

TOXTALK



PRESIDENT'S MESSAGE



TATE YEATMAN, M.S., F-ABFT
SOFT PRESIDENT

Reflecting back on my career in Forensic Toxicology, I can't help but be a bit astonished at the incredible opportunities that I have been afforded. Leading our prestigious organization stands out as one of the most cherished of those opportunities, of which I am both honored and truly humbled to have been given.

Over the past several years, SOFT leadership has guided our organization down a path to many positive changes, a path I intend to continue to follow in 2024 with our amazing Board of Directors. I want to welcome the newest members of the board, which include our newest counselor, Laurel Farrell, whose wealth of knowledge will provide invaluable guidance to the board, and our newest directors, Rusty Lewis and Jennifer Colby, whose years of involvement with SOFT, including

long-term membership on the planning committee, finance committee, or as meeting host, have prepared them to provide vital contributions to the board's work.

If there is one thing I have learned in my new role, it is that there is no such thing as "easing in". If you read Past-President Erin Spargo's report in the last ToxTalk, you are aware that Erin, President-Elect Chris Heartsill, and I spent several weeks around Thanksgiving meeting with each committee to discuss the new measures put in place to broaden and diversify our committee membership. In the last few weeks of 2023, an email blast was sent out to membership soliciting applications for new vacancies created in several committees; submitted applications were sent to the committee chairs and vice-chairs for review; and all vacancies were filled in early January so the committees could proceed with their important work.

Speaking of committees, last year the board decided to change the process for committee updates. Instead of committee updates taking place at the open board meetings at the SOFT and AAFS annual meetings, we held our first virtual committee update

TOXTALK

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BOARD OF DIRECTORS

PRESIDENT'S MESSAGE 1-2
 ANNUAL MEMBERSHIP RENEWAL 3
 ANNUAL MEETING UPDATE - SOFT 2024 4-7
 YFT COMMITTEE UPDATE 8
 NOMINATING COMMITTEE 9
 DUID SURVEY 9
 CONTINUING EDUCATION OPPORTUNITIES 9
 LEGACY LUNCHEON SERIES10

DRUGS & DRIVING COMMITTEE 11
 PROFESSIONAL MENTORING PROGRAM 12
 SOFT MEMBERSHIP 12
 RTL UPDATE 13
 FLUOREXETAMINE 13
 SMITH V. ARIZONA 14-16
 SOFT INFORMATION 15

PRESIDENT'S MESSAGE CONTINUED

meeting in September, making these reports available to all members, not just those who are able to attend the annual meetings. With the success of this first meeting, which was attended by 197 members, two virtual meetings will take place this year in late March and early September. I would encourage all members to attend these informative updates to learn more about the committees and the valuable work they do for SOFT.

The end of 2023 was punctuated with a monumental effort by the SOFT Board, which was tasked with reviewing and recommending revisions to the Smith vs Arizona Amicus Brief under extremely short deadlines. As usual, the SOFT Board stepped up and got the job done! A special thanks to Erin Spargo, Chris Heartsill, and Jeri Roper-Miller, who really stepped up toward the end of the revision process, where at one point we had less than an hour to review and submit any revisions. Many of you are probably already aware that the SCOTUS heard arguments in January, and we

are anxiously awaiting their ruling as their decision could have repercussions on toxicology labs across the country. We are fortunate to have a report later in this issue from CFSRE Executive Director MJ Menendez, who spearheaded the drafting of the Amicus Brief discussed above, which gives her legal perspective on the arguments and implications of this pending SCOTUS ruling. I would urge you to take the time to read her very informative report.

Items on an ambitious agenda for 2024 include revisions to committee handbooks and the Policies and Procedures Manual to align with recent Bylaws revisions; revisions to the SOFT Code of Conduct to reflect our new Accountability Officer Paula Brantner with Accountability Ignited; completion of the biennial external audit of our finances; and addition of new website features.

Additionally, we will work closely with the Culture, Values, and Diversity Committee and Diversity Task Force

to continue our efforts to expand diversity and inclusion within SOFT and increase awareness of forensic toxicology and SOFT among a diverse student population.

Finally, the 2024 annual meeting planning committee has already started to meet, and if the first two meetings are any indication, it is going to be a phenomenal meeting. Mark your calendar now for October 27 - November 1; you won't want to miss it!

This should bring you up to date on the board's activities. I look forward to updating you throughout the year on the progress we have made on these projects. If you ever have any questions, please don't hesitate to contact me.

I want to close by thanking you again for entrusting me with the presidency of our wonderful organization. I hope to see you all at the AAFS meeting in Denver.

Tate Yeatman

NEW COMMITTEE MEMBERS

Awards

Sara Dempsey
Matt Juhascik

Continuing Education

Vanessa Beall
Tom Gluodenis
Sue Pearring

Cultures, Values & Diversity

Oliver Grundmann
Hunter Fleming
Laerissa Reveil
Fernando Manaloto

Drug Facilitated Crimes

Elizabeth Fisher

Drugs & Driving

Kayla Neuman
Stephanie Olofson
Anisha Paul

Finance

Robert Johnson
MaryLynn Heffington
Denice Teem

Meeting Resource

Erin Spargo
Michele Crosby
Roxane Ritter
Ruth Winecker

Membership

Madeleine Swortwood
Justin Grodnitzky

Nominating

Erin Spargo
Dwain Fuller
Michelle Peace

Novel Psychoactive

Substances

Amy Patton
Sandrine Merette

Oral Fluid

Sarah Bartock Amanda
D'Orazio Carrie Hodges
Suman Rana

Policies & Procedures

Madeleine Swortwood

Professional Mentoring

Kaitlyn Palmquist
Ashley Johnson

Publications

Austin Ciesielski
Michael Fagiola
Erin Karschner

Toxicology Resource

Joseph Jones

Young Forensic Toxicologists

Luke Garcia
Kimberly Karin
Sara Walton

WELCOME!!!

We extend a heartfelt and warm welcome to our newest committee members! We are grateful for the wealth of talent and diverse perspectives that each of you brings to your committee.

The selection process was undoubtedly challenging due to the high caliber of applicants. It is with great appreciation that we acknowledge the dedication and enthusiasm of all those who took the time to apply for open committee positions. Your interest and commitment to contributing to our organization are truly commendable.

ANNUAL MEMBERSHIP RENEWAL

Dear SOFT Members,

As a valued member of the Society of Forensic Toxicologists, we want to express our gratitude for your continued support and dedication to advancing the field of forensic toxicology.

Your membership with SOFT has not only contributed to the growth of our community but has also played a crucial role in promoting excellence and innovation in forensic toxicology. We greatly appreciate your commitment to staying at the forefront of developments in our field.

As the year progresses, we are excited to bring you more opportunities for networking, professional development, and access to cutting-edge research. To ensure uninterrupted access to all the benefits of your SOFT membership, we invite you to renew your membership for the upcoming year.

