



# SCIENTIFIC EVIDENCE IN THE COURTS:

## Concepts & Controversies



# Scientific Evidence In The Courts Concepts And Controversies

**Paul T. Durbin**



## **Scientific Evidence In The Courts Concepts And Controversies:**

**Scientific Evidence in the Courts** Roscoe Pound Foundation Staff, 1997-07-01 **Scientific Evidence in the Courts**, 1998 Report of the 1997 Forum for State Court Judges Cover **Current Controversies in the Biological Sciences** Karen F. Greif, Jon F. Merz, 2007-02-23 In recent years advances in biological science and technology have outpaced policymakers attempts to deal with them **Current Controversies in the Biological Sciences** examines the ways in which the federal government uses scientific information in reaching policy decisions providing case studies of the interactions between science and government on different biomedical biological and environmental issues These case studies document a broad range of complex issues in science policy from the Human Genome Project to tobacco regulation and provide an accessible overview of both the science behind the issues and the policy making process The cases illustrate the different ways in which science and politics intersect in policy decisions as well as the different forms policy itself may take including not only regulatory action but the lack of regulation Among the topics examined are public and private research funding as seen in gene patenting reluctance to regulate even when a product has been proven unhealthy as in the case of tobacco a comparison of U S and international policy responses to genetically modified organisms and the competing interests at play in air pollution policy Each chapter includes shorter side essays on related topics for example essays on issues raised by the SARS epidemic accompany the detailed case study of the public health response to the anthrax laced mail received in the weeks after 9 11 This clear and readable introduction to controversial issues in the biological sciences will be a valuable resource for students of science policy and bioethics and for professionals in industry government and nongovernmental organizations who need background on emerging issues in the biological sciences **Judicial Activism at the European Court of Justice** Bruno de Witte, Elise Muir, Mark Dawson, 2013-01-01 This well constructed and well written collection fills a gap in the scholarship It offers a rounded and plausible picture of the Court s role in Europe engaging with the complexity of the law without losing sight of the bigger political picture Well contextualised critical but nuanced discussions of the role of rights economics science and institutions and of the important particularities of EU adjudication will make this volume unmissable for those interested in the political role of the Court of Justice of the EU Gareth Davies VU University of Amsterdam The Netherlands This book delves into the rationale components of and responses to accusations of judicial activism at the European Court of Justice Detailed chapters from academics practitioners and stakeholders bring diverse perspectives on a range of factors from access rules to institutional design and to substantive functions influencing the European Court s political role Each of the contributing authors invites the reader to approach the debate on the role of the Court in terms of a constantly evolving set of interactions between the EU judiciary the European and national political spheres as well as a multitude of other actors vested in competing legitimacy claims The book questions the political role of the Court as much as it stresses the opportunities and corresponding responsibilities that the Court s case law offers to

independent observers political institutions and civil society organisations Judicial Activism at the European Court of Justice will appeal to researchers and graduate students as well as to EU and national officials

*Reference Manual on Scientific Evidence* National Research Council, Federal Judicial Center, Policy and Global Affairs, Committee on Science, Technology, and Law, Committee on the Development of the Third Edition of the Reference Manual on Scientific Evidence, 2011-10-26 The Reference Manual on Scientific Evidence Third Edition assists judges in managing cases involving complex scientific and technical evidence by describing the basic tenets of key scientific fields from which legal evidence is typically derived and by providing examples of cases in which that evidence has been used First published in 1994 by the Federal Judicial Center the Reference Manual on Scientific Evidence has been relied upon in the legal and academic communities and is often cited by various courts and others Judges faced with disputes over the admissibility of scientific and technical evidence refer to the manual to help them better understand and evaluate the relevance reliability and usefulness of the evidence being proffered The manual is not intended to tell judges what is good science and what is not Instead it serves to help judges identify issues on which experts are likely to differ and to guide the inquiry of the court in seeking an informed resolution of the conflict The core of the manual consists of a series of chapters reference guides on various scientific topics each authored by an expert in that field The topics have been chosen by an oversight committee because of their complexity and frequency in litigation Each chapter is intended to provide a general overview of the topic in lay terms identifying issues that will be useful to judges and others in the legal profession They are written for a non technical audience and are not intended as exhaustive presentations of the topic Rather the chapters seek to provide judges with the basic information in an area of science to allow them to have an informed conversation with the experts and attorneys

Trade, Health and the Environment Marjolein van Asselt, Michelle Everson, Ellen Vos, 2013-10-30 The trade conflicts that the EU has faced within the EU or WTO context demonstrate that the question of how to balance trade and other societal values in situations of uncertainty has not been solved by the regulatory model evolved by the EU in the aftermath of the BSE crisis one which privileges processes of depoliticisation and scientification This book addresses the current key dilemmas around science law and the regulation of trade both on a regime level and in the context of particular industrial sectors e g pharmaceuticals climate change and nanotechnology It will present possible future research avenues by looking at both theory and practice and learning from various disciplines law and social sciences legal realities WTO USA and EU and actors regulators stakeholders courts

