

NJ Supreme Court Adopts McCarter's Position on Standards for Expert Testimony

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In a unanimous ruling, the New Jersey Supreme Court found that plaintiffs' expert testimony was properly excluded in a mass tort case alleging the acne treatment Accutane caused Crohn's disease. The landmark decision – which adopts the Daubert standard for the admissibility of expert testimony in all civil cases in New Jersey – embraced the arguments made by McCarter on behalf of amici curiae HealthCare Institute of New Jersey, New Jersey Business & Industry Association, Commerce and Industry Association of New Jersey and the New Jersey Chamber of Commerce. The brief, authored by partners Edward Fanning and David Kott, urged that the time had come for New Jersey to join the majority of other states and the federal court system in adopting the Daubert standard for admissibility of expert testimony. Edward Fanning argued the case in the Supreme Court.

Related People:

Amanda M. Munsie
Edward J. Fanning, Jr.
David R. Kott