Thank you for being a part of the Society of Forensic Toxicologists. Together, we will continue to make significant strides in advancing the science and practice of forensic toxicology. Your continued involvement is vital to the success of SOFT, and we look forward to having you as an active member for another year.

RENEWAL BENEFITS

- Reduced webinar and conference rates
- Networking opportunities with fellow toxicologists
- Subscription to the Journal of Analytical Toxicology (JAT)
- Professional development resources and continuing education opportunities
- And much more!

HOW TO RENEW

To renew your membership for 2024 please follow the steps below:

1. Log into your account [HERE](#)
2. Select "My Profile"
3. Select "Invoices"
4. Select the invoice number
5. Select "Pay" and provide your card details
6. A copy of your receipt will be provided via email

If you would like to complete payment with check or company card please follow the steps above and select "download/print" for an invoice.

PAYMENT OPTIONS

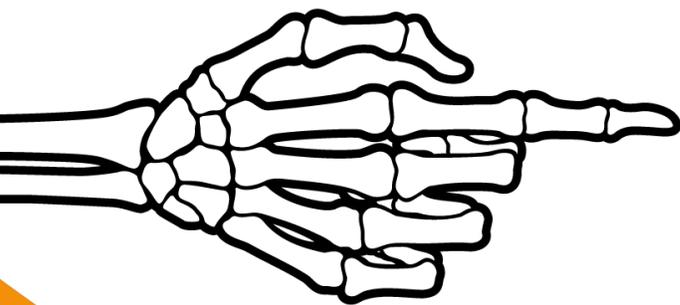
- **Checks** can be mailed to the SOFT office at 1955 W. Baseline Rd. Ste. 113-442, Mesa, AZ 85202
- **ACH/Wire Payments:** Swift #: USBKUS44IMT, Routing Number: 122105155, Account Number: 151701829856
- **Company Card:** If payment will be provided via company card please have your finance department complete our [Credit Card Authorization Form](#) and submit to [CC Watson](#).

IMPORTANT NOTES

- Renewal period: January 1 - December 31, 2024
- **Payment is due by February 28, 2024**

TAX INFORMATION

- EIN#: 51-0233801
- SOFT is a 501(c)(3) nonprofit organization



Renew Here!

ANNUAL MEETING UPDATE - ST. LOUIS, MO

We are very excited to welcome you back to the city of St Louis after forty years for the 2024 Annual meeting! The 2024 meeting will be held October 27 - November 1, 2024, at Union Station in downtown St. Louis, Missouri. The meeting venue is one of the key elements of every meeting, and we are proud to be hosting this year's event in an exceptional location.

Union Station stands as an iconic symbol of the city's rich history and vibrant present. Originally opened in 1894 as the largest and busiest train station in the world, Union Station has undergone a remarkable transformation, evolving into a multi-faceted destination that seamlessly blends history, entertainment, and modern amenities. The Union Station Hotel (Curio Collection, Hilton) is housed within the historic train shed, and the exhibition space is worked into the ticketing hall. The heart of Union Station is the Grand Hall, a stunning architectural masterpiece featuring a 65-foot vaulted ceiling adorned with intricate frescoes.

Visitors are transported to a bygone era as they marvel at the station's meticulous restoration, preserving the grandeur of its past. The Grand Hall serves as a central hub, housing a variety of shops, restaurants, and attractions – including fun light shows every night on the ceiling.

Union Station houses several fun attractions. One of the key attractions is the St. Louis Aquarium at Union Station, a mesmerizing underwater world that showcases aquatic life from the Mississippi River and beyond. Visitors can explore interactive exhibits, walk through underwater tunnels, and get up close with marine creatures, making it a must-visit for families and marine enthusiasts alike. The river otter exhibit is especially fun, and we can't go without mentioning Lord Stanley, the blue

lobster gifted to St. Louis from the Boston Bruins when the St. Louis Blues won the Stanley Cup in 2019.

For those seeking thrills, the St. Louis Wheel offers a breathtaking panoramic view of the city skyline. This 200-foot observation wheel provides a unique perspective of St. Louis and is especially enchanting when lit up in the evening. Next door, the Union Station Soda Fountain invites guests to indulge in nostalgic treats and handcrafted sodas, adding a touch of sweetness to the overall experience.

Union Station isn't just a destination in itself – its prime location makes it a gateway to exploring St. Louis. Nearby attractions include the Gateway Arch, Busch Stadium, and the City Museum, ensuring that there's no shortage of things to see and do in the vicinity of Union Station. A diverse selection of restaurants, bars, and craft breweries are all within walking distance of the meeting venue. Whether you're a history buff, nature lover, or thrill-seeker, Union Station and its surroundings offer a diverse range of experiences for everyone to enjoy.

We hope you are making plans to see us in St. Louis! As the year progresses, stay tuned for opportunities to submit scientific content and proposals, and volunteer opportunities. We are eagerly awaiting your contributions and participation that will make this SOFT annual meeting educational, fun, and memorable.

- Sarah and Justin



OCTOBER 27 – NOVEMBER 1, 2024
UNION STATION HOTEL

PLANNING COMMITTEE



CO-HOST
JUSTIN POKLIS



CO-HOST
SARAH RILEY

SCIENTIFIC PROGRAM COORDINATORS
SARA DEMPSY AND MATT JUHASCIK

WORKSHOP COORDINATORS
ALEX KROTULSKI AND VANESSA MENESES

FOOD & BEVERAGE COORDINATORS
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DELISA DOWNEY

MOBILE APPLICATION COORDINATORS
RUSTY LEWIS, ROXANE RITTER, AND
SUNDAY HICKERSON

AV COORDINATOR
FRANK WALLACE

YOUNG FORENSIC TOXICOLOGISTS
ERIN STRICKLAND

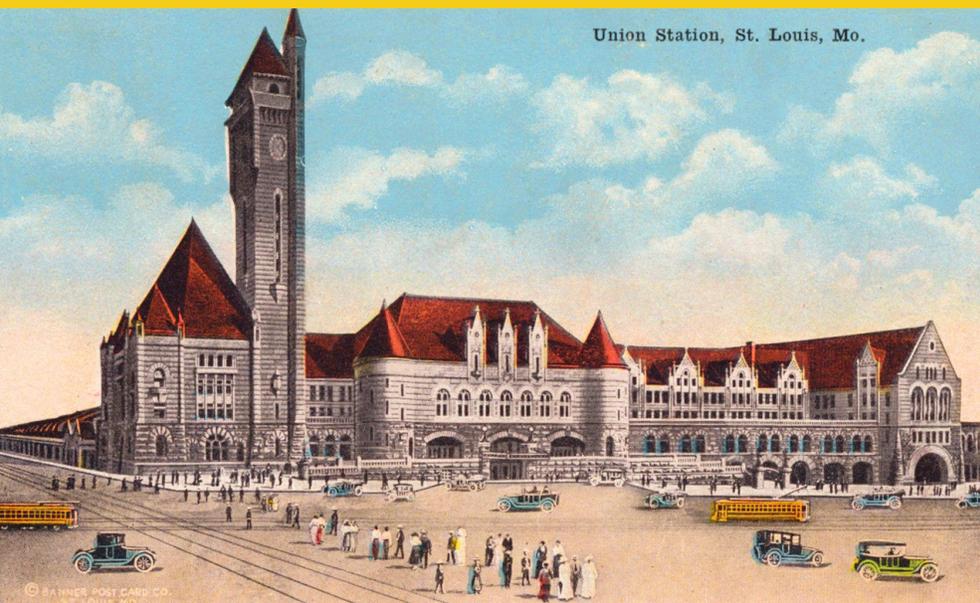
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ERIN KARSCHNER

