



F23 Lonesome Dove: The Solitary Life of a Forensic Laboratory Legal Advisor

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After attending this presentation, attendees will gain an understanding of the complexities involved with providing legal counsel to a large forensic analysis laboratory that is comprised of traditional forensics, military operational forensics, and research.

This presentation will impact the forensic science community by illustrating the challenges presented when serving as an intermediary between forensic scientists, research scientists, and the legal community. This includes identifying the customer and understanding their proposed end state.

The Defense Forensic Science Center (DFSC), of which the United States Army Criminal Investigation Laboratory (USACIL) is a part, provides full-service forensic laboratory support to the Department of Defense (DOD) criminal investigative organizations and other DOD customers. In addition to forensic services relating to DNA identification, digital evidence, drug chemistry, firearms and toolmarks, forensic documents, latent prints and trace evidence, the USACIL provides training to DOD special agents, investigators, prosecuting attorneys, and defense attorneys. There are two attorneys assigned to the organization serving more than 300 employees, including 186 examiners. In support of the forensic examiners, attorneys assist with discovery preparation, mock trials, and trial preparation.

Being a part of a very small subset of attorneys advising forensic laboratories, laboratory attorneys must be self-sufficient learners, educators, and mediators. Attorneys must remain proficient in court procedures and core legal disciplines. Likewise, they must stay abreast of scientific terminology and methodologies, understand the scientific method as it relates to research and validation studies, and still find innovative ways to make this information relevant and understandable to attorneys in the field. They must understand the jurisdictional standards for the admissibility of scientific expert testimony and be able to explain these terms to scientists.

When laboratory attorneys encounter issues regarding legislative issues, *Brady* notifications, and *Daubert* challenges to forensic disciplines, to whom do they turn? What resources are available? Moreover, what happens when the forensic laboratory becomes the test-bed for novel means of reporting results? How does one explain that what may be scientifically responsible may not be readily acceptable by the legal community? Often, what is considered scientifically relevant and legally relevant may diverge as the word “relevant” has a different meaning for lawyers than it does for scientists. What happens when an examination is requested that the scientists do not believe is scientifically relevant or capable of answering the ultimate question?

For the laboratory attorney ever seeking to bridge the gap between science and the court room, everyone’s opinion must be considered and addressed.

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