

Author Introduction to the 2026-2027 Edition

This 2026-2027 edition of *Expert Witnesses in Civil Trials: Effective Preparation and Presentation* aims to keep you current on important recent developments in federal and state statutes, rules, and case law pertaining to experts. *Expert Witnesses in Civil Trials* is updated and written from the perspective of active practicing trial lawyers, ever watchful of developments that shape best practices for the utilization of expert witnesses to create the most compelling trial presentation possible.

What's New in the 2026-2027 Edition

The 2026-2027 edition incorporates important updates in expert jurisprudence from the past year and highlights a number of important and developing issues for the practitioner, including:

- A new section on the role of expert witnesses in testifying about issues regarding artificial intelligence. In *AliveCor, Inc. v. Apple Inc.*, the federal circuit set a very broad standard for the expertise required to qualify an expert witness to testify on artificial intelligence. Expert witnesses were required to only have a general familiarity—a deep understanding of the artificial intelligence was not deemed necessary. As more expert witnesses are called to testify on artificial intelligence, it will be interesting to see if this trend holds. (See § 2:69).
- There is also extensive discussion on the use of artificial intelligence as expert evidence. The proposed Rule 707 would apply the standard set forth in Rule 702 to evidence generated by artificial intelligence. The concerns about the possibility of expert witnesses themselves using artificial intelligence inappropriately are also discussed. (See § 2:70)
- Analysis of important new Circuit Court opinions from across the country bearing on Federal Rules of Evidence 701-706 and *Daubert* issues. (See §§ 2:5 to 2:17).

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- Updating on state-by-state treatments of and adoptions of *Daubert* and its progeny. (See §§ 2:54 to 2:66).
- The appendices reprinting the Federal Rules of Evidence and selected Federal Rules of Civil Procedure have been discontinued with this edition. As the federal rules are amended annually, a reprint can be superseded before the next edition is published. Current rule text is available free at uscourts.gov and on Westlaw, where rule citations in this treatise link to current version.

The Publisher's editorial staff and I thank you sincerely for subscribing to *Expert Witnesses in Civil Trials: Effective Preparation and Presentation*. Each year we keep our noses to the grindstone and our ears to the ground to make this treatise your go-to resource for working with experts, from retention to trial presentation. We welcome reader feedback concerning the strategies recommended, cases that might also be included, or (heaven forbid) outright errors. Happy litigating!

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September, 2026