



*The ABA Criminal Justice Section and
the Louis Stein Center for Law & Ethics Present*

Fourth Annual

Prescription for Criminal Justice Forensics



Louis Stein Center for
Law and Ethics
Fordham University
School of Law
McNally Amphitheatre
140 W. 62nd Street

New York City

Friday, June 7, 2013

Cosponsors:

American Academy of Forensic Sciences
American Society of Crime Laboratory
Directors
John Jay College of Criminal Justice
Innocence Project, Inc.
Federal Defenders, Inc.

The ABA Criminal Justice Section and its cosponsors will bring together a distinguished panel of speakers including academics, prosecutors, defense lawyers, judges, scientists and others to discuss cutting edge forensic evidence issues in the criminal justice arena.

Topics to be covered in this year's program include:

- New developments in admissibility of forensic science evidence
- Cutting Edge Research in Forensic Science
- Post-conviction review of hair analysis cases
- Lab ethics and quality control
- DNA Mixture Interpretations and Statistics
- And more...

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 7.1 CLE credit (including 1.25 Ethics) hours in 60-minute-hour states, and 8.6 credit (including 1.5 Ethics) hours in 50-minute-hour states. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit www.americanbar.org/publications_cle/mandatory_cle.html

8:30 – 8:45 am **Welcome** – Mathias Heck, CJS Chair-Elect, Dayton, OH

8:45 – 9:45 am **Panel 1: New and Continuing Developments in Admissibility of Forensic Science Evidence**

This panel will focus on how the Supreme Court's Confrontation Clause decisions are impacting the admissibility of forensic science evidence, and how Williams v. Illinois is being interpreted by state courts. In addition, Judge Gertner will discuss her perspective on why courts fail on forensic evidence.

Moderator: Professor Myrna Raeder, Southwestern University Law School, Los Angeles, CA
Speakers: Paul Giannelli, Weatherhead Professor, Case Western Reserve Law School, Cleveland, OH
 Judge Nancy Gertner, Harvard Law School, Cambridge, MA

9:45 – 10:00 am **Break**

10:00 – 11:30 am **Panel II: Cutting Edge Research in Forensic Science**

This panel will address several new critiques of forensic science evidence concerning ballistics, statistics, bitemarks and shaken baby syndrome (abusive head trauma).

Moderator: Chris Fabricant, Director, Strategic Litigation, Innocence Project, Inc. New York, NY
Speakers: Peter Bush, University at Buffalo School of Dental Medicine, Buffalo, NY
 Dr. Mary Bush, University at Buffalo School of Dental Medicine
 Professor Keith Findley, University of Wisconsin Law School and co-director of
 the Wisconsin Innocence Project
 Cliff Spiegelman, Distinguished Professor, Texas A & M Department of Statistics, College Station, TX

11:30 am – 12:55 pm **Luncheon Address - Hair Analysis**

The historic collaboration between the FBI, the Innocence Project and the NACDL to review FBI hair microscopy cases to identify and take corrective action in cases where the original testimony or reports of examiners was incorrect.

Speaker: Peter Neufeld, Innocence Project, Inc., New York, NY

1:00 – 2:15 pm **Panel III: Lab Ethics and Quality Control**

Prosecutors are often faced with decisions in cases on what and what not to test as not all items of evidence can be examined. How do Prosecutors make these decisions? Defense attorney are often faced with the question of whether evidence should be retested or not. How are these decisions made? Lab Directors are sometimes faced with an employee with a failed proficiency test or an employee that has made an error in the past. What is the Lab Director's responsibility in such a case? The panel will address several hypothetical situations where prosecutors, defense attorneys and lab directors are faced with decisions that are influenced by rules of ethics.

Moderator: Michael Moore, Beadle County State's Attorney, Huron, SD
Speakers: Matt Redle, Sheridan County Attorney, Sheridan, WY
 Peter Marone, (Retired) Director, Department of Forensic Science, State of Virginia, Richmond, VA
 Betty Layne DesPortes, Benjamin & DesPortes, Richmond, VA

2:15 – 2:30 pm **Break**

2:30 – 4:00 pm **Panel IV: DNA Mixture Interpretations and Statistics-To include or exclude?**

DNA mixture interpretations vary among crime laboratories throughout the US even with the advent of the 2010 SWGDAM Interpretation Guidelines. Software packages are available to help crime laboratories determine if the defendant's or victim's DNA profile is included or excluded. And if the profile is included, there must be a statistic to demonstrate the significance of the inclusion. This panel will discuss the variance in mixture interpretations and statistics throughout crime laboratories in the United States.

