



**Agenda**  
*Judicial Symposium on  
Scientific Methodology, Expert Testimony,  
and the Judicial Role*  
**Judicial Education Program  
Law & Economics Center  
Antonin Scalia Law School  
George Mason University**  
Wednesday, April 29 - Saturday, May 2, 2026

## Agenda

### Wednesday, April 29

- 4:00 – 6:00 pm**            **Registration**
- 5:30 – 7:00 pm**            **Opening Reception**

### Thursday, April 30

- 7:00 – 7:50 am**            **Breakfast**
- 8:00 – 8:05 am**            **Welcome Remarks**

**Donald J. Kochan**, Professor of Law and Executive Director, Law & Economics Center  
George Mason University Antonin Scalia Law School

- 8:05 – 9:10 am**            **Lecture I: An Introduction to the Scientific Method**

**David Faigman**, Chancellor & Dean, William B. Lockhart Professor of Law and the John F. Digardi Distinguished Professor of Law, University of California College of the Law, San Francisco

**Reading Assignment:**

Michael J. Saks, *Chapter 4: Scientific Method: The Logic of Drawing Inferences from Empirical Evidence*, in DAVID L. FAIGMAN ET AL., *MODERN SCIENTIFIC EVIDENCE*, 313-53 (2024-2025 ed.).

- 9:10 – 9:30 am**            **Break**

- 9:30 – 10:40 am**            **Lecture II: The Nature of Expert Evidence and the Incomplete Nature of Science | Faigman**

**Reading Assignments:**

David L. Faigman, John Monahan, & Christopher Slobgin, *Group to Individual (G2i) Inference in Scientific Expert Testimony*, 81 U. CHI. L. REV. 417 (2014).

David L. Faigman & Jennifer Mnookin, *The Curious Case of Wendell v. GlaxoSmithKline LLC*, 48 SETON HALL L. REV. 607 (2018).

**Supplemental Reading Assignments:**

David L. Faigman, *Is Science Different for Lawyers?*, 297 SCI. COMPASS POL'Y F.: SCI. & L. 339 (2002).

David L. Faigman, *Overcoming Judicial Innumeracy: A Proposal to Bring the Venerable Process of Peer Review to the Enduring Problem of Courts' Scientific Illiteracy*, 26 COLUM SCI. & TECH L. REV. 76 (2025).

Joshua W. Buckholtz & David L. Faigman, *Promises, Promises for Neuroscience and Law*, 24 CURRENT BIOLOGY: SPEC. ISSUE (2014).

Joseph Sanders, David L. Faigman, Peter B. Imrey, & Philip Dawid, *Differential Etiology: Inferring Specific Causation in the Law from Group Data in Science*, 63 ARIZ. L. REV. 852 (2021).

**10:40 – 11:00 am**

**Break**

**11:00 am – 12:15 pm**

**Panel I: The Challenge of Recognizing Good Science in the Courtroom – Applying Rule 702 and State Equivalents**

**David E. Bernstein**, University Professor of Law and Executive Director, Liberty & Law Center, George Mason University Antonin Scalia Law School

**Edward K. Cheng**, Hess Chair in Law and Director, Cecil D. Branstetter Litigation & Dispute Resolution Program, Vanderbilt University Law School

**David Faigman**, Chancellor & Dean, William B. Lockhart Professor of Law and the John F. Digardi Distinguished Professor of Law, University of California College of the Law, San Francisco

**Moderator: Jennifer Choe-Groves**, Judge, U.S. Court of International Trade

**Reading Assignments:**

Shari Seidman Diamond & Richard O. Lempert, *Introduction: Science and the Legal System*, 147 (4) DAEDALUS J. AM. ACAD. ARTS & SCI. 5 (2018).

David L. Faigman, *Bringing Scientific Peer Review to Scientific Evidence*, 30 TXLR 205 (2015).

Shari Seidman Diamond, *How Jurors Deal with Expert Testimony and How Judges Can Help*, 16 J. L. & POL'Y 47 (2007).

