IS NOT**] the product of reliable principles and methods. [**articulate, if possible. Say something like “This includes...”**]

Fifth, the witness [**HAS or HAS NOT**] applied the principles and methods reliably to the facts of the case. [**articulate, if possible. Say something like “This includes...”**]

Applying Fla. Stat. § 90.702, I find that

[IF OUT]: the proponent has not met his burden. Therefore, I exclude the expert’s opinion testimony.

[IF IN]: the proponent has met his burden. This does not mean that the court agrees or disagrees with the opinions being offered. Questions of credibility and persuasiveness remain the province of the trier of fact, which may be clarified through the direct examination, vigorous cross-examination, and even the testimony of competing experts. The expert may opine.]