

OHIO CASE SUMMARIES

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Ohio case summaries will be provided on a continuing basis every Wednesday and Friday of each week (excluding holidays). Summaries include brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. To discontinue receiving this service, please call Jared Wagner at 937-224-3333 or email Jared at jawagner@green-law.com.

Court of Appeals: Supreme Court

Case Name: *Valentine v. Conrad*, 110 Ohio St.3d 42, 2006-Ohio-3561

Decided: July 26, 2006 (posted July 26, 2006)

Issue(s): Expert Witness Testimony

Summary of Opinion: A widow attempted to provide expert testimony concerning the causal link between her husband's exposure to various chemicals and his eventual diagnosis of glioblastoma multiforme, a form of brain cancer. The trial court excluded her expert's proffered testimony, and the court of appeals affirmed that decision. The Supreme Court then elected to review the appellate court's decision to determine whether Evid.R. 702(C) requires a scientifically valid connection between the opinion of an expert witness and the resources relied upon by the expert. In 4-3 decision, the majority of the Court found that in determining whether the opinion of an expert is reliable under Evid.R. 702(C), a trial court must determine whether the expert's conclusion is based on scientifically valid principles and methods. The majority emphasized the gatekeeper function of the trial court in such a situation and the fact that just because a person qualifies as an expert does not necessarily qualify his/her testimony as admissible. Thus, when experts base their opinions on data and research from within their field of study, Evid.R. 702(C) requires a finding not only that those underlying resources are scientifically valid, but also that they support the expert's opinion. "Although scientists certainly may draw inferences from a body of work, trial courts must ensure that any such extrapolation accords with scientific principles and methods." Expert testimony can be excluded where the trial court concludes that there is simply too great an analytical gap between the data reviewed and the opinion proffered. Expert opinions based on nebulous methodology are unhelpful to the trier of fact and have no place in courts of law.

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As a service to our clients, we provide weekly summaries of the most recent Ohio Supreme Court and appellate court decisions on cases of interest to our insurance clients. No opinion as to the legal import of the cases summarized is intended. Any questions regarding the information contained in this transmission should be directed at any time to one of the attorneys of the firm.