F35 Reconciling Differences Between Lawyers and Forensic Scientists in a Law School Setting Toward Advancement of the Professions

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After attending this presentation, attendees will have ideas and an interest in exploring simulation-based educational opportunities focusing on the intersection of law and forensic science. Through the use of simulations, interdisciplinary courses focusing on law and forensic science are able to explore matters of skill, judgment, and ethics in the use of expert testimony in civil and criminal litigation. The key objectives of this presentation are to share tested methods for teaching at the intersection of law and forensic science and to underscore the importance of using accurate, data-supported simulations in the training of skills, judgment, and ethics.

This presentation will impact the forensic science community by advancing the quality of training tied to the use of expert testimony in civil and criminal litigation. Key goals of the course described in the presentation include: (1) understanding the distinct roles of judges, prosecutors, defense attorneys, and experts when forensic science is offered as evidence in criminal or civil proceedings; (2) recognizing the potential for wrongful conviction when lawyers are not prepared and experts make errors, intentional or not, or stretch to assist in the win; and, (3) introducing and simulating the skills and judgment needed to be competent and prevent errors. Interdisciplinary training for lawyers and forensic scientists advances the pursuit of excellence for future professionals in law and forensic science.

Proposition: Law school learning opportunities advance the pursuit of competence at the intersection of law and forensic science. Interdisciplinary training of future lawyers and forensic professionals with well-crafted simulations provides opportunities to explore roles and reconcile differences while developing needed skills and judgment.

Method: Indiana University (IU) Robert H. McKinney School of Law offers a two-week, two-credit, intensive summer course reconciling law and forensic science using clinical classroom methodology. In its tenth year, the course also is a capstone for students obtaining a masters of forensic science degree at Indiana University-Purdue University Indianapolis (IUPUI). Law and forensic science students are assigned teams and given specific roles in simulation exercises based on forensic evidence analysis undertaken by the forensic science students and outside experts.

For example, a plastic pipe bomb covered in electrical tape is found in an unattended bag at the airport. A forensic analysis, including production of raw data and a lab report, is completed. The expert seeks to give an opinion that the tape from the device is consistent with the tape in the suspect's home.

A man found dead in the parking lot of a tavern has a bitemark on his arm, with a head injury as the cause of death. Police have no witnesses. A suspect is ordered to give bitemark exemplars. The state's experts in odontology and digital evidence are prepared to testify as to the theory and technique supporting the analysis and methods of application used to reach the conclusion that the bitemark of the suspect is consistent with the bitemark on the body.

Classroom exercises based on these simulations include witness preparation by the prosecution, defense pretrial questioning, and preliminary hearing and trial testimony presentations. Seasoned lawyers from the Indianapolis

area participate in the simulation exercises, providing co-counsel for each team. Students perform the simulations, with critique, feedback, and opportunity for reflection.

Results Obtained: Law students and forensic science students are capable of identifying and examining the differences, as well as the similarities, between legal roles and forensic science roles. Future prosecutors and defense attorneys can be taught the need to obtain and understand the raw data supporting the expert opinion and prepare to admit, prevent admission, and/or make the record for appeal. Future forensic scientists can be taught to recognize the importance of witness preparation between the expert and the lawyer offering the evidence. Stressing ethics in training results in application of ethics in a real world setting.

Conclusion: Interdisciplinary training for law and forensic science students advances the future professional competence of lawyers and forensic experts and, thus, the pursuit of justice.

Legal Education, Interdisciplinary, Science and Law