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THE USE OF SCIENTIFIC AND TECHNOLOGICAL  
EVIDENCE IN LITIGATION

AN INDEXED BIBLIOGRAPHY

Richard Van Duizend and Michael J. Saks

National Center for State Courts

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INTRODUCTION

The lack of understanding among scientists of the purpose of expert testimony in criminal and civil litigation, and the failure of attorneys to recognize the different philosophical approaches taken by law and science much less the intricacies of other fields, are frequently cited as a major basis for the tension which exists between these professional groups (e.g., Thomas, 1974; U.S. Dept. of Justice, 1978; Saks & Baron, 1980; Note, The Doctor in Court, 1980). Yet, there exists an already abundant and fast growing literature addressing these points and other issues arising from the interplay between science and law. In order to make this literature more accessible to scientists, social scientists, physicians, attorneys, judges and students of the process, an indexed bibliography has been developed. Entries were compiled from existing bibliographies, various guides to periodical literature, references in books and articles, suggestions from interviewees, and from combing library shelves and card catalogues. The bibliography is focused on the use of scientific and technical knowledge in the courtroom and on case investigation and preparation. Thus, items detailing specific test or analytic procedures or the effect of technical breakthroughs on substantive legal areas have not, for the most part, been included. In addition, compilation efforts were concentrated on materials published since 1960.

The bibliography is divided into three sections. Section I, which immediately follows this introduction, contains the categorical index. The bibliographical entries have been indexed along four dimensions: the stage(s) of the court proceedings with which the entry is concerned; the type(s) of case(s) described; the area(s) of expertise on which the entry is focused; and the issue(s) addressed.

Section II contains a list of the entries arranged in alphabetical order by author's last name with the pertinent index numbers for that entry in the right hand margin. Entries in the alphabetical listing include the complete citation. Each entry is indexed for as many dimensions and individual categories as are applicable. For example, an article followed by the numbers 130, 314, 413, 501 and 520 discusses the admissibility (501) and presentation (520) at trial (130), of medical evidence (413) in personal injury, wrongful death or malpractice cases (314).

To permit users to identify entries concerning a particular field of expertise or issue, Section III lists the entries relating to each index number in the 400 and 500 series. So as to conserve space, the entries in this section are identified by last name of author only. Notes and comments are identified by title.

Before concluding, a warm thank you is in order to Jeffrey Jacobs and Linda Marshall who ably assisted in gathering and analyzing the materials, to Hugh L. Bernard, Law Librarian, George Washington University

National Law Center, for allowing access to the Law Center's fine collection; and to Venessa Allison, Jane Daly, Pat Hall, Rita Hall, Martie King, Martha Luther, Brenda Synder, and Deborah Washington who performed the tedious task of typing and collating the entries with skill and good cheer.

Richard Van Duizend  
Michael J. Saks

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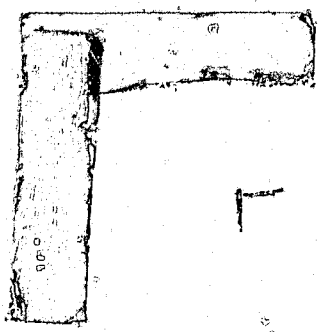
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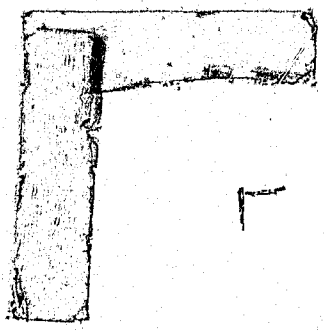
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