



Jurisprudence Section - 2013

E38 Learning a Forensic Science Discipline Can Make You a Better Attorney

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After attending this presentation, attendees will understand how learning one aspect of forensic science contributes to increased proficiency in all areas of forensic science and improves trial skills for attorneys. The successes of participants in the Minnesota Public Defender Advanced DNA Institute will be used as examples of how investment in an in-depth forensic science program can increase forensic skills for attorneys. Successful incidents from actual cases will be described.

This presentation will impact the forensic science community by showing how in-depth DNA training for attorneys can improve litigation skills in this complex area. This training can also prompt attorneys to gain additional knowledge and skills in other forensic fields that can lead to better courtroom litigation skills.

The National Academy of Sciences (NAS) Report found that lawyers “often lack the scientific expertise necessary to comprehend and evaluate forensic evidence.” In response, the Minnesota State Public Defender, working with a small group of attorneys, developed a year long training program to teach thirty assistant public defenders DNA typing litigation skills, using a combination of intensive lecture, small group discussion, and one-on-one tutoring. Each attorney applied this advance training to one of their own actual, pending cases. Prior to this training, a lot of attorneys just accepted the reports submitted by the forensic laboratory for their face value. Now, following the training, nothing is taken at face value. These lawyers increased confidence in their ability to spot issues and then to work with experts on complex forensic issues.

This presentation will explore what has occurred in the Minnesota Public Defender System since this program’s training component was completed in 2011. Since this time, many of the attorneys originally involved in this program have demonstrated an increased interest in a variety of areas of forensic sciences. Using the structure put in place during the formal training period, lawyers have continued to collaborate with each other on cases using both a listserv and monthly group meetings. They have also returned to their own jurisdictions throughout Minnesota and worked with lawyers who were not involved in the Institute to improve the overall ability of lawyers throughout the public defender system to spot issues and litigate relevant subject matter. The ongoing work of these lawyers collectively as a group and individually, has led to the increased interest in other areas of forensics such as toxicology and digital forensics that impact on their practice of law.

Examples of cases that will be discussed include: challenges to the State’s requests to obtain DNA samples from defendants before the known samples have been tested in criminal sexual conduct, assault, and burglary cases, thus preserving clients’ constitutional rights of privacy; dealing with a complex mixture in a criminal sexual conduct case; recovery of crucial evidence by retrieval of text messages from a broken cellphone which the expert has called “the smoking gun” evidence in a burglary and assault with a dangerous weapons case; and the probe into the policies and practices of the City of St. Paul Police Department Crime Lab.

This presentation will give a detailed explanation of how advanced training in forensics can lead to improved performance in the courtroom.

In-Depth Training, Improvement, Litigation Skills