

# EXPERTS: PRACTICE AND PROCEDURE

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## THE EXPERT IS THE COURT'S ASSISTANT

- Educate with specialized knowledge
- Assist by providing independent analysis and opinions
- Help the judge or jury understand the evidence

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# THE SUPREME COURT CREATED THE BASIC EXPERT RULES

- *Daubert, Kuhmo, and Joiner*
- *Daubert* Applies in Bankruptcy Court
- The Judge is the “gatekeeper”

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# THE FRE FLESHES OUT THE SUPREME COURT’S HOLDINGS

- FRE 702 – Puts *Daubert* into Practice
- FRE 703 – Experts Can Use Hearsay in Forming Opinions
- FRE 704 – Experts Can Opine on Who Wins
- FRE 705 – Testimony Doesn’t Need to Be Mind-Numbing

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37<sup>th</sup> Annual Jay L. Westbrook Bankruptcy Conference session  
"Expert Nightmares"