

**AMERICAN SOCIETY OF LAW, MEDICINE & ETHICS  
DNA FORENSICS AND CIVIL LIBERTIES: WORKSHOP 1**

**Forensic Use of DNA: Bibliography of Law Reviews and Journals**

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**I. Science Aspects of DNA Testing**

Kamrin T. MacKnight, The Polymerase Chain Reaction (PCR): The Second Generation of DNA Analysis Methods Takes the Stand, 20 Santa Clara Computer & High Tech. L.J. 95 (2003).

Marlan D. Walker, Mitochondrial DNA Evidence in State v. Pappas, 43 Jurimetrics J. 427 (2003).

Charles I. Lugosi, Punishing the Factually Innocent: DNA, Habeas Corpus and Justice, 12 Geo. Mason U. Civ. Rts. L.J. 233 (2002).

Joshua Lederberg, Beyond the Genome, 67 Brook. L. Rev. 7 (2001).

Micah A. Luftig & Stephen Richey, DNA and Forensic Science, 35 New Eng. L. Rev. 605 (2001).

Charles M. Strom, Genetic Justice: A Lawyer's Guide to the Science of DNA Testing, 87 Ill. B.J. 18 (1999).

Paul B. Tyler, Fundamental Misunderstandings About DNA Contamination: Does It Help or Hurt the Criminal Defendant?, 31 Beverly Hills B. Ass'n J. 15 (1996).

Kenneth R. Kreiling, Comment, DNA Technology in Forensic Science, 33 Jurimetrics J. 449 (1993).

Kamrin T. MacKnight, Comment, The Polymerase Chain Reaction (PCR): The Second Generation of DNA Analysis Methods Takes the Stand, 9 Santa Clara Computer & High Tech. L.J. 287 (1993).

Daniel R. Warren, Comment, DNA "Fingerprint" Typing and Testing in Civil and Criminal Litigation: Celebrated Technology Runs Into Problems and Sends Lawyers Scurrying to Medical School, 7 Me. B.J. 90 (1992).

Brad R. Byers, Comment, DNA Fingerprinting and the Criminal Defendant: Guilty or Innocent? Only His Molecular Biologist Knows for Sure, 16 Ohio N.U.L. Rev. 57 (1989).

**II. Forensic Use of DNA**

Jennifer L. Mnookin, Fingerprint Evidence in an Age of DNA Profiling, 67 Brook. L. Rev. 13 (2001).

David L. Faigman, The Tipping Point in the Law's Use of Science: The Epidemic of Scientific Sophistication that Began with DNA Profiling and Toxic Torts, 67 Brook. L. Rev. 111 (2001).

Charlotte J. Word, The Future of DNA Testing and Law Enforcement, 67 Brook. L. Rev. 249 (2001).

D.H. Kaye, DNA Typing: Emerging or Neglected Issues, 76 Wash. L. Rev. 413 (2001).

James F. McHugh, Abraham Lincoln's DNA and Other Adventures in Genetics, 86 Mass. L. Rev. 29

(2001) (book review).

D.H. Kaye, Non-Human DNA Evidence, 39 *Jurimetrics J.* 1 (1998).

Ronald M. Green & A. Mathew Thomas, DNA: Five Distinguishing Features for Policy Analysis, 11 *Harv. J.L. & Tech.* 571 (1998).

William C. Thompson, A Sociological Perspective on the Science of Forensic DNA Testing, 30 *U.C. Davis L. Rev.* 1113 (1997).

Paul C. Giannelli, The DNA Story: An Alternative View, 88 *J. Crim. & Criminology* 380 (1997) (book review).

Eric E. Wright, DNA Evidence: Where We've Been, Where We Are, and Where We Are Going, 10 *Me. B.J.* 206 (1995).

Jasmine Samrad, DNA in the Courtroom: A Trial Watcher's Guide, 10 *High Tech. L.J.* 433 (1995) (book review).

Albert M.T. Finch, III, Note, "Oops! We Forgot to Put It in the Refrigerator": DNA Identification and the State's Duty to Preserve Evidence, 25 *J. Marshall L. Rev.* 809 (1992).

R. Michael Sweeney, Comment, DNA Typing: Defending a Process Under Vigorous Attack, 21 *Cap. U. L. Rev.* 611 (1992).

Barry W. Duceman, DNA Analysis: Scientific and Legal Aspects, 2 *Alb. L.J. Sci. & Tech.* 53 (1992).

Jonathan J. Koehler, What DNA "Fingerprinting" Can Teach the Law About the Rest of Forensic Science, 13 *Cardozo L. Rev.* 361 (1991).

Paul C. Giannelli, Criminal Discovery, Scientific Evidence, and DNA, 44 *Vand. L. Rev.* 791 (1991).

Leigh C. Lawson, Comment, DNA Fingerprinting and Its Impact Upon Criminal Law, 41 *Mercer L. Rev.* 1453 (1990).

