scientific evidence in civil and criminal cases university casebook series

#scientific evidence law #forensic evidence legal #evidence in court cases #civil and criminal evidence #university casebook evidence

This university casebook series offers a comprehensive exploration of scientific evidence, detailing its application and challenges within both civil and criminal legal proceedings. It provides essential insights for students and legal professionals navigating the complexities of forensic and expert testimony in court.

Scientific Evidence in Civil and Criminal Cases

This 2009 supplement to Moenssens, Henderson and Portwood's Scientific Evidence in Civil and Criminal Cases, 5th (University Casebook Series) covers all major aspects of the law surrounding scientific evidence in court proceedings.

Scientific Evidence in Civil and Criminal Cases

This text is the eighth edition of an authoritative work that has defined and shaped the legal analysis of scientific evidence for four decades. A single source and definitive reference for law students, scholars, practicing attorneys, and judges, it covers the critical topics in the law and the scientific disciplines most frequently encountered in the courtroom. It explains established capabilities and existing limitations of forensic science methodologies, as well as controversial and emerging issues in both the forensic science community and the legal system. For each discipline, the standards and qualifications of experts are presented along with evidentiary issues and admissibility challenges. This practical resource begins with an overview of admissibility standards for scientific evidence and expert testimony and considerations for selecting and working with experts. It covers the legal principles relevant to demonstrative exhibits used by expert witnesses in connection with scientific evidence. Drawing upon extensive case references and current research articles, the book includes such topics and disciplines as fingerprint evidence, firearm and toolmark evidence, forensic document examination, fire scene and explosives investigation, trace evidence, vehicle investigations, digital forensics, forensic anthropology, forensic odontology, forensic pathology, forensic toxicology, forensic biology and DNA analysis, controlled substances analysis, and forensic psychiatry and psychology.

Scientific Evidence in Civil and Criminal Cases

Scientific Evidence in Civil and Criminal Cases is the sixth edition of an authoritative work that has defined and shaped scientific evidence for four decades. This practical resource covers the law associated with scientific evidence, as well as the underlying principles of the forensic science disciplines most frequently encountered in the courtroom. It explains the capabilities and limitations of the forensic science methodologies and discusses controversial and emerging issues both in the forensic science community and in the legal system. For each discipline, the standards and qualifications of experts are presented along with the current status of admissibility and applicable evidentiary law.

Strategic Use of Scientific Evidence

This work focuses on scientific testimony in both civil and criminal cases. The book has been written especially for attorneys without a science background.

The Impact of Scientific Evidence on the Criminal Trial

This book explores challenges posed by the use of DNA evidence to the traditional features, procedures and principles of the criminal trial. It examines the limitations of existing theories of criminal trial processes in the face of increasing use of scientific evidence in the court room. The research elucidates the interconnections at trial of three epistemologies, namely legal reasoning, as represented by counsel and trial judge, common sense manifested by the jury and scientific reasoning expounded by the expert witness. Sallavaci argues that while scientific reasoning is part of this hybrid of trial languages and practices, its extended use is producing specifically novel tensions which impact on the traditional criminal trial landscape. Through the lens of DNA evidence, the book investigates how far the use of scientific evidence in the fact finding process poses challenges for the adversarial character of the proceedings and rules of evidence; how it affects the role of the judge, jury and expert witness, as well as the principle of orality and continuity of the trial. In comparing the challenges faced in English common law trials to those of the USA, this book has international scope, and will be of great use and interest to students and researchers of Criminal Law and Practice, Policing, and the role of Forensics in Law.

Scientific Evidence in Criminal Cases

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Evidence

While there are several texts that focus on forensic science techniques and applications, there are few to no quality books that adequately address the judicial interpretation of forensic legal and scientific principles. The field of forensic science and law has long been in need of a historic casebook. Forensic Law Casebook: Judicial Reasoning and the Application of Forensic Science in Criminal Cases fills the current void by reviewing actual case law and translating the practical application of science to the

courtroom. Each chapter represents a unique forensic discipline, providing a short introduction to the subject matter, the relevant case law and court cases that pertain to that subject area and posing a variety of questions and issues to the student. All cases provided contain a sufficient portion of the legal decision - and its implications to the evidence and analytical practices of that discipline - in order to then pose critical and analytical questions to the student, once they have fully read the case material and the decision and considered its implications. Each chapter ends its theoretical examination with real-world experience encountered by those laboring in the investigative and collection processes - as well as problems or challenges encountered by those employed in the office of the prosecutor, public defender, medical examiner or other aligned office. This last section of each chapter gives true meaning and impact as to how forensic law decision-making impacts forensic practitioners, and a true understanding of the responsibility placed on law enforcement, investigators and scientists tasked with collecting, preserving and analyzing the evidence. Forensic Law Casebook provides the reader with an array of legal cases and decisions that lay out the parameters of forensic law and its evidentiary value. In the end, what emerges from this are the bedrock principles that guide current forensic evidence and the admissibility of various practices common to the field applications of forensic science. Practitioners, law students, undergraduate and graduate students in compatible majors - as well as law and university libraries - will benefit from this essential reference and adjunct to anyone studying forensic science, criminalistics and the law.

