

Tentative Syllabus

Expert and Scientific Evidence

Spring 2025

Course Overview

The text for this class is *Conley and Moriarty, Scientific and Expert Evidence (3d edition)*.

The goals of this course are to:

- Understand the rules of admissibility for expert testimony.
- Explore various types of expert and scientific evidence and examine controversies surrounding their validity.
- Develop expertise in a specific topic within the field through a research paper.

Students will choose a research topic early in the semester and present their tentative findings in mid-April. The final paper is due on the last day of classes. Grades will be based on the presentation and the final paper. There will be no exam.

Active class participation is required. Students who fail to participate regularly may be subject to “cold calling.” Students who participate regularly and thoughtfully may receive a “plus” on their final grade, while those who do not participate or come unprepared may receive a “minus.”

I do not have formal office hours but am available to meet whenever I am in my office. Alternatively, we can schedule an appointment at a mutually convenient time.

Class Schedule

1/21: Lay vs. Expert Evidence; Expert Qualifications

- *Readings:* Casebook, pp. 29–69; *New Wigmore* readings on modern helpfulness test vs. beyond the ken and Qualifications (available on TWEN).

1/28: Admissibility Rules Part I

- *Readings:* Casebook, pp. 69–97; *New Wigmore* reading on why we have special rules for experts (available on TWEN).

2/4: Admissibility Rules Part II

- *Readings:* Casebook, pp. 98–105, 105–123; “United States v. Johnson” (<https://web.archive.org/web/20010308162210/http://www.law.harvard.edu/publications/evidenceiii/cases/us-v-joh.htm>); “Amended FRE 702: One Year In, Ten Themes Emerge” (<https://www.wlf.org/wp-content/uploads/2024/11/Mickus-Dec-2024-WP2.pdf>).

2/11: Statistical Inference

- *Readings:* Casebook, pp. 137–175.

2/18: Guest Lecture: DNA Evidence by Professor David Kaye (Penn State, emeritus)

- *Readings:* TBA.

2/25: Psychology and Psychiatry, Part I

- *Readings:* Casebook, pp. 233–323.

3/4: Psychology and Psychiatry, Part II

- *Readings:* Casebook, pp. 233–323.

3/11: Spring Break

3/18: Guest Lecture: Toxic Tort Litigation by Attorney Nathan Schachtman (leading expert on scientific evidence in civil cases)

- *Readings:* TBA.

3/25: Forensic Science

- *Readings:* Casebook, pp. 335–375.

4/1: Guest Lecture: Forensic Science (Speaker TBA)

- *Readings:* TBA.

4/8: Guest Lecture: Steven Burmeister, GMU Department of Forensic Science

- *Readings:* TBA.

4/15: Student Presentations

4/22: TBA

Important Notes

- **Participation:** Your engagement in class discussions may influence your final grade. Be prepared to contribute.
- **Attendance:** Regular attendance is crucial to keeping up with the course content and expectations.
- **Communication:** Check your email and the course TWEN site regularly for updates and additional materials.

Law School and University Policies

Attendance

Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs.

Class Recordings Prohibited

Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me, or arranged via the dean's office in case of a Covid-related exception.

Due Date Issues

If you wish to seek special permission to submit your paper late, you should submit your request, with appropriate documentation, to the Assistant Dean, Student Academic Affairs, *not* to your professor.

Academic Integrity

It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: https://www.law.gmu.edu/academics/academic_standards.

Classroom Accommodations

Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <https://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

