

## **The Frye and Daubert Standards**

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## **The Frye and Daubert Standards**

In both the Daubert and Frye standards, expert testimony is required to determine whether evidence is considered admissible in court. However, this requirement has led to complications. Under the Daubert standard, a judge has the authority to decide whether evidence can be used in a case. This means that even if evidence is deemed acceptable by experts, it may still be excluded from court proceedings at the judge's discretion.

### **The Frye and Daubert Standard:**

The Frye standard is used to determine the admissibility of an expert's scientific testimony (Cornell Law School, n.d.). According to this standard, a court must assess whether the method used to obtain evidence is widely accepted by professionals within the relevant field. In contrast, the Daubert standard requires a trial judge to evaluate whether an expert witness' testimony is based on scientifically valid reasoning that can be properly applied to the facts at issue (Cornell Law School, n.d.). Unlike the Frye standard, the Daubert standard does not necessitate an expert's testimony for evidence to be admitted. Expert testimony is when a specialist in a particular field provides insight into a subject relevant to a case. This can include forensic science, ballistics, and medical expertise. In digital forensics, organizations such as the National Institute of Standards and Technology (NIST) play a crucial role in criminal investigations, as digital evidence often contains information related to crimes. Forensic tools must undergo rigorous testing to ensure their reliability. The Computer Forensic Tool Testing (CFTT) program evaluates computer forensic software tools (NIST, 2018). The results from these tests provide feedback to developers, helping them improve their forensic software. Additionally, the Scientific Working Group on Digital Evidence (SWGDE) fosters collaboration among organizations working with multimedia

evidence. SWGDE publishes guidelines and protocols to standardize forensic practices (Wikipedia, 2022).

### **Expert Witnesses in Court:**

During a court case, expert witnesses provide crucial context for jurors, who often lack specialized knowledge in certain technical fields. Both the prosecution and the defense may present expert witnesses, but ultimately, the judge decides whether they are permitted to testify (Faulkner Law Group, PLLC, 2021). Under the Daubert standard, an expert witness may only testify if three criteria are met:

- The testimony is based on sufficient facts or data.
- The testimony is derived from reliable principles and methods.
- The expert reliably applies those principles and methods to the facts of the case (Faulkner Law Group, PLLC, 2021).

### **Comparisons of Frye and Daubert:**

Expert testimony relates to both the Frye and Daubert standards. The Frye standard relies on general acceptance within the scientific community, while the Daubert standard emphasizes rigorous cross-examination (Cappellino, 2022). The landmark case *Daubert v. Merrell Dow Pharmaceuticals, Inc.* established the Daubert standard as the primary method for evaluating scientific evidence in U.S. federal courts (Abboud, 2017). As a result, federal cases now adhere to the Daubert standard when determining the admissibility of expert testimony. In practice, the Daubert standard is used more frequently than the Frye standard because it provides greater flexibility, allowing judges to evaluate expert opinions based on a structured yet adaptable approach (Cappellino, 2022).

Both the Daubert and Frye standards play essential roles in determining the validity of expert testimony in legal proceedings. While Frye depends on general scientific acceptance, Daubert allows judges to assess the reliability of expert evidence based on scientific methodology. Given its flexibility and emphasis on judicial discretion, the Daubert standard remains the dominant method for evaluating expert testimony in U.S. courts.

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