Stephen C. Petrovich, Note, DNA Typing: A Rush to Judgment, 24 *Ga. L. Rev.* 669 (1990).

Sally E. Renskers, Comment, Trial By Certainty: Implications of Genetic DNA Fingerprints, 39 *Emory L.J.* 309 (1990).

Clare M. Tande, Note, DNA Typing: A New Investigatory Tool, 1989 *Duke L.J.* 474 (1989).

Anthony Pearsall, Comment, DNA Printing: The Unexamined 'Witness' In Criminal Trials, 77 *Cal. L. Rev.* 665 (1989).

William C. Thompson & Simon Ford, DNA Typing: Acceptance and Weight of the New Genetic Identification Tests, 75 *Va. L. Rev.* 45 (1989).

Judith M. Gordon, DNA Identification Tests- On the Way Toward Judicial Acceptance, 6 *J. Suffolk Acad. L.* 1 (1989).

Jessie Jo Barr, Note, The Use of DNA Typing in Criminal Prosecutions: A Flawless Partnership of Law and Science, 34 *N.Y.L. Sch. L. Rev.* 485 (1989).

Dan L. Burk, DNA Fingerprinting: Possibilities and Pitfalls of a New Technique, 28 *Jurimetrics J.* 455

(1988).

Laurel Beeler & William R. Wiebe, Comment, DNA Identification Tests and the Courts, 63 Wash. L. Rev. 903 (1988).

Charles J. Williams, Note, DNA Fingerprinting: A Revolutionary Technique in Forensic Science and its Probable Effects on Criminal Evidentiary Law, 37 Drake L. Rev. (1987).

### **III. DNA Admissibility at Trial**

Travis G. Jackson, Note, The Admissions of Polymerase Chain Reaction DNA Evidence in New Mexico Courts-State V. Stills, 29 N.M. L. Rev. 429 (1999).

D. Scott Porch, IV, Comment, State V. Begley: When the Tennessee Supreme Court Meets PCR-Method DNA Analysis, It's Love at First Sight, 28 U. Mem. L. Rev. 1239 (1998).

Karla K. Hotis, Note, The Admissibility of PCR-Based DNA Evidence: State V. Lyons, 37 Jurimetrics J. 495 (1997).

George B. Smith & Janet A. Gordon, The Admissions of DNA Evidence in State and Federal Courts, 65 Fordham L. Rev. 2465 (1997).

James L. Ward, Jr., The Admissibility of DNA Statistical Evidence Under State v. Dinkins, 48 S.C. L. Rev. 93 (1996).

Jennifer Callahan, The Admissibility of DNA Evidence in the United States and England, 19 Suffolk Transnat'l L. Rev. 537 (1996).

John McCabe, DNA Fingerprinting: The Failings of Frye, 16 N. Ill. U. L. Rev. 455 (1996).

Admissibility of DNA Evidence, 12 Touro L. Rev. 625 (1996).

Michael A. Riley, How Should North Dakota Approach the Admissibility of DNA: A Comprehensive Analysis of How Other Courts Approach the Admissibility of DNA, 72 N.D. L. Rev. 607 (1996).

Margann Bennett, Comment, Admissibility Issues of Forensic DNA Evidence, 44 U. Kan. L. Rev. 141 (1995).

Scott D. Sherwood, The Pennsylvania Supreme Court Defines the Standard of Admissibility for DNA Evidence at Trial, 68 Temple L. Rev. 953 (1995).

Allan Sincox & Marijane Hemza-Placek, Challenging the Admissibility of DNA Testing, 83 Ill. B.J. 170 (1995).

Dara L. McKinney, Note, New Mexico Accepts Forensic DNA Evidence Under Rule of Evidence 11-702: State v. Anderson, 25 N.M. L. Rev. 283 (1995).

Peter A. Talieri, Note, Massachusetts Replaces Frye Test with Daubert Standard for Determining Admissibility of DNA Evidence in Criminal Trials, 29 Suffolk U. L. Rev. 357 (1995).

Denise A. Filocomo, Comment, Unraveling the DNA Controversy: People v. Wesley, A Step in the Right Direction, 3 J.L. & Pol'y 537 (1995).

Theodore R. Allen, The Admissibility of DNA Evidence in Massachusetts After Commonwealth v.

Lanigan, 1 Suffolk J. Trial & App. Advoc. 137 (1995).

Lisa Carrabino, Note, The Admissibility of DNA Typing and Statistical Probability Evidence, 29 Suffolk U. L. Rev. 473 (1995).

Sherry J. Whitney, Note, State v. Bible: The Admissibility of Forensic DNA Profiling and Statistical Probability Evidence in Arizona Criminal Proceedings, 26 Ariz. St. L. J. 593 (1994).

Barry C. Scheck, DNA and Daubert, 15 Cardozo L. Rev. 1959 (1994).

Elizabeth A. Allen, Comment, The Admissibility of DNA Evidence in Washington After State v. Cauthron, 69 Wash. L. Rev. 383 (1994).

