



## SCIENTIFIC EVIDENCE, *CSI*, AND THE LAW

### I. Introduction

The CBS show [CSI](#) has become a cultural phenomenon, introducing millions of people to crime scene investigative procedure. The show—and others like it—is so realistic, in fact, that viewers expect the real-life American legal system to work the same way. This is the so-called “[CSI effect](#).”

But how does scientific evidence *really* work in the American legal system? Below is a list of CharlotteLaw Library resources that provide insight on this question.

### II. Treatises

#### [Forensic Science and Law](#)

Location: Compact Shelving, KF 8961 .F665 2006

Over thirty articles written by leading experts are included in this treatise. Conventional topics such as DNA analysis and crime scene management are included along with unique essays such as “Ancient Tradition – The Relationship of Science and Law”. *CSI* is mentioned briefly in the introduction.

#### [Lawyers’ Medical Cyclopedia 5d](#)

Location: Compact Shelving, KF 8964.A6 L38 2001

*Lawyers’ Medical Cyclopedia* is a ten volume treatise that covers the intersection of legal and medical issues. Each volume contains approximately ten heavily annotated articles that are written in clear language for the non-expert. The *Cyclopedia* has an emphasis on practical information such as a 20+ page list of abbreviations, symbols and signs used in medical records. Each volume is indexed individually and there is also a separate index following the last volume. Volumes are updated by pocket parts.

#### [Modern Scientific Evidence: The Law and Science of Expert Testimony](#) / David Faigman, David H. Kaye, Michael J. Saks, & Joseph Sanders

Location: KF 8961 .M63 2006

The term “scientific evidence” often conjures up images of finger printing, ballistics, and autopsies, yet there are many other components of this broad topic. The four volume *Modern Scientific Evidence* treatise covers diverse topics in scientific evidence such as engineering, hypnosis, and financial experts.

#### [Reference Manual on Scientific Evidence 2d](#)

Location: Compact Shelving and Reference, KF 8961 .R44x 2000, Lexis: RMSEVD



As the preface to this work states, “[t]his second edition of the *Reference Manual on Scientific Evidence* furthers the goal of assisting federal judges in recognizing the characteristics and reasoning of ‘science’ as it is relevant in litigation”. To assist in this goal each section includes a bibliography and glossary.

[Scientific Evidence 4d](#) / Paul Giannelli & Edward J. Imwinkelried  
Location: KF 8961 .G53 2007, Lexis: SCIEVD

This two volume set is heavily footnoted and each section contains a detailed bibliography. In addition, *Scientific Evidence 4d* is the most recently published treatise on Scientific Evidence in the Charlotte Law Library. *CSI* is mentioned in Section 19.01, Pathology.

Scientific Evidence 3d / Paul Giannelli & Edward J. Imwinkelried  
Location: KF 8961 .G53 1999  
Charlotte Law Library also contains the earlier third edition.

[The Methods of Attacking Scientific Evidence 4d](#) / Edward J. Imwinkelried  
Location: Compact Shelving, KF 8961 .I45 2004, Lexis: ATKSCI

This one volume treatise is a companion to *Scientific Evidence* and focuses on keeping evidence out. Detailed trial examples and techniques are provided as practical advice to the practitioner.

### **Federal Rules of Evidence**

Rules 901 and 702 cover expert testimony and are available via:

[Federal Rules of Evidence](#) / Judiciary Committee, House of Representatives

[Legal Information Institute](#) / Cornell University

[Weinstein’s Federal Evidence: Commentary on the Rules of Evidence for United States Courts.](#)

Location: Compact Shelving, KF 8935 .W392

### **III. Articles**

There are thousands of articles on aspects of scientific evidence. The articles below are recent articles that cover the *CSI* effect. All of the articles are available online via Westlaw, Lexis, or Hein Online. For more information about finding journal articles, see [Finding Journal and Law Review Articles](#).

Hon. Donald E. Shelton, Young S. Kim & Gregg Barak, *A Study of Juror Expectations and Demands Concerning Scientific Evidence: Does the “CSI Effect” Exist?* 9 Vand. J. Ent. & Tech. L. 331 (2006)



## CHARLOTTE SCHOOL *of* LAW

Joshua Hiller Hubner, *Blinded by Science: Does the General Acceptance of Forensic DNA Evidence Warrant a More Streamlined Approach to Admissibility?* 18 U. Fla. J.L. & Pub. Pol'y 93 (2007)

Tom R. Tyler, *Viewing CSI and the Threshold of Guilt: Managing Truth and Justice in Reality and Fiction*, 115 Yale L.J. 1050 (2006)

### IV. Journals

The journals listed below are available via either, Hein Online, Lexis, or Westlaw. Hein Online is accessible via [Charlottelaw.org](http://Charlottelaw.org) → Law Library → Library Databases → Hein Online → Law Journal Library. All of the journals are indexed by Legaltrac.

ABA SciTech Lawyer  
Location: Westlaw: ABASCITL

Albany Journal of Science and Technology  
Location: Westlaw: ALBJST, Lexis: ALJST

Boston University Journal of Science and Technology Law  
Location: Westlaw, BUJSTL, Lexis: BUJSTL

Columbia Science and Technology Law Review, The  
Location: Westlaw, CLMSTR, Lexis: CSTLR

Minnesota Journal of Law, Science and Technology  
Location: Westlaw, MNJLST, Lexis: MNIPR

Syracuse Science and Technology Law Reporter  
Location: Westlaw, SYSTLR

Temple Journal of Science, Technology and Environmental Law  
Location: Westlaw, TMPJSTEL

### VI. Internet Resources

#### [Daubert on the Web](#)

The *Daubert* test for scientific evidence arose out of the United States Supreme Court case *Daubert v. Merrell Dow Pharmaceuticals*, [509 U.S. 579 \(1993\)](#). The test requires four things to be shown:

- Whether the theory can be tested
- Whether the theory has been peer-reviewed (a component of good science)
- Whether the theory has a significant rate of error
- Whether the theory is “generally accepted” by the scientific community



[Blog 702](#)

[LLRX Research Guide: It's not Rocket Science: Making Sense of Scientific Evidence](#)

[National Center for State Courts: Scientific Evidence Research Guide](#)

[Google Book Search](#)

Results of a search on Google Book Search for texts on scientific evidence and the law. Parts of many of these texts are available *free* on the web.

[Scientific Testimony: An Online Journal](#)

[Science Evidence](#)

This blog reports on court cases and other events at the forefront of scientific practice and procedure. Topics include toxicology, forensic evidence, and neuroscience.

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