

Judicial and Legal Education in the Forensic Sciences: The Latest Progress Made on the Path Forward

National Commission on Forensic Science

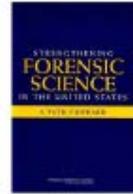
April 11, 2017

Professor Carol Henderson

Director, National Clearinghouse for Science, Technology and the Law

Stetson University College of Law

Judicial and Legal Education in the Forensic Sciences: How Far Have We Progressed on the Path Forward?



Professor Carol Henderson
Founding Director, National Clearinghouse for Science, Technology and the Law
Stetson University College of Law



2009 National Academy of Sciences
 Information: <http://www.nationalacademies.org/forensic-science>
 Recommendation #3 pp. 27-28
 "NIST should also support law school administrators and judicial education organizations to establish continuing legal education programs for law students, practitioners, and judges."



Law School Education in Forensic Science
Health-Related Courses
 • Forensic science coursework isn't typically required
 • Medicine offers a unique approach to the forensic pathologist's work
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
Other Degree Programs for Law Students
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program



Judicial Education in Forensic Science
 • American Bar Association (ABA) Judicial Education
 • ABA Judicial Division Forensic Science Committee (JDFSC)
 • National Judicial Institute (NJI)
 • The National Court and Justice Institute (NCJI)
 • The National Judicial College (NJC)



The Royal Society

• Report: The Pathway to a Forensic Science
 • February 2010
 • Royal Society
 • Forensic Science Institute (FSI)
 • Forensic Science Institute (FSI)



Continuing Legal Education in Forensic Science
 • American Bar Association (ABA) Judicial Education
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program
 • Forensic Science Institute (FSI) offers a Forensic Science Institute (FSI) certificate program



American Bar Association Judicial Division Symposium
 • The 10th Annual Symposium on Forensic Science
 • April 10, 2010 at the Northwestern University School of Law in Chicago, Illinois
 • More coverage available at www.abajournal.com/symposium



American Bar Association Annual Meeting
 ADOPTED
 2010 House Resolution 170
 (This Resolution, adopted by the National Conference of Forensic Science, is hereby adopted in that it is adopted in order, and for possible future reference to the House of Representatives and to the Senate.)
 August 12, 2010
 The United States House of Representatives
 Washington, DC 20540



National Commission on Forensic Sciences
 Draft Report on Forensic Science Curriculum Development
 The NCFSC members have been working to develop a report on the current state of forensic science education and to provide recommendations for the future. The report is available at <http://www.ncstl.org>
 Prepared by NCFSC members, August 19, 2010
 To be reviewed and presented at NCFSC Meeting, December 14-15, 2010

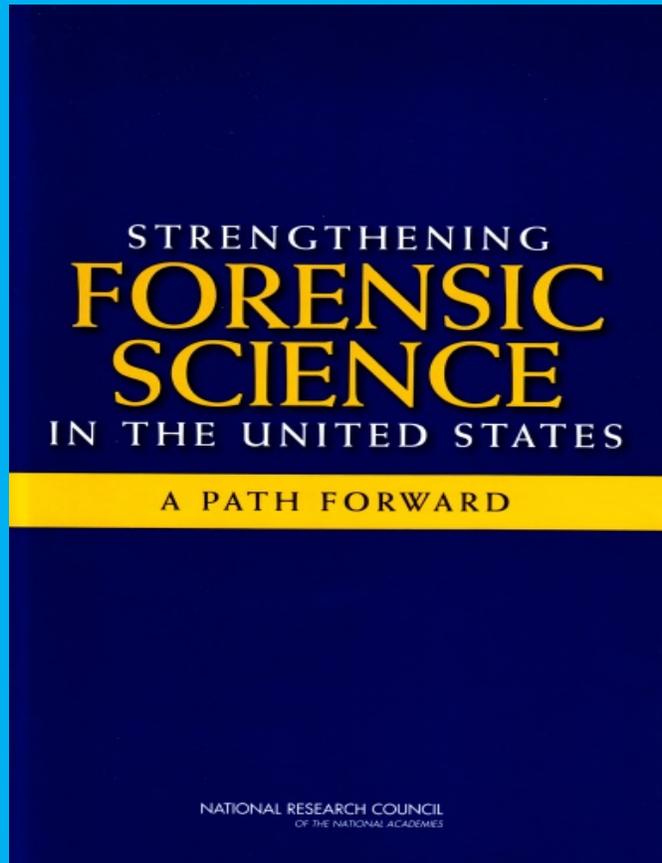


National Clearinghouse for Science, Technology and the Law
www.ncstl.org
 Online Service with LSC, Consulting, Publishing and Testing Expert Witnesses
www.ncstl.org