Leonard J. Deftos, Daubert & Frye: Compounding the Controversy Over the Forensic Use of DNA Testing, 15 Whittier L. Rev. 955 (1994).

Kathleen W. Berdan, Comment, The Admissibility of DNA Evidence: Minnesota No Longer Stands Alone, 20 Wm. Mitchell L. Rev. 1063 (1994).

R. Stephen Kramer, Comment, Admissibility of DNA Statistical Data: A Proliferation of Misconception, 30 Cal. W. L. Rev. 145 (1993).

Michael J. Short, Comment, Forensic DNA Analysis: An Examination of Common Objections Raised to the Admission of DNA Fingerprinting as Illustrated by State v. Pierce, 19 U. Dayton L. Rev. 133 (1993).

Jason D. Altman, Comment, Admissibility of Forensic DNA Evidence: A Movement Away From Frye v. United States and a Step Toward the Federal Rules of Evidence: United States v. Jakobetz, 44 Wash. U.J. Urb. & Contemp. L. 211 (1993).

William C. Thompson, Evaluating the Admissibility of New Genetic Identification Tests: Lessons From the "DNA War", 84 J. Crim. L. & Criminology 22 (1993).

Sean Robins, Note, The Use and Admissibility of DNA Typing Evidence: Problems and Prospects for Its Future in New Jersey, 24 Rutgers L.J. 847 (1993).

L. Damon Whitmore, Note, The Admissibility of DNA Evidence in Criminal Proceedings, 39 Wayne L. Rev. 1411 (1993).

Lawrence B. Ebert, Comment, Frye After Daubert: The Role of Scientists in Admissibility Issues As Seen Through Analysis of the DNA Profiling Cases, 1993 U. Chi. L. Sch. Roundtable 219 (1993).

Ralph Story, Note, DNA Profiling Held Admissible Under the Relevancy Standard, 15 U. Ark. Little Rock L.J. 71 (1992).

Ricardo Fontg, Comment, DNA Fingerprinting: A Guide to Admissibility and Use, 57 Mo. L. Rev. 501 (1992).

Daniel C. Burke & Brian J. Whiteman, Note, Argue With Science? The Admissibility Debate Surrounding Identification, 7 St. John's J. Legal Comment. 597 (1992).

Larry G. Butler, Note, State v. Davis: DNA Evidence and the Use of Frye in Missouri, 60 UMKC L. Rev. 577 (1992).

Elizabeth M. Bezak, Note, DNA Profiling Evidence: The Need for a Uniform and Workable Evidentiary Standard of Admissibility, 26 Val. U. L. Rev. 595 (1992).

Sarah Brashears-Macatee, Note, A Test Both Lawyers and Scientists Can Live With: A Five Prong Test for the Admission of DNA Profiling Evidence Adopted in *United States v. Matthew Sylvester*, 71 Neb. L. Rev. 920 (1992).

D.H. Kaye, The Admissibility of DNA Testing, 13 Cardozo L. Rev. 353 (1991).

Jeffrey S. Beckerman, Comment, The Admissibility of Forensic DNA Profiling in the Federal Courts- *United States v. Jakobetz*, 25 Suffolk U. L. Rev. 858 (1991).

Joseph L. Schwartz, Comment, The Admissibility of Statistical Probabilities in DNA Testing for Suspect Identification in Criminal Proceedings- *Commonwealth v. Curnin*, 25 Suffolk U.L. Rev. 868 (1991).

W. Anthony Purcell, Comment, Match-Game 1990's: The Admissibility of DNA Profiling- *State v. Pennington*, 13 Campbell L. Rev. 209 (1991).

John Caleb Dougherty, Comment, Beyond *People v. Castro*: A New Standard of Admissibility for DNA Fingerprinting, 7 J. Contemp. Health L. & Pol'y 269 (1991).

Lorie A. Robinson, Note, *United States v. Two Bulls*: Eighth Circuit Addresses Admissibility of Forensic DNA Evidence, 37 Loy. L. Rev. 173 (1991).

Edward J. Imwinkelried, The Debate in the DNA Cases Over the Foundation for the Admission of Scientific Evidence: The Importance of Human Error as a Cause of Forensic Misanalysis, 69 Wash. U. L.B. 19 (1991).

Joseph G. Petrosinelli, Comment, The Admissibility of DNA Typing: A New Methodology, 79 Geo. J.L. 313 (1990).

Lori L. Swafford, Comment, Admissibility of DNA Genetic Profiling Evidence in Criminal Proceedings: The Case for Caution, 18 Pepp. L. Rev. 123 (1990).

C. Thomas Blair, Comment, *Spencer v. Commonwealth* and Recent Developments in the Admissibility of DNA Fingerprint Evidence, 76 Va. L. Rev. 853 (1990).

Michael N. Schmitt & Laura H. Crocker, DNA Typing: Novel Scientific Evidence in the Military Courts, 32 A.F. L. Rev. 227 (1990).

