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Does the adversarial system of justice serve science?

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Abstract

The English Legal System, shared by the USA and the UK rely at its' heart upon an adversarial trial process. In criminal and civil child protection matters there is frequently recourse to Scientific Expert Opinion to prove or question matters in issue. In the UK there have been a number of recent contentious medical issues which have been effectively fought out within the confines of court trial process. In particular, Shaken Baby Syndrome, Rickets, Sudden Infant Death and Brittle Bone Disease are controversies that have been debated and ruled upon by the English Courts. The aim of this paper is to summarize the role and function of the expert witness and look at and analyze some recent examples of trials in the UK involving scientific controversy. He poses the question as to whether the European Inquisitorial System is more capable of dealing with clashes of scientific opinion and thereby achieving a fairer outcome.

Biography

Mark Love originally gained a degree in Chemistry at University College London and then qualified as a Barrister-at-Law. He has been the Head of a Barristers' Chambers in London (with some 45 members) for some fifteen years and now specializes in Family Law, particularly as a trial lawyer in cases concerning Non-Accidental Injuries in children.