VOLUNTEER COORDINATORS
JORDAN CASPER AND EMILY SMELSER

FUN RUN COORDINATOR
MADISON BEFFA AND KIMBERLY KARIN

ACTIVITIES COORDINATOR
TONYA MITCHELL

ANNUAL MEETING UPDATE - ST. LOUIS, MO



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IMPORTANT DATES & DEADLINES

- Call for Workshops: February 12
- Call for JAT Special Issue Titles/Abstracts: March 1
- JAT Special Issue Papers Due: March 15
- Call for Abstracts: March 18
- Workshop Proposals Due: April 12
- Abstract Submissions Due: June 6
- Registration & Room Block Open: June 26
- Late Registration Begins: Sept 12
- Onsite Registration Begins: Oct 10
- SOFT 2024: October 27 - November 1

WORKSHOPS

As workshop coordinators, we are calling on our colleagues to submit workshop proposals for the 2024 SOFT Annual Meeting in St. Louis, Missouri. We seek to offer a broad spectrum of workshops – from beginner to advanced, traditional to novel, analytical to interpretive, and all things in between. The most productive workshops often branch from individuals who want to learn more about a particular topic or share emerging research and success stories about new advancements in forensic toxicology. Following the success of last year's format, we encourage workshop submissions to be half-day or full-day divided into two parts (e.g., morning Part I and afternoon Part II).

In the survey to provide feedback following the 2023 SOFT meeting in Denver, attendees indicated the most interest in the following general topics:

- Interpretation
- Drug Impaired Driving
- Pharmacology
- Novel Psychoactive Substances
- Postmortem Toxicology Challenges
- Analytical Considerations

- Expert Witness Testimony
- OSAC
- ASB Standards
- Method Development/Validation
- Uncertainty of Measurement

Any workshop ideas, including novel areas associated with forensic toxicology areas, are welcome! We look forward to a diverse program with many options for all our attendees.

Workshops have always been one of our favorite meeting components, so please help us begin SOFT 2024 with a great series of workshops to develop and advance expertise, expand peer networks, and broaden knowledge and skillsets. Advance notice about possible workshop proposals helps us with the planning process, so please notify the workshop coordinators if you plan on submitting a proposal or have any questions about the submission process.

Final workshop proposals are due by Friday April 12, 2024.

See you in St. Louis!
- Alex & Vanessa

SUBMIT HERE!



Alex Krotulski



Vanessa Meneses

SOFT 2024 Workshop Program Coordinators

Alex Krotulski and Vanessa Meneses

Contact the Coordinators [HERE!](#)



OCTOBER 27 – NOVEMBER 1, 2024
UNION STATION HOTEL

PLANNING COMMITTEE



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2024 JAT SPECIAL ISSUE



SPECIAL ISSUE EDITOR
Erin Karschner, Ph.D., F-ABFT
[Contact Erin HERE!](#)

INSTRUCTIONS & DEADLINES:

Titles & Abstracts are due by March 1

[SUBMIT HERE!](#)

Final manuscripts are due by March 15

[SUBMIT HERE!](#)

Manuscripts should be submitted through Manuscript Central, please check the box for the SOFT Special Issue when submitting.

It's a new year and that means the JAT SOFT Special Issue deadlines are approaching. **Please send an email to me by March 1** with your title and abstract. Your **completed manuscripts will be due in Manuscript Central on March 15**. It's a short timeline, but I know you are capable of great things! I am excited and honored to work with you and help continue the tradition of crafting an amazing Special Issue. Please feel free to reach out to me if you have any questions.

All my best,

Erin

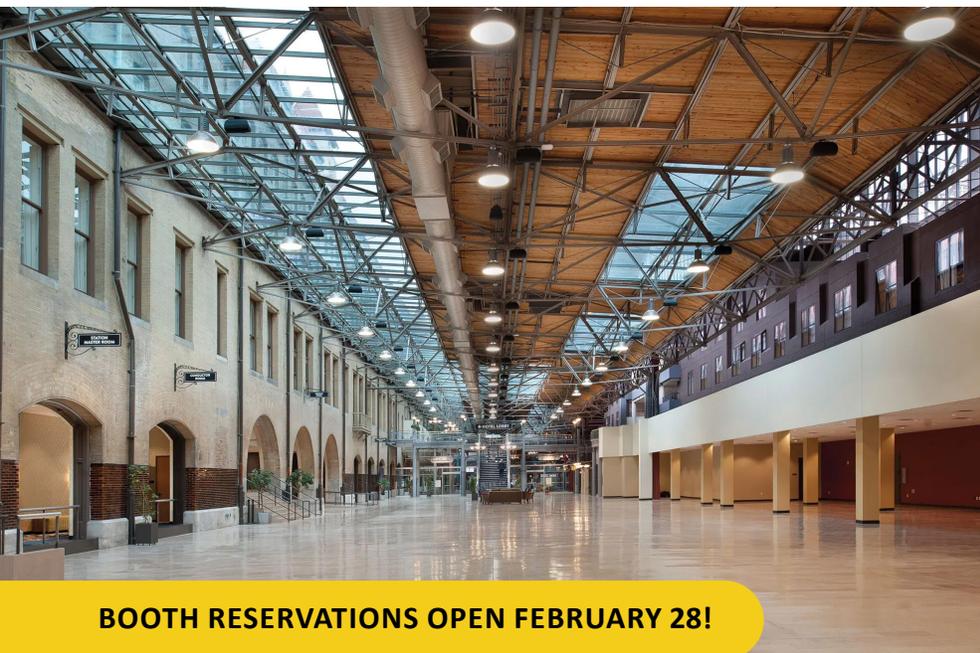
EXHIBITING

THE MIDWAY WEST EXHIBIT HALL

- 74 Booths
- 56,000 Square Feet
- 32' Ceilings

IMPORTANT DATES & DEADLINES

- April 1: Payment Due
- May 2024: Booth Assignments Begin
- June 26: Registration & Hotel Room Block Open
- July 2024: Exhibitor Kit Distributed
- SOFT 2024: October 26 - November 1



BOOTH RESERVATIONS OPEN FEBRUARY 28!