Alison P. Adema, Comment, DNA Fingerprinting Evidence: The Road to Admissibility to California, 26 San Diego L. Rev. 377 (1989).

#### **IV. Selected Specific Uses of DNA evidence**

##### **1) Paternity cases**

Carl W. Gilmore, Challenging DNA in Paternity Cases: Finding Weaknesses in an Evidentiary Goliath, 90 Ill. B.J. 472 (2002).

Mary R. Anderlik & Mark A. Rothstein, DNA-Based Identity Testing and the Future of the Family: A Research Agenda, 28 Am. J.L. & Med. 215 (2002).

Illene Sherwyn Cooper, Advances in DNA Techniques to Amend EPTL to Permit Paternity Testing, 71-AUG N.Y. St. B.J. 34 (1999).

Jill T. Phillips, Comment, Who is My Daddy? Using DNA to Help Resolve Post-Death Paternity Cases, 8 Alb. L.J. Sci. & Tech. 151 (1997).

Wing K. Fung, Determination of Both Parents Using DNA Profiling, 36 Jurimetrics J. 337 (1996).

James T. Smith, Comment, Hornbeck v. Simmons: Connecticut's Approach to Posthumous DNA Paternity Testing- When Should It Be Allowed?, 10 Conn. Prob. L.J. 41 (1995).

Charles N. LeRay, Note, Implications of DNA Technology on Posthumous Paternity Determination: Deciding the Facts When Daddy Can't Give His Opinion, 35 B.C. L. Rev. 747 (1994).

Alan R. Davis, Comment, Are You My Mother? The Scientific and Legal Validity of Conventional Blood Testing and DNA Fingerprinting to Establish Proof of Parentage in Immigration Cases, 1994 B.Y.U. L. Rev. 129 (1994).

Dee O'Neil Andrews, Comment, DNA and Dads: Considerations for Louisiana in Using DNA Blood Tests to Determine Paternity, 38 Loy. L. Rev. 425 (1992).

E. Donald Shapiro et al., The DNA Paternity Test: Legislating the Future Paternity Action, 7 J.L. & Health 1 (1992).

## **2) Sexual assault cases**

Veronica Valdivieso, Note, DNA Warrants: A Panacea for Old Cold Rape Cases?, 90 Geo. L.J. 1009 (2002).

Meredith A. Bieber, Meeting the Statute or Beating It: Using "John Doe" Indictments Based on DNA to Meet the Statute of Limitations, 150 U. Pa. L. Rev. 1079 (2003).

Amy Dunn, Note, Statutes of Limitation on Sexual Assault Crimes: Has the Availability of DNA Evidence Rendered Them Obsolete, 23 U. Ark. Little Rock L. Rev. 839 (2001).

Stephanie A. Parks, Note, Compelled DNA Testing in Rape Cases: Illustrating the Necessity of an Exception to the Self-Incriminating Clause, 7 Wm. & Mary J. Women & L. 499 (2001).

Cynthia Bryant, When One Man's DNA is Another Man's Exonerating Evidence: Compelling Consensual Sexual Partners of Rape Victims to Provide DNA Samples to Postconviction Petitioners, 33 Colum. J.L. & Soc. Probs. 113 (2000).

Jonathan W. Diehl, Note, Drafting a Fair DNA Exception to the Statute of Limitations in Sexual Assault Cases, 39 Jurimetrics J. 431 (1999).

Lori Urs, Commonwealth V. Joseph O'Dell: Truth and Justice or Confuse the Courts? The DNA Controversy, 25 New Eng. J. on Crim. & Civ. Confinement 311 (1999).

Charity L. Clayborn, Note, Evidence of DNA Fingerprinting Admitted for Identification Purposes in Rape Trials- Andrews v. State, 12 U. Ark. Little Rock L.J. 543 (1990).

## **3) Post-trial convictions and death penalty cases**

John T. Rango, "Truth or Consequences" and Post-Conviction DNA Testing: Have You Reached Your Verdict?, 107 Dick. L. Rev. 845 (2003).

Anna Franceschelli, *Motions for Postconviction DNA Testing: Determining the Standard of Proof Necessary in Granting Requests*, 31 *Cap. U. L. Rev.* 243 (2003).

Seth F. Kreimer & David Rudovsky, *Double Helix, Double Bind: Factual Innocence and Postconviction DNA Testing*, 151 *U. Pa. L. Rev.* 547 (2002).

James S. Liebman, *Comment, The New Death Penalty Debate: What's DNA Got To Do With It?*, 33 *Colum. Hum. Rts. L. Rev.* 527 (2002).

Holly Schaffter, *Note, Postconviction DNA Evidence: A 500 Pound Gorilla in State Courts*, 50 *Drake L. Rev.* 695 (2002).

David DeFoore, *Comment, Postconviction DNA Testing: A Cry for Justice from the Wrongly Convicted*, 33 *Tex. Tech. L. Rev.* 491 (2002).

Larry Yackle, *Congressional Power to Require DNA Testing*, 29 *Hofstra L. Rev.* 1173 (2001).