FUTURE
 • Forensic education and training
 • Bureau of Justice Statistics (BJS) Office for Technology, Training and Judicial Education
 • National Judicial Institute (NJI)
 • National Judicial College (NJC)
 • National Judicial Institute (NJI)
 • National Judicial College (NJC)
 • National Judicial Institute (NJI)
 • National Judicial College (NJC)





Need For Education and Training

- Recommendation 10 of the NAS Report:
- “...support law school administrators and judicial education organizations in establishing continuing legal education programs [in forensic science] for law students, practitioners, and judges.”

<http://www.ncstl.org/resources/NAS>

Continuing Legal Education in Forensic Science

American Academy of Forensic Sciences (AAFS) Jurisprudence Section

- Holds an annual scientific session meeting that focuses on the forensic sciences and jurisprudence.
- Most recent AAFS Meeting New Orleans, LA February 13-18, 2017
- Next Meeting Seattle, Washington, February 19-24, 2018

American Bar Association (ABA): Science & Technology Law Section; Criminal Justice Section

- Brings together professionals serving in various capacities to address current and pressing scientific and criminal justice issues.

Other Legal Professional Associations and Government Agency Training

- American Association for Justice (AAJ)
- National Association of Criminal Defense Lawyers (NACDL)
- National District Attorneys Association (NDAA)
- Department of Justice (DOJ): OJP – NIJ, BJA

Judicial Education in Forensic Science

- American Association for the Advancement of Science (AAAS)
- ABA Judicial Division Forensic Science Committee
- Federal Judicial Center (FJC)
- The National Courts and Sciences Institute (NCSI)
- The National Judicial College (NJC)

American Bar Association Annual Meeting (2015)



ADOPTED

[T]he American Bar Association urges the National Commission on Forensic Science to develop a model curriculum in the law and forensic science, and to provide training in that curriculum for federal, state, local, territorial, and tribal judges.

NCFS Curriculum Development Directive Recommendation

* Adopted December 8, 2015

- The NCFS recommends that the Attorney General fund the creation of a fair and balanced national curriculum on forensic science issues expected to be brought before courts.
- This curriculum should be developed initially for judges and lawyers but with a design permitting future adaptability to other audiences such as forensic science providers, law enforcement, and victim advocates.
- Recommendation available at:
<https://www.justice.gov/ncfs/file/818206/download>

NCSTL.ORG

WWW.NCSTL.ORG

[SEARCH FORENSIC DATABASE](#)[CALENDAR](#)[EDUCATION & TRAINING](#)[It's Evident](#)[RESOURCES](#)[SPECIAL COLLECTIONS](#)[SITE SEARCH](#)

FORENSIC DATABASE

The [NCSTL.org](#) forensic research database helps you find thousands of resources about forensic science & technology, the law of scientific evidence & expert witnesses, and more. Find:



SEARCH
FORENSIC
DATABASE

- court decisions & legislation
- legal & scientific publications
- news & media
- websites & organizations
- educational opportunities
- webcasts & multimedia

Better than a general search engine, the unique [NCSTL.org](#) database instantly pinpoints focused results about forensic science & criminal justice.



FROM HANDCUFFS TO TASERS

Check out records about law enforcement technology in NCSTL's forensic database... [learn more](#)

SPOTLIGHT

TOP FORENSIC NEWS STORIES

SCIENCE TECHNOLOGY LAW

What's New At NCSTL ...

WHAT IS NCSTL?

[NCSTL.org](#) is the only online resource in the world that concentrates on the nexus of science, technology, and the law. Focusing on forensic science and scientific evidence, [NCSTL.org](#) educates and shares information with scientists, legal professionals, law enforcement, academics, and the public.

