



Questioned Documents Section - 2015

J30 The Forensic Document Examiner Testimony List

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The goal of this presentation is to make attendees aware of a testimony list that can be used in court challenges to the profession. This list can be used by examiners in criminal and civil cases and provides information about the types of examinations and opinions that are being offered in courts across the United States.

This presentation will impact the forensic science community by making forensic document examiners aware that a testimony list is available so they can be better prepared for a court challenge. A forensic document examiner can also learn how and why he/she should maintain his/her own list and contribute to this continuing list.

Since the *Daubert v. Merrell Dow Pharmaceuticals, Inc.* decision and its requirements for testimony, there were many challenges to the testimony of forensic document examiners. To address some of the court challenges to the testimony of forensic document examiners, a list of the testimony by these practitioners was started and continues to be maintained. This list includes criminal and civil cases, municipal, county, state, and federal cases in the United States and some of its overseas courts. Some administrative and other governmental hearings have been included. The list includes only testimony in which judges have allowed the forensic document examiner to testify to his/her opinion in court.

The list was started in the year 2000 in response to some of the *Daubert* challenges that forensic document examiners faced. It is a collection of testimony by qualified forensic document examiners since the advent of the *Daubert* ruling in 1993. It includes the name of the case, the date of testimony or date of decision in the case, the location of the trial, the type of court, and the type of opinion(s) and examination(s) that were testified to. These examinations and opinions are only those that are related to forensic document examination. Those who have contributed are examiners who were trained by traditional methods such as those described in the American Society for Testing and Materials (ASTM) *Standard Guide for the Minimum Training Requirements for Forensic Document Examiners*.

Forensic document examiners from all over the United States have contributed to this testimony list. Some examiners have submitted their list after many years of testimony and some contribute after each testimony. The list has entries from all fifty states and other judicial jurisdictions. Since its inception, the list has been used in *Daubert* challenges and it has been made available when *Daubert* challenges are threatened. In one recent case, the judge commented that the evidence demonstrated that the testimony of forensic document examiners was regularly admitted in courts throughout the United States.

This presentation will address the contents of the testimony list, including a breakdown of how the list is formulated, some of the entries, the statistics of some of the entries, and the use of the list in some court cases. One of the purposes of this presentation is to encourage forensic document examiners to continue their testimony lists to the ongoing effort to keep this testimony list current and usable for future court cases.

Forensic Document Examination, Testimony List, Court Challenge