



Standard Practice for Receiving, Testing and Reporting Results of Investigation of Metal, Ore, or Metal Related Samples that Are or May Be Involved in Litigation¹

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1. Scope

1.1 This practice covers the procedures to be used for receiving, testing and reporting results of investigation of metals, ores, related materials or samples thereof that have been the subject of an incident that is or is reasonably expected to be the subject of litigation.

1.2 This practice was developed particularly for cases involving civil litigation, however it can be applied to criminal cases where it does not conflict with applicable laws and regulations.

2. Referenced Documents

2.1 ASTM Standards:

E 620 Practice for Reporting Opinions of Technical Experts²

E 678 Practice for Evaluation of Technical Data²

E 860 Practice for Examining Testing Items that Are or May Become Involved in Litigation²

E 1188 Practice for Collection and Preservation of the Information and Physical Items by a Technical Investigator²

2.2 ISO Standard:³

ISO Guide 25 General Requirements for the Competence of Calibration and Testing Laboratories

2.3 Other Documents:

NIST Handbook 150 NVLAP Procedures and General Requirements⁴

NIST Handbook 150-18 NVLAP Fasteners and Metals⁴

3. Terminology

3.1 Definitions:

3.1.1 *deposition, n*—the process during which a potential witness for a trial is questioned under oath (“being deposed”) by the attorney of the opposing party prior to the trial as part

of the “discovery” process.

3.1.2 *evidence chain of custody form, n*—form used to accompany the evidence, when evidence is transmitted from one person to another to prove a continuous chain of custody.

3.1.3 *expert witness, n*—a witness having expertise in the field in which he is about to give testimony and whose testimony can aid the judge and jury to understand the technical facts involved in the case before them.

3.1.3.1 *Discussion*—Before being accepted as an expert witness in a case, the witness has to submit to an examination and a cross examination concerning his qualifications. An expert witness can testify to what he saw, heard, or did (such as tests performed), and state opinions in his field of expertise.

3.2 Definitions of Terms Specific to This Standard:

3.2.1 *evidence, n*—any metal, ore or related material, regardless whether or not it is an entire part, a portion of a part or a representative sample of some metal, ore or related material, having actual or potential bearing on the incident or its outcome.

3.2.2 *incident, n*—any event or occurrence that causes directly or indirectly death, injury, or material damage that results or can result in a claim or litigation.

3.2.3 *investigator, n*—the technically competent person in charge of the testing.

4. Significance and Use

4.1 This practice sets guidelines for the receiving, testing and reporting of result of the investigation of metal, ores and related materials that may constitute evidence that is or may become involved in litigation. It outlines procedures to be followed to document the nature and condition of the evidence, the planning and performance of the testing, and actions that involve altering the nature or condition of the evidence.

5. Procedure—General

5.1 The laboratory performing the testing can be: a laboratory owned or operated, or both, by one of the parties involved or potentially involved in the litigation of the incident, such as plaintiff(s), or defendant(s), an independent laboratory hired by one of the parties involved or his representative, a laboratory owned or hired by a government agency to establish if any violation of law or regulations was committed, or a laboratory to act as an arbitrator selected jointly by the plaintiff(s) and

¹ This practice is under the jurisdiction of ASTM Committee E-1 on Analytical Chemistry for Metals, Ores and Related Materials and is the direct responsibility of Subcommittee E01.20 on Fundamental Practices and Measurement Traceability.

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² *Annual Book of ASTM Standards*, Vol 14.02.

³ Available from American National Standards Institute, 11 W. 42nd St., 13th floor, New York, NY 10036.

⁴ Available from the U.S. Government Printing Office, Washington, DC 20402-9325.