**Supplemental Reading Assignment:**

MICHAEL J. SAKS & BARBARA A. SPELLMAN, *Chapter 7: Scientific and Other Expert Evidence*, in THE PSYCHOLOGICAL FOUNDATIONS OF EVIDENCE LAW, 202-11 (2016).

**12:15 – 12:45 pm**

**Break for Lunch**

**12:45 – 2:00 pm**

**Luncheon and Panel II: The Judge As Gatekeeper: Case Studies in the Applications of Amended Rule 702 and State Equivalents**

**David E. Bernstein**, University Professor of Law and Executive Director, Liberty & Law Center, George Mason University Antonin Scalia Law School

**Eric E. Hudson**, Member, Butler Snow LLP

**Nathan Morris**, Senior Counsel, Litigation Policy and Risk Mitigation, Johnson & Johnson

**Moderator: Serge Georges, Jr.**, Justice, Massachusetts Supreme Judicial Court

**Reading Assignments:**

David E. Bernstein & Eric G. Lasker, *Defending Daubert: It's Time to Amend Federal Rule of Evidence 702*, 57 WM. & MARY L. REV. 1 (2015).

Memorandum from Patrick J. Schiltz, Chair, Advisory Comm. on Evidence Rules, to John D. Bates, Chair, Standing Comm. on Rules of Prac. & Proc., Report of the Advisory Committee on Evidence Rules (May 15, 2022).

Jeffrey S. Parker, *Daubert's Debut: The Supreme Court, the Economics of Scientific Evidence, and the Adversarial System*, 4 SUP. CT ECON. REV. 1 (1994).

Mark A. Behrens & Andrew J. Trask, *The Rule of Science and the Rule of Law*, 49 SW. L. REV. 436 (2019).

2:00 pm **Adjourn for Day: Afternoon Study Session**

**Friday, May 1**

7:00 – 7:50 am **Breakfast**

8:00 – 9:10 am **Lecture III: An Introduction to Statistics... Or, How Not to Lie with Numbers**

**Jonathan Klick**, Charles A. Heimbold, Jr. Professor of Law, University of Pennsylvania Carey Law School

**Reading Assignment:**

DAVID H. KAYE & DAVID A. FREEDMAN, *Reference Guide on Statistics*, in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE, 211-302 (3d. ed. 2011).

9:10 – 9:30 am **Break**

9:30 – 10:40 am **Lecture IV: Correlation versus Causation | Klick**

**Reading Assignment:**

DANIEL L. RUBINFELD, *Reference Guide on Multiple Regression*, in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE, 303-57 (3d. ed. 2011).

10:40 – 11:00 am **Break**

11:00 am – 12:15 pm **Panel III: The Economics of Cost-Benefit Analysis and Assessment of Risk**

**Jonathan Klick**, Charles A. Heimbold, Jr. Professor of Law, University of Pennsylvania Carey Law School

**Erin Meyers Matsick**, Assistant Professor of Law, George Mason University Antonin Scalia Law School

**Charles R. Santerre**, Professor of Agriculture Policy, Clemson University

**W. Kip Viscusi**, University Distinguished Professor of Law, Economics, and Management and Co-Director, Ph.D. Program in Law and Economics, Vanderbilt University Law School

**Moderator: Jennifer M. Perkins**, Judge, Arizona Court of Appeals, Division One

**Reading Assignments:**

Gary E. Marchant, *From General Policy to Legal Rule: Aspirations and Limitations of the Precautionary Principle*, 111 ENV'T HEALTH PERSP. 1799 (2003).

Susan E. Dudley et al., *Dynamic Benefit-Cost Analysis for Uncertain Futures*, 10 J. BENEFIT COST ANALYSIS 206 (2019).

W. Kip Viscusi & Richard J. Zeckhauser, *Regulating Ambiguous Risks: The Less than Rational Regulation of Pharmaceuticals*, 44 J. LEGAL STUD. 5387 (2015).

