

**Criminal Justice Forum IV**

**The Future of  
the Forensic Sciences:  
a Symposium**

**March 19, 2009**

**5.25 hours of free CLE on request**

**Cleveland-Marshall College of Law  
Cleveland State University**

## The Future of the Forensic Sciences

In January 2007, at the direction of the United States Congress, the National Academy of Sciences convened a committee of experts to study the future needs of the forensic sciences community. It is anticipated that the NAS committee will release its report soon. In this symposium, panels of scientists, scholars, and practitioners will discuss the findings and recommendations contained in the report. These invited guests will also share their own views about how the various forensic science disciplines can better advance the fundamental goals of the criminal justice system: to apprehend and punish those who commit crimes, while preventing the wrongful conviction of an innocent person.

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**12:30 – 1:15** Background and Overview of Report  
and Recommendations

Anne-Marie Mazza

**1:15 – 1:45** The Academic Perspective

Paul C. Giannelli  
Jane C. Moriarty

**1:45 – 2:00** BREAK

**2:00 – 2:45** The Forensic Scientists' Perspective

Marcella Farinelli Fierro  
Peter M. Marone  
Robert C. Shaler  
Jay A. Siegel

**2:45 – 3:45** The Law Enforcement Perspective

Barry A.J. Fisher  
D. Christian Hassell  
Kenneth F. Martin

**3:45 – 4:00** BREAK

**4:00 – 5:00** The Prosecutors' Perspective

Valerie E. Caproni  
The Honorable George (Woody) Clarke  
Kenneth E. Melson  
James R. Wooley

**5:00 – 5:45** The Defense Perspective

Terry H. Gilbert  
Carole S. Rendon  
Marvin E. Schechter

**5:45 – 6:15** Final Comments

Anne-Marie Mazza  
Paul C. Giannelli  
Jane C. Moriarty



# The Future of the Forensic Sciences: a Symposium

## Panelists

### Background and Overview of Report and Recommendations

**Anne-Marie Mazza** joined the National Academies in 1995; in 1999, she was named the first Director of the Committee on Science, Technology, and Law. In 2007, she was given responsibility for the National Academies Science and Technology Graduate Policy Fellowship Program and has been the study director on numerous Academy reports, including *Science and Security in a Post-9/11 World*; *Reaping the Benefits of Genomic and Proteomic Research*; *Intentional Human Dosing Studies for EPA Regulatory Purposes: Scientific and Ethical Issues*; *The Age of Expert Testimony: Science in the Courtroom*; and *Observations on the President's Fiscal Year 2000 Federal Science and Technology Budget*. Her B.A., M.A., and Ph.D. are from George Washington University.

### The Academic Perspective

**Paul C. Giannelli**, the Weatherhead Professor of Law at Case Western Reserve University, teaches Evidence and Scientific Evidence. The co-author of nine books, including BALDWIN'S OHIO PRACTICE, CRIMINAL LAW, his work has been cited in hundreds of court opinions and legal articles, including decisions of the U.S. Supreme Court. He also serves as co-chair of the ABA Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process and as Reporter to the ABA Criminal Justice Standards Task Force on DNA Evidence. His B.A. is from Providence College, his M.S.F.S. is from George Washington University and his J.D. and L.L.M. are from the University of Virginia.

**Jane Campbell Moriarty** is a Professor of Law at the University of Akron School of Law. She teaches Evidence, Expert Evidence, Employment Discrimination and Professional Responsibility. Prior to joining the Akron law faculty, Professor Moriarty practiced law in Boston and Pittsburgh and clerked for the Honorable Ralph J. Cappy, former Chief Justice of the Supreme Court of Pennsylvania. She is the author of numerous publications, including the two-volume PSYCHOLOGICAL AND SCIENTIFIC EVIDENCE IN CRIMINAL LAW (1997-2006), EXPERT AND SCIENTIFIC EVIDENCE: CASES AND MATERIALS (with co-author John M. Conley) (2007), and the forthcoming MISCONVICTIONS: WHEN LAW AND SCIENCE COLLIDE. Recent pertinent articles include *Flickering Admissibility: Neuroimaging Evidence in the U.S. Courts*; "Misconvictions," *Science and the Ministers of Justice* (2007); and *Forensic Science: Grand Goals, Tragic Flaws, and Judicial Gatekeeping* (with co-author M.J. Saks) (2005). Professor Moriarty's B.A. and J.D. are from Boston College.

