



Criminalistics Section – 2007

B122 Ethics in the Courtroom — A Scientist's Obligations: A Legal Perspective

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After attending this presentation, attendees will have a better understanding of the workings of prosecutors and defense attorneys, in conjunction with judges as cases are handled. This course will offer practical, legally and scientifically based solutions to common ethical problems the scientist may face.

This presentation will impact the forensic community and/or humanity by providing scientists with a foundation within which to work when ethical situations arise in a courtroom setting.

If you've been a scientist for more than five minutes, you know that the public (and most lawyers) don't understand what you do, how you do it, or that there are limitations to science. The recent wave of Crime Lab related shows have impressed upon the public a fabulous range of scientific techniques – including many that don't actually exist.

Just as most science doesn't really play out as it does on TV, most legal proceedings don't either. The way casework is actually handled in court is nothing like what you see on TV. Attorneys are bound by Rules of Criminal Procedure, Rules of Discovery, Brady, and its progeny. Attorney's roles are spelled out in Rules of Professional Responsibility and Board of Judicial Standards. Understanding these roles and rules may help the scientist understand where they fit in the process.

When a scientist is faced with an ethical dilemma involving one or more of the members of the criminal justice system, do you know what to do? Who do you talk to? Should you talk to anyone? Do you know who your lawyer is? Do you know if you have a lawyer? When a scientist is asked to conceal, keep quiet about, or misrepresent science, what steps can and should you take?

Knowing what really goes on in the courtroom - and more importantly, in the judge's chambers and in conference rooms before court - may help the scientist better understand how to handle ethical conflicts.

Relying on case law, Rules of Criminal Procedure, and ethical mandates from the scientific and legal communities, this course will examine what a scientist can do, should do, or must do in a given situation. It will provide scientists with a broader understanding of the role attorneys play in the legal process, and the ethical standards to which attorneys are bound.

Ethics, Scientists, Lawyers