

New Decision on Admissibility of Expert Opinions Regarding "New and Novel" Science under Frye

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The Third District recently released its decision in Andries v. Royal Caribbean Cruises, Ltd., No. 3D-08-845 (Fla. 3d DCA May 13, 2009) (Not final until disposition of timely filed motion for rehearing), in which the Court resolved whether expert testimony concerning an association between staph infection and neuropathy is "new or novel" science subject to Frye. The Third District applied the Florida Supreme Court's recent decision in Marsh v. Valyou, 977 So. 2d 543 (Fla. 2007), and held that the expert's opinion concerning this association is not "new or novel" science subject to Frye because the evaluative measures in arriving at the opinion were generally accepted in the scientific community and the association had been worthy enough to be subject to formal and published research. Read the Court's decision at the following link: <http://cl.exct.net/?ju=fe30167374600778751d74&ls=fdec12767d62037874177874&m=fef113757c6306&l=fe5d157574>

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