

COA Opinion: Trial court had sufficient basis to admit expert testimony

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Plaintiff had been unemployed for awhile and owed large amounts of child support. Plaintiff's home in Flint, which was in foreclosure, was insured under a homeowner's/fire insurance policy. After a fire occurred in plaintiff's home, the insurance company denied the claim because it suspected that plaintiff had a "guilty connection" to the fire. The jury agreed, and returned a verdict of no cause of action on plaintiff's suit for the insurance proceeds. In *Barr v Farm Bureau General Ins Co, No 293737*, a *per curiam* opinion approved for publication after release, the Court of Appeals affirmed the trial court's ruling to admit at trial the expert testimony of Lewis Draper, who the insurance company offered as an expert in the cause and origin of fires. The Court of Appeals determined that the trial court had properly applied the standards of reliability for expert testimony under MRE 702, MCL 600.2955, and *Daubert*. Draper's methodology allegedly deviated from a guideline known as NFPA (National Fire Protection Association) 921, but the guide itself states that deviations are not necessarily wrong if they are justified. Draper did not rely solely on visual interpretation, but instead used a scientific method to examine the structure and to identify the fire's origin, and also eliminated other causes of the fire.