Hotel Information: The Section is holding a block of sleeping rooms at the Sheraton New York Hotel, 811 Seventh Avenue, New York, NY. Rates are \$259 Single/Double. Make reservations by calling 888/627-7067 or 212/581-1000 and refer to the ABA 2013 Forensic Science Program. Make reservations by May 23, 2013 @ 5:00 pm EDT to receive these rates. You may also book online at www.starwoodmeeting.com/Book/ABA2013ForensicScience (Check <http://www.sheratonnewyork.com/> for more information on hotel.)

Moderator: Jill Spriggs, Director of Laboratory Forensic Services, Sacramento County D.A.'s Office, Sacramento, CA
Speakers: Jennifer Friedman, LA County Public Defender, Los Angeles, CA
Anne Marie Schubert, Sacramento County DA's Office, Sacramento, CA
Dr. John Butler, National Institute of Science & Technology, Washington, DC
Dr. Adele Mitchell, Office of the Chief Medical Examiner, New York, NY
Dr. Mark Perlin, Cybergenetics, Pittsburgh, PA

4:00 – 5:00 Panel V Brave New World: What the Government's New War on Computer Crimes Means for Privacy Interests

The government has all but declared a national state of emergency regarding computer-related crimes and has effectively declared war on the perpetrators of such crimes. But what does the government's new-found zeal in this area portend for the right to privacy? To what extent is the government using traditional law enforcement tools in ways that push the boundaries of the long-accepted contours of the Fourth Amendment? To what extent is the government deploying new technologies and techniques to investigate computer-related crimes (and even non-computer crimes) in ways that place Fourth Amendment protections under threat? This panel will explore the ways in which the government's efforts to bring the fight to cyber and other criminals may bring the government into homes, offices, and other private spaces in ways never before envisioned. It will further explore whether Fourth Amendment law as we know it is up to fending off this looming threat.

Moderator: Eric Breslin, Duane Morris LLP, Newark, NJ
Speakers: James Berger, McLean/Clark LLC, New York, NY
Nicholas Goldin, Simpson Thacher & Bartlett LLP, New York, NY
Erez Liebermann, Asst. U.S. Attorney, District of New Jersey
Neal Pollard, PricewaterhouseCoopers, Washington, DC

5:00 – 6:00 pm Reception

Check www.americanbar.org/crimjustice for updates to the agenda.

Registration Form: Fourth Annual Prescriptions for Criminal Justice Forensics

ONLINE REGISTRATION:

https://apps.americanbar.org/aba_timssnet/meetings/tnt_meetings.cfm?action=long&primary_id=CR1306&webtextid=74065&Subsystem=MTG&related_prod_flag=0

Or visit <http://www.americanbar.org/crimjust>

Return to: ABA Criminal Justice Section, 740 15th Street NW, Washington, DC 20005
or fax to 202-662-1501. Contact Carol Rose at 202-662-1519, carol.rose@americanbar.org

I will require ADA assistance: Audio Mobile Visual

Program Fee: Amount: \$_____ (check your category below)

CJS Members	Non-CJS Members	Other
<input type="checkbox"/> \$275 Private Practice	<input type="checkbox"/> \$300 ABA members	<input type="checkbox"/> \$25 Law Students (with ID)
<input type="checkbox"/> \$195 Gov't/Academics	<input type="checkbox"/> \$325 Private Practice	<input type="checkbox"/> \$75 Session V (WCC) and Reception only
	<input type="checkbox"/> \$225 Gov't/Academics	<input type="checkbox"/> Group Rate \$75/person (Gov't//Nonprofit groups of 5 or more*)

* Must register collectively

*Cancellations must be received by May 7, 2013. Substitutions are allowed.
Cancellations subject to an administrative fee of \$50, except for law students.*

Name _____ Organization _____

Address _____

City/State/Zip _____

Telephone _____ Fax _____ Email _____

Payment Information: Make check payable to ABA Criminal Justice Section or fill in the credit card information below:

Master Card Visa American Express CARD NO: _____ EXPIRATION DATE: _____

SIGNATURE: _____

Fourth Annual Prescriptions for Criminal Justice Forensics



Louis Stein Center for
Law and Ethics
Fordham University
School of Law
McNally Amphitheatre
140 W. 62nd Street

New York City

June 7, 2013



The American Bar Association
Criminal Justice Section
740 15th Street, NW
Washington, DC 20005-1022