OCTOBER 27 – NOVEMBER 1, 2024
UNION STATION HOTEL

PLANNING COMMITTEE



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TONYA MITCHELL

YOUNG FORENSIC TOXICOLOGISTS (YFT)

YFT MEMBER SPOTLIGHT



Marissa J. Finkelstein, M.S., D-ABFT-FT
Immediate Past Chair

Marissa Finkelstein is a board certified (D-ABFT-FT) Forensic Toxicologist II at the Miami Dade Medical Examiner Department (MDME) in Miami, Florida. She currently serves as the QA/QC Coordinator at the MDME while also performing routine toxicological casework on postmortem samples. She graduated in 2012 from the University of Florida with a Bachelor of Arts in Criminology, and in 2015 earned her Master of Science degree from the University of Florida in Translational Biotechnology with an emphasis in Forensic Toxicology. She began her career as a chemist and graduate research assistant at the University of Florida's Forensic Toxicology Laboratory and upon graduation from her master's degree in 2015 was hired as a Toxicologist at the MDME. She is a member of the Society of Forensic Toxicologists (SOFT), the American Academy of Forensic Sciences (AAFS), and the International Association of Forensic Toxicologists (TIAFT), and currently serves as the Immediate Past Chair of the SOFT Young Forensic Toxicologists' Committee and a member of the ABFT Nominating Committee.

Hello Fellow Forensic Toxicologists!

The Young Forensic Toxicologist (YFT) committee hopes everyone had a happy and healthy holiday season and start to the new year!

We fondly say goodbye to the following committee members: **Amanda Rausch, Alex Krotulski, and Kristin Kahl**. We thank you for your time on the committee, your contributions did not go unnoticed.

The committee would like to thank Marissa Finkelstein for serving as a wonderful chair last year. She will transition to Immediate Past Chair as we welcome Erin Strickland as the 2024 YFT Chair. Elisa Shoff will serve as the 2024 YFT Vice-Chair and Whitney Brown as 2024 YFT Secretary.

YFT is actively planning activities for 2024 and will keep everyone updated in upcoming issues of ToxTalk. As always, if anyone has any questions about the YFT committee or any questions in general, don't hesitate to reach out!



COMMITTEE MEMBERS:

ERIN STRICKLAND, CHAIR

ELISA SHOFF, VICE CHAIR

WHITNEY BROWN, SECRETARY

MARISSA FINKELSTEIN, PAST CHAIR

SARA DEMPSEY

ARACELIS VELEZ

AMANDA BROOKING

KAYLA NEUMAN

EDWARD ZUMAETA

ERIKA PHUNG

LAUREN WOLFE

LINDSAY GLICKSBERG

LUKE GARCIA

SARA WALTON

KIMBERLY KARIN



Committee Members oversee the planning and coordination of the YFT Symposium, Professional Development Fair, Student Enrichment Program, and the Leo Dal Cortivo Awards at the annual SOFT meeting

NOMINATING COMMITTEE



ERIN SPARGO, PH.D., F-ABFT
PAST PRESIDENT

2024 NOMINATING COMMITTEE MEMBERS

Erin Spargo
Dwain Fuller
Michelle Peace

Who are we? The Immediate Past President chairs the Nominating Committee and, in conjunction with the President and the approval of the Board of Directors, selects two additional Full Members of SOFT to complete the committee. Oftentimes the additional members are Past Presidents, and this year is no exception with Past Presidents Dwain Fuller and Michelle Peace joining me on the committee.

What do we do? We are tasked with the responsibility of providing a slate of Officers and Directors to the membership.

How do we select the slate? Although the Bylaws do not specify how the selection for an incoming Director should be made, the Nominating Committee typically looks at members in current or former leadership roles within SOFT, e.g., meeting hosts, planning committee members, committee chairs, and previous Directors who didn't promote into an Officer role, as we work to set a slate. We are making more of an effort to be aware of potential candidates' leadership activities in other organizations; although other leadership role(s) do not preclude an individual from being selected, other commitments is one factor of many that is considered. We are fortunate to have many qualified and deserving members to choose from each year!

For the Officers, unless there is a pressing reason not to do so, the Secretary or Treasurer who is reaching the end of their term is nominated for President-Elect. The Director who is nominated for the open Secretary or Treasurer role is generally the Director who is currently serving on the Executive Committee of the Board of Directors.

Erin A Spargo

DUID SURVEY

The National Safety Council's Alcohol, Drugs and Impairment Division (NSC-ADID) is getting ready to re-survey laboratories about their testing practices (scope and analytical cutoffs) in driving under the influence of drug (DUID) and traffic fatality cases in order to review and update the [current recommendations](#). This initiative to standardize toxicology laboratory testing practices for DUID cases began in 2004 and has since published 4 iterations of recommendations (2007, 2013, 2017, 2021), which served as the basis for the American Academy of Forensic Sciences Standards Board (ASB) [Standard 120](#). Survey results are used to gain insight into the most commonly encountered drugs detected and technology available for testing to provide

guidelines for DUID testing. If your laboratory would like to participate in this next survey to help further this endeavor, please contact Amanda D'Orazio at Amanda.Dorazio@NMSLabs.com. The survey will open in early March 2024 and a digital version will be provided in advance for your review! Previous survey results can be found [here](#).

CONTINUING EDUCATION OPPORTUNITIES

Explore available continuing education opportunities in [SOFTs Learning Management System!](#) Unlock a wealth of knowledge through our **live and on-demand** webinars, specially crafted for both SOFT members and non-members. Enhance your expertise in diverse topics ranging from postmortem toxicology challenges to the latest advancements in instrumentation for NPS detection. Webinars are offered at an exclusive rate of \$25 for SOFT Members and \$35 for non-members.

Available Opportunities:

- [Navigating the Current Challenges in Postmortem Toxicology](#)
- [Pros and Cons of Various Instrumentation Types for NPS Detection](#)
- [Roadside and Laboratory Oral Fluid Drug Testing](#)
- [How to Promote Yourself in Your Career and in SOFT](#)



THE SOCIETY OF FORENSIC TOXICOLOGISTS

Presents the

LEGACY LUNCHEON SERIES

Abstract: Toxicologists are taught early in their careers to embrace a love of learning. While knowledge normally focuses on staying up to date with the latest technologies and drug trends, lifelong learning goes far beyond textbooks, classrooms, and lab benches. Lifelong learning encompasses lessons, stories, and histories passed down through those that experienced it first. Those that pioneered new technologies, solved problems, made mistakes (both privately and publicly), and offered solutions that we now take for granted. These veteran toxicologists have a wealth of knowledge and experiences – legacies – that can soon be forgotten.

