



E32 Minnesota's Advanced DNA Institute – A Training Model for Defense Counsel

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After attending this presentation, attendees will understand how a statewide public defender system addressed concerns about insufficient training for lawyers in forensic science disciplines, raised in the National Academy of Sciences Report, by developing a comprehensive and cost effective training model in DNA litigation.

This presentation will impact the forensic science community by showing how in-depth training of criminal defense attorneys even in times of lack of funding and resources, can raise the quality of complex DNA litigation in the courtroom.

The National Academy of Sciences Report found that lawyers "often lack the scientific expertise necessary to comprehend and evaluate forensic evidence." Providing quality training to teach lawyers about science so they can properly evaluate the forensic evidence in individual cases is an important part of continuing to improve the state of forensic science in the courtroom. Providing comprehensive training in forensic disciplines for practicing attorneys through continuing legal education programs presents challenges that are unique from those faced with training new lawyers in a law school setting.

Most continuing legal education programs are short. Many last no longer than a week, others cover the span of a weekend and address multiple topics. Often they provide more of an overview than addressing advanced issues that present in individual case work. Finally, comprehensive advanced trainings on particular forensic topics are often expensive. They require extensive time away from work and often involve out of state travel making them cost prohibitive. This leaves many lawyers in a position where they only learn areas of forensic science one case at a time over a life time of practice. Yet, with forensic science and in particular DNA typing being used more and more in court,

it is imperative that organizations like a statewide public defender system have lawyers with advanced experience with forensic issues to serve as consultants, train other lawyers and handle the unique issues that forensic science cases often present.

The Minnesota State Public Defender System has previously attempted to offer advanced training opportunities to their lawyers, both locally, and until budget issues prohibited out of state travel, in other states. Many of these opportunities, like much of the continuing legal education training, were short and/or very expensive. On at least one occasion, a more advanced option was made available through a week long course where many skilled DNA lawyers and scientists participated in teaching DNA to Minnesota Public Defenders. However, these skills were not regularly used by those who had received this training. Even after this training, some still lacked confidence in their ability to spot issues and work with experts on these complex issues. With these considerations in mind the Minnesota State Public Defender's office created a new training model to assist lawyers in DNA cases.

In 2009, the State Public Defender, working with a small group of lawyers, developed a year long training program to teach thirty lawyers DNA using a combination of intensive lecture, small group and one on one tutoring. Each lawyer worked with a pending criminal case from around the state to allow these lawyers to immerse themselves in DNA both in a classroom setting and a practice setting. In developing this program, the Public Defender Office also sought the advice and assistance of the Minnesota Bureau of Apprehension's Biology Section.

This presentation will give a detailed explanation of how the program was structured and developed, the costs involved, and provide information about the outcomes this program has seen to date.

Training, Lawyers, DNA