The 2nd Biennial Symposium
Expert Forensic Evidence in Criminal Proceedings

Join a distinguished faculty of Crowns, defence lawyers, judges, academics and forensic experts from Canada and the U.S. to explore:

• Causation in criminal law vs. causation in science
• Understanding and meeting the special challenges of clear communication with juries
• New developments in forensics: blood, bites and fingerprints
• Tackling the ethical minefield for experts and lawyers
• Setting the boundaries for expert testimony
• Review of *The Hart House Report: Forensic Science in Canada*

**Chairs**

**Dr. Michael S. Pollanen**, Director, Forensic Pathology Residency Program and Centre for Forensic Science and Medicine, University of Toronto; Chief Forensic Pathologist Ontario Forensic Pathology Service

**Mark Sandler**, Barrister & Solicitor, Cooper, Sandler, Shime & Bergman LLP, Toronto Special Counsel, Criminal Law, Goudge Inquiry

*A Special Joint Program in Osgoode’s “Avoiding Wrongful Convictions” Series*

**DATE & TIME**
Friday, October 12, 2012
9:00 a.m. - 5:00 p.m. EDT/EST

**LOCATION**
Osgoode Professional Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

Register now at www.osgoodepd.ca
This Osgoode Professional Development and Centre for Forensic Science and Medicine symposium is one in a series of programs developed to provide interdisciplinary education aimed at avoiding wrongful convictions. It examines the latest developments in several key areas of forensic science and explores challenges and best practices in presenting forensic evidence in the criminal justice process.

The symposium will be an open, interactive and thought-provoking gathering of experienced participants across the full spectrum of criminal justice. There will also be plenty of opportunity for questions and discussion.

The last symposium sold out quickly. Don’t miss this opportunity to hear the latest on these critical issues from an eminent and experienced panel.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Chairs
Dr. Michael S. Pollanen, Director, Forensic Pathology Residency Program and Centre for Forensic Science and Medicine, University of Toronto; Chief Forensic Pathologist, Ontario Forensic Pathology Service
Mark Sandler, Barrister & Solicitor, Cooper, Sandler, Shime & Bergman LLP, Toronto
Special Counsel Criminal Law, Goudge Inquiry

Faculty
Frank Addario, Addario Law Group
Toronto, Ontario

The Hon. Justice Todd Archibald
Ontario Superior Court of Justice

Erica Beecher-Monas, Professor of Law
Wayne State University, Detroit, Michigan

Joseph Di Luca, Di Luca Copeland LLP
Barristers, Toronto, Ontario

Michal Fairburn, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office - Criminal

Detective Sergeant Gary Giroux
Homicide Squad, Toronto Police Service

Marie Henein, Henein and Associates
Toronto, Ontario

Mary Humphrey, Assistant Crown Attorney
Ministry of the Attorney General (Ontario)

Dr. Philip E. Klassen, Vice-President
Medical Services, Ontario Shores Centre for Mental Health Sciences; Assistant Professor Department of Psychiatry and Department of Medicine, University of Toronto

Jamie Klukach, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office - Criminal

Pat Laturnus, Bloodstain Pattern Analyst
Private Consultant, Ottawa, Ontario

Dr. Christopher M. Milroy, Forensic Pathologist
Division of Anatomical Pathology
The Ottawa Hospital

D. Michael Risinger, John J. Gibbons Professor of Law and Associate Director, Last Resort Exoneration Project, Seton Hall University School of Law, Newark, New Jersey

Hamish Stewart, Professor, Faculty of Law
University of Toronto

Neil Vidmar, Russell M. Robinson II Professor of Law and Research, Director of Criminal Justice and Professional Responsibility Duke Law School; Professor of Psychology Duke University, North Carolina

Jennifer Woollcombe, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office – Criminal
Boardroom - Room 101

Registration and Continental Breakfast

9:00 Welcome and Introduction

9:05 New Developments in Forensics: Blood, Bites and Fingerprints

Today's Approach to Dynamic Bloodletting Events

Pat Laturnus, Bloodstain Pattern Analyst, Private Consultant
Ottawa, Ontario

• Clothing research that both validates and refutes concepts
• Fluid dynamics; an advanced course underpins the science
• High speed video answers unknown questions
• Meeting the Court’s challenge

Scientific Research and Forensic Science Lessons from Fingerprints and Bitemarks

D. Michael Risinger, John J. Gibbons Professor of Law and Associate Director, Last Resort Exoneration Project, Seton Hall University School of Law, Newark, New Jersey

Professor Risinger will compare results of empirical studies bearing on fingerprint identification and bitemark identification to show that sometimes the confidence of practitioners is relatively well warranted and sometimes it isn’t.