The SOFT Continuing Education Committee invites you to help honor these veterans of the field and their experiences with the Legacy Luncheon Series. Each Luncheon offers the opportunity for current toxicologists to connect with and learn from a venerated toxicologist. Guest speakers are encouraged to pass along those stories and lessons (the good, the bad, and the ugly) that have stuck with them throughout their careers and impart sage advice to their colleagues who are still working in the field. Time will be allotted in each Luncheon for Q&A to allow audience participation with the speaker.

About the Legacy Luncheon Series: Our series seeks to go beyond the conventional boundaries of education, offering a space for the exchange of stories, advice, and historical insights. This is an opportunity for current toxicologists to connect with and learn from esteemed veterans who have played pivotal roles in the evolution of our field. The series will feature speakers who will share their journeys, including the triumphs, challenges, and valuable lessons learned along the way.

Learning Objectives:

1. **Encourage Active Engagement:** Foster connections between veteran toxicologists and current members of the field.
2. **Facilitate Knowledge Transfer:** Provide a platform for veterans to share stories, advice, and historical context with newer generations.
3. **Engage in Non-traditional Learning:** Offer a unique and engaging format for the transfer of knowledge beyond traditional education methods.
4. **Expand Continuing Education Opportunities:** Introduce a committee-sponsored activity that goes beyond formal education realms.

Series Details:

- Webinar Format: 1-hour sessions, every other month, starting January 2024.
- Presentation Structure: 40-45 minutes presentation followed by Q&A with the speaker.
- Scheduling: 10 AM PST/1 PM EST
- Cost: **FREE for SOFT Members**

Additional Speakers: *We invite recommendations for speakers and topics. Please contact the Continuing Education Chairs [HERE](#) with your suggestions.* We aim to recruit up to six speakers for the luncheon series. Recommendations from SOFT members are highly appreciated, and outreach to retired, charter, and emeritus members is underway.

The Legacy Luncheon Series is more than just a webinar – it’s a celebration of our collective history, a testament to the enduring spirit of learning, and an opportunity to connect with the pioneers of our field. We look forward to your active participation and the exciting journey that lies ahead.

This series is hosted & moderated by the SOFT Continuing Education Committee



Dr. Bill Anderson

“Toxicology: Rocky Top to Reno, A 50-year Journey”

January Speaker: Dr. Bill Anderson

01/31/24: Live Luncheon

[On-demand Recording](#)

DRUGS & DRIVING COMMITTEE

The Florida TSRP Program and the Society of Forensic Toxicologists (SOFT) / American Academy of Forensic Sciences (AAFS) Drugs & Driving Committee have collaborated on a multi-session and multi-disciplinary webinar series that will provide background to Drug DUI Cases. The webinar platform is supported by the National Association of Prosecutor Coordinators (NAPC) under a cooperative agreement with NHTSA. Sessions will go into details about effects, duration, ingestion, and other information about each individual DRE Drug category from both a Law Enforcement and a Toxicology perspective. The series includes 20 hours of online contact hours and is intended to assist prosecutors, law enforcement officers and toxicologists to better handle the many difficult aspects of Drug DUI cases and to understand the complimentary roles of DREs and Toxicologists.

All 19 webinars are free to attend and will be presented on Wednesdays from January 4 to May 3, 2023, beginning with an introduction to

the DRE program, covering the seven drug categories, ploy-drug use, and ending with two sessions on the DRE case and testimony. Further information, including descriptions, presenters, and links to register can be found in the Member Only Area of the SOFT Website. Further information, including descriptions, presenters, and links to register can be found in the Members Only Area of the SOFT Website.

The course content has been reviewed by the ABFT and determined to be acceptable for submission to the ABFT for continuing education credit. All sessions can be attended live or viewed on demand (24 hours after live presentation) by using the session registration link in the Member Only Area of the SOFT Website. For any questions please contact Nick Tiscione (TiscioneN@pbsso.org).

Committee Notes

The Drugs and Driving Committee recently had a number of long serving members rotate off of the committee. We would like to thank them

for their dedication and service. The committee is incredibly active and would not be successful without the hard work of each of them.

- Michael Corbett
- Chester Flaxmayer
- Curt Harper
- Marilyn Huestis
- Sarah Kerrigan
- Michael Wagner

In addition, three new members have joined the committee:

- Kayla Neuman
- Stephanie Olofson
- Anisha Paul

AAFS Special Session – Denver, CO

The Drugs and Driving Special Session for the American Academy of Forensic Sciences Meeting will occur on Thursday February 22nd from 3:15 – 5:00 pm and is open to registered attendees of the annual meeting. The Drugs and Driving Committee meeting is an open meeting and will be held Thursday evening.

2024 SESSION INFORMATION

- 1/3 - Everything I Never Knew I Needed to Know about the DRE Program
- 1/10 - CNS Depressants, Part 1 / The DRE
- 1/17 - CNS Depressants, Part 2 / The Toxicologist
- 1/24 - CNS Stimulants, Part 1 / The DRE
- 2/1 - CNS Stimulants, Part 2 / The Toxicologist
- 2/7 - Hallucinogens, Part 1 / The DRE
- 2/14 - Hallucinogens, Part 2 / The Toxicologist
- 2/21- Dissociative Anesthetics, Part 1 / The DRE
- 2/28 - Dissociative Anesthetics, Part 2 / The Toxicologist
- 3/6 - Narcotic Analgesics, Part 1 / The DRE
- 3/13 - Narcotic Analgesics, Part 2 / The Toxicologist
- 3/20 - Inhalants, Part 1 / The DRE
- 3/27- Inhalants, Part 2 / The Toxicologist
- 4/3 - Cannabis, Part 1 / The DRE
- 4/3 - Cannabis, Part 2 / The Toxicologist
- 4/25 - Poly/Drug Use, Part 1 / The DRE
- 4/25 - Poly/Drug Use, Part 2 / The Toxicologist
- 5/1 - DRE Testimony / Unlocking the Power of the DRE Matrix
- 5/8 - Forensic Toxicology / Testing & Testimony



REGISTER NOW

PROFESSIONAL MENTORING PROGRAM

The Professional Mentoring Committee is working diligently to match incoming mentoring pairs for the 2024 program. We have received 55 applications from mentees and 41 for mentors and always find it a welcome challenge to match all mentoring pairs. We've also had 10 pairs request continuation of their mentoring relationship into 2024. As we have done in the past, the committee may need to reach out and ask if members with certain professional skillsets are willing and available to participate in the program. Once pairings are finalized, we will host our program kick-off and be under-way for an exciting new year! We would also like to take this opportunity to welcome the newest committee members **Ashley Johnson** and **Kaitlyn Palmquist** and extend our thanks to those that continue to serve.

