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Canadian Trial Lawyers' Understanding of Scientific Evidence Concerning the Fallibility of Eyewitness Testimony

Ian Fraser^{}, Emily Ready^{**}, Louise Bond-Fraser^{*} and Barry Morrison^{***}*

The advent of DNA evidence in the courtroom, among other developments, has brought the science pertaining to the fallibility of eyewitness testimony to the fore. There have been commissions such as that requested by then US Attorney General, Janet Reno, in 1999 or that conducted by the Federal / Provincial / Territorial (FPT) Heads of Prosecutions Committee Working Group in Canada in 2004. These findings demonstrated a need to review the way in which the judicial system had been gathering evidence and conducting investigations into criminal as well as civil cases. Recommendations concerning how to conduct interviews and line-ups with greater fairness and effectiveness were made as a consequence.¹ The principal question for many outsiders looking in is, "How has the judicial process responded to these recommendations?"

A recent survey conducted in Canada by Roderick Lindsay and his colleague at Queen's University in Kingston Ontario has demonstrated that some of the recommendations have been taken seriously. Their survey, which was conducted amongst Canadian

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