Marjory Fisher, *Procedural Issues Surrounding Post-Conviction DNA Testing*, 35 *New Eng. L. Rev.* 621 (2001).

Paul C. Giannelli, *Impact of Post-Conviction DNA Testing on Forensic Science*, 35 *New Eng. L. Rev.* 627 (2001).

Peter Neufeld, *Legal and Ethical Implications of Post-Conviction DNA Exonerations*, 35 *New Eng. L. Rev.* 639 (2001).

Rochelle L. Haller, *Note, The Innocence Protection Act: Why Federal Measures Requiring Post-Conviction DNA Testing and Preservation of Evidence Are Needed in Order to Reduce the Risk of Wrongful Executions*, 18 *N.Y.L. Sch. J. Hum. Rts.* 101 (2001).

Karen Christian, *Note, "And the DNA Shall Set You Free": Issues Surrounding Post-Conviction DNA Evidence and the Pursuit of Innocence*, 62 *Ohio St. L. J.* 1195 (2001).

Jennifer Boemer, *Student Article, In the Interest of Justice: Granting Post-Conviction DNA Testing to Inmates*, 27 *Wm. & Mitchell L. Rev.* 1971 (2001).

Edward Connors et al., *Convicted by Juries, Exonerated by Science: Case Studies in the Use of DNA Evidence to Establish Innocence After Trial*, 37 *Jurimetrics J.* 341 (1997) (book review).

Elizabeth V. Lafollette, *Note, State v. Hunt and Exculpatory DNA Evidence: When Is a New Trial Warranted?*, 74 *N.C. L. Rev.* 1295 (1996).

#### **4. Other uses: Identification and Profiling**

Frank B. Ulmer, *Note, Using DNA Profiles to Obtain "John Doe" Arrest Warrants and Indictments*, 58 *Wash. & Lee L. Rev.* 1585 (2001).

Donna Buchholz, *Modern Day Chateau D'If in Florida? Collecting Dust on the Shelves of Justice: Potentially Exculpatory DNA Evidence Waits for a Turn in the Florida Sunshine*, 30 *Stetson L. Rev.* 391 (2000).

Angus J. Dodson, *Comment, DNA "Line-ups" Based Upon a Reasonable Suspicion Standard*, 71 *U. Colo. L. Rev.* 221 (2000).

Lisa L. Dahm, Using DNA Profile as the Unique Patient Identifier in the Community Health Information Network: Legal Implications, 15 J. Marshall J. Computer & Info. 227 (1997).

Judith E. Lewter, Note, The Use of Forensic DNA in Criminal Cases in Kentucky as Compared With Selected Other States, 86 Ky. L.J. 223 (1998).

D.H. Kaye, Bible Reading: DNA Evidence in Arizona, 28 Ariz. St. L.J. 1035 (1996).

James Morgan, DNA Profiling in North Carolina, 21 N.C. Cent. L.J. 300 (1995).

J. Clay Smith, Jr., Precarious Implications of DNA Profiling, 55 U. Pitt. L. Rev. 865 (1994).

James P. O'Brien, Jr., Note, DNA Fingerprinting: The Virginia Approach, 35 Wm. & Mary L. Rev. 767 (1994).

Loren D. Bingham, State v. Horsley: The Idaho Courts First Look At DNA Printing Evidence, 27 Idaho L. Rev. 393 (1991).

Mark S. Ellinger, DNA Diagnostic Technology: Probing the Problem of Causation in Toxic Torts, 3 Harv. J.L. & Tech. 31 (1990).

Lindsay A. Elkins, Five Foot Two with Eyes of Blue: Physical Profiling And The Prospect Of A Genetics-Based Criminal Justice System 17 Notre Dame J. L.Ethics & Pub. Pol'y 269 (2003).

## **V. DNA Evidence at Trial**

William C. Thompson et. al, Evaluating Forensic DNA Evidence: Essential Elements of a Competent Defense Review, Champion 24 (2003).

William C. Thompson et. al, Evaluating Forensic DNA Evidence: Essential Elements of a Competent Defense Review, Champion 16 (2003).

Samuel Lindsey et. al , Communicating Statistical DNA Evidence, 43 Jurimetrics J. 147 (2003).

Jennifer N. Mellon, Note, Manufacturing Convictions: Why Defendants Are Entitled to the Data Underlying Forensic DNA Kits, 51 Duke L.J. 1097 (2001).

Jonathan J. Koehler, The Psychology of Numbers in the Courtroom: How to Make DNA-Match Statistics Seem Impressive or Insufficient, 74 S. Cal. L. Rev. 1275 (2001).

Jill Wasserman, Proof Generally, 17 Ga. St. U. L. Rev. 181 (2000).

Kevin O'Brien, Focus on Apri's DNA Legal Assistance, 33-DEC Prosecutor 7 (1999).

John Devlin, Comment, Genetics and Justice: An Indigent Defendant's Right to DNA Expert Assistance, 1998 U. Chi. Legal F. 395 (1998).