Two handouts - [The Database](#) and [Everything Else](#) - and a YouTube video [Introduction to NCSTL](#) describe the NCSTL.

How we help you

[NCSTL.org](#) offers specialized resources for:

- [Academics: teachers & students](#)
- [Law Enforcement](#)
- [Legal Professionals](#)
- [Scientists/Technologists](#)

[NCSTL.org](#) provides:

- A forensic research [database](#)
- A [newsletter](#) about the latest forensic topics
- A [calendar](#) of forensic conferences and

NCSTL in a Nutshell

- Founded 2003
- 1.4 million visitors from over 170 countries
- Trained over 14,500 forensic professionals
- Received IACP August Vollmer Excellence in Forensic Science Award for Innovation in Forensic Technology (2010)
- Over 600 students have provided pro bono and directed research support for projects
- It's Evident e-newsletter
- Database: 144,000 Records; 8086 multimedia records
- Collection, which contains more than 3000 journal collections and books, available through interlibrary loan
- Received grants from NIJ and BJA for training

What NCSTL is Doing to Train Capital Litigators: Crime Scene to Courtroom Forensics Training Capital Case Litigation Initiative

NCSTL received \$800,000 in grants from BJA to produce:

- 16 Interactive Webinars
- 6 Live Training Sessions

Continuing education credits offered:

- 2 hours per Webinar
- 11.5 hours for Live Training Session

Webinars are archived on: www.NCSTL.org/education/TRAINING



EDUCATION & TRAINING

EDUCATION

BIBLIOGRAPHIES *SPECIALIZED*

COLD CASE TOOLKIT

EDUCATIONAL RESOURCES

K - 12 +

LECTURES

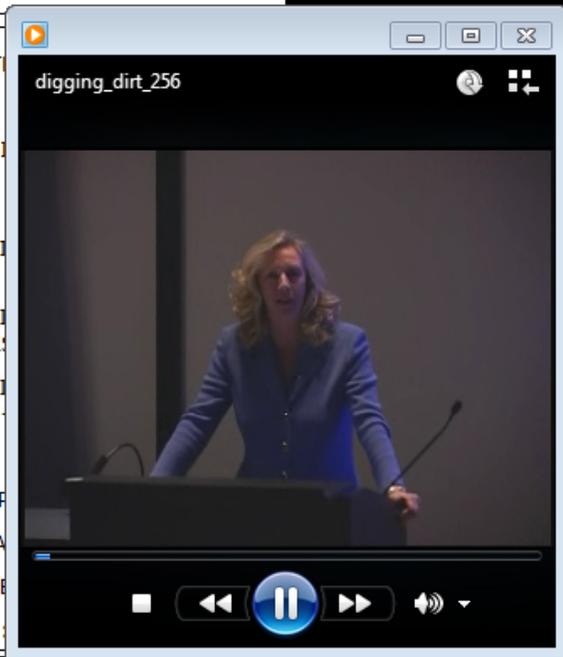
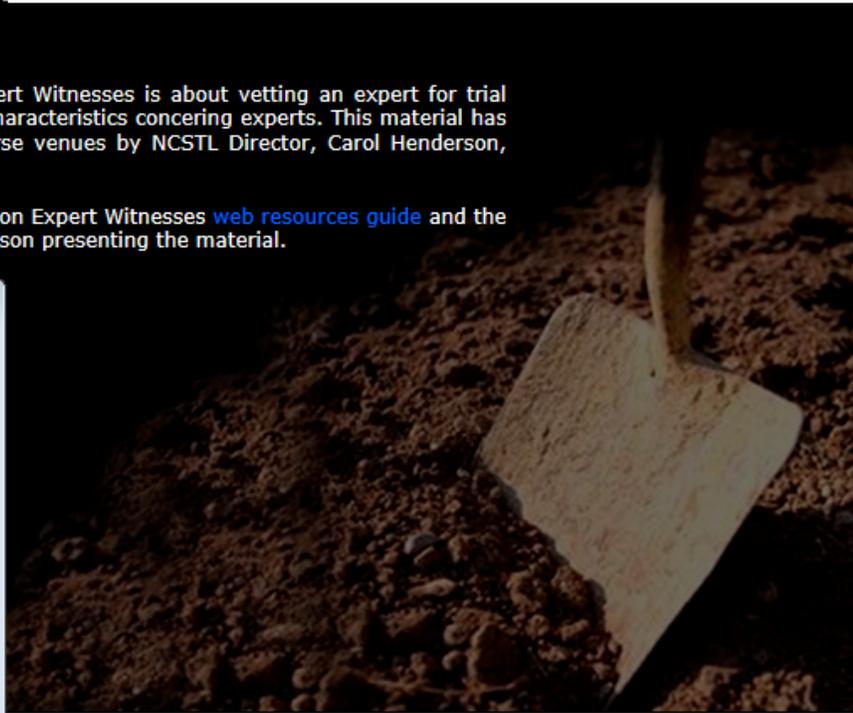
BY RENOWNED EXPERTS