Forensic Law Casebook

While science and technology have taken a major role in resolving legal disputes, experience has shown the difficulty of determining the reliability of this evidence. This book takes an in-depth look at the challenges of experts and forensic evidence, both civil and criminal, exploring the conflicts between law the science, the judicial gatekeeper function and the impact of the adversary system. The main objectives of the book are to use evidence, procedure and doctrinal information in solving challenging real-life problems involving expert testimony. It requires the use of strategy and effective communication skills. The teacher's manual has civil and criminal case material that will provide guided experiential learning opportunities for law students. The book is equally useful to civil and criminal practitioners, drawing on the informed perspectives of judges, law professors, leading practitioners and forensic experts. This book is the first of its kind in the legal field, a hybrid approach that analyzes cases and trends regulating the use of expert testimony. The use of science and mathematics is approached in a user-friendly way for non-scientists, effectively decoding what the Daubert decision actually means for actual practice. The authors cover the total range of both civil and criminal forensics, giving the reader a comprehensive foundation. Above all else, a book on forensics should be interesting and this one is all of that, drawing from multiple interviews of insiders who are well-familiar was the use and abuse of expert testimony. The multiple color illustrations are totally unique for a law book, reinforcing the text, making a vivid experience for both teacher and student. A DVD of a computer animation presenting expert testimony gives the book a distinct high tech slant. "The scope of the book is remarkable given its approximately 300 pages. [...]Equally valuable for the lawyer or law student are the chapters that clearly and concisely describe various types of forensic scientific evidence and tests that are presented in the typical American trial. [...]In short, Law, Science and Experts covers all three topics well, providing valuable insights for both law students and experienced civil and criminal trial lawyers. Any lawyer who tries cases in court should have this book on the office shelf." -- Frederick Moss, Professor Emeritus, SMU Dedman School of Law "Everything needed to effectively translate the forensic expert's world into that of the expert advocate is here." -- John Mitchell, Professor, Seattle University School of Law "The authors cover forensics in depth, which results in giving the reader a comprehensive understanding on the topic. [...]Throughout the book, the authors emphasize practical, how-to ideas. [...]Law, Science and Experts is a must read for any trial lawyer. Everything taught is applicable to both sides of a case, in both the civil and criminal areas. Unlike any other book available, this book explains how to advocate through experts and how to use critical evidence, bias, and visual aids to effectively teach and persuade the trier of fact." -- Elizabeth J. Donaldson, Washington State Association for Justice's Trial News "One of the book's highlights is the takeaways at the end of each chapter: convenient lists that summarize the key points and can serve as a quick guide for preparing an outline. Another highlight is practical advice from an array of litigators, forensic scientists, and jurists. Their insights--such as a judge's perspective on Daubert challenges--are invaluable [...] This guide is worth a place on every trial lawyer's shelf." -- Laura G. Tamez, Trial magazine

Law, Science and Experts

"Inspired by problems that spring from real life, this casebook presents the intricacies of evidentiary law in a way that law students will find both intellectually compelling and enjoyable. Many of the problems are based on facts taken from cases or news articles, complete with citations, and this fact-based approach piques student interest. This fact-based approach piques student interest, causing them to ask, "How would a good lawyer attack this problem?" rather than "What is the professor driving at?" Based on the belief that students typically prefer to look at the courtroom through the criminal law lens, the casebook emphasizes the criminal context, while using civil cases when illustrating rules that apply mainly in the civil context."--Publisher's Website.

Evidence

This book examines scientific evidence in both civil and criminal contexts.

