E36 Judges as Students of Science in the Law

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After attending this presentation, attendees will have a better understanding of the various educational outlets that are available to educate judge on matters of science and technology.

This presentation will impact on the forensic and legal community by providing an example where if judges can go back to school to learn about science and technology, then forensic specialists and attorneys should also keep current on scientific matters in a formal educational setting.

The National Academy of Sciences (NAS) Report on "*Strengthening Forensic Sciences: A Path Forward*" recommended amongst other items that in addition to forensic scientists obtaining additional formal education, that judges, attorneys and law students be educated on scientific matters. In this presentation, two state trial judges will discuss judicial education opportunities available for judges in the area of science and technology. They will discuss their first hand experiences of participating in these judicial education opportunities, which include the congressionally sponsored program known as, the Advanced Science Technology Adjudication Resource Judge Program (ASTAR) which has provided numerous seminars and training sessions for judges from various state and federal courts. The U.S. Congress mandated an education program for judges to study the impact of the human genome project on the courts over a decade before the NAS Report was issued on the role of forensic sciences. The ASTAR program includes judicial education on the entire scope of science, technology and forensics likely to be introduced as evidence or issues in the trial and appeals of complex cases. Judges participate in a three day science boot- camp, followed with required reading and writing assignments and two years of seminars totaling 120 hours of judicial education training and other assignments in various scientific and technological subjects.

The ASTAR curricula includes subjects taught by medical physicians, forensic scientists, and PhDs in numerous disciplines. Studies include updates on forensic science, but also medicine, genetics, evolutionary biology, nano-technology, environmental studies, and the study of diseases, as well as the conduct of evidentiary hearings and the reading of studies and reports. The purpose of the ASTAR Program is to create a group of scientifically trained judges to handle complex scientific matters and to be a resource judges to other judges within their home jurisdictions. Approximately 244 judges have graduated from the ASTAR program and are designated as ASTAR Fellows. In 2010, a new cohort of approximately 300 judges began the two year program.

In addition to ASTAR, this presentation will provide information on other judicial education opportunities which include Master's degrees as well as a PhD program in Judicial Studies at the University of Nevada at Reno (UNR). At UNR, students are full-time judges currently serving on the bench and who have graduated from ABA-accredited law schools.

For the Master's degree program, judges may apply for one of two academic majors - the Trial Court Judge major or the Juvenile and Family Court Judge major. This Judicial Studies Curricula is intended to provide judges a formal academic setting in which trial judges (including administrative law judges) or juvenile and family court judges can integrate technical studies of the judiciary with more academic courses to provide an intellectual assessment of the role of the American judiciary.

The University of Nevada, Reno (UNR) provides specially designed courses for judicially-related issues which include the humanities, social, behavioral, and natural sciences and communications. On the campus of UNR are the National Judicial College (NJC) and the National Council of Juvenile and Family Court Judges (NCJFCJ) which also provide a series of courses treating more technical subject matter such as courses in Scientific Evidence and Handling Complex Litigation.

The UNR provides academic degree programs having a national scope and impact for judges and the judiciary and has created a new academic discipline: Judicial Studies which provides judges challenging and stimulating intellectual opportunities to become resources in teaching and research in various academic communities. Judges are provided structured, interdisciplinary academic curricula to encourage them to be active in teaching, planning and administering judicial education while providing them experience (by virtue of the Master's thesis and PhD dissertation requirements) for conducting and publishing their own research of interest applicable to their judicial systems. Judges study in courses such as Scientific Research Methods, Law and the Social and Behavioral Sciences, Medical Legal Issues, Science in Law, and Law and Economics.

Judicial education programs are also available at the Ohio Supreme Court's Judicial eCademy, which is providing online education curricula for busy state trial court judges who are unable to leave their jurisdictions to attend out of state education programs due to heavy caseloads. This format includes distance education by

internet derived through both asynchronous and synchronous deliveries. Instructors include scientists and PhDs, who teach in the fields of addiction treatment technologies, nanoscience, neuroscience, DNA, forensic technologies, modern genetics, genomics, computer science, and internet crime as well as the issues of admissibility of such scientific evidence in court proceedings.

Other judicial education programs are offered to judges through entities such as the American Association for the Advancement of Science (or AAAS), an international non-profit organization which promotes cooperation between scientists, defends scientific freedom, encourages scientific responsibility, and supports scientific education and science outreach for the betterment of all humanity. The Judicial Division of the American Bar Association (ABA) has encouraged its judicial members to attend the AAAS's cutting edge neuroscience courses where present and future neuroscience research efforts are provided involving the validity and reliability of various types of brain scans as applied to potential evidentiary issues in their courtrooms.

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