

Working with Experts in Trial Preparation

Friday, January 10, 2020

NC Judicial Center, 901 Corporate Center Drive, Raleigh, NC

Sponsored by NC Indigent Defense Services

5.0 hours of General CLE Credit anticipated

The NC Office of Indigent Defense Services will offer a CLE that is designed to enhance the knowledge of criminal defense attorneys regarding the use of expert testimony to communicate about scientific evidence. The program will teach attorneys to prepare and direct mental health expert testimony. The program is open to both criminal defense attorneys and mental health experts.

January 10, 2020

8:30-8:55 AM **Sign-in** (Coffee and light snack provided)

8:55-9:00 AM **Welcome and Announcements**
Sarah Olson and Richard McGough

9:00-10:00 AM **Witness Preparation for Expert Testimony (60 min)**
Charlotte A. (Charli) Morris, M.A.

The presenter will discuss best practices for preparing expert witnesses for testimony so that scientific evidence testimony is understandable to a lay audience. Ms. Morris will cover pattern jury instructions regarding witness testimony and components of communication and credibility.

Mock Jurors arrive at 9:30 am and go to Mock Courtroom.

10:00-10:15 AM Instructions to audience for how to observe mock testimony followed by 10 minute break
Charli Morris

10:15-10:45 AM **Voir Dire Demonstration of mock jurors focusing on expert testimony (10 min)**
Charli Morris
Case Overview by judge
Robert Singagliese
Opening Statement Demonstrations focusing on expert testimony (10 min)
Christine Malumphy, State
Steve Freedman, Defense

10:45-12:00 PM **Mock Testimony by State's Expert and Defense Expert (75 min)**
Dr. George Corvin, Defense
Dr. Jennifer Sapia, State
Demonstration will involve a homicide case where a diminished capacity defense is being offered for an intellectually disabled and bi-polar defendant. The State's expert disputes the bi-polar diagnosis and the timing of its onset.

- 12:00 – 12:30 PM **Facilitated Debriefing of Mock Jurors (30 min)**
 Charli Morris
 Presenter will seek feedback from mock jurors on expert testimony, including asking what they recorded in their notes and evaluations
- 12:30-1:30 PM **Lunch**
- 1:30-2:00 PM **Facilitated Debriefing with Attorneys and Experts (30 min)**
 Charli Morris, Christine Malumphy, Steve Freedman, Dr. George Corvin, Dr. Jennifer Sapia
 Ms. Morris will provide feedback to attorney and expert presenters and synthesize lessons learned from demonstration exercise on communication of scientific information.
- 2:00-2:45 PM **Science Communication and Common Mistakes in Communicating with Non-Scientific Audiences (45 min)**
 Dr. Jory Weintraub
 Dr. Weintraub will discuss how scientists communicate information with other scientists and evaluate how those practices affect understanding of lay audiences. He will cover best practices for communicating complex scientific information with lay audiences.
- 2:45-3:30 PM **What the Research Tells Us about Jurors and Expert Testimony (45 min)**
 Brandon Garrett, Professor of Law
 Professor Garrett will discuss his research on how jurors evaluate scientific evidence. Factors such as the language used by experts and expert proficiency testing and their impact on juror evaluations of forensic evidence will be discussed.

Presenters:

George Corvin, Ph.D. completed a fellowship in Forensic Psychiatry with the United States Department of Justice. He is Board Certified as a General Psychiatrist by the American Board of Psychiatry and Neurology and also holds subspecialty certification in the field of Forensic Psychiatry. He was an attending psychiatrist at Holly Hill Hospital in Raleigh from 1997 until 2006, and was the Service Director of the dual diagnosis treatment program and Medical Staff President for 6 years before leaving hospital work to focus on other practice areas. Dr. Corvin provides forensic consultation services in addition to an active outpatient practice. He has extensive experience in completing civil and criminal court evaluations, including, assessment of criminal responsibility, competency examinations, independent psychiatric evaluations, medical malpractice, and personal injury litigation.

Steven Freedman is an Assistant Capital Defender in the Office of the Capital Defender in Durham.

Brandon Garrett

Brandon L. Garrett joined the Duke Law faculty in 2018 as the inaugural L. Neil Williams, Jr. Professor of Law. A leading scholar of criminal justice outcomes, evidence, and constitutional rights, Garrett previously was the White Burkett Miller Professor of Law and Public Affairs and Justice Thurgood Marshall Distinguished Professor of Law at the University of Virginia.

