

Comment on the Use of the Reference Guides

The reference guides that follow are intended to aid judges in litigation involving contested scientific issues. Their principal purpose is to facilitate the process of identifying and narrowing disputed issues concerning scientific evidence. Each guide sets forth the key issues implicated by posing a question that judges will be able to use in a dialogue with counsel to determine the specific areas of dispute. The questions are structured to give the judge an overview of the intellectual framework of the particular scientific discipline.

The guides are not intended to instruct judges concerning what scientific evidence should be admissible. Instead, they outline for judges the pivotal issues in the area of science that are often the subject of dispute between litigants. Reference to these outlines may be helpful in identifying issues and clarifying questions relevant to rulings on admissibility, such as relevance, reliability, and methodology of scientific evidence. Case citations are offered for illustrative purposes.

Each guide contains critical terms, the first occurrence of which is italicized in the text. A glossary of the key terms used in the text follows each reference guide. The use of certain critical terms, such as *causation*, may vary across reference guides just as it varies across scientific disciplines. Judges should keep in mind the manner in which a term is used in a particular reference guide.

Each reference guide was prepared by an author or authors with substantive knowledge of the scientific discipline and its use in litigation, and reviewed by attorneys, scientists, and others familiar with scientific evidence.

The guides are premised on the idea that management of issues in litigation is a joint effort by court and counsel. Judges are encouraged to make copies of relevant portions available to counsel and interested parties and to invite them to supplement or modify the guides as may be appropriate.

We invite comments and suggestions, as well as recommendations for additional areas of scientific evidence that should be addressed in this manual. Comments and suggestions should be addressed to: Reference Manual on Scientific Evidence - Comments, Federal Judicial Center, Research Division, One Columbus Circle, N.E., Washington, DC 20002-8003.