E31   DNA in the Courtroom: Top Ten Tips From the Bench

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After attending this presentation, attendees will understand ten concrete practicing tips on how to present DNA in a courtroom. The tips are drawn from in court experiences of a state court trial judge.

This presentation will impact the forensic science community by explaining how scientific evidence is a growing issue in court cases and showing the importance for lawyers and judges to explain DNA evidence in a user-friendly language.

Attendees will understand ten concrete practicing tips to assist in improving understanding and communication with others of the importance and value of DNA evidence. These practicing tips will focus predominately on how to present DNA evidence in a courtroom. The ten concrete practicing tips are drawn from actual in court experiences of a state court trial judge.

This presentation will impact the forensic science community by providing an explanation from the perspective of a state court trial judge, of how scientific evidence is a growing issue in court cases and courtrooms across the country. This presentation will also impact the forensic science community by showing why it is important for lawyers, judges and scientists to explain DNA evidence in simple, easy, understandable, user-friendly language.

Judges serve as the "gatekeeper" to the admissibility of forensic science evidence. Yet many lack scientific training and must rely upon the lawyers coming before them to explain how DNA evidence is or is not relevant and should or should not be admissible. The central issues addressed in this presentation are: how do lawyers, with little or no scientific background, explain DNA evidence to other lawyers and judges, with little or no scientific background? How do lawyers and judges insure jurors, with little or no scientific background, understand DNA evidence? How do scientists insure lawyers, judges and jurors understand scientific evidence?

Understanding and then explaining scientific evidence is a growing issue in court cases and courtrooms throughout the country. Attorneys and judges have a tendency to scan over scientific evidence, getting to the end result, the findings, and then disregarding the underlying data. This presentation will show the importance of understanding the DNA evidence, its significance as related to the facts in the instant case, and common sense application of this information. If the analysis says the DNA matches, most attorneys look no further; this presentation will stress why this should be a starting point, the beginning, not the end of the analysis.

Lawyers who are able to effectively understand and then break down scientific issues into understandable language get their desired results. Lawyers, who can explain the science in simple and understandable language, understand the science. The ten concrete practicing tips will: (1) focus on what lawyers and judges can do to educate themselves about the science of DNA; (2) demonstrate how to explain the forensic scientific information; and, (3) will explain what scientists can do to help lawyers, judges, and jurors understand DNA evidence.

Data from DNA court cases, compiled over an 18-month period, gathered by the author will be reviewed. This presentation seeks to offer practitioners, judges, and scientists information about best and worst practices in the courtroom for DNA court cases. Lawyers and judges have taken different approaches to understanding, handling, and presenting DNA evidence. This presentation will provide a composite which will educate the lawyers, judges, and scientists.

This presentation seeks to inform attorneys, both prosecution and defense, and scientists as to what should be considered when attacking the very real problem of addressing the "gatekeeper," the judge, about DNA evidence. The ten concrete practicing tips will focus on what scientists and lawyers can do to explain the science of DNA in court cases to judges with no science background.

DNA, Courtroom, Lawyer