MEDIA LINKS

DIGGING UP DIRT ON EXPERTS

Digging Up Dirt on Expert Witnesses is about vetting an expert for trial and the need to know characteristics concerning experts. This material has been presented in diverse venues by NCSTL Director, Carol Henderson, and other NCSTL staff.

See the Digging Up Dirt on Expert Witnesses [web resources guide](#) and the [video](#) of Director Henderson presenting the material.



Webinar Production

- The webinars we are producing are not just a lecture or PowerPoint production. They are live webcasts.
- They require:
 - identifying speakers suitable for the forensic science topic
 - outlines, scripts, video footage (crime scene, crime lab, autopsy)
 - learning objectives
 - a bibliography and It's Evident articles that relate to topic
 - coordination with CLE
 - advertising/graphics
 - pre-production (introductions; credits; motion graphic sequences; on screen graphics)
 - live online participation (which requires monitoring of questions by participants)
 - post production of the live event
 - making an “on demand” site on YouTube or Vimeo
 - then posting all materials online on NCSTL's Education and Training page
www.NCSTL.org/education/TRAINING
- Webinars also available on Stetson's OPE Conference page at:
<http://www.stetson.edu/law/conferences/homepages/index.php>

Webinar #1: Crime Scene Essentials

March 2, 2016

Photography, Collection and Processing of Evidence

- Produced with LEIC

Guest Experts

- Dan Anselment (LEIC Training Consultant) and Toby Wolson (DNA and bloodstain pattern analysis expert)



Webinar #2: Crime Laboratory Essentials

May 25, 2016

Behind the scenes footage of the new Metro Nashville Police Department Crime Laboratory

- Latent Prints, Firearms, DNA, Toxicology and Drug ID

Guest Experts:

- Ann Talbot (Director and Former ASCLD/LAB Board)
- Attorney Christine Funk (NIST LRC; Defense Counsel)



Webinar #3: Forensic Pathology Essentials

October 13, 2016

- **Discover what happens to a body from the crime scene to the autopsy**
 - Webinar takes you through how an autopsy is conducted
 - Delves into strangulation, blunt trauma, poisoning, stab wounds, gun-shot wounds, and more
- **Guest Experts:**
 - Dr. J. C. Upshaw Downs, ForensX, L.L.C.
 - Formerly: Medical Examiner for Georgia Bureau of Investigation, State Medical Examiner of Alabama
 - Dr. Darin Trelka, Assistant Professor of Clinical Biomedical Science & Director of Anatomical Programs at FAU College of Medicine
 - Formerly: Interim Chief Medical Examiner Broward County, FL Medical Examiners Office





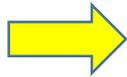
EDUCATION & TRAINING

EDUCATION

- BIBLIOGRAPHIES *SPECIALIZED*
- COLD CASE TOOLKIT
- EDUCATIONAL RESOURCES
K - 12 +
- LECTURES
BY RENOWNED EXPERTS
- MEDIA LINKS
- NCSTL CONFERENCES
- NCSTL YOUTUBE VIDEOS
- PRESENTATIONS
- TEACHING SCIENTIFIC EVIDENCE

TRAINING

- FORENSIC SCIENCE FOR CAPITAL LITIGATORS
- FORENSIC SCIENCE FOR CAPITAL LITIGATORS--ONLINE COURSE
- * FORENSIC SCIENCE FOR CAPITAL LITIGATORS--PAST WORKSHOPS
- ABA CONFERENCE
- DIGGING UP DIRT ON EXPERTS
- DNA FOR THE DEFENSE
- ETHICS WORKSHOP
- LAW 101: LEGAL GUIDE FOR THE FORENSIC EXPERT



TRAINING

A training was held August 27-28, 2012 in Atlanta, Georgia for prosecuting attorneys who practice in capital states - [Agenda](#). To see the presentations for this training click on the names below.

