

Scientific Evidence in the CFC and the Importance of Peer Review

Judge Francis M. Allegra

Dr. Drummond Rennie

Professor Hank Greely

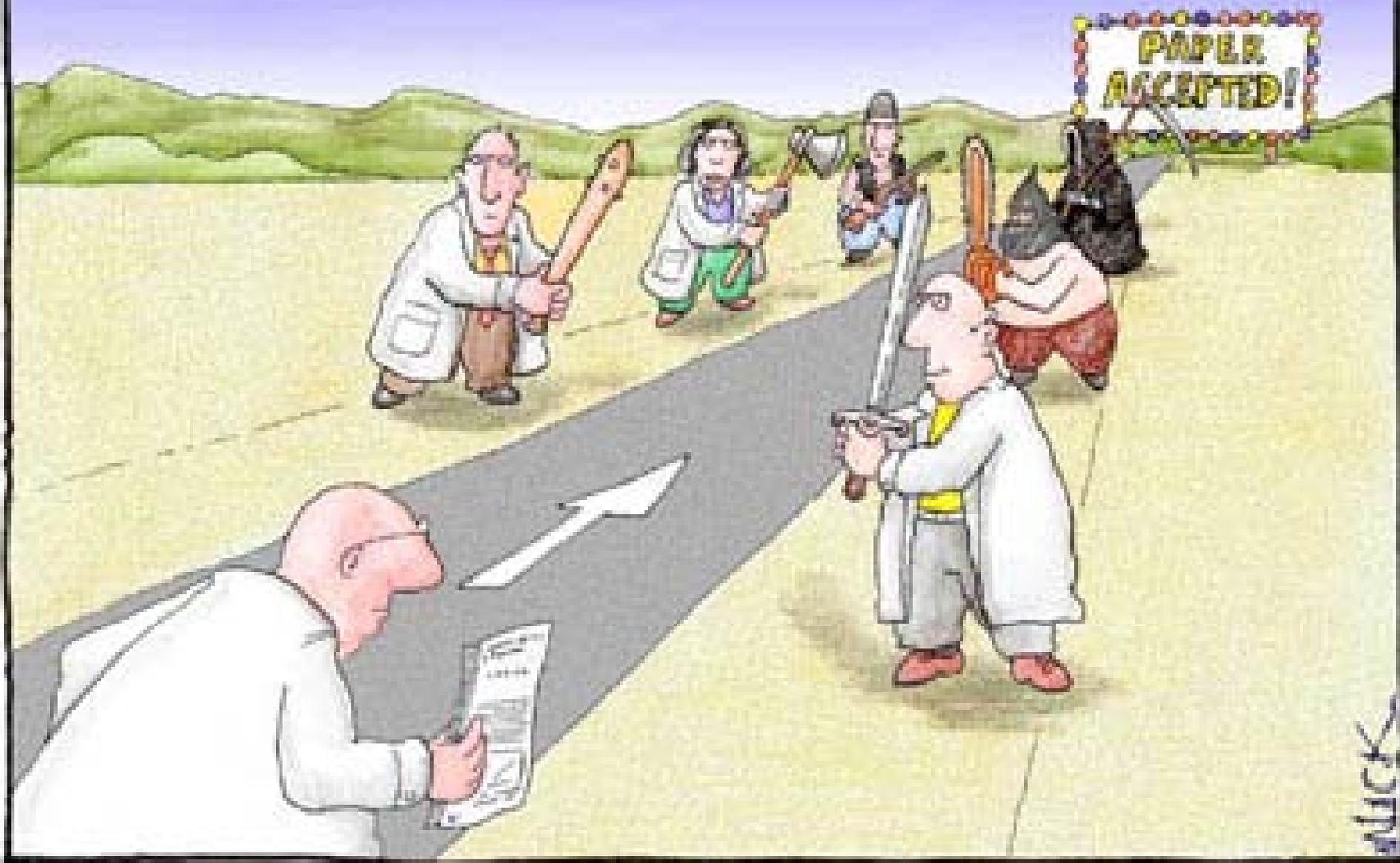
Agenda

- Introduction (Judge Allegra)
- Peer Review: A Primer (Dr. Rennie)
- Peer Review in the Legal Arena (Prof. Greely)
- Some Possible Solutions (Judge Allegra)

Daubert and Peer Review

- *Daubert* relevant under FRE 702 and Vaccine Rule 8.
- In *Daubert*, the Supreme Court set forth four factors for determining the admissibility of scientific evidence at trial. These factors are (1) general acceptance in the scientific community, (2) **whether the theory has been subjected to peer review and publication**, (3) whether the theory can and has been tested, and (4) whether the known potential rate of error is acceptable.

Cedillo v. Secretary of Health and Human Services 617 F.3d 1328, 1339, 617 F.3d 1328 (C.A.Fed.,2010)



Most scientists regarded the new streamlined peer-review process as 'quite an improvement.'