W. KIP VISCUSI, *Chapter 1: How Pricing Saves Lives & Chapter 2: How the Government Values Risks to Life*, in PRICING LIVES: GUIDEPOSTS FOR A SAFER SOCIETY, 1-44 (2018).

12:15 – 12:45 pm **Break for Lunch**

12:45 – 2:00 pm **Luncheon and Panel IV: Debates on the Trustworthiness of Tools for Evaluating Science in the Courtroom: Case Studies from the 2026 Federal Judicial Center's Reference Manual on Scientific Evidence and Others**

**Phil Goldberg**, Managing Partner, Shook, Hardy & Bacon L.L.P.

**Jessica L. Weinkle**, Associate Professor, University of North Carolina Wilmington

**Richard A. Williams**, Board Member, Toxicology Excellence for Risk Assessment

**Moderator: Hope T. Cannon**, Judge, U.S. District Court for the Northern District of Florida

**Reading Assignments:**

Phil Goldberg & Christopher Appel, *Judicial Science Manual Under Fire: The FJC-NASEM Controversy That Won't Go Away*, 35 WASH. LEGAL FOUND.: LEGAL OP. LETTER (Apr. 15, 2026).

Nathan A. Schachtman, *IARC's Precautionary Science: How the WHO Cancer Research Agency Misinforms Regulation and Litigation*, WASH. LEGAL FOUND. (2026).

Jessica Wentz & Radley Horton, *Defending the Climate Science Reference Guide*, CLIMATE L.: CLIMATE SCI. CROSS-CUTTING ISSUES (Feb. 26, 2026).

Jessica Weinkle, *Origins of the Reference Manual on Scientific Evidence*, Conflicted (Feb. 19, 2026).

Roger Pielke Jr., *Who Actually Wrote the Climate Manual for Federal Judges*, HONEST BROKER (Mar. 5, 2026).

Karen Zraick, *Scientists Decry 'Political Attack' on Reference Manual for Judges*, NYT (Mar. 2, 2026).

Letter from Ron Wyden, U.S. Sen., & Donald S. Beyer Jr., U.S. Rep., et al., to Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr (Feb. 27, 2026).

Letter from Sen. Ted Cruz, Eric Schmitt, Mike Lee, & Marsha Blackburn, Members, S. Comm. on Judiciary, to Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr. (Apr. 13, 2026) (on file with author).

Letter from John B. McCuskey, Att'y Gen. W. Va., et al., to Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr., (Feb. 17, 2026).

*Federal Judicial Center Confirms Climate Chapter Removal, Responds to West Virginia-Led Coalition*, OFF. W. VA. ATT'Y GEN. (Mar. 23, 2026).

Jessica Weinkle, *A Climate Science Manual for Judges Discredits Itself*, CIVITAS OUTLOOK: POL. (Mar. 2, 2026).

Steve Rayner & Daniel Sarewitz, *Policy Making in the Post-Truth World: On the Limits of Science and the Rise of Inappropriate Expertise*, 13 BREAKTHROUGH J. 15 (2021).

**2:00 pm**

**Adjourn for Day: Afternoon Study Session**

**Saturday, May 2**

**7:00 – 7:50 am**

**Breakfast**

**8:00 – 9:10 am**

**Lecture V: Understanding Toxicology and Epidemiology**

**Charles R. Santerre**, Professor of Agriculture Policy, Clemson University

**Video Assignments:**

THE.MAD.FORENSIC.SCIENTIST, *Basics of Toxicology: Fundamentals 101* (YouTube, Mar. 30, 2023).

LET'S LEARN PUBLIC HEALTH, *Epidemiological Studies: A Beginners guide* (YouTube, May 5, 2017).

TERRY SHANEYFELT, *Determining Causality: A Review of the Bradford Hill Criteria*, at 0:22 (YouTube, Feb. 21, 2013).

**Supplemental Video Assignment:**

PEER AT TAMU, *Introduction to Toxicology*, at 1:39 (YouTube, Mar. 8, 2018).

