

StarTribune

Tevlin: Lawyers' detective work must be commended

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Star Tribune

July 28, 2012 - 8:42 PM

Sitting in a St. Paul cafe one day last week, public defenders Lauri Traub and Christine Funk were getting impatient with the service.

"If I were waiting on us, we'd have coffee by now," said Traub, who along with Funk has caused upheaval at the St. Paul crime lab by questioning the way it processed drug cases.

Traub made her declaration with authority, but not the authority of a respected defense attorney. She made it with the authority of a waitress at a hotel restaurant, which she is when she is not defending drug dealers or murderers.

You could say Traub is well versed in both torts and tortes.

Together, they have raised questions about the St. Paul crime lab that should scare the bejeebers out of cops, prosecutors and anybody wrongly convicted of a crime.

A judge will decide in the coming months how bad the problems at the lab were. But when the criminologists themselves admit to being "horrified" by the lab's lack of written standards and sparse record keeping, and admitted they had little training in testing possible narcotics -- well, it can't be good.

No one knows whether the lab's shoddy work will lead to overturned convictions, or cause prosecutors to make deals on pending cases. Earlier, police tried to temper the impact by saying the methods in question were limited to one drug test.

But if a lab has been that slipshod with one test, isn't it likely that they took shortcuts with ballistics, blood spatters and other tests? And if St. Paul's unaccredited lab has problems, what about the other 17 or so unaccredited labs in Minnesota?

Bet that defense attorneys will soon start asking.

"Don't they watch CSI?" I asked Funk.

"On CSI, you don't see them writing down when you last cleaned the machine that tests drugs," said Funk. "That's the boring stuff that's essential to good science."

Labs in Minnesota don't have to be accredited. I'm guessing that's going to change soon.

Some of the admissions by lab workers were shocking.

During one encounter between Traub and lab worker Kari McDermott, Traub asked: "You don't, in your lab, have a lot of the basic minimum standards in place?"

"I guess I don't know what the minimum standards are," McDermott said.

Perhaps my favorite part, however, was during the first meeting between the lawyers and lab workers, in which Funk and Traub made them outline procedures. McDermott wondered why no one had asked her about this before.

It was a great question, one I posed to the lawyers.



Dakota County public defenders Lauri Traub and Christine Funk

Glen Stubbe, Star Tribune

"Lawyers don't take classes in forensics," said Funk. For years, they've just accepted the results given them by labs.

Funk doesn't claim to be a scientist, but she's taught herself enough to ask good questions. Her first murder case for the state public defenders contained a lot of DNA science. Funk's boss didn't want to learn it, so she did.

Funk has co-authored a manual on DNA, and she teaches a class called "Wrongful Convictions" at William Mitchell College Law, a course for which she now has new curriculum, thanks to the hearing.

Joe Daly, a professor emeritus at Hamline University School of Law, taught both Funk and Traub and says the school will invite them to help guide the school in providing more education on forensics.

"They did a really good job on this," said Daly. "Both are very smart, and I'm proud they went to Hamline. They have really done a public service. You get two lawyers like this [who] uncover probably an unintentional scandal, [and] it's important. You are talking about taking people's liberty away."

Traub, who was a mom and a candidate for the Minnesota House in past lives, went to law school at age 33, just in time for the statewide layoffs of public defenders. She now handles everything from misdemeanors to felonies. After starring in hearings that got the lab director removed and drug tests moved to other labs, Traub returned to a pile of cases on her desk.

And to her job as a waitress.

"I actually make more money per hour waitressing than I do as a public defender," said Traub, probably the only waitress in town certified in blood spatter.

Funk and Traub deserve our praise for asking critical questions and making the justice system face serious shortcomings that jeopardize one of our basic rights, the right to a fair trial.

So if Traub brings you a cup of coffee this weekend, you might want to be generous with your tip.

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