Ryan McDonald, Comment, Juries and Crime Labs: Correcting the Weak Links In the DNA Chain, 24 Am. J.L. & Med. 345 (1998).

Harlan Levy, And the Blood Cried Out: A Prosecutor's Spellbinding Account of the Power of DNA, 37 Jurimetrics J. 339 (1997) (book review).

William C. Thompson, DNA Evidence in the O.J. Simpson Trial, 67 U. Colo. L. Rev. 827 (1996).

Richard A. Nakashima, DNA Evidence in Criminal Trials: A Defense Attorney's Primer, 74 Neb. L. Rev. 444 (1995).

Apri's New Unit to Provide DNA Legal Assistance, 28-DEC Prosecutor 6 (1994).

Gerald D. Robin, DNA Evidence in Court, 9 Crim. Just. 8 (1994).

Jonathan J. Koehler, Error and Exaggeration in the Presentation of DNA Evidence at Trial, 34 Jurimetrics J. 21 (1993).

Lee Thaggard, Comment, DNA Fingerprinting: Overview of the Impact of the Genetic Witness on the American System of Criminal Justice, 61 Miss. L.J. 423 (1991).

Jayne L. Jakubaitis, Note, 'Genetically' Altered Admissibility: Legislative Notice of DNA Typing, 39 Clev. St. L. Rev. 415 (1991).

Claudia Rayford-Williams & Andreas V. Smith, It's All in the Genes: The Application of DNA Fingerprinting in the Courtroom, 34 How. L.J. 139 (1991).

## **VI. Evaluations on the reliability of DNA tests and DNA evidence**

Jack King, DOJ Aware of Problems in FBI's DNA Lab, 22-FEB Champion 9 (1998).

D.H. Kaye, DNA, NAS, NRC, DAB, RFLP, PCR, and More: An Introduction to the 1996 NRC Report on Forensic DNA Evidence, 37 Jurimetrics J. 395 (1997).

William C. Thompson, Accepting Lower Standards: The National Research Council's Second Report on Forensic DNA Evidence, 37 Jurimetrics J. 405 (1997).

Richard Lempert, After the DNA Wars: Skirmishing With NRC II, 37 Jurimetrics J. 439 (1997).

N.E. Morton, The Forensic DNA Endgame, 37 Jurimetrics J. 477 (1997).

Jonathan J. Koehler, Why DNA Likelihood Ratios Should Account for Error, 37 Jurimetrics J. 425 (1997).

Jonathan J. Koehler, On Conveying the Probative Value of DNA Evidence: Frequencies, Likelihood Ratios, and Error Rates, 67 U. Colo. L. Rev. 859 (1996).

Sue Rosenthal, Note, My Brother's Keeper: A Challenge to the Probative Value of DNA Fingerprinting, 23 Am. J. Crim. L. 195 (1995).

C.G.G. Aitken, Evaluating DNA Evidence for Identification, 4 S. Cal. Interdisc. L.J. 49 (1995).

Confronting the New Challenges of Scientific Evidence v. DNA, 108 Harv. L. Rev. 1557 (1995).

D.H. Kaye, The Relevance of "Matching" DNA: Is the Window Half Open or Half Shut?, 85 J. Crim. L. & Criminology 676 (1995).

Jonathan J. Koehler et. al, The Random Match Probability in DNA Evidence: Irrelevant and Prejudicial?, 35 Jurimetrics J. 201 (1995).

Sarah E. Snyder, Note, Experimental or Demonstrable: Has DNA Testing Truly Emerged From the Twilight Zone? An Assessment of Washington's Response to DNA Identification, 31 Willamette L. Rev.

201 (1995).

Aviam Soifer & Miriam Wugmeister, Mapping and Matching DNA: Several Legal Complications of “Accurate” Classifications, 22 Hastings Const. L.B. 1 (1994).

Douglas A. Dribben, DNA Statistical Evidence and the “Ceiling Principle”: Science or Science Fiction, 146 Mil. L. Rev. 94 (1994).

Elsa F. Kramer, Are DNA Fingerprints’ Smudge-Proof?, 38 Res Gestae 10 (1994).

D.H. Kaye, The Forensic Debut of the National Research Council’s DNA Report: Population Structure, Ceiling Frequencies and the Need for Numbers, 34 Jurimetrics J. 369 (1994).

David H. Kaye, DNA Evidence: Probability, Population Genetics, and the Courts, 7 Harv. J.L. & Tech. 101 (1993).

Richard Lempert, The Suspect Population and DNA Identification, 34 Jurimetrics J. 1 (1993).

Rockne P. Harmon, Legal Criticisms of DNA Typing: Where’s the Beef?, 84 J. Crim. L. & Criminology 175 (1993).

Richard Lempert, DNA, Science and the Law: Two Cheers for the Ceiling Principle, 34 Jurimetrics J. 41 (1993).

