

May

Answer: 3

O.C.G.A § 24-7-703 allows an expert to base an opinion on inadmissible hearsay if it is reasonable for experts in that field to do so.

In jury trials, the rule prohibits disclosure of the inadmissible hearsay “unless the court determines that the probative value in assisting the jury to evaluate the expert’s opinion substantially outweighs its prejudicial effect.”

As Justice Kagan points out in *White v. Illinois*, 132 S. Ct. 2221 (2012):

“If the [inadmissible hearsay] statement is true, then the conclusion based on it is probably true; if not, not. So to determine the validity of the witness’s conclusion, the factfinder must assess the truth of the out-of-court statement on which it relies.”

The idea that the hearsay statement is admissible “only” for its assistance in explaining the expert’s opinion, and not its truth, is “nonsense” and “sheer fiction.”

O.C.G.A § 24-7-703

<i>Factual Bases of Expert’s Opinion</i>	<i>Opinion Admissible?</i>	<i>May disclose to Jury?</i>
Otherwise admissible	Yes	Yes
Inadmissible BUT reasonably Relied upon by experts in field	Yes	No (unless special showing)
Inadmissible and NOT reasonably Relied upon by experts in field	No	No

O.C.G.A § 24-7-705:

“...An expert may in any event be required to disclose the underlying facts or data on cross-examination.”