

Law, Science and Experts

Case Problems and Strategies

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*This book is dedicated to the memory of
Shannon Beth Harps, 1976–2007*



*A beautiful spirit, filled with warmth and a love
of nature, she was taken from us far too soon.*

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Foreword

How to Use This Book

Legal education continues to undergo great change. Increasingly, we seek to make our students “practice ready” through “experiential education.” But the challenge for legal educators is how to translate these broad goals into rich, pedagogically sound curriculum offerings.

This book tackles working with experts, one of the most important, strategic and demanding litigation and trial skills. It cuts across a broad spectrum of criminal and civil practice, addressing not only the **substance** of Forensics, but also the **way** in which it is taught in the classroom.

In companion with *Law, Science and Experts: Civil and Criminal Forensics*, this book provides the complete experiential package, with learning outcomes that build critical skills in fun, interesting and challenging ways.

The eight criminal and civil case files in this book all are drawn from real life, based on expert reports, police investigation files, and civil trial transcripts. They include DNA evidence in a murder case, an insanity defense in a murder case, fingerprint evidence, computer forensics, medical malpractice, economic calculation of loss to an estate, vocational assessment and biomechanical engineering. Each case file is condensed, focusing students on the core materials, complete with photos, diagrams, reports and laboratory findings.

This multi-dimensional learning package is calculated to give students a much better idea of the process prior to their own hands on efforts. Each case problem has a background analysis orienting students to the subject matter. Videos of students examining real experts in each case problem will be furnished in a hosted website.



These audiovisual demonstrations will provide a strong stimulus for classroom discussions. The sample PowerPoint slide shows in the Appendix give ideas on how to approach the material visually, another critical skill in working with experts, and educating the judge or the jury.

In addition to the expert witness case problems, an automotive crashworthiness product liability case provides the perfect opportunity to apply the *Daubert* criteria to a “battle of the experts” motion, arguing about “junk science” and unfair prejudice.

To capitalize on the problem-based format, the book encourages creative use of the classroom through:

- (1) Dividing students into small working groups that meet outside of class.
- (2) Involving real experts in the learning process.
- (3) Developing questioning strategies that inform a judge, jury, or arbitrator.
- (4) Simplifying and visualizing complex information.
- (5) Doing critical analysis of the effectiveness of presentations.
- (6) Bringing or defending *Daubert* motions.

The unique real-life forensic cases, multimedia materials and step-by-step guidance all support a dynamic, creative and compelling learning environment.

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