The Attorneys, Love’em or Hate’em. You Can’t (should not) Do Standards Without’em”
SCIENCE IN THE COURTROOM

AND THE LAW
THE LRC LOOKS AT STANDARDS FOR USE IN AN ADVERSARIAL LEGAL SYSTEM

Attorneys
THE COURTROOM

2/26/18
LEGAL RESOURCE COMMITTEE (LRC)

- Judges.
- Prosecutors.
- Defense attorneys.
- Innocence network attorneys.
- Academic and Government representatives.
WHAT DOES THE LEGAL RESOURCE COMMITTEE (LRC) DO?

- Input to Scientific Area Committee (SAC’S) and Subcommittees.
- Maintain open dialog through liaisons.
- Evaluation of standards.
ACADEMIA

ANDREA ROTH

DAVID KAYE
PROSECUTION

RICHARD "DICK" REEVE

ELIZABETH GEDDIS
GOVERNMENT INNOCENCE NETWORK

LYNN ROBATELLI GARCIA

BARRY SCHECK
AFFILIATES

TED HUNT

LINDSEY HERF
LEGAL RESOURCE COMMITTEE
MISSION

- The legal ramifications of standards.
- Meaningful use of forensic science standards by the legal system.
LRC QUESTIONS

- Is the subject of the standard or guideline a new or novel technique?
  - A novel application of an older technique or method?

- Are there any adverse appellate court rulings on the admissibility of the technique?
  - If so, does the standard address the concerns identified in the court opinion(s)?
  - How?
LRC QUESTIONS

- Does the standard address the documentation and preservation of underlying materials and data?

- Does the standard require any documentation of the case information the examiner was exposed to before or during the analysis?
LRC QUESTIONS

- Are the directives of the standard specific and clear as to what they require or recommend?

- Are the technical terms used in the standard defined within the document?
  - If not, does the standard or guideline refer the reader to definitions published elsewhere?
LRC QUESTIONS

- Does existing research or data support the standard? If so, where can these be found?

- To what extent and how has the technique been validated?
LRC QUESTIONS

- Are the error rates associated with the technique, when applied as prescribed or recommended, estimated? If so, how? If not, why not?

- Is the uncertainty associated with measurements obtained by using a technique as prescribed or recommended in the standard estimated? If so, how? If not, why not?
Is something bad about to happen?
USE OF STANDARD BY LEGAL SYSTEM

- What is needed by the legal community.
- Legal obligations for disclosure.
- Focus on electronic communication.
LRC COMMUNITY OUTREACH

- Forensic science legal resources.
- Legal resource attorney network.
- Community outreach.
THANK YOU!
QUESTIONS?

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