Christopher G. Shank, Note, DNA Evidence in Criminal Trials: Modifying the Law’s Approach to Protect the Accused from Prejudicial Genetic Evidence, 34 Ariz. L. Rev. 829 (1992).

Lisa B. Hansen, Comment, Stemming the DNA Tide: A Case for Quality Control Guidelines, 16 Hamline L. Rev. 211 (1992).

Patricia Linscott, Comment, Dr. Defense v. The Six-Foot Phantom: DNA Evidence Tossed Out of the Adversarial Ring!, 9 T.M. Cooley L. Rev. 453 (1992).

Kenneth R. Kreiling, DNA Identification: The Basics and the Problems, 18-AUG Vt. B.J. & L. Dig. 33 (1992).

Richard Lempert, Some Caveats Concerning DNA as Criminal Identification Evidence: With Thanks to the Reverend Bayes, 13 Cardozo L. Rev. 303 (1991).

Michael J. DiRusso, Note, DNA “Profiles”: The Problems of Technology Transfer, 8 N.Y.L. Sch. J. Hum. Rts. 183 (1990).

Edna S. Epstein, The Problem With DNA Tests: Cross-Examining the DNA Fingerprint, 78 Il. B.J. 392 (1990).

Janet C. Hoeffel, Note, The Dark Side of DNA Profiling: Unreliable Scientific Evidence Meets the Criminal Defendant, 42 Stan. L. Rev. 465 (1990).

## **VII. Ethical/Privacy Issues**

Jennifer Graddy, The Ethical Protocol for Collecting DNA Samples in the Criminal Justice System, 59 J. Mo. B. 226 (2003).

John P. Tribuiano III, The Continued Expansion of the DNA Database: California's Response to September 11<sup>th</sup>, 34 *McGeorge L. Rev.* 405 (2003).

D.H. Kay & Michael E. Smith, DNA Identification Databases: Legality, Legitimacy, and the Case for Population-Wide Coverage, 2003 *Wis. L. Rev.* 413 (2003).

Davina D. Bressler, Criminal DNA Databank Statutes and Medical Research, 43 *Jurimetrics J.* 51 (2002).

Jeffrey S. Grand, Note, The Bleeding of America: Privacy and the DNA Dragnet, 23 *Cardozo L. Rev.* 2277 (2002).

Scott N. Cameron, Chapter 906: California's DNA Data Bank Joins the Modern Trend of Expansion, 33 *McGeorge L. Rev.* 219 (2002).

Debra A. Herlica, Note, DNA Databanks: When Has a Good Thing Gone Too Far?, 52 *Syracuse L. Rev.* 951 (2002).

Mark A. Rothstein, Legal and Policy Issues in Expanding the Scope of Law Enforcement DNA Data Banks, 67 *Brook. L. Rev.* 127 (2001).

David H. Kaye, Two Fallacies About DNA Data Banks for Law Enforcement, 67 *Brook. L. Rev.* 179 (2001).

Carol Might, Note, DNA Analysis and the Freedom of Information Act: Information or Invasion?, 26 *Oklahoma City U. L. Rev.* 773 (2001).

Allison Puri, Note, An International DNA Database: Balancing Hope, Privacy, and Scientific Error, 24 *B.C. Int'l & Comp. L. Rev.* 341 (2001).

Aaron P. Stevens, Note, Arresting Crime: Expanding the Scope of DNA Databases in America, 79 *Tex. L. Rev.* 921 (2001).

Teresa K. Baumann, Note, Proxy Consent and a National DNA Databank: An Unethical and Discriminatory Combination, 86 *Iowa L. Rev.* 667 (2001).

Jerilyn Stanley, DNA: Enforcement's Miracle of Technology: The Missing Link to Truth and Justice, 32 *McGeorge L. Rev.* 601 (2001).

D.H. Kaye, Bioethical Objections to DNA Databases for Law Enforcement: Questions and Answers, 31 *Seton Hall L. Rev.* 936 (2001).

John P. Cronan, The Next Frontier of Law Enforcement: A Proposal for Complete DNA Databanks, 28 *Am. J. Crim. L.* 119 (2000).

Jonathan Kimmelman, Risking Ethical Insolvency: A Survey of Trends in Criminal DNA Databanking, 28 *J. L. Med. & Ethics* 209 (2000).

Rebecca Sasser Peterson, Note, DNA Databases: When Fear Goes Too Far, 37 *Am. Crim. L. Rev.* 1219 (2000).

Warren R. Webster, Jr., Note, DNA Database Statutes and Privacy in the Information Age, 10 *Health Matrix* 119 (2000).

Paul E. Tracy, Big Brother and His Science Kit: DNA Databases for 21<sup>st</sup> Century Crime Control?, 90 *J.*

Crim. & Criminology 635 (2000).

Michelle Hibbert, DNA Databanks: Law Enforcement's Greatest Surveillance Tool?, 34 Wake Forest L. Rev. 767 (1999).

Robert W. Schumacher II, Expanding New York's DNA Database: The Future of Law Enforcement, 26 Fordham Urb. L.J. 1635 (1999).

