



# NATIONAL COMMISSION ON FORENSIC SCIENCE



## National Judicial College on Forensic Science

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### **Type of Work Product**

Abstract developed by the Training on Science and Law Subcommittee

### **Statement of the Issue**

Judicial education in, and understanding of, science and forensic evidence is sorely lacking and uneven. This flows in part from the fact that perhaps only 5% of lawyers (and therefore of judges) have a science background or education. The NAS Report *Strengthening Forensic Science – A Path Forward*, discussed the problem of judges and lawyers who often lack the scientific expertise necessary to comprehend and evaluate forensic evidence...” NAS Report, 85 (citation omitted).

### **Background**

All involved in forensic evidence issues – judges, lawyers, practitioners, and the general public – need education on the strengths and limits of forensic disciplines and, more generally, on the law governing expert witness testimony and evidence. It has also been reported that judges routinely request education in forensic science evidence. What has also been made clear is that, while some education programs work when attended by both judges and lawyers, judges prefer and may benefit more when the education program is limited to the judiciary as attendees. As an initial step, the Education and Training Subcommittee is preparing a proposal for submission to the Commission that will recommend funding of a judicial education effort for both federal and state court judges. Funding would be for three (3) years, with one or two programs per year (the option being one national or two regional).

This program would be for selected “thought leader” federal and state judges – those likely to then ‘spread the knowledge’ in their respective jurisdictions - from both trial and appellate courts. The College would meet for four days, possibly at law schools that would be selected both as hosts and collaborators working together in consortium to ensure informed development of curriculum and pedagogical methods. In addition to a day each year covering a fundamental science curriculum for judges on issues such as statistics, validity, reliability, “gate keeping” legal standards, “human factor” issues, and the role of experts, each subsequent day would provide a balanced but in depth review of one or two forensic science disciplines.

The National Academy of Science would be responsible for developing the science curriculum and “modular” presentations by experts for the College that could be brought back to state and federal jurisdictions and publicly distributed. The discussion among the judges themselves at the College would be private. The subcommittee will explore, and make recommendations regarding, supplementing federal funding with foundation funding and with assistance from entities such as the American Bar Association.

