



Jurisprudence Section – 2006

E8 The Role of the Lawyer in Negating Junk Toxicology in the Courtroom

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With the advent of a number of certifying expert agencies and the proliferation of junk science, it is important that the lawyer and the toxicologist understand the analysis and the investigation required to determine how to negate fraudulent science before or during the courtroom presentation by an adversary.

Both lawyers and forensic scientists have a duty to understand the implications of fudging, understating, or overstating their findings regarding toxicological analysis. This presentation demonstrates why it is important that both lawyers and experts alike develop an attitude that deals with the truth and statement of research findings honest competent and unbiased manner.

Many of the controversial and complex cases especially those involving alleged homicide, involve some type of toxicology presentation in the courtroom. Many times toxicologists usurp the role of the pharmacologist or a medical doctor. Many times an expert misstates or overstates qualifications. Many times an expert submits a report utilized in a courtroom that understates or overstates correct toxicological analysis. Many of these highly controversial cases are in the news including those involving deaths in hospitals, allegations of spousal murder; or a high profile accidental shooting such as the trial involving Jayson Williams. The author of this paper will discuss specific cases and review the legal concepts and presentation of evidence, testimony that is critical in order to rebut or refute phony toxicology.

Junk Science, Toxicology, Expert Qualifications