### The Forensic Scientists' Perspective

**Marcella Farinelli Fierro**, M.D., is a forensic pathologist and the former Chief Medical Examiner for the Commonwealth of Virginia and Professor of Pathology and Professor and Chair of the Department of Legal Medicine at Virginia Commonwealth University. As Chief Medical Examiner, she oversaw the investigation of all violent, suspicious and unnatural deaths in Virginia from 1994 until her retirement in 2007. She is a past-president of the National Association of Medical Examiners and a Fellow of the American Academy of Forensic Sciences. Her recent activities include establishing child and maternal mortality review teams and the National Violent Death Reporting System and Family and Interpersonal Violence Surveillance programs in Virginia. Her undergraduate degree is from D'Youville College in Buffalo; her M.D. is from the State University of New York in Buffalo.

**Pete M. Marone** is the Director of Technical Services at the Virginia Department of Forensic Sciences. He joined the Department in 1978 and served as the Department's Central Laboratory Director until 2005, when he was named Director of Technical Services. He is a member of the American Society of Crime Laboratory Directors and serves on its DNA Credential Review Committee. He is also a member of the American Academy of Forensic Sciences, serving on its Forensic Education Program Accreditation Commission. His Bachelor's and Master's degrees are from the University of Pittsburgh.

**Robert C. Shaler** is Professor of Biochemistry and Molecular Biology and Director of the Forensic Science Program at Pennsylvania State University. Previously, he taught at the University of Pittsburgh, where, on a grant from the National Institute of Justice, he studied the individualization of bloodstain analysis evidence. From 1978 to 1986, he directed the forensic serology laboratory for the New York City Office of Chief Medical Examiner. He returned to the Office of Chief Medical Examiner of New York in 1990 to establish the largest forensic lab in the country. In the wake of the September 11, 2001, terrorist attacks on the World Trade Center, Dr. Shaler assumed the responsibility of identifying the remains of the 2,749 people who died in the attacks. He is the author of WHO THEY WERE, INSIDE THE WORLD TRADE CENTER DNA STORY: THE UNPRECEDENTED EFFORT TO IDENTIFY THE MISSING (2005). His B.A. is from Franklin and Marshall College; his M.S. and Ph.D. are from Pennsylvania State University.



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**Jay A. Siegel** is Chair of the Department of Chemistry and Chemical Biology and Professor and Director of the Medical Forensic and Investigative Sciences Program at Indiana University-Purdue University Indianapolis. He is a Fellow of the American Academy of Forensic Sciences and the recipient of its Paul Kirk Award for Outstanding Service to the Criminalistics section. He is a frequent contributor to academic journals and is the author of three books: *FORENSIC SCIENCE: THE BASICS* (2006); *FUNDAMENTALS OF FORENSIC SCIENCE* (2006); and *HANDBOOK OF DRUG ANALYSIS* (2004). His B.S., M.S. and Ph.D. are from George Washington University.

### The Law Enforcement Perspective

**Barry A. J. Fisher** has been the Crime Laboratory Director for the Los Angeles County Sheriff's Department since 1987. He is a past-president of the American Academy of Forensic Sciences, has served as president of the American Society of Crime Laboratory Directors, past president of the American Academy of Forensic Sciences and past president of the International Association of Forensic Sciences. He is the author of *CRIME SCENE INVESTIGATION*, now in its 7th edition, and co-author of *FORENSICS DEMYSTIFIED* (2006). His undergraduate degree is from City College of City University in New York, his M.S. is from Purdue University, and his M.B.A. is from California State University.

**David Christian (Chris) Hassell** was named Laboratory Director for the Federal Bureau of Investigation in June 2008. He joined the FBI from Oklahoma State University Multispectral Laboratories, where he led the multidisciplinary Research, Development, Testing, and Evaluation division. Previously, he served as Assistant Vice President for Science and Technology at Applied Marine Technologies Incorporated. Prior to that position, he led programs in analytical chemistry, instrumentation development, and forensics and attribution for weapons of mass destruction at Los Alamos National Laboratory. During this time, he also served as a subject matter expert for chemical/biological warfare on the Iraq Survey Group. His B.S. is from Brigham Young University; his Ph.D. is from the University of Texas.

**Kenneth F. Martin** is Detective Lieutenant and Commanding Officer of the Crime Scene Services Section of the Massachusetts State Police. In addition to overseeing the state's seven CSSS laboratories, he supervises the investigation of major crime scenes throughout the Commonwealth. He is also an adjunct Instructor of Anatomy and

Neurobiology in the Forensic Program at the Boston University School of Medicine. Mr. Martin is presently the Chairman of the Board of the 7000-member International Association for Identification. His B.S. is from Northeastern University, his B.A. is from Bridgewater State College, and his M.S. is from Anna Maria College.

### The Prosecutors' Perspective

**Valerie E. Caproni** has been the General Counsel of the Federal Bureau of Investigation since 2003. Previously, she was an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office, Eastern District of New York. In the U.S. Attorney's Office, she served as Chief of Special Prosecutions and Chief of the Organized Crime and Racketeering Section before becoming Chief of the Criminal Division. Ms. Caproni's B.A. is from Newcomb College of Tulane University; her J.D. is from the University of Georgia.

