



Jurisprudence Section - 2014

E41 Educating the Lawyer: The Birth of the Lawyer-Scientist

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The goal of this presentation is to help highlight the need for practicing lawyers to become educated in the scientific principles involved in their area of practice with a focus on drug- and alcohol-related driving cases.

This presentation will impact the forensic science community by encouraging education for lawyers in the areas of forensic science in the face of a history of the legal community running scared of science.

Many areas of law are increasingly becoming more and more scientific. Alcohol-related driving cases serve as a great example of this trend. More than ever before, blood is being drawn and tested for use as evidence in criminal trials. Historically, blood has only been used for testing, to any great extent, in suspected impaired driving fatality accidents. That is no longer the case. Many states have implemented or are in the planning stages to implement "no refusal" policies where a motorist suspected of driving under the influence will be forced to give blood for testing even when they refuse consent to testing. Blood testing is also on the increase because of the increased law enforcement awareness of drugged driving where a breath test is of no value.

For decades, the mantra of criminal defense lawyers has been, "when the law is on your side, argue the law — when the facts are on your side, argue the facts — when you have neither, muddy the waters." With this increased reliance on science in DUI/DWI cases, lawyers can no longer follow this mantra. They must learn the scientific principles behind the area of law they practice. Courses focusing on science instead of law are popping up across the country for attorneys to attend and learn directly about the science. This training is a must for lawyers who handle these types of cases. This presentation will focus on the importance of lawyers becoming trained in the sciences and discuss some of the resources available to lawyers to learn the science. The days of the jack-of-all-trades lawyer who handles any and every case that comes through the door are past. In today's legal world, lawyers must reinvent themselves and embrace science. They must join the ranks of the new breed of lawyer called the lawyer-scientist.

This need to reinvent and reevaluate is a duty of lawyers on both sides of the criminal justice system. It is just as important for prosecutors who are tasked with prosecuting cases ethically and fairly using legitimate scientific principles as well as a duty for defense lawyers to scrutinize and challenge forensic results.

Training Lawyers, Lawyer-Scientist, Science Education