Evaluating Scientific Evidence

The purchase of this ebook edition does not entitle you to receive access to the Connected eBook on CasebookConnect. You will need to purchase a new print book to get access to the full experience including: lifetime access to the online ebook with highlight, annotation, and search capabilities, plus an outline tool and other helpful resources. Using representative cases, comprehensible scientific readings, and the authors' insightful introductions and explanatory notes, Scientific and Expert Evidence provides a comprehensive treatment of the law and science relating to scientific and expert evidence. The Third Edition provides more explanation of scientific concepts and full coverage of recent scientific and legal developments, but in a shorter book that focuses more intensively on core legal issues. New to the Third Edition: An entirely redesigned chapter covering developments in Opinion Evidence, including new cases exploring the complexity and boundaries of expert evidence that are suitable for student projects A fully redesigned chapter on Social Science, Behavioral Science, and Neuroscience, with new cases and commentary Inclusion of cutting-edge cases that highlight courts' growing recognition of the importance of scientific accuracy in the areas of eyewitness identification, false confession, and child sexual abuse evidence A reorganized and more tightly focused treatment of forensic science, with excerpts from national science organizations focusing on accuracy and reliability of pattern matching evidence and the problems that still remain Full coverage of evolving DNA science, including the "database mining" approach to cold cases, continuing developments in the statistical analysis of matches, and the vanishing notion of "junk" DNA Elucidation of the sometimes-conflicting legal and scientific ideas of causation and proof, including updated cases involving toxic exposures and medical devices Additional cases involving economic analysis in evidence, coupled with expanded explanatory notes Updated exposition of the current state of the law of scientific evidence An expanded explanation of basic statistical concepts, with additional examples and illustrations Professors and students will benefit from: Complex issues presented clearly and concisely A consistent and logical internal chapter organization and pedagogy Accessible but not simplistic discussion of statistics and DNA chapters The exploration of the differences and synergies of legal and scientific methods and goals A new case in Chapter 2 that permits students to pull together multiple concepts in FRE 702 and the Daubert trilogy, perfect for a written assignment or classroom discussion The easiest Rubik's Cube solution is available in many languages. Learn it quickly memorizing only a few algorithms.

Scientific and Expert Evidence

The interpretation and evaluation of scientific evidence and its presentation in a court of law is central both to the role of the forensic scientist as an expert witness and to the interests of justice. This book aims to provide a thorough and detailed discussion of the principles and practice of evidence interpretation and evaluation by using real cases by way of illustration. The presentation is appropriate for students of forensic science or related disciplines at advanced undergraduate and master's level or for practitioners engaged in continuing professional development activity. The book is structured in three sections. The first sets the scene by describing and debating the issues around the admissibility and reliability of scientific evidence presented to the court. In the second section, the principles underpinning interpretation and evaluation are explained, including discussion of those formal statistical methods founded on Bayesian inference. The following chapters present perspectives on the evaluation and presentation of evidence in the context of a single type or class of scientific evidence, from DNA to the analysis of documents. For each, the science underpinning the analysis and interpretation of the forensic materials is explained, followed by the presentation of cases which illustrate the variety of approaches that have been taken in providing expert scientific opinion.

Forensic Evidence in Court

Miscarriages of justice are a regular occurrence in the criminal justice system, which is characterized by government agencies that are understaffed, underfunded, and undertrained across the board. We know this because, every week, DNA testing and innocence projects across the United States help to identify and eventually overturn wrongful convictions. As a result, the exonerated go free and the stage is set for addressing criminal and civil liability. Criminal justice students and professionals therefore have a need to be made aware of the miscarriage problem as a threshold issue. They need to know what a miscarriage of justice looks like, how to recognize it's many forms, and what their duty of care might be in terms of prevention. They also need to appreciate that identifying miscarriages, and ensuring legal remedy, is an important function of the system that must be honored by all criminal justice professionals. The purpose of this textbook is to move beyond the law review, casebook, and true crime publications that comprise the majority of miscarriage literature. While informative, they are not designed for teaching students in a classroom setting. This text is written for use at the undergraduate level in journalism, sociology, criminology and criminal justice programs - to introduce college students to the miscarriage phenomenon in a structured fashion. The language is more broadly accessible than can be found in legal texts, and the coverage is multidisciplinary. Miscarriages of Justice: Actual Innocence, Forensic Evidence, and the Law focuses on the variety of miscarriages issues in the United States legal system. Written by leaders in the field, it is particularly valuable to forensic scientists and attorneys evaluating evidence or preparing for trial or appeal in cases where faulty evidence features prominently. It is also of value to those interested in developing arguments for miscarriage in post-conviction review of criminal cases. Chapters focus specifically on issues of law enforcement bias and corruption; false confessions; ineffective counsel and prosecutorial misconduct; forensic fraud; and more. The book closes by examining innocence projects and commissions, and civil remedies for the wrongfully convicted. This text ultimately presents the issue of miscarriages as a systemic and multi-disciplinary criminal justice issue. It provides perspectives from within the professional CJ community, and it serves as warning to future professionals about the dangers and consequences of apathy, incompetence, and neglect. Consequently, it can be used by any CJ educator to introduce any group of CJ students to the problem. Written by practicing criminal justice professionals in plain language for undergraduate students Covers multiple perspectives across the criminal justice system Informed by experience working for Innocence Projects across the United States to achieve successful exonerations Topical case examples to facilitate teaching and learning Companion website featuring Discussion topics, Exam questions and PowerPoint slides: http://textbooks.elsevier.com/web/Manuals.aspx?isbn=9780124115583

