

The CSI Mystique: Forensic Science in the Courtroom

Long before *CSI* debuted, juries have reached confusing decisions. Forensic science is an important part of many trials and, if used effectively, can help guide the jury.

Q: Is there really a “CSI effect” in courtrooms?

A: Yes. *CSI* remains among the top television shows in America. Many of those millions of weekly viewers will be seated on juries and asked to decide cases with forensic evidence.

CSI is not the first exposure most TV viewers have to forensic science. The roots of *CSI* date back to *Quincy M.E.*, which first aired in 1976 and as early as the 1960’s, popular TV shows such as *Mannix*, *Cannon* and *Ironside* focused on private investigation that involved the use of forensic analysis to solve cases.

After more than a half-century of these types of television shows, most jurors come into a courtroom with a pre-conceived notion of what forensic evidence should be and how it is used in investigations and litigation.

Q: What is forensic evidence?

A: Most dictionaries define forensics as “analysis suitable for use in courts or public discussion and relating or dealing with the application of scientific knowledge to legal issues.” Courtroom application, however, is complex.

Jurors today are intrigued by forensic testing and analysis and are extremely receptive to this type of evidence. Attorneys and witnesses must embrace fully jurors’ interest in forensics and use it to maximum advantage. If they fail to do so, they are unlikely to meet expectations arising from their exposure to forensics through movies, television or popular novels.

Jurors are ready and willing to hear and consider forensic evidence, especially when the advocate or witness presenting the evidence intrigues the jury and demonstrates the extent of analysis and preparation that went into building the case in a way that is not dry and boring.

Q: How does “real” forensics differ from *CSI*?

A: Most actual laboratory analysis is done in a basement with old tile floors and fluorescent lighting, and not in the space age, blue-lit phenomenal laboratories depicted on TV. Lab results and

testing are far more complicated and take much longer than a one-hour TV episode allows. Hollywood's depiction is also much different from the forensic evidence and analysis that presented in an actual jury trial. Attorneys and witnesses must do a good job of explaining and even demonstrating why the jurors can rely on a particular scientific analysis to reach a sound decision about evidence in a case. Many jurors find such explanations and demonstrations to be the most interesting and compelling part of a trial.

Q: So what, exactly, IS the CSI effect?

A: The *CSI* effect describes the way television drama bolsters the impression that forensic evidence is both more glamorous and more conclusive than it actually is. In April 2005, a cover story in *U.S. News and World Report*, revealing conclusions from a study of the “*CSI* effect,” reported that many Americans are disappointed when encountering the real world of law and order. In particular, jurors expect that forensic evidence will be used in every case and that it will be conclusive, and these expectations may influence their understanding when performing jury service.

Due to the impact of the *CSI* effect, jurors may reach an erroneous decision, not because of a lack of sound evidence, but because the presentation of that evidence does not meet or exceed their expectations from TV. Jurors are ready to be “wowed” in the courtroom by the “who, what, when, where and why” of forensic analysis and evidence.

Q: How can attorneys and jurors mitigate the CSI effect?

A: Attorneys must take the *CSI* effect into account when addressing juries. Simply presenting forensic evidence to the jury may not be sufficient. To advocate effectively for a client, an attorney must clearly understand jurors’ expectations, whether right or wrong, and present forensic evidence in a way that will help jurors better understand the case.

Jurors must try to adjust their expectations of “real life courtroom drama” and understand that the actual use of forensic evidence is rarely as conclusive or as exciting as an hour-long television show suggests.

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