**9:10 – 9:25 am**

**Break**

**9:25 – 10:10 am**

**Panel V: How Science Intersects with Legal Standards of Due Process and Burdens of Proof: Causation, Traceability, Allocability, and Attributability**

**Donald J. Kochan**, Professor of Law and Executive Director, Law & Economics Center, George Mason University Antonin Scalia Law School

**Christopher Slobogin**, Milton R. Underwood Chair in Law, Director, Criminal Justice Program, and Affiliate Professor of Psychiatry, Vanderbilt University Law School

**Jessica L. Weinkle**, Associate Professor, University of North Carolina Wilmington

**Moderator: Bruce E. Reinhart**, Judge, U.S. District Court for the Southern District of Florida

**Reading Assignment:**

David E. Bernstein, *Getting to Causation in Toxic Tort Cases*, 74 BROOK. L. REV. 51 (2008).

Roger Pielke Jr. & Justin Ritchie, *How Climate Scenarios Lost Touch With Reality*, ISSUES SCI. & TECH. 75 (Summer 2021).

Jessica Weinkle, *The Great Climate Change Science Bottleneck: And the Powerful Few that Control It*, CONFLICTED: SUBSTACK (Aug. 16, 2023).

Jessica Weinkle, *Performing Climate Risks to Financial Stability: Are Climate Change Models the Source of Our Next Financial Crisis?*, BREAKTHROUGH INST. (May 17, 2024).

**10:10 – 10:30 am**

**Break**

**10:30 am – 12:00 pm**

**Panel VI: Case Studies I**

**Mark A. Behrens**, Co-Chair, Public Policy Practice Group, Shook, Hardy & Bacon L.L.P.

**Nathan D. Finch**, Member, Asbestos Exposure and Toxic Exposure Experience, Motley Rice LLC

**T. David Hoyle**, Member, Motley Rice LLC

**Cary Silverman**, Partner, Shook, Hardy & Bacon L.L.P.

**Moderator: Dominique A. Callins**, Judge, Virginia Court of Appeals

**Supplemental Readings Provided by Panelists:**

Brief of Am. Tort Reform Ass'n et al. as Amici Curiae Supporting Petitioner, *Monsanto Co. v. Durnell*, No. 24-1068 (U.S., Mar. 2, 2026).

*Mesothelioma is Changing: What New Research Reveals About a Shifting Patient Profile*, MESOTHELIOMA APPLIED RSCH. FOUND. (Apr. 7, 2026).

Julie Grisham, *What You Should Know About Mesothelioma in Younger Patients*, MEM'L SLOAN KETTERING CANCER CTR. (Mar. 31, 2026).

Victor L. Roggli et al., *Chronological Trends in the Causation of Malignant Mesothelioma: Fiber Burden Analysis of 619 Cases Over Four Decades*, 230 ENV'T RES. (2023).

William L. Anderson & Kieran Tuckley, *How Much is Enough? A Judicial Roadmap to Low Dose Causation Testimony in Asbestos and Tort Litigation*, 42 AM. J. TRIAL ADVOC. 39 (2018).

Mark A. Behrens & William L. Anderson, *The "Any Exposure" Theory: An Unsound Basis for Asbestos Causation and Expert Testimony*, 37 SW. L. REV. 479 (2008).

**12:00 – 12:30 pm**

**Break for Lunch**

**12:30 – 2:00 pm**

**Luncheon and Panel VII: Case Studies II**

**Mitchell Charchalis**, Partner, Barnes & Thornburg LLP

**Melissa Foster Bird**, Partner, Nelson Mullins Riley & Scarborough LLP

**Rudie R. Soileau, Jr.**, Partner, Lundy LLP

**Matthew Wickersham**, Partner, Alston & Bird LLP

**Moderator: Wendy Berger**, Judge, U.S. District Court for the Middle District of Florida

**Supplemental Readings Provided by Panelists:**

Matthew Wickernsham & Briana Matusovsky, *The Evidentiary Admissibility of Extreme Weather Event Attribution Opinions*, 53 RUTGERS L. REC. 123 (Forthcoming Fall 2025).

**2:00 – 2:10 pm**

**Closing Remarks and Program Adjourns**