



D40 Muddying the Waters With Red Herrings: Jurors, Juries, and Expert Evidence

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After attending this presentation, attendees will learn how to improve the presentation of forensic evidence based on feedback from in depth interviews with real jurors in Australia.

This presentation will impact the forensic community and/or humanity by demonstrating reliable information and practical solutions, and a few laughs!

Participants should acquire a realistic appreciation of the manner in which jurors and juries deal with expert evidence in actual trial situations. They will gain an insight into the way jurors and juries process and argue about expert evidence and integrate it with other evidence. Questions such as the following will be explored,

- When each side calls experts who disagree about the same fact situation, how does a lay juror approach his or her deliberations?
- What experts, lawyers, and judges can do to help a juror understand?
- How experts may enhance his or her credibility?
- Do we underestimate the capacity of the jury to assess expert evidence?

The presentation will be useful for both attorneys and forensic practitioners, giving insights into which methods of presentation of evidence work and which do not.

Proposition: Jurors, many without technical training and by definition requiring expert help to assess forensic evidence are required to:

- integrate that evidence with other evidence
- assess opposing expert interpretations of other evidence
- in unfamiliar circumstances
- with a group of strangers
- often without the most rudimentary aids to understanding

It has been suggested that the jurors, even in ordinary cases, are incompetent as fact finders, are unable to cope with technical or lengthy evidence, and are bedazzled by experts, often accepting what is said unquestioningly.

There have been many suggested reforms, ranging from provision of written copies of evidence, summaries, flowcharts, pretrial tutorials, allowing jurors to question experts and allow note taking.

Synopsis of the content: Data will be presented from exit surveys and extensive semi-structured interviews with real jurors after trials involving complex expert evidence. The study aims to

- Identify factors which inhibit or assist juror comprehension by examining the way jurors deal with expert evidence including juror perception of information, interpretation of facts both individually and collectively, application of case facts and ability to compare and contrast all evidence presented.
- Provide information, not speculation, for experts, lawyers, and judges.

To the best of this author's knowledge, research of this nature has not been carried out in the "British" justice system. As a senior criminal trial lawyer and Associate Professor in Forensic Science, the author is able to provide a realistic assessment of the practical implications of the findings.

Conclusion: The so-called "CSI effect" may be an urban myth. The jury is more capable of following and fairly assessing expert evidence than commonly thought. Some jurors want radical changes, such as the ability to ask questions of experts.

Juries, Evidence, Forensic