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Have Questions?



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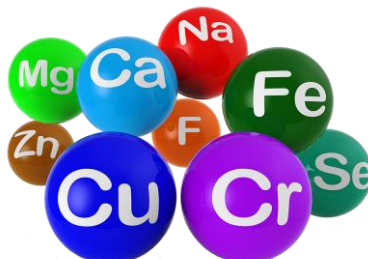
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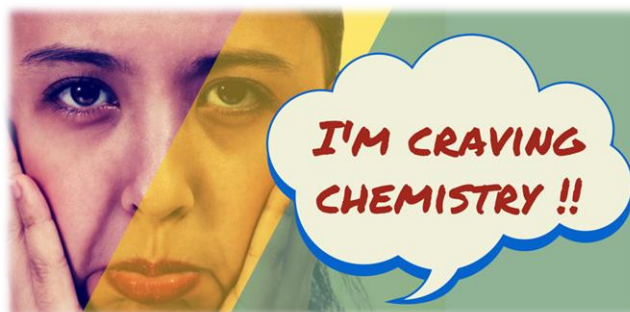
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Upcoming ACS Webinars®

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Thursday, February 26, 2015

“Strategies to Improve Solubility of Drug Candidates”

Dr. Michael Walker, Sr. Principal Scientist, Bristol-Myers Squibb

Dr. Mark Jones, Executive External Strategy and Communications Fellow, Dow Chemical



Thursday, March 5, 2015

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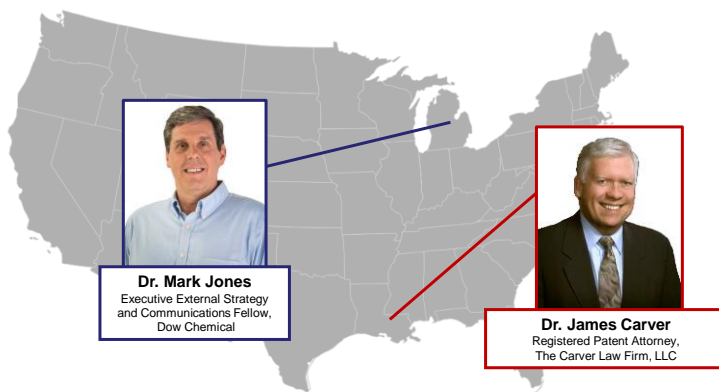
CHAL focuses on educating others about issues that arise at the intersection of chemistry and the law.

www.chemistryandthelaw.org

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***“Chemistry in the Courtroom:
Demystifying Science for Judge and Jury”***



Dr. Mark Jones
Executive External Strategy
and Communications Fellow,
Dow Chemical

Dr. James Carver
Registered Patent Attorney,
The Carver Law Firm, LLC

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CHEMISTRY IN THE COURTROOM

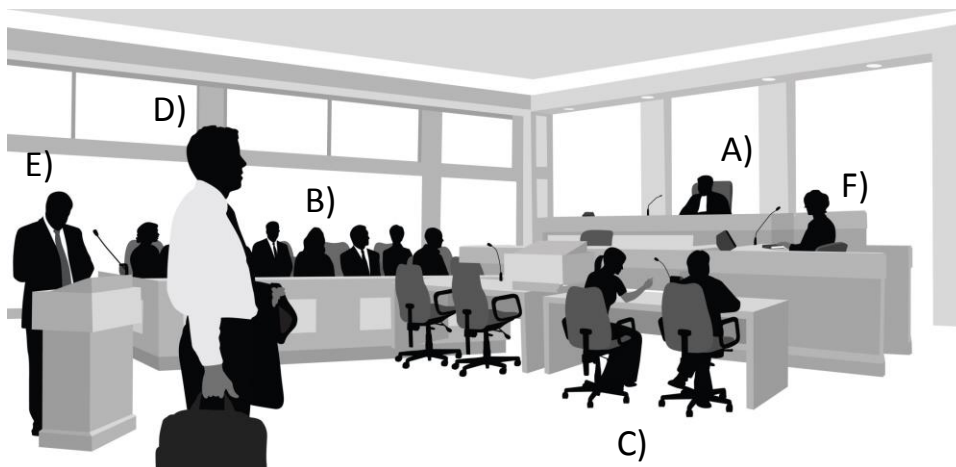
Demystifying Science for Judge and Jury



James C. Carver, Ph.D., J.D.
Registered Patent Attorney, The Carver Law Firm, LLC

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WHO ARE THE PLAYERS?