Garrett's current research and teaching interests focus on forensic science, eyewitness identification, corporate crime, constitutional rights and habeas corpus, and criminal justice policy. In addition to numerous articles published in leading law journals, he is the author of five books: *The Death Penalty: Concepts and Insights* (West Academic, 2018) (with Lee Kovarsky); *End of its Rope: How Killing the Death Penalty Can Revive Criminal Justice* (Harvard University Press, 2017); *Too Big to Jail: How Prosecutors Compromise with Corporations* (Harvard University Press, 2014); *Federal Habeas Corpus: Executive Detention and Post-Conviction Litigation* (Foundation Press, 2013) (with Lee Kovarsky); and *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (Harvard University Press, 2011). *Convicting the Innocent*, an examination of the cases of the first 250 people to be exonerated by DNA testing, was the subject of a symposium issue in *New England Law Review*, and received an A.B.A. Silver Gavel Award, Honorable Mention, and a Constitutional Commentary Award. It was translated for editions in China, Japan and Taiwan. For more information, visit Garrett's [website](#).

His work has been widely cited by courts, including the U.S. Supreme Court, lower federal courts, state supreme courts, and courts in other countries, such as the Supreme Courts of Canada and Israel. Garrett also frequently speaks about criminal justice matters before legislative and policymaking bodies, groups of practicing lawyers, law enforcement, and to local and national media. He is involved with a number of law reform initiatives, including the American Law Institute's project on policing, for which he serves as Associate Reporter.

Christine Malumph is an Assistant Capital Defender in the Office of the Capital Defender in Durham. Previously, she worked as an Assistant Public Defender in Wake County.

Charlotte A. Morris, M.A. is a legal communication consultant with significant experience consulting on civil and criminal cases. She has expertise in design and analysis of pre-trial research, voir dire questions, and witness evaluation and preparation. She has Bachelor's Degrees in Sociology and Applied Behavior Sciences and a Master's Degree in Litigation Science.

Jennifer Sapia, Ph.D is a licensed psychologist, health services provider, and school psychologist in North Carolina. She is the owner of Sapia Psychological Associates, a private practice clinic providing forensic and clinical evaluations, individual, couples and family therapy, consultation, and mediation services. Although her main office is in Southport, she continues to practice as a forensic psychologist across the state. Dr. Sapia is also a Captain, Clinical Psychologist/Aeromedical Psychologist, in the North Carolina Army National Guard Medical Services Corp. Dr. Sapia has co-authored a book chapter entitled "Early Trauma Exposure and the Brain," in "Neuropsychology of PTSD: Biological, Clinical, and Cognitive Perspectives." Her clinical and forensic interests include trauma, abuse and PTSD.

Robert Singagliese is an Assistant Capital Defender in the Office of the Capital Defender in Durham. Previously, he worked as an Assistant Public Defender in Mecklenburg County.

Jory Weintraub, Ph.D. is the Science Communication Program Director and a Senior Lecturing Fellow with the Duke Initiative for Science & Society. In this position, he teaches undergraduate and graduate courses in science communication and runs science communication workshops for Duke faculty and

postdocs. He is also the Director of the Duke Broader Impacts Resource Center, which he established to support the Duke University research community in its efforts to develop, implement, assess and disseminate broader impacts activities and initiatives.

Prior to this, he served for over 10 years as the Assistant Director of Education and Outreach at NESCent (The National Evolutionary Synthesis Center), where he developed and ran programs in evolution education/outreach for K-12 students and teachers, undergraduates, and the general public. Before coming to NESCent, Jory taught undergraduate biology courses at UNC Chapel Hill and ran science outreach programs for underrepresented minority students.

Jory received his BS in Biochemistry and Cell Biology from The University of California at San Diego, and his PhD in Immunology from The University of North Carolina at Chapel Hill. After completing his graduate studies, he completed an NSF Postdoctoral Fellowship in STEM Education. He is a member of the Steering Committee of the National Alliance for Broader Impacts (NABI), and serves on the Board of Directors of Science Communicators of North Carolina (SCONC). He also serves on the Advisory Board for the Triangle Center for Evolutionary Medicine (TriCEM), is a member of the editorial board of the journal *Evolution: Education and Outreach*, and serves on the Education Committee of the Society for the Study of Evolution. His work focuses on minority outreach, science communication/education/outreach, and faculty development.