Miscarriages of Justice

Forensic Science in Court explores the legal implications of forensic science—an increasingly important and complex part of the justice system. Judge Donald Shelton provides an accessible overview of the legal aissues, from the history of evidence in court, to "gatekeeper" judges determining what evidence can be allowed, to the "CSI effect" in juries. The book describes and evaluates various kinds of evidence, including DNA, fingerprints, handwriting, hair, bite marks, tool marks, firearms and bullets, fire and arson investigation, and bloodstain evidence. Assessing the strengths and limitations of each kind of evidence, the author also discusses how they can contribute to identifying the "who," "how," and "whether" questions that arise in criminal prosecutions. Author Donald Shelton draws on the depth of his experiences as courtroom prosecutor, professor, and judge, to provide a well-rounded look at these increasingly critical issues. Case studies throughout help bring the issues to life and show how forensic science has been used, both successfully and not, in real-world situations.

Forensic Science in Court

Shelton describes the startling questions that have arisen about the reliability of many forms of scientific evidence which were traditionally regarded as reliable and have been routinely admitted to prove guilt. The exonerations resulting from the development of DNA have exposed the lack of truswortiness of much of the "scientific" evidence that was used to convict people who turned out to be innocent. The Congressionally commissioned report of the National Academy of Sciences documented the lack of scientific basis in many of these areas. Nevertheless, Shelton discloses that many courts continue to routinely admit such evidence in criminal cases, in spite of the obligation of judges to be the "gatekeepers" of forensic science evidence. He explores reasons for that phenomenon and describes whether and how it might change in the future.

Forensic Science Evidence

Designed solely with classroom use in mind, Scientific and Expert Evidence

Scientific and Expert Evidence

Rules of Criminal Evidence provides students with a real-world approach to courtroom procedure, the presentation of evidence in criminal trials, and scenarios future legal professionals are likely to encounter. Through a collection of case studies and enlightening examples, the text demonstrates how the rules of evidence are applied in actual trial settings. Part 1 describes the basics of courtroom procedure and personnel. Part 2 introduces students to the Federal Rules of Evidence, including their foundation and the rules that commonly come into play in criminal cases. Part 3 examines identification evidence and underscores the importance of identifying the subject of the prosecution. In parts 4, 5, and 6, students learn how the Fourth, Fifth, and Sixth Amendments are relevant to the study of evidence. Coverage includes searches and seizures, the exclusionary rule, the admissibility of confessions, the privilege against self-incrimination, cross examination, and the use of hearsay testimony. Parts 7 and 8 discuss crime scene and physical evidence. The final part speaks to scientific evidence and expert testimony. Designed to provide students with a practical, hands-on perspective, Rules of Criminal Evidence is ideal for courses in criminal justice.

Rules of Criminal Evidence (First Edition)

While expert witnesses and forensic evidence increasingly have taken a dominant role in both criminal and civil litigation, lawyers remain largely untrained in the scientific method. In 2009, the National Academy of Sciences was highly critical of the use and abuse of forensic evidence, noting the difficulty in determining its reliability. Combined with Law, Science and Experts: Criminal and Civil Forensics, this four-color book meets this challenge head-on, providing the complete experiential package and helping to transform the classroom. It contains eight criminal and civil case problems, offering students exciting, unparalleled learning opportunities.

Modern Scientific Evidence

Forty new problems have been added to this edition. Many concern the range of issues created by the Supreme Court's new approach to confrontation in Crawford v. Washington. A number have been added for expert testimony and revisions have been made regarding DNA evidence. Others deal with character evidence in criminal cases, including other crimes evidence and prior sexual assaults in both civil and criminal cases. Some examine the challenges presented by new technology when evidence comes from cell phones and computer hard drives. A new problem also raises issues that the new federal rule concerning "inadvertent disclosure" of privileged attorney-client material can help resolve. Long-time users of this Problem Book will find some of the questions in what we believe are more logical locations. Scientific expert testimony has been moved from Chapter 8, which concerns the relevancy concept, to Chapter 12 with other aspects of expert testimony. Conversely, problems concerning the rape shield principle haves been moved from Chapter 12 to Chapter 8 where other aspects of character evidence are examined. As with earlier editions, the Fifth Edition provides citations to the McCormick hornbook to make it convenient for the two books to be used together. It is also coordinated with Broun, Mosteller, and Giannelli, Cases and Materials in Evidence (7th ed. 2006).

