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#### LETTERS

### Scientists in the Courtroom

The 2 April article "Court views engineers as scientists" by Jeffrey Mervis (News of the Week, p. 21) includes a curious quote from Richard Meserve, the attorney for the U.S. National Academy of Engineering (NAE), which filed a brief in the U.S. Supreme Court case *Kumho v. Carmichael*. The attorney states that experts "ought to be embarrassed if a judge finds their testimony not acceptable." This presumes that judges are never biased and never misunderstand the scientific issues. Ironically, in struggling with issues of scientific evidence, some courts have promulgated pseudo-science, for instance, holding that it takes a doubling of epidemiological risk to imply that a toxic substance is more likely than not to have caused an individual's disease. This is scientifically false (1). The statement that a scientist should be embarrassed by a negative judge's ruling also presumes that other scientists would agree with the decision, and it presumes that higher courts will not overturn the decision. But most important, the statement ignores the fact that scientists are often barred from testifying for reasons having nothing to do with the reliability of their science. Instead, the judge rules that the expert's science is not relevant to the legal issues in the case.

No judgment about a scientist's worth should be made merely on the basis of a statement that a judge barred his or her expert report from a proceeding. This will only discourage scientists from bringing their knowledge to the courtroom.

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