



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

Third Annual

Prescription for Criminal Justice Forensics



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.

This year's program will open with a focus on the continued impact of the NSA report on forensics and use of Forensic Advisory Boards, and examine: pattern evidence, including fingerprints and bitemarks; eyewitness testimony after *Henderson* and *Perry*; new law enforcement efforts to develop local DNA databases, and cyber crime.

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

New York City

Friday, June 1, 2012

Co-Sponsors:

**American Academy of Forensic Sciences
ABA Section of Science & Technology
American Society of
Crime Laboratory Directors
Federal Defenders, Inc.
The Innocence Project, Inc.
John Jay College of Criminal Justice**

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 6.5 CLE credit hours in 60-minute-hour states, and 7.8 credit 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 http://www.americanbar.org/publications_cle/mandatory_cle.html

7:45 Registration
8:30 Welcome: Janet Levine, ABA Criminal Justice Section Chair, Crowell & Moring, Los Angeles

8:45 -10:00 Session I: **Revisiting the NAS Report Three Years Later and Assessing the Role of Advisory Boards**

This panel will address the current state of forensics in light of criticisms in the NAS report. It will focus on forensic issues being targeted by the defense, prosecutorial responses, and judicial reaction to motions attempting to restrict or exclude the testimony of forensic experts. The recent ABA policies concerning forensic evidence and governmental initiatives in the forensic area will be discussed. In addition, the use of Forensic Advisory Boards and Commissions will be discussed focusing on New York's experience.

Moderator: Myrna Raeder, Professor, Southwestern Law School, Los Angeles, CA

Speakers: Sarah Chu, Forensic Policy Advocate, The Innocence Project, New York, NY

Paul Giannelli, Weatherhead Professor, Case Western University Law School, Cleveland, OH

Peter M. Marone, Director, Virginia Department of Forensic Science, Richmond, VA

Marvin E. Schechter, Board Member of the National Association of Criminal Defense Attorneys, Member of the NAS Committee and the NY Commission on Forensic Science, New York, NY

Noah Bookbinder, Chief Counsel, Senate Judiciary Committee, Washington, DC (invited)

10:15 -11:45 Session II: **Pattern Evidence: Fingerprints, Firearms and Bitemarks**

This panel will address several types of pattern evidence that have been the focus of defense challenges to explore the issues raised and the responses by courts and the forensic community.

Moderator: Tanisha Payne, Assistant United States Attorney, Eastern District of New York, NY

Speakers: Dr. Robert Barsley, LSU School of Dentistry, President of American Academy of Forensic Sciences, New Orleans, LA

John P. Black, Senior Consultant & Facility Manager, Ron Smith & Associates, Inc., Largo, FL

John M. Collins, Director, Forensic Science Division, Michigan State Police, Lansing, MI

Melissa R. Gische, Physical Scientist/Forensic Examiner, Latent Print Operations Unit, FBI, Quantico, VA

David H. Kaye, Distinguished Professor of Law and Weiss Family Faculty Scholar, Penn State University Dickinson School of Law, Editor in Chief of *2012 NIST Latent Fingerprint Examination Report*, University Park, PA

11:45-12:55 Luncheon Panel: **Eyewitness Testimony**

In light of *Henderson* and *Perry* have state or federal courts changed the way their approach to the Manson test, expert testimony, and jury instructions — has anything changed?

Speaker: Barry Scheck, Professor of Law and Co-Director, Innocence Project, Benjamin N. Cardozo School of Law, New York, NY

1:00 -2:15 Session III: **Lab Reports**

The panel will address a number of issues that arise concerning lab reports, such as what information should be included in reports, how the Confrontation Clause affects testimony concerning reports, defense reports, and ethical questions concerning reports and testimony based on them.

Moderator: Matt Redle, Sheridan County Prosecuting Attorney, Sheridan, WY

Speakers: Betty Layne DesPortes, Benjamin & DesPortes, Richmond, VA

Barry A.J. Fisher, Crime Laboratory Director (Ret.), L.A. County Sheriff's Dept., Los Angeles, CA

Paul Shechtman, Zuckerman Spaeder LLP, New York, NY

2:15-2:30 Break

2:30-3:45 Session IV: **Update on DNA**

Law enforcement has taken a step outside the traditional realm of DNA databases by incorporating their own version of CODIS on a scale designed to fit their specific community needs. Generally, samples are collected from individuals charged with misdemeanors or low level felony offenses and held in regional DNA databases to be searched against local crime scene suspect samples. Law enforcement's perspective is that perpetrators tend to commit offenses within their own geographic location so more crime can be solved by searching local crime scene suspect profiles against local DNA databases. Administered by police departments, crime labs or prosecutor's offices, local DNA databases can often provide faster DNA hit information to investigators to both solve crime and prevent future victimization. Are these local DNA databases solving crime?

Is the investment worth the reality? Can automated rapid human DNA profiling instrumentation capable of producing a human DNA profile in 92 minutes, such as the Accelerated Nuclear DNA Equipment (ANDE) developed in a joint effort led by the

U.S. Department of Defense and supported by DOJ and DHS, be utilized in the field to obtain a suspect's DNA profile that can be immediately searched against a local DNA database? This panel of guests will discuss this new revolution in crime fighting.

Moderator: Jill Spriggs, President, American Society of Crime Laboratory Directors, Sacramento, CA

Speakers: Michael Chamberlain, Deputy Attorney General, California Department of Justice, San Francisco, CA

Ken J. Kroupa, Deputy Director, Defense Forensics, US Department of Defense, Washington, DC

Stephen Mercer, Maryland Public Defender Office, Baltimore, MD

Scott Scoville, Orange County District Attorney's Office, Local DNA Database, Santa Ana, CA

3:45-4 Break

4-5:15 Session V: **Peering into the Abyss: The Intersection of Technology, Identify Theft, and the Harsh Penalties That Apply**

Victims and targets of cyber crimes have a wide variety of forensic, technological and legal tools at their disposal. This panel will use case scenarios of recent cyber attacks to: survey current (and sometimes quite organized) invasive techniques and the weaknesses they exploit; identify criminal and traditional civil statutes that prosecutors and private victims can use to debilitate organized cyber criminals; and recommend "best practices" for enlisting the support of prosecutors. The panel, which includes representatives from industry, law enforcement, and the defense bar, will share different perspectives on these issues, and save time for questions and comments from the audience.

Moderator: Christopher R. Hall, Chair, White Collar Defense and Corporate Investigations Practice, Saul Ewing LLP, Philadelphia, PA

Speakers: Thomas Brown, Deputy Chief, Cyber Crimes Section, U.S. Attorney's Office, Southern District of New York

Matthew H. Haverstick, Conrad O'Brien PC, Philadelphia, PA

Sean Edward Riley, Senior Manager Deloitte Financial Advisory Services LLP, New York, NY

5:15 to 6:15 Reception

Hotel Information: The Section is holding a block of sleeping rooms at the Hudson Hotel, 358 Street, New York, NY. Rates are \$225 Single/Double. Make reservations by calling 800/697-1791 or 212/554-6000 and refer to the ABA Criminal Justice Section 2012 Prescription for Criminal Justice Forensics. Make reservations by May 10, 2012 to receive these rates. You may also book online at <http://www.morganshotelgroup.com/en-us/email-special-offers/aba>

Registration Form: Third Annual Prescriptions for Criminal Justice Forensics

Return to: ABA Criminal Justice Section, 740 15th Street NW, Washington, DC 20005
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* Must register collectively

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June 1, 2012

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

The American Bar Association
Criminal Justice Section
740 15th Street, NW
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