10:45 Refreshment Break

11:00 Causation, Science and the Law

Hamish Stewart, Professor, Faculty of Law
University of Toronto

Dr. Christopher M. Milroy, Forensic Pathologist, Division of Anatomical Pathology, The Ottawa Hospital

Michal Fairburn, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office - Criminal

• The legal test for causation
• Causation, pathology and expert witnesses
• The scientific basis of forensic pathology
• Practical points for criminal litigators

12:00 Luncheon Address


Dr. Michael S. Pollanen, Director, Forensic Pathology Residency Program and Centre for Forensic Science and Medicine, University of Toronto; Chief Forensic Pathologist, Ontario Forensic Pathology Service

1:00 Setting the Boundaries for Expert Testimony: The Legal Perspective

The Hon. Justice Todd Archibald, Ontario Superior Court of Justice

Mark Sandler, Barrister & Solicitor, Cooper, Sandler, Shime & Bergman LLP, Toronto; Special Counsel, Criminal Law Goudge Inquiry

Erica Beecher-Monas, Professor of Law, Wayne State University, Detroit, Michigan

Marie Henein, Henein and Associates, Toronto, Ontario

• The role of disclosure in addressing scientific issues
• The role of the Crown in addressing competing science
• Legal perspectives on the evidence-based approach to expert opinions
• Are there/should there be distinctions between the scope of defence-led and Crown-led expert testimony?
• How does the judicial system deal with evolving science?

2:00 Ethical Dilemmas Surrounding Experts

Dr. Philip E. Klassen, Vice-President Medical Services, Ontario Shores Centre for Mental Health Sciences; Assistant Professor Department of Psychiatry and Department of Medicine University of Toronto

Frank Addario, Addario Law Group, Toronto, Ontario

Mary Humphrey, Assistant Crown Attorney, Ministry of the Attorney General (Ontario)

• Duties of experts and lawyers: to the Court, to clients or employers, to each other: are they the same?
• In what circumstances is there a duty of disclosure and if so, to whom? When?
• Is there an ethical duty to report erroneous evidence and, if so, when, how and by whom should this be done?
• Dealing with conflicts of interest or potential conflicts

3:00 Making Science Understandable

Neil Vidmar, Russell M. Robinson II Professor of Law and Research, Director for Criminal Justice and Professional Responsibility, Duke Law School; Professor of Psychology Duke University, North Carolina

Professor Vidmar has written several leading books on juries and testified or consulted about jury behaviour internationally. He will discuss:

• Empirical research bearing on how juries evaluate scientific and quasi-scientific evidence and the role it plays in their deliberations and ultimate verdict
• Recent attempts to introduce neuroscience and genetic evidence in criminal proceedings
• Empirical research on the effects of expert testimony on jury verdicts; good news and bad news
• Need for lawyers to be scientifically literate for examination and cross-examination of expert witnesses and communicate that knowledge to the jury

Roundtable Discussion

Joseph Di Luca, Di Luca Copeland LLP Barristers
Toronto, Ontario

Dr. Michael S. Pollanen, Director, Forensic Pathology Residency Program and Centre for Forensic Science and Medicine University of Toronto; Chief Forensic Pathologist, Ontario Forensic Pathology Service

Jamie Klukach, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office - Criminal

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4:30 Cross-Discipline Panel: The Latest “Hot-Button” Issues
Moderator
Mark Sandler, Barrister & Solicitor, Cooper, Sandler, Shime & Bergman LLP, Toronto; Special Counsel Criminal Law, Gough Inquiry
Panellists
Joseph Di Luca, Di Luca Copeland LLP Barristers Toronto, Ontario
Michael S. Pollanen, Director, Forensic Pathology Residency Program and Centre for Forensic Science and Medicine, University of Toronto; Chief Forensic Pathologist, Ontario Forensic Pathology Service
Jennifer Woolcombe, Counsel, Ministry of the Attorney General (Ontario), Crown Law Office – Criminal
Detective Sergeant Gary Giroux, Homicide Squad Toronto Police Service
• How much contextual information should a forensic examiner have initially?
• What is the proper placement and position of forensic science service providers working within government and outside of government?
• Dealing with the tensions between evolving science and legal certainty
5:00 Program Concludes