- A) Judge
- B) Jury
- C) Plaintiff's Counsel (Or Prosecution for criminal cases)
- D) Defendant's Counsel
- E) Litigants
- F) Witnesses



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Audience Survey Question

ANSWER THE QUESTION ON SCREEN



What is typically true of Federal Court Judges vs. State Court Judges:

- Federal and State Court Judges are both life appointments
- State Court Judges are less influenced by politics
- Federal Court Judges have a better understanding of science
- State Court Judges are more influenced by personal beliefs

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WHAT DO WE KNOW ABOUT JUDGES



Federal Court Judge

- Lifetime appointment
- Less influenced by politics
- More influenced by personal beliefs
- Range from excellent to poor in understanding of science



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WHAT DO WE KNOW ABOUT JUDGES



State Court Judge

- Some elected
- Some appointed w/vote to keep
- If elected – have constituency
- With exceptions, most do not have an understanding of science



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Audience Survey Question

ANSWER THE QUESTION ON SCREEN

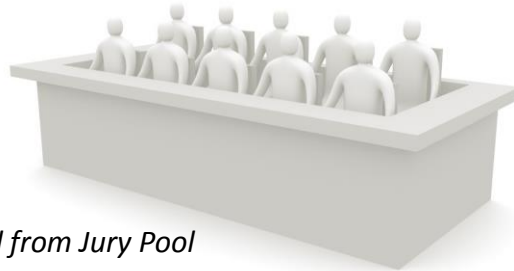


Do you believe the average education level of a typical jury is:

- 5th-7th grade
- 12th grade
- Some post high school
- College graduate

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WHAT DO WE KNOW ABOUT JURIES



Selected from Jury Pool

- **Depending on Court** – Pool may be biased
 - Individual may be excused for many reasons
 - Depending on case, often most educated excused
- **Voir Dire:** Determine if prospective juror is biased
 - State, by lawyers
 - Federal, by judge
- **Typical Juror** has less than high school education
- **Quality of Juror** dependent on jurisdiction



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WHAT DO WE KNOW ABOUT LAWYERS



- Most Lawyers have undergraduate degrees in humanities
- Most litigators, regardless of background, will know the basics of any science in case
- When examining an scientific expert they will not ask about the science
- When examining an scientific expert they will look for inconsistency with prior testimony or writing



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WHAT ARE THE STRENGTHS OF SCIENTISTS?

➤ **Analysis**

- Review Data
- Identify Issues
- Propose Theory



➤ **Test Theory**

- Experiment
- Revise Theory



➤ **Report Results** [Positive or Negative]

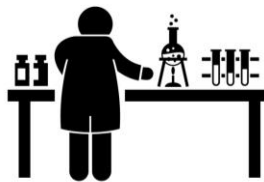


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WHAT DO JUDGES AND JURIES THINK ABOUT SCIENTISTS?

• **Positive**

- Helpful
- Knowledge
- Unbiased



• **Negative**

- Suspicious
- Ivory Tower
- Hired Gun



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Audience Survey Question

ANSWER THE QUESTION ON SCREEN

In your opinion what is the most common mistake made by experts:

- Perjury
- The use of specialized vocabulary
- Lack of subject matter knowledge
- Arrogant behavior
- Evasive behavior

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MISTAKES MADE BY EXPERTS



- Try to impress
- Try to teach
- Specialized Vocabulary (Acronyms)
- Become advocate for your side
- Evade
- Demean



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LESSONS LEARNED: PLAY TO STRENGTHS



- **Make complex matter simple**
 - Example: Rather than explain how an accelerant showed arson - find an every day example-lighter fluid on charcoal in a bar-b-q pit.

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LESSONS LEARNED: PLAY TO STRENGTHS



- **Admit remote possibilities**
 - Example: In toxicology, if asked by the other lawyer, "Isn't it possible that ---" and it is remote but possible, answer question and asked to explain



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LESSONS LEARNED: PLAY TO STRENGTHS

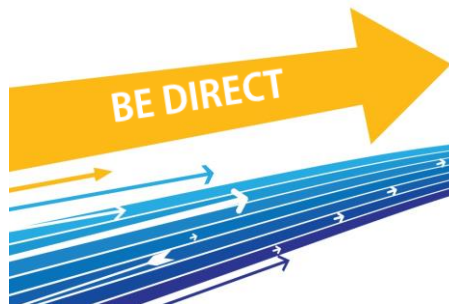


- **Communicate effectively without arrogance**
 - Example: One expert from a prestigious university decided the opposing expert, from a less-well known university, was inferior. It came across to the jury and they believed the opposing expert.