Whether you are part of the program this year or not, we invite you to take some time to think about your own professional and personal goals you hope to achieve in 2024. The best place to start is to take time to focus on setting a SMART (specific, measurable, achievable, realistic, and time-bound) goal:



Example: In 2024, I will develop my management skills through mentorship, with at least two mentees from either my workplace or the Professional Mentoring Program.

What makes it SMART: This goal is specific (*management skills through mentorship*), measurable (*at least two mentees*), achievable and realistic (this person has given themselves two different avenues through which to find mentees), and time-bound (*during 2024*).

Keeping Momentum

1. Know the WHY behind your goal to overcome challenges
2. Being realistic often means taking many small steps toward progress
3. Share your goals with others to establish accountability

For more resources on setting and achieving your SMART goals, please see full content from the references below.

1. Martins, Julia. "[What are SMART goals? Examples and templates.](#)" *Asana*, November 1, 2023.
2. Wooll, Maggie. "[Setting goals for 2024 to ring in the new year right.](#)" *BetterUp*, December 12, 2023.
3. Guest Author. "[How to turn career goals in New Year's Resolutions.](#)" *Idealist*, December 27, 2023.

SOFT MEMBERSHIP

Unlock an unparalleled realm of professional growth with the Society of Forensic Toxicologists. We extend a warm invitation to individuals seeking excellence in their forensic science careers. Take your career to new heights by exploring the diverse membership options we offer:

Student Membership: Elevate your academic journey with SOFT for just \$40! Join as a student member and embrace a wealth of educational resources at discounted rates.

Associate & Full Memberships: Unleash the full potential of your professional growth for \$150. Associates and Full members gain exclusive access to a spectrum of benefits designed to advance their careers. Full members having voting rights at the Annual SOFT Business Meeting.

Emeritus & Retired Memberships: For those with a legacy of contributions, the application and renewal fee are complimentary. For just \$40, subscribe to the *Journal of Analytical Toxicology (JAT)* to stay abreast of cutting-edge industry advancements.

Membership Promotion: Are you ready to promote your membership? Apply today for free!

Ready to take the leap towards professional distinction? Delve into the detailed information by clicking on the options to the right and uncover the enriching world of opportunities that SOFT has meticulously curated for your success. Your professional journey begins with SOFT!

BENEFITS

REQUIREMENTS

SPONSORS

APPLY



As outlined in the previous ToxTalk, the RTLs have established focus areas for 2024. Not all laboratories in the represented regions participated in the free testimony training, and the RTLs will be working with the remaining laboratories to get those scheduled. We have requests for training from laboratories that are outside of the National Highway Transportation Administration (NHTSA) Regions 5, 7 and 9. Once the laboratories within the three regions have received the training, the RTLs will assess the requests and see if holding more trainings is feasible.

In March the RTLs will hold a webinar series that will focus on method development and validation. This three, half-day series will provide overviews of the implementation of ASB documents pertinent to method development and validation, and hold breakout sessions that are instrument platform and vendor-specific. Details will be coming soon.

In addition to the three-day webinar series, the RTLs are

planning quarterly meetings that will discuss ASB documents and implementation practices. We will solicit laboratories to understand which standards are considered most essential and identify those causing barriers to implementation.

Discussions are continuing with NHTSA to grow the RTL program in 2024. Stay tuned for details in the coming year.

The RTLs continue to receive requests for training and assistance from laboratories outside the project's current scope. Keep your requests coming! It's the best way to show the need for RTLs in all NHTSA Regions and to champion for your region to be next.

If there are any questions or feedback, please reach out to Amy Miles, the Project Manager, or any of the RTLs.

Amy Miles

FLUOREXETAMINE AND 2-FLUORO-2-OXO PCE. AN ENCOUNTER WITH COEMERGING ISOMERIC NPS DISSOCIATIVES.

Danai T. Taruvinga MS., D-ABFT-FT, Heather L. Ciallella PhD, Luigino G. Apollonio PhD
Cuyahoga County Medical Examiner's Office and Regional Forensic Science Laboratory,
11001 Cedar Avenue, Cleveland, Ohio 44106, USA

Here we discuss the challenges that arise when a forensic toxicology laboratory encounters isomeric NADs. We share Cuyahoga County Regional Forensic Crime Laboratory's (CCRFLS's) encounter with FXE and 2-fluoro-2-oxo PCE.

Background/Introduction: New arylcyclohexylamine derivatives (NADs) are a subclass of novel psychoactive substances (NPS) that are ketamine and phencyclidine-based analogs. They contain a cyclohexane ring attached to phenyl and amine groups on the same ring atom and act as antagonists on the N-methyl-d-aspartate receptor. Like other NPS subclasses, the structural diversity of NADs continues to expand with fluorexetamine (FXE) and the isomer 2-fluoro-2-oxo Phenylcyclohexylethylamine (2-fluoro-2-oxo PCE) recently being identified in toxicology and drug chemistry casework.

Objectives: Here we discuss the challenges that arise when a forensic toxicology laboratory encounters isomeric NADs. We share Cuyahoga County Regional Forensic Science Laboratory's (CCRFLS's) encounter with FXE and 2-fluoro-2-oxo PCE.

Methods: Comprehensive toxicology testing includes basic drug screening by full scan gas chromatography/mass spectrometry (GC/MS) following solid-phase extraction. Data analysis and analyte detection is achieved via prob-

ability-based library matching with mass spectral libraries and retention time matching to meet reportability.

Results: Two postmortem cases and an impaired driving case relating to the isomeric pair were received by the CCRFLS for toxicology and drug chemistry analyses between December 2022 and March 2023. During toxicology testing, all three cases found signals identified as FXE. Upon drug chemistry testing, chemists learned that FXE had an isomer and all three cases reported evidence items containing 2-fluoro-2-oxo PCE. This triggered a reassessment of the toxicology data which identified the previously reported FXE as 2-fluoro-2-oxo PCE.

Conclusion/Discussion: Close structural isomers such as 2-fluoro-2-oxo PCE and FXE increase the risk of misidentification and subsequent underreporting. Our experience stresses that the dynamic nature of the NPS climate calls for vigilant screening and identification protocols in tandem with collaborative efforts with drug chemists to avoid overlooking NPS drugs

VIEW MORE HERE!

SMITH V. ARIZONA, SUPREME COURT DOCKET NO. 22-889— SCIENCE CLAIMS ITS RIGHTFUL PLACE, BUT WILL THE LAW LISTEN?

