



## **CURRENT DEVELOPMENTS IN AMERICAN LAW: SCIENTIFIC AND MEDICAL EVIDENCE**

### **SYLLABUS (LAW 609-3)**

T/Th 5:00 – 6:15 PM (Room 164)

Prof. Jennifer A. Brobst; Office 244, [jbrobst@siu.edu](mailto:jbrobst@siu.edu), 618-453-8702

**COURSE DESCRIPTION AND LEARNING OBJECTIVES:** This three hour course will satisfy an elective requirement for both the Health Law and Policy and Litigation and Dispute Resolution specializations. This course will provide law students with a basic understanding of the federal and state rules of evidence and ethical considerations addressing scientific and medical evidence. A particular emphasis will be placed on expert witness testimony and related trial practice skills, but other substantive cutting edge scientific topics anticipating eventual litigation will also be addressed. Students will learn to use scientific and medical evidence in both civil and criminal legal contexts, developing expertise in understanding legal and non-legal standards of reliability and in analogizing precedent in cases of first impression.

**REQUIRED TEXTBOOK:** None – readings as assigned on syllabus

**OFFICE HOURS:** Open door or by appointment.

**ATTENDANCE:** Students may miss up to a maximum of four (4) classes. Late arrival and early departure from class should be rare and may be counted as an absence based on the professor's discretion.

**GRADED ASSIGNMENTS:**

Class Participation (10%)

Expert Witness Motion (25%) (anonymously graded)

Topic Research Summary and Presentation (15%) (students select own topics)

Final Exam (50%) (anonymously graded)

**CLASS EMAIL AND TWEN:** Per the law school regulations, students must regularly check and be responsive to email communications with faculty. Students are expected to regularly check the TWEN course page.

**CLASS RECORDINGS:** This course will not be recorded. Students may audio record the class without prior approval from the instructor, but redistribution of recordings to others not enrolled in the class or who would not otherwise have access to the recordings is strictly prohibited.

**EMERGENCY PROCEDURES:** We ask that you become familiar with “Emergency Preparedness @ SIU.” Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

**DISABILITY POLICY.** SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or [disabilityservices.siu.edu](http://disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found here:

**SALUKI CARES.** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or [siucares@siu.edu](mailto:siucares@siu.edu), <https://salukicare.siu.edu/>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618- 453-3135.

**COVID-19.** SIUC’s policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC’s COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to [pandemicinfor@siu.edu](mailto:pandemicinfor@siu.edu). If students have any specific concerns regarding their health and safety, please do not hesitate to contact the professor or law school administration.

## FIRST WEEK’S READING ASSIGNMENTS

**NOTE:** *Unless link provided or available on Westlaw, see TWEN to obtain copies of materials*

DATE	SUBJECT	READING ASSIGNMENT	ASSIGNMENT
<b>WEEK 1</b>	<b>INTRO TO RULES OF EVIDENCE AND EXPERTS</b>		
T 8/17	Introduction	Ellsworth, <i>Legal Reasoning and Scientific Reasoning</i> , 63 ALA. L. REV. 895 (2012); <i>How Does the Law Recognize and Deal with Medical Errors?</i> 102 J. ROY. SOC’Y MED. 265 (2009) (available at <a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2711199/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2711199/</a> )	
Th 8/19	Admitting Evidence	People v. McCullough, 38 N.E.3d 1 (Ill. App. Ct. 2015); Federal Rules of Evidence (familiarize) (available at <a href="https://www.law.cornell.edu/rules/fre">https://www.law.cornell.edu/rules/fre</a> or on TWEN)	