The Disconnect Between Forensic Science and the Lawyers and Judges Who Represent It

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The Disconnect Between Forensic Science and the Lawyers and Judges Who Represent It
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Background/Introduction
- Integrity of criminal justice system dependent in part on Forensic Science and those who represent it
- Scientific evidence tests the abilities of judges, lawyers, and juries to comprehend and evaluate it
- Misunderstanding evidence by jury comes from misleading presentations by forensic experts, attorneys, and judges
- Judges and lawyers do not have adequate Forensic Science knowledge to be able to convey evidence to a jury or cross examine witnesses
- Only 5% of lawyers and judges studied science as undergraduates
- Law schools nationally have fallen behind preparing attorneys to litigate cases where expert testimony is offered
- Lawyers, judges, and forensic experts have voiced concern with lack of scientific training for lawyers—1979: Dr. Cyril Wecht expressed concern favoring special training for all lawyers dealing with forensic issues

Methods

Curriculum Study:
- identified top U.S. law schools
- Top 50 Law Schools: Vanderbilt, Georgetown University, Duke University, University of California, University of Pennsylvania, New York University, Columbia University
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- Forensic science and those who represent it
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Survey Study:
- 84 responses (47.46%)
- Forensic Experts: 38 responses (21.47%)
- Law Students: 44 responses (22.91%)

Results

Lawyers/Judges: 53 responses (31.07%)
Law Students: 84 responses (47.46%)
Forensic Experts: 38 responses (21.47%)

Top Law Schools:
- Top 50 Law Schools: Vanderbilt, Georgetown University, Duke University, University of California, University of Pennsylvania, New York University, Columbia University
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Discussion
- Law schools rarely offer forensic science education to their students
- Class titled Evidence always required in law schools (This class may be one of the only courses in which Forensic Science is being slightly introduced to students; however, the courses main focus is Federal Rules of Evidence)
- 20% of universities ranked top 50 offer a course geared towards Forensic Science education
- 16% of the top criminal universities offer a course geared towards Forensic Science education
- Schools where a Forensic Science course is being offered, it is 100% of the time an elective
- None of these law schools require any student who is planning to practice criminal law to have had any formal Forensic Science education
- Potential Solutions:
  - Introduce an elective Forensic Science course into the curriculum
  - Introduce Forensic Science into an already established required course and replace repetitive teachings between courses with introductory Forensic Science knowledge

Conclusions
- Advocate for more Forensic Science training in law schools across the U.S. for those aspiring lawyers who plan to practice criminal law
- Survey law students as to whether or not they would enroll in an introductory forensic science course
- Prepare a forensic science introductory course for law schools to introduce into their curriculum

Future Directions
- Needs to be more promotion of Forensic Science education in U.S. law schools
- American Academy of Forensic Science (AAFS) and Forensic Science Education Programs Accreditation Commission (FEPAC) promote strengthening Forensic Science education in colleges and high schools yet no organization focuses on promoting Forensic Science education in law schools
- Students not choosing law school electives based on their interest but instead to prepare themselves for the Bar examination which tests knowledge in: Contracts, Constitutional Law, Criminal Law and Procedure, Evidence, Real Property, and Torts
- Lawyers/Judges were minimally exposed to forensic science during their time in law school and are not very confident in representing or cross examining expert witnesses in various areas of forensic expertise
- Current law students find a forensic science background to be a valuable tool for a lawyer practicing criminal law

Acknowledgements
- Duquesne University
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- Forensic Science and Law Program

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6. CBK TO SCOLL. 2006, 12(7).

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