RESPECTFULLY SUBMITTED THIS 24TH DAY OF JANUARY, 2024



M.J. Menendez, J.D.
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The Sixth Amendment to the United States Constitution is well known to the forensic toxicology community. While forensic toxicologists may not be able to recite the amendment verbatim, they “feel” the effects of the amendment each time multiple subpoenas for different courts in different locations appear in their inbox and demand their appearance at exactly the same date and time. Forensic toxicologists “live and endure” the Sixth Amendment’s reach each time they are asked to perform independent review and formulate conclusions to appear in court as a “surrogate” or second reviewing analyst when colleagues are unavailable. They “defend” the Sixth Amendment when they stand their ground and refuse to be pushed into an examination lane outside of their scope of work and competence. Forensic toxicologists “speak” Sixth Amendment whenever they are called to explain segmented workflows and advise attorneys that chain of testing may have included four, ten, or twenty-six laboratorians who likely will not remember this particular aliquot in this case. The forensic toxicologist “knows” the case names *Crawford*, *Melendez-Diaz*, *Bullcoming* and *Williams* and the complex, confusing, sometimes contradictory rulings set forth in and because of those decisions better than most attorneys. Forensic Toxicologists have courageously and professionally navigated the choppy, unpredictable Sea of the Confrontation Clause.

On September 20, 2023, the United States Supreme Court (SCOTUS) presaged their intention to provide clarification and certainty to the fragmented jurisprudence encompassed in *Crawford*, *Melendez-Diaz*, *Bullcoming*, *Williams*, and progeny when they accepted *certiorari* in the case of *Arizona v. Smith*, SCOTUS docket number 22-899. Of note, *Smith v. Arizona* was an unpublished Court of Appeals case where a trial court found no Confrontation Clause violation had occurred, and the Arizona Court of Appeals affirmed that decision in an unpublished ruling. Under Arizona Rule of Supreme Court 111(c), unpublished opinions are not “precedential”, which roughly means they should not be cited or relied upon because they do not add significantly to the body of law on which courts should rely. So, how did *Smith v. Arizona* get all the way to the United States Supreme Court? The legal visualization that the reader may find helpful is that the Supreme Court reached down and “plucked” the chosen case they wanted to address to

“Science and technology revolutionize our lives, but memory, tradition, and myth frame our response.”

- Arthur M. Schlesinger, Jr.

clarify the quagmire of Confrontation Clause jurisprudence. The Supreme Court chose to take *Arizona v. Smith* regardless of the fact that lower courts chose not to ascribe significance to the case and the record was not completely and properly preserved in the lower courts because of the perceived insignificance of the case. Yes, clarification and certainty is likely coming, but at what cost? Will the law give no consideration to the truth of overburdened laboratories and the personal lives of scientists who regularly have large number of subpoenas that require the scientist to be in two, or four, or ten courtrooms across the nation at the same time?

Arizona v. Smith, No. 1 CA-CR 21-051 was filed on July 14, 2022 in Superior Court, which is a trial court in Yuma County, Arizona. The facts of *Smith v. Arizona* present as a completely routine drug chemistry case. A valid search warrant was executed at a rural shed where drug activity was suspected. At the time of the search warrant execution, eleven individuals were in the shed and were detained. The search revealed the presence of six pounds of marijuana on a “drying shelf” in the ceiling, marijuana in dishes and jars located on benches and on a couch, a methamphetamine pipe on the couch, two scales, cannabis wax near the bed, methamphetamine inside a jacket on the couch, and cannabis wax inside the refrigerator. The drugs were tested by Analyst Elizabeth Rast, findings were made, and reports were written.

At trial, the State of Arizona did not call Analyst Rast to testify as Analyst Rast had left the laboratory “for reasons the State has never explained”, which is a common trope in the *Melendez-Diaz* line of cases to impugn wrongdoing on the analyst where none is known to exist. Instead, the State of Arizona called Forensic Scientist Gregory Longoni who testified that his independent conclusion, after review of all independent data, records, and information, was that the seized drugs were methamphetamine, marijuana, and cannabis. Admittedly, Analyst Longoni repeatedly went back to Rast’s report in his testimony, and he relied on Rast’s notes extremely heavily in “referring to notes to refresh his recollection”. That repeated refreshing and is now a substantial point of contention in the Supreme Court as inquiry at the SCOTUS hearing focused on whether Longoni’s reference and recollection actually equated to placing Rast’s information, data, and conclusions into evidence to show what Rast did was accurate and true. The Court intimated that if Rast’s data, information, and work was being offered and relied on for the truth, Rast is the person who must appear and testify. In other

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words, the Court asked whether Longoni’s “independent conclusion” was truly independent when he was placing total reliance on the truth and accuracy of Rast’s work?

The reader must note that notwithstanding the perhaps excessive referrals to Analyst Rast’s notes, Chemist Longoni followed every best practice currently in place in courts around the country *post-Melendez-Diaz* and *Bullcoming*. Chemist Rast performed testing and did not testify due to professional decision to leave her existing position which Chemist Longoni generally explained. Chemist Longoni reviewed the testing request form, intake records, instruments and chemicals used, testing methods and testing processes, scientific analysis conducted by Rast including graph results from GCMS confirm, the analytical protocols, and DPS policies and procedures use in all crime labs in Arizona. Longoni testified he was a long-time employee who knows the laboratory’s policies, procedures, methods and accreditations from extensive training and experience. Longoni clarified that he was testifying to his own independent conclusions, but he also made clear that his opinion was based on the data, records, calculations and tests conducted by Rast; hence, the many requests to refer to Rast’s reports. Neither Rast’s nor Longoni’s reports were introduced into evidence.

In holding that no Confrontation Clause violation occurred, the trial court found Longoni’s testimony did not violate the Sixth Amendment right to confront witnesses because Longoni had conducted an independent review and formulated his own independent conclusions. The Court, in reliance on a previously decided Arizona case of *State ex rel Montgomery v. Karp*, 236 Ariz. 120 (Ct.App. 2014), stated:

An expert may offer an independent opinion when the basis of the independent opinions are forensic reports prepared by a non-testifying expert if the testifying expert reasonably relied on these facts and data to reach their conclusions, and their conclusions and the testifying expert does not serve as a mere conduit for the non-testifying expert’s opinion.

The *Smith* case further relied on the *Karp* case to rule that when an expert gives an independent opinion, the expert is the witness, meaning the constitutionally sufficient witness, for whom the defendant has the right to confront. In such cases, the Confrontation Clause is satisfied if the Defendant has the opportunity to fully cross-examine the expert witness who testifies against him, allowing the fact-finder to fully understand the basis for the expert’s opinion and determine the expert’s credibility. The *Smith* case also referenced Appellant Smith’s ability to subpoena his own witnesses which Smith chose not to do.