- Dr. Cedric Neumann -- [Fingerprints](#)
- Dr. Cedric Neumann -- [Activity Level Interpretation of Forensic Evidence](#)
- Dr. Dan Martell -- [Forensic Behavioral Science in Capital Litigation](#)
- Dr. Mike Coble -- [Forensic DNA - Mixtures: Part 1 and Forensic DNA - Haploids and Future Part II](#)
- Charles Giglia -- [Digital and Multimedia Sciences](#)

A training was held May 21-22, 2012 for defense attorneys in Las Vegas - [Agenda](#). To see the presentations for this training click on the names below.

- Dr. Cedric Neumann -- [Fingerprint Comparison and Evaluation](#)
- Dr. Cedric Neumann -- [Activity Level Interpretation of Forensic Evidence](#)

CAPITAL LITIGATION



Future Webinar Topics

- Toxicology Essentials- emphasis on opioids
- Pattern Evidence Essentials and Controversies
- Cognitive and Contextual Bias Essentials
- Digital Evidence Essentials
- Fire Investigation and Lessons Learned
- Psychology and Psychiatry Essentials
- Understanding Scientific Reports
- Locating, Evaluating and Selecting Expert Witnesses
- Discovery Essentials
- Preparing the Forensic Expert
- Motions in Limine
- Presenting Expert Testimony in Court
- Ethics Essentials

First Live Training Session

- July 11th and 12th in St. Petersburg, FL, U.S.A
- 57 participants from states east of the Mississippi
- All expenses paid for participants

The Agenda included:

- Forensic Science 101
- Digital Forensic Technologies
- Interpreting DNA Results
- Science Research for Lawyers
- Expert Witness Consultation and Testimony
- Forensics after the 2009 NAS Report
- Effective Handling of Discovery
- Preparing for Issues at Trial

THE FUTURE



Primers for Courtroom Science

- The Royal Society and Royal Society of Edinburgh launched a project on April 11, 2016 to develop a series of guides or “primers” on scientific topics designed to assist the judiciary, lawyers and juries when handling scientific evidence in the courtroom.
- The primers will cover an explanation of the science, the limitations of the science and challenges associated with its application.
- The first primer will cover DNA analysis. The second will address gait analysis.
- The Royal Society, in partnership with the Judicial College, is also hosting a series of seminars on relevant scientific topics for senior judges.

Continuing on the Path Forward

- The training must be coordinated across all groups- judges, lawyers, forensic scientists, law enforcement professionals
- Must have an ethics component
- Gather all existing training materials in one location with free access to all – like what is done at the NCSTL Education & Training page
- Mobile access to training materials
- Provide continuing education/certification credits
- Follow up on previous work:
- Science Education for Judges: What, Where, and by Whom? Mara Merlino, et. al., 86 Judicature 210-213 (2003)
- Focus Group on Scientific and Forensic Evidence in the Courtroom NIJ June 25, 2007 NCJRS Document 220692

Contact Information

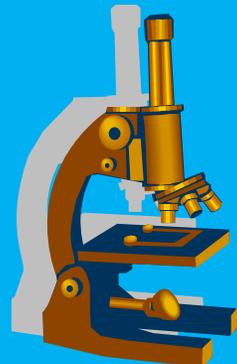
National Clearinghouse for Science, Technology and the Law
Stetson University College of Law

Professor Carol Henderson

Director, NCSTL

727-562-7374

Henderson@law.stetson.edu



NCSTL.ORG



About Us



US Department of Justice
Bureau of Justice Assistance
Capital Case Litigation Initiative

"This project was supported by Grant No. 2015-CP-BX-K006 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."