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Contact: Danielle Gensburg
E-mail: dgensburg@abfn.org
Phone: 312.988.6546
Fax: 312.988.6579
Online: americanbarfoundation.org
Facebook: [American Bar Foundation](https://www.facebook.com/AmericanBarFoundation)
Twitter: [@ABFResearch](https://twitter.com/ABFResearch)

ABF Research Professor Shari Diamond Sheds Light on How Respected Scientists View the Law

CHICAGO, October 2, 2018 — In a recent essay published in the Fall 2018 issue of [*Daedalus*](#) — the journal of the [American Academy of Arts and Sciences](#) — [American Bar Foundation](#) Research Professor and [Professor of Law and Professor of Psychology](#) at Northwestern University Pritzker School of Law, [Shari Diamond](#), reveals the results of her original and first-of-a-kind survey that sheds light on how some of the country's most respected scientists and engineers view the legal system and relate to law.

Diamond co-authored the essay, entitled "[When Law Calls, Does Science Answer? A Survey of Distinguished Scientists and Engineers](#)," and conducted her survey with [Richard O. Lempert](#), the Eric Stein Distinguished University Professor (Emeritus) of Law and Sociology at the University of Michigan. Based on the fact that scientific knowledge is increasingly needed to resolve lawsuits and other legal disputes, Diamond and Lempert, with cooperation from the American Academy of Arts and Sciences, attempted to explore this important relationship between law and science by conducting a survey of distinguished scientists and engineers who were elected Fellows of the Academy to better understand how scientists relate to law based on their views and experiences of the legal system. A range of scientists and engineers in the mathematical, physical, biological and social sciences participated in the survey: the largest number ever surveyed about their experience with and views of the legal system.

In their survey, Diamond and Lempert asked the scientists and engineers a variety of questions.

These included whether they had ever been asked to provide scientific expertise, why they

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agreed to help or refused, what their experience was like providing testimony and their views of the legal system and various courtroom and legal procedures. They were also asked if changes to legal procedures would make them more inclined to participate in trial proceedings in the future.

"We were surprised at how willing these distinguished scientists were to assist when their expertise was relevant. This positive attitude bodes well for the future of science and the legal system. There are, however, obstacles and challenges," Professor Diamond said.

The study found that most of the scientists and engineers surveyed had agreed to participate in lawsuits when asked, more often for educational and moral reasons than financial, and if they refused, it was mainly because they lacked the time or relevant scientific expertise. Results of the survey also showed that some of the scientists and engineers reported being uncomfortable with adversarial legal procedures and would be more likely to participate in legal proceedings in the future if procedural changes were made. These changes include having the opportunity to meet with an opposing trial expert and write a mutual report and being able to serve as an expert appointed by the judge instead of on behalf of a certain legal party.

Diamond and Lempert's study only applied to highly accomplished and experienced scientists. They did not survey scientists who work for consulting firms, forensic scientists who testify regularly for the prosecution, or younger generations of scientists now entering the high point of their careers. Nevertheless, their results showed that scientists who participate in the legal system have a greater belief in its ability to handle and resolve scientific matters. Moreover, the results found that more scientific experts could be called upon to participate in legal disputes if procedural changes were made to reflect more of an academic rather than adversarial atmosphere. However, Diamond and Lempert conclude that tensions between science and law will always be challenging.

Professor Diamond will co-host with Professor Lempert an upcoming panel organized by the American Academy of Arts and Sciences on Monday, October 29, 2018 from 9:00-10:30 a.m. at the [National Press Club](#) in Washington, D.C., focusing on the challenges and opportunities that

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arise from an increase in the role of scientific evidence in legal cases. The panel will feature several distinguished federal judges, including [David Tatel](#) and [Jed Rakoff](#), as well as former federal judge and current Harvard Law School professor, [Nancy Gertner](#). Professor Diamond and Professor Lempert will also share some results from their above study about why notable scientists choose to participate in legal matters. To learn more about the upcoming panel or to register, click [here](#) for the attached invitation.

About the American Bar Foundation

The [American Bar Foundation](#) (ABF) is among the world's leading research institutes for the empirical and interdisciplinary study of law. The ABF seeks to expand knowledge and advance justice through innovative, interdisciplinary, and rigorous empirical research on law, legal processes, and legal institutions. To further this mission the ABF will produce timely, cutting-edge research of the highest quality to inform and guide the legal profession, the academy, and society in the United States and internationally. The ABF's primary funding is provided by the [American Bar Endowment](#) and the [Fellows of The American Bar Foundation](#).