



Jurisprudence Section – 2011

E12 Forensic Pathology - Basics for Attorneys

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After attending this presentation, attendees will understand some of the basics of forensic pathology that attorneys should know, including what education and training forensic pathologists have, what documentation attorneys can expect, and some of the limitations in what forensic pathologists can determine.

This presentation will impact the forensic science community by providing attorneys with basic information about forensic pathology and assist them in working with forensic pathologists as expert witnesses.

This presentation will briefly address specific issues in forensic pathology. While a lawyer should certainly never substitute their judgment for that of a forensic pathologist, lawyers should have a fundamental understanding of various types of injuries and what they can and cannot tell us about a death. Injuries caused by firearms, sharp force and blunt force will be explored. Defensive wounds will also be discussed. Understanding how these injuries may be incurred, as well as the corresponding injuries that can be sustained can assist the lawyer in

formulating a theory of the case – either prosecution (or the decision not to prosecute) as well as defense.

In a world where cases are tied up neatly in 49 minutes or less, it is crucial for lawyers to understand there are certain questions a forensic pathologist can't answer. Some possible "red flags" will be identified and discussed. For example, lawyers should be cautious of forensic pathologists who are inappropriately certain about facts which can't be known. Of course, the lawyer may not know "what can't be known." This presentation seeks to inform lawyers of areas wherein caution should be exercised, such as time of death or determining the order of wounds. Finally, lawyers should be cautious of the forensic pathologist who claims the ability to determine the number of assailants based on the wounds.

Finally, there is a difference between an autopsy report and a good autopsy report. This presentation seeks, in part, to outline what a good autopsy report should include. Of course, it's not enough to know what should be included; lawyers must also have the tools available to actually understand the report. Other documentation a forensic pathologist should provide will be briefly discussed.

Forensic Pathology, Expert Witness, Autopsy Reports