On January 10, 2024, the United States Supreme Court (SCOTUS) heard arguments in the case of *Arizona v. Smith*, SCOTUS docket number 22-899. In a hearing that lasted approximately one and one-half hours, the Justices evidenced a leaning toward Mr. Smith and his claim of Confrontation Clause violation. The arguments focused on two questions. The first question addressed by the Court was whether Longoni’s reliance on Rast’s notes, testing records, and data practically and actually asserted Rast’s records, data and information for the “truth of matter asserted”? Justices Thomas, Alito, Gorsuch expressed skepticism that Rast’s information in her documents and reports were not offered to prove Longoni’s testimony was true. In other words, the Justices intimated that Longoni was necessarily relying on and claiming the truth and accuracy of Rast’s underlying data; otherwise, Longoni could not be certain of the truth and accuracy of the conclusions he reached. Justice Gorsuch stated: “The only thing that this testimony could have been offered for does seem to be the truth that Rast did these tests and found these results.” Justice Brown Jackson agreed that Longoni’s heavy reliance on Rast’s notes, data, records, and information in Longoni’s testimony made it clear that information had come in for truth of matter asserted. Chief Justice Roberts seemed to disagree, indicating Longoni could be cross-examined and “would have to reveal that his knowledge of how the drugs were originally tested is very limited.”

The second question addressed by the Court was whether Rast’s notes were “testimonial” and just what is the “testimonial test”? The reader will recall that the *Crawford v. Washington* decision from 2004, which involved eyewitness testimony in a “persons” crime (no scientists or scientific evidence involved), brought the concept of “testimonial” evidence to light. In *Crawford*, the Court stated that testimonial statements could only be presented by the original perceiver, author, or owner. The *Crawford* Court stated, “Testimonial statements of witnesses absent from trial can only be admitted if the prosecution demonstrates the declarant is proven to be unavailable, and only where the defendant has had a prior opportunity for cross-examination.” “Testimony” or testimonial statements are a form of solemn declaration made for the purpose of establishing or proving some fact prepared in anticipation of proof in litigation. The Court provided various examples of testimonial statements including, *ex parte* in-court testimony or its functional equivalent, such as affidavits, depositions, custodial examinations, prior testimony that had not been subjected to cross-examination by the accused or similar pretrial statements that “declarants would reasonably expect to be used prosecutorially.” “These formulations have “common nucleus” and then define Clause’s coverage at various levels of abstraction around it.”

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The *Crawford* Court also stated, “We leave for another day any effort to spell out a comprehensive definition of “testimonial”. This decision to ‘leave pivotal and crucial constitutional precepts for another day’ has caused forensic science to spend the last nearly twenty years in a never-ending guessing game run by thousands of judges, prosecutors, defense attorneys and differing court rules.

Returning to Question Two; whether Rast’s notes were testimonial and if they were testimonial, what is the test to be applied? Justice Kavanaugh and Thomas favored the formality and solemnity test for admission into evidence. Justice Coney Barrett focused more on “primary purpose” and cautioned against defining “testimonial” too broadly, noting “[e]verything in an investigation is done for the purpose of building case against a defendant”. Justices Kagen, Jackson Brown, and Sotomayor intimated that Rast’s notes were testimonial, meaning she would need to personally appear; however—Justices Kagan, Kavanaugh, and Sotomayor indicated SCOTUS may not be able to speak to those issue due to improper preservation of the objection and the record in the trial court.

With great pride and admiration, I report that the leading organizations in Forensic Science immediately grasped the potential severity and impacts to forensic toxicology and other sciences as soon as the Petition for Certiorari was accepted by the Supreme Court on September 29, 2023. The Society Forensic Toxicologists joined forces with the American Board of Forensic Toxicologists, the National Association of Medical Examiners, the International Association of Coroners and Medical Examiners, the Association of Quality Assurance Managers, and the Center for Forensic Science Research and Education to retain a Supreme Court qualified litigant from a leading international firm, and to file the first-of-its kind Amicus brief in the SCOTUS *Smith* case. Our Amicus Brief focuses on all the factors that make Forensic Scientists highly trained, qualified, tested, and true, which include, in part: 1) the high-level of training, expertise, and education forensic science professionals are subjected to before being allowed to test samples; 2) the many international, national, state, and professional accreditations that assure adherence to standards; the advancement and sophistication of quality assurance departments that require and monitor for development and implementation of stringent, tested, and validated methods and standard operating procedures; and 3) the existence and use of LIMS systems that record data and information with the reliability of “business records” and provide the primary foundation for a surrogate witness to conduct a comprehensive review of records and reach independent conclusions. Never before—not in *Melendez-Diaz*, *Bullcoming*, *Williams* or any other case—has the evolutionary and sophisticated nature of forensic

science been told with such detail, accuracy, emphasis, and unassailable truth. As the Supreme Court retires to deliberate, your collective wisdom, experience, dedication, and expertise will be in the conference rooms with the clerks, and it will be planted in the Justices’ mind. Your proud Forensic Science voice is being heard.

And so, as you wait for the SCOTUS ruling in *Smith v Arizona*, you will continue to revolutionize the world with your science because that is just what you do. The laws, the precedent, the myths, the fancy arguments, and the word-smithing will go on. We have done all we can. We lived through *Melendez-Diaz* and *Bullcoming*. Together—united—we will come through *Smith v. Arizona* with a unified and concerted plan to protect our vocation and discipline, and to hold boundaries of protection and care for our most valuable resources—our toxicologists, analysts, and scientific personnel.

**View the Amicus Brief
Smith V. Arizona, Supreme
Court Docket No. 22-889**

SOFT INFORMATION

TOXTALK

TOXTALK® is the official publication of the Society of Forensic Toxicologists and is published quarterly.

Each year we receive numerous wonderful submissions for inclusion in ToxTalk. We appreciate each submission and are grateful to our submitters for their time and effort in creating their article.

As SOFT has continued to grow each issue of ToxTalk has also grown in size. To continue to accommodate ToxTalk submissions we will be moving to a new format for future issues. An explanation of the new format is included below. We have also included this information on the ToxTalk webpage. *We look forward to your future submissions!*

- Robert, Chris, and CC

NEW FORMAT OVERVIEW

ToxTalk will be formatted to include organizational information such as SOFT updates, Annual Meeting information, committee updates, award opportunities and continuing education opportunities. All science related submissions will now be included on their own webpage on the SOFT website. They will be stored there indefinitely and can be accessed at any point by both members and non-members. Scientific submissions will now need to include an abstract, a template has been included on the ToxTalk Webpage. The abstract will be included in the issue of ToxTalk and a link will be included to direct readers to the full article.

SUBMIT AN ARTICLE

PUBLISHING SCHEDULE

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JAT ADDRESS UPDATE

SOFT MEMBER LOGIN

FUTURE MEETINGS



SOFT 2025

Oregon Convention Center
October 26–October 31, 2025
Hosts: Amy Miles and Sara Short



SOFT/TIAFT 2026

Hilton Chicago
September 19-24, 2026
Hosts: Luke Rodda and Andre Sukta

2024 COMMITTEE CHAIRS

Applied Analytical Toxicology Committee

Rebecca Wagner & Wayne Lewallen

Awards Committee

Sara Schreiber & Tim Rohrig

Continuing Education Committee

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Sherri Kacinko & Frances Scott

Drug Facilitated Crimes Committee

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