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LESSONS LEARNED: PLAY TO STRENGTHS



- **Be direct and not evasive**
 - Example: When asked a difficult question, an expert is trusted when he or she gives a direct answer, even if it hurts the party who hired him. One expert was so direct, the judge said he was the best expert he had had in his court.



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LESSONS LEARNED: PLAY TO STRENGTHS



- **Be likeable**

- Example: Juries trust witnesses, including experts, that they like.



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Additional Resources



www.thecarverlawfirm.com

Dr. Carver established The Carver Law Firm to provide timely, high quality legal services to his clients. In addition to being an attorney, Jim is a Ph.D. chemist, who has been able to effectively blend these disciplines. He concentrates his practice in the areas of science-based matters, environmental law, regulatory matters, patent law, trademark law, and copyright law. Jim has practiced law for over a quarter of a century. Prior to establishing The Carver Law Firm, Jim was the managing partner of the Oats & Hudson Baton Rouge Office, and prior to that he was a partner at Taylor, Porter, Brooks & Phillips. Before pursuing his career in law, Jim was a practicing chemist. After receiving his Ph.D. in chemistry, Jim worked as a staff chemist at EXXON Research and Development Laboratories for Exxon for approximately 7 years. Prior to that, he served on the chemistry faculties of Texas A&M University and the University of Georgia for about 4 years. Jim understands the science aspects of law both from a legal prospective and from the prospective of a practicing scientist.

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Symposiums to be presented at the Denver national meeting:

- *Strengthening Your Patent Rights in Light of Recent Federal Circuit Court Decisions*
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- *Anti-Doping: A Unique Combination of Chemistry and the Law*
- *Sci-Mix, including "Chocolate: Food of the Gods" poster*
- *Fundamental Concepts in Protecting Chemical Technologies*
- *Legal and Business Considerations for Chemical Technologies*
- *Patenting Chemical Inventions*
- *Intellectual Property and Natural Resources: What Can I Protect and How?*
- *The Many Faces of CHAL: Where Chemistry Meets the Law*

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Networking Reception

**Grand Hyatt Denver
Capital Peak**

Monday March 23, 5-8 pm

All Attendees welcome -- No ticket required

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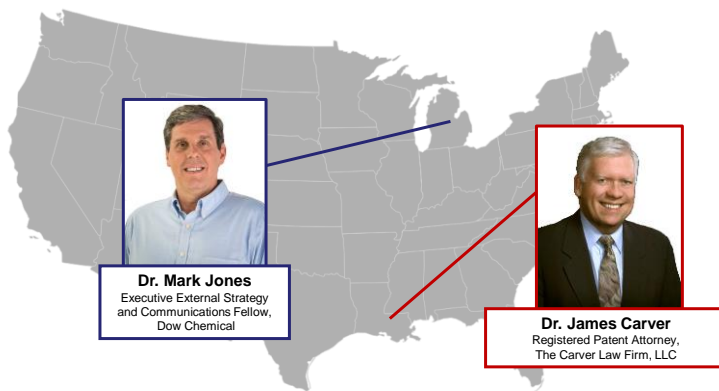
Co-host Division: CHAS



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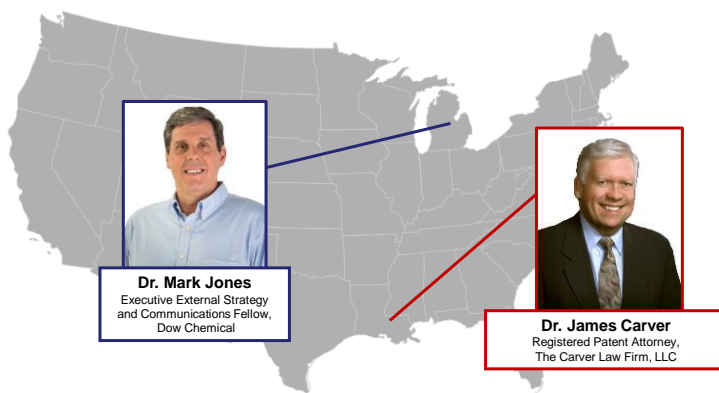
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