Elizabeth Reiter, Comment, The Department of Defense DNA Repository: Practical Analysis of the Government's Interest and the Potential for Genetic Discrimination, 47 Buff. L. Rev. 975 (1999).

Richard D. Friedman, DNA Database Searches and the Legal Consumption of Scientific Evidence, 97 Mich. L. Rev. 931 (1999).

Eric T. Juengst, I-DNA-Fication, Personal Privacy, and Social Justice, 75 Chi-Kent L. Rev. 61 (1999).

Brian Huseman, Taylor v. State, Rule 706, and the DNA Database: Future Directions in DNA Evidence, 22 Okla. City U. L. Rev. 397 (1997).

Jennifer S. Deck, Note, Prelude to a Miss: A Cautionary Note Against Expanding DNA Databanks in the Face of Scientific Uncertainty, 20 Vt. L. Rev. 1057 (1996).

Michael J. Markett, Note, Genetic Diaries: An Analysis of Privacy Protection in DNA Databanks, 30 Suffolk U. L. Rev. 185 (1996).

Yale H. Yee, Note, Criminal DNA Data Banks: Revolution for Law Enforcement or Threat to Individual Privacy, 22 Am. J. Crim. L. 461 (1995).

Manning A Connors, III, Comment, DNA Databases: The Case for the Combined DNA Index System, 29 Wake Forest L. Rev. 889 (1994).

Dan L. Burk, DNA Identification Testing: Assessing the Threat to Privacy, 24 U. Tol. L. Rev. 87 (1992).

E. Donald Shapiro, DNA Data Banks: The Dangerous Erosion of Privacy, 38 Clev. St. L. Rev. 455 (1990).

JoAnn M. Longobardi, Note, DNA Fingerprinting and the Need for a National Database, 17 Fordham Urb. L.J. 323 (1989).

## **VIII. Constitutional Rights and DNA Evidence**

Laurie S. Yeshulas, DNA Dragnet Practices: Are They Constitutional?, 8 Suffolk J. Trial & App. Advoc. 133 (2003).

D.H. Kaye, The Constitutionality of DNA Sampling on Arrest, 10 Cornell J.L. & Pub. Pol'y 455 (2001).

Andrew C. Bernasconi, Beyond Fingerprinting: Indicting DNA Threatens Criminal Defendants' Constitutional and Statutory Rights, 50 Am. U. L. Rev. 979 (2001).

Martha L. Lawson, Note, Personal Does Not Always Equal "Private": The Constitutionality of Requiring DNA Samples From Convicted Felons and Arrestees, 9 Wm. & Mary Bill Rts. J. 645 (2001).

Fred W. Drobner, Comment, DNA Dragnets: Constitutional Aspects of Mass DNA Identification Testing, 28 Cap. U.L. Rev. 479 (2000).

Gregory I. Massing, Criminal/Constitutional Law--Search and Seizure/State DNA Database of Convicted

Criminals, 84 Mass. L. Rev. 96 (1999).

C. Teddy Li, Boling V. Romer: Federal Courts Condone Forced Withdrawal of Blood for DNA Data Banks Despite Constitutional Concerns, 1 J. Health Care L. & Pol'y 421 (1998).

Jay A. Zollinger, Comment, Defense Access to State-Funded DNA Experts: Considerations of Due Process, 85 Cal. L. Rev. 1803 (1997).

Sonja L. DeWitt, Note, Indigent Criminal Defendant, DNA Evidence and the Right to an Expert Witness: A Comparison of the Requirements of Due Process in State v. Dubose and Harris V. State, 6 B.U. Pub. Int. L. J. 267 (1996).

Susan M. Dadio, Comment, Maryland's DNA Database System and Repository: Does It Pass Constitutional Muster?, 25 U. Balt. L. Rev. 47 (1995).

Dan L. Burk & Jennifer A. Hess, Genetic Privacy: Constitutional Considerations in Forensic DNA Testing, 5 Geo. Mason U. Civ. Rts. L.J. 1 (1994).

Sheryl H. Love, Note, Allowing New Technology to Erode Constitutional Protections: A Fourth Amendment Challenge to Non-Consensual DNA Testing of Prisoners, 38 Vill. L. Rev. 1617 (1993).

## **IX. Statutory Reforms Regarding DNA Testing**

Diana L. Kanon, Note, Will the Truth Set Them Free? No, But the Lab Might: Statutory Responses to Advancements in DNA Technology, 44 Ariz. L. Rev. 467 (2002).

Keith A. Findley, New Laws Reflect the Power and Potential of DNA, 75-May Wis. Law. 20 (2002).

Kathy Swedlow, Don't Believe Everything You Read: A Review of Modern "Post-Conviction" DNA Testing Statutes, 38 Cal. W. L. Rev. 355 (2002).

Joe Liebesschuetz, Note, Statutory Control of DNA Fingerprinting in Indiana, 25 Ind. L. Rev. 204 (1991).