The Honorable **George "Woody" Clarke** has been a judge on the California Superior Court in San Diego since 2003. Prior to his appointment, he was the Deputy District Attorney of San Diego for over two decades and was among the first prosecutors to introduce blood-group evidence into the courtroom and to grasp the potential of DNA to exonerate or convict persons charged with criminal actions. In 1995, he served as a DNA expert witness in the prosecution of O.J. Simpson. Judge Clarke is the author of *TRIALS AND TRIUMPHS OF DNA EVIDENCE* (2008), a memoir of his years as Deputy District Attorney. His undergraduate degree is from the University of California at San Diego, and his law degree is from the University of San Diego.

**Kenneth E. Melson** is Director of the Executive Office for United States Attorneys in the U.S. Department of Justice. EOUSA serves as a liaison between the Department of Justice and the 93 U.S. Attorneys located throughout America and its protectorates. Mr. Melson began his career as a state prosecutor in Arlington County, Virginia, where he rose to the position of Deputy Commonwealth Attorney. In 1983, he joined the U.S. Attorney's Office for the Eastern District of Virginia; in 1986, he became the First Assistant United States Attorney, a position he held for over two decades. He is a Past President and Distinguished Fellow of the American Academy of Forensic Sciences. His B.A. is from Denison University, and his J.D. is from George Washington University.





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**James R. Wooley** is a partner in the Cleveland office of Baker & Hostetler. Before joining the firm in 2000, he served 10 years as an Assistant United States Attorney in the U.S. Department of Justice. In that capacity, Mr. Wooley prosecuted the landmark federal case on the admissibility of forensic DNA evidence. Thereafter, he was appointed to serve on the National Institute of Justice's Commission on the Future of DNA Evidence. In 2004, a federal judge appointed him to serve as Special Master to oversee an audit of certain casework undertaken by the Cleveland Police Department Crime Laboratory. His B.F.A. is from the University of Cincinnati, and his J.D. is from Case Western Reserve University School of Law.

### The Defense Perspective

**Terry H. Gilbert**, a partner in the Cleveland firm of Friedman & Gilbert, is one of the state's most prominent criminal defense attorneys, specializing in both high profile criminal defense and civil rights litigation. Mr. Gilbert has represented police misconduct defendants as well as persons accused of homicide, drug abuse and white collar and environmental law crimes. His clients have included leaders of the National American Indian Movement and Sam Reese Sheppard in his suit against the State of Ohio for the alleged wrongful imprisonment of his father, Dr. Sam Sheppard. He is a cooperating attorney with the National Innocence Project, as well as the Center for Constitutional Rights. In 2002, Mr. Gilbert received the John Minor Wisdom Award from the ABA Litigation Section. His B.A. is from Miami University; his J.D. is from Cleveland-Marshall College of Law.

**Carole Schwartz Rendon** joined the Cleveland law firm of Giffen & Kaminski in 2007. Her practice focuses on criminal defense and white collar criminal defense in federal and state court, complex commercial

litigation and professional disciplinary representation. Before entering private practice, Ms. Rendon was an Assistant U.S. Attorney in Boston, Massachusetts, where she was a member of the Organized Crime Strike Force Unit from 1988 until 1994 and was Chief of the Organized Crime Drug Enforcement Task Force from 1994 until 1997. Ms. Rendon's B.A. and J.D. are from Northwestern University.

**Marvin E. Schechter** is a solo practitioner who has specialized in criminal defense matters in state federal and appeals courts for over 30 years. Previously, he held several positions with the Legal Aid Society of New York. He serves on the Board of Directors of the National Association of Criminal Defense Attorneys and is the founder of Getting Out / Staying Out, a program providing educational and employment opportunities to young adults detained at Rikers Island Correctional Facility. Mr. Schechter lectures and teaches criminal law at New York law schools and in a variety of community venues. He received his undergraduate degree from Bernard Baruch College and his J.D. from Brooklyn Law School.

### Moderator

**Geoffrey S. Mearns** is Dean of the Cleveland-Marshall College of Law. He joined the law school in 2005 from the Cleveland office of Baker & Hostetler LLP, where he headed the firm's national Business Crimes and Corporate Investigations team. Before entering private practice, he had a distinguished nine-year career as a prosecutor with the U.S. Department of Justice. From 1997 to 1998, he served as Special Assistant to the U.S. Attorney General in the prosecution of Terry Nichols, convicted of bombing the Oklahoma City Federal Building. He is a member of the Committee on Identifying the Needs of the Forensic Science Community. His B.A. is from Yale University, and his J.D. is from the University of Virginia.