The Use of Scientific Evidence in Litigation

As an increasing range of expert evidence becomes available to it, the criminal justice system must answer a series of challenging questions: should experts be permitted to give evidence on the credibility of witnesses? How should statistical evidence be presented to juries? What relevancedoes syndrome evidence have to questions of criminal responsibility? In `Expert Evidence and Criminal Justice', Mike Redmayne explores these issues. His exposition utilizes work in a number of disciplines, and draws comparisons with the law and procedure in several different jurisdictions. Whiledeveloping a general overview of the use of scientific evidence in the criminal process, Redmayne makes use of detailed examinations of particular issues, such as battered women syndrome, fingerprinting, and eyewitness expertise. Through an analysis of expert evidence, he also invites reflection ona series of wider issues, among them the function of exclusionary rules and the nature of case construction.

Law, Science and Experts

This unique casebook adopts a modern, comprehensive approach to the study of evidence issues that arise in the context of criminal trial litigation. It covers evidentiary issues associated with the admission of forensic evidence, including expert testimony, as well as traditional evidence issues, such as evidence of prior bad acts offered for purposes other than to prove propensity, and evidence of a rape victim's prior sexual behavior. The materials are presented in two parts that allow for a Criminal Evidence course focused solely on forensic science, solely on traditional criminal evidentiary issues, or a combination of both topics. The Fourth Edition represents a major revision of the casebook. Virtually every chapter has been updated with new and more recent cases and materials. A total of twenty-six new cases have been added to the fourth edition, followed by comprehensive notes and questions. Some of the main updates: Chapter 5, Evidence Based on Research in Social and Behavioral Science, includes several new cases on the admissibility of expert testimony on eyewitness identification, rape trauma syndrome, child sex abuse syndrome, and battered woman syndrome. Chapter 8, Hearsay Where the Availability of the Declarant is Immaterial, includes three recent U.S. Supreme Court cases: Bullcoming v. New Mexico (2011), Michigan v. Bryant (2011), and Williams v. Illinois (2012). Additionally, a case recently decided by the California Supreme Court discussing the implications of Williams has been added to the new edition. Chapter 10, Impeachment, has been substantially revised with the addition of several new cases on impeachment by prior conviction, misconduct not resulting in a conviction, and opinion testimony regarding the truthfulness of a government witness, as well as impeachment by contradiction. Chapter 11, Photographs, Videotapes, Audio Recordings, and Demonstrations, includes new cases on the admission of graphic autopsy photographs, the foundational requirements for the admission of videotape recordings, and a new section discussing the admission of computer-generated evidence, e.g., computer animations and computer simulations. This book also is available in a three-hole punched, alternative loose-leaf version printed on 8.5 x 11 inch paper with wider margins and with the same pagination as the hardbound book.

Forensic Evidence

This manual will assist judges in managing expert evidence (EE), primarily in cases involving issues of science or technology. Such issues may arise across the entire spectrum of litigation: from mass toxic tort & product liability cases to patent & trademark cases, from medical malpractice cases to contract cases, from environmental, security, & antitrust cases even to criminal cases. There are three parts: management & admissibility of EE; a framework for considering challenges to EE, & reference guides for seven areas of expert testimony; & court-appointed experts & special masters.

Problems in Evidence

The revised edition of this intellectually challenging casebook provides a complete overview of evidence, including key U.S. Supreme Court and other court opinions, updated information on scientific evidence, new questions and hypotheticals, and common courtroom objections. Case law coverage includes important Supreme Court opinions on the Confrontation Clause from Crawford v. Washington, a case that overturns decades of precedent, and from Lilly v. Virginia, the latest word on the Confrontation Clause. The casebook also includes an expanded section on scientific evidence and cases that apply Daubert, as well as new questions and hypotheticals for class discussion and an essay designed to familiarize students with common courtroom objections.

Expert Evidence and Criminal Justice

Weinstein, Mansfield, Abrams and Berger's Evidence, Ninth Edition, provides detailed information on law of evidence. The casebook provides the tools for fast, easy, on-point research. Part of the University Casebook Series, it includes selected cases designed to illustrate the development of a body of law on a particular subject. Text and explanatory materials designed for law study accompany the cases.

Criminal and Forensic Evidence

Vols. for 1980- issued in three parts: Series, Authors, and Titles.

Criminal and Forensic Evidence

Law Books in Print: Subject