**Reference Manual on Scientific Evidence** ,2000 *The Impact of Scientific Evidence on the Criminal Trial* Oriola Sallavaci, 2014-02-05 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 *The Jury as Fact Finder and Community Presence in Civil Justice* ,2005 *Expert Evidence and Scientific Proof in Criminal Trials* Paul Roberts,2017-07-05 Forensic science evidence and expert witness testimony play an increasingly prominent role in modern criminal proceedings Science produces powerful evidence of criminal offending but has also courted controversy and sometimes contributed towards miscarriages of justice The twenty six articles and essays reproduced in this volume explore the theoretical foundations of modern scientific proof and critically consider the practical issues to which expert evidence gives rise in contemporary criminal trials The essays are prefaced by a substantial new introduction which provides an overview and incisive commentary contextualising the key debates The volume begins by placing forensic science in interdisciplinary focus with contributions from historical sociological Science and Technology Studies STS philosophical and jurisprudential perspectives This is followed by closer examination of the role of forensic science and other expert evidence in criminal proceedings exposing enduring tensions and addressing recent controversies in the relationship between science and criminal law A third set of contributions considers the practical challenges of interpreting and communicating forensic science evidence This perennial battle continues to be fought at the intersection between the logic of scientific inference and the psychology of the fact finder s common sense reasoning Finally the volume s fourth group of essays evaluates the limited success of existing procedural reforms aimed at improving the reception of expert testimony in criminal adjudication and considers future prospects for institutional renewal with a keen eye to comparative law models and experiences success stories and cautionary tales Open Courts with Sealed Files ,2004 The Privatization of Justice? ,2006 **Critical Perspectives on Nonacademic Science and Engineering** Paul T. Durbin,1991 This volume is an attempt to get philosophers to concentrate on what scientists and engineers actually do **The American Bench** Mary Reincke,Jeaneen C. Wilhelmi,2009 **Current Problems in the Protection of Human Rights** Katja S Ziegler,Peter M Huber,2013-03-01 While the legal systems of the United Kingdom and Germany differ in essential respects the current process of constitutionalisation is well recognised on both sides of the Channel Constitutionalisation manifests itself in the evolution of a constitution and the influence of existing constitutional principles on the ordinary law Human rights law provides one of the best examples of this process and the aim of this book is to provide a comparative UK German perspective on recent

developments First it addresses human rights questions which arise in both jurisdictions in a similar way such as the tension between liberty and security absolute rights such as human dignity and the prohibition of torture and the question how conflicts between human rights are to be resolved and conceptualised A second theme considers the impact of human rights on different areas of law in particular administrative law criminal law labour law and private law generally Finally a third theme focuses on the intersection of national supra and international human rights law in particular after the entry into force of the EU Charter on Fundamental Rights The book thus reveals convergent and divergent answers to similar problems examines differences in the impact of human rights on the legal systems under consideration and traces parallel and distinct debates over and sensitivities about human rights as well as sensitivities that arise in multi layer situations in the UK and Germany

**Scientific Controversies** H. Tristram Engelhardt, Jr., Arthur L. Caplan, 1987-04-24 This collection of essays examines the ways in which disputes and controversies about the application of scientific knowledge are resolved Four concrete examples of public controversy are considered in detail the efficacy of Laetrile the classification of homosexuality as a disease the setting of safety standards in the workplace and the utility of nuclear energy as a source of power The essays in this volume show that debates about these cases are not confined to matters of empirical fact Rather as is seen with most scientific and technical controversies they focus on and are structured by complex ethical economic and political interests Drs Engelhardt and Caplan have brought together a distinguished group of scholars from the sciences and humanities who sketch a theory of scientific controversy and attempt to provide recommendations about the ways in which both scientists and the public ought to seek more informed resolutions of highly contentious issues in science and technology Scientific Controversies is offered as a contribution to the better understanding of the roles of both science and nonscientific interests in disputes and controversies pertaining to science and technology

*Truth Machine* Michael Lynch, Simon A. Cole, Ruth McNally, Kathleen Jordan, 2010-02-15 DNA profiling commonly known as DNA fingerprinting is often heralded as unassailable criminal evidence a veritable truth machine that can overturn convictions based on eyewitness testimony confessions and other forms of forensic evidence But DNA evidence is far from infallible Truth Machine traces the controversial history of DNA fingerprinting by looking at court cases in the United States and United Kingdom beginning in the mid 1980s when the practice was invented and continuing until the present Ultimately Truth Machine presents compelling evidence of the obstacles and opportunities at the intersection of science technology sociology and law

**Still Coequal ?**, 2006

**Forensic Science Handbook, Volume I** Adam B. Hall, Richard Saferstein, 2020-10-19 Originally published in 1982 by Pearson Prentice Hall the Forensic Science Handbook Third Edition has been fully updated and revised to include the latest developments in scientific testing analysis and interpretation of forensic evidence World renowned forensic scientist author and educator Dr Richard Saferstein once again brings together a contributor list that is a veritable Who's Who of the top forensic scientists in the field This Third Edition he is joined by co editor Dr Adam Hall a forensic scientist and Assistant

Professor within the Biomedical Forensic Sciences Program at Boston University School of Medicine This two volume series focuses on the legal evidentiary biological and chemical aspects of forensic science practice The topics covered in this new edition of Volume I include a broad range of subjects including Legal aspects of forensic science Analytical instrumentation to include microspectrophotometry infrared Spectroscopy gas chromatography liquid chromatography capillary electrophoresis and mass spectrometry Trace evidence characterization of hairs dust paints and inks Identification of body fluids and human DNA This is an update of a classic reference series and will serve as a must have desk reference for forensic science practitioners It will likewise be a welcome resource for professors teaching advanced forensic science techniques and methodologies at universities world wide particularly at the graduate level     **Explorations in Criminal**

**Psychopathology** Louis B. Schlesinger, 2007 When Explorations in Criminal Psychopathology Clinical Syndromes With Forensic Implications was first published in 1996 the purpose was in part to correct an imbalance in the field specifically with regard to the coverage of the important topic of psychopathology and its relationship to crime The second edition of this book continues to address the complex approach to this very specific and important aspect of human behavior Emphasizing on psychopathology from a clinical phenomenological perspective with legal issues and implications playing a secondary role an impressive group of con

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