

# EDWARD K. CHENG

Vanderbilt University Law School  
131 21st Avenue South  
Nashville, TN 37203  
[edward.cheng@vanderbilt.edu](mailto:edward.cheng@vanderbilt.edu)  
615-875-7630

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## APPOINTMENTS

Vanderbilt University Law School  
Hess Chair in Law, 2018-present  
Professor of Law, 2010-present  
FedEx Research Professor, 2017-18  
Tarkington Chair in Teaching Excellence, 2013-2016

Harvard Law School  
Visiting Professor, Fall 2022

Hebrew University of Jerusalem, Faculty of Law  
Visiting Professor, 2020

RAND Corporation, Santa Monica, CA  
Visitor, Fall 2017

Brooklyn Law School  
Professor of Law, 2009-10  
Associate Professor of Law, 2006-09  
Assistant Professor of Law, 2003-06

Northwestern University School of Law  
Searle Fellow, 2002-03

## EDUCATION

Columbia University (2018)  
Ph.D., Statistics  
Dissertation: Selected Legal Applications for Bayesian Methods  
Advisor: David Madigan

Harvard Law School (2001)  
J.D., *cum laude*  
*Harvard Law Review*, Articles, Book Reviews & Commentaries Chair, v. 114; Editor, v. 113

London School of Economics and Political Science (1998)  
M.Sc. Information Systems, *with distinction*  
Fulbright Scholarship, 1997-98

Princeton University (1997)  
B.S.E. Electrical Engineering, *summa cum laude*  
Certificate, Public and International Affairs  
Phi Beta Kappa, Tau Beta Pi (engineering), Sigma Xi (scientific research)  
G. David Forney Prize in Electrical Engineering  
Class of 1924 Award in Public and International Affairs

Wayne Valley High School, Wayne, NJ (1994)  
Valedictorian

## CLERKSHIP

Hon. Stephen F. Williams, U.S. Court of Appeals for the D.C. Circuit, 2001-02 Term

## AWARDS

Vanderbilt Law School Commencement Speaker (student-elected) (2013, 2017)  
Hall-Hartman Outstanding Professor Award (2012, 2013, 2015, 2016, 2017, 2018)  
Vanderbilt Moot Court Competition Outstanding Contributor (2016-17)

## PUBLICATIONS

### Books

THE CONSENSUS PRINCIPLE (under contract with the University of Chicago Press).  
MODERN SCIENTIFIC EVIDENCE (5 vols.) (2006-21 eds.) (currently with David Faigman, Jennifer Mnookin, Erin Murphy, Joseph Sanders, and Christopher Slobogin).  
CASES AND MATERIALS ON TORTS (2021) (adapted from John Fabian Witt & Karen M. Tani, *Torts: Cases, Principles, and Institutions* (4th ed. 2019)).

### Submitted Works

*Hoodwinking Plaintiffs Out of Torts*, 76 VAND. L. REV. \_\_\_\_ (forthcoming 2023) (with Ehud Guttel and Yuval Procaccia).  
*Sequencing in Damages*, 74 STAN. L. REV. \_\_\_\_ (forthcoming 2022) (with Ehud Guttel and Yuval Procaccia) (featured on Jotwell (2021)).  
*The Consensus Rule: A New Approach to Scientific Evidence*, 75 VAND. L. REV. \_\_\_\_ (forthcoming 2022).  
*Distributing Attorneys' Fees in Mass Litigation*, 13 J. LEGAL ANALYSIS 558 (2021) (with Paul Edelman and Brian Fitzpatrick) (refereed).  
*Beyond the Witness: Bringing a Process Perspective to Modern Evidence Law*, 97 TEX. L. REV. 1077 (2019) (with Alex Nunn).  
*Detection and Correction of Case Publication Bias*, 47 J. LEGAL STUD. 151 (2018) (refereed).  
*Accuracy, Optimality, and the Preponderance Standard*, 14 LAW, PROBABILITY. & RISK 193 (2015) (with Michael Pardo) (refereed).  
*Reconceptualizing the Burden of Proof*, 122 YALE L.J. 1254 (2013).  
*Is High-Altitude Mountaineering Russian Roulette?*, 9 J. QUANTITATIVE ANALYSIS SPORTS 1 (2013) (refereed).  
*When 10 Trials Are Better Than 1000: An Evidentiary Perspective on Trial Sampling*, 160 U. PA. L. REV. 955 (2012) (featured on Jotwell (2013)).  
*A Practical Solution to the Reference Class Problem*, 109 COLUM. L. REV. 2081 (2009).  
*Will Quants Rule the (Legal) World?*, 107 MICH. L. REV. 967 (2009) (reviewing IAN AYRES, *SUPER CRUNCHERS* (2007)).  
*The Myth of the Generalist Judge*, 61 STAN. L. REV. 519 (2008) (translated into Romanian and reprinted in *Revista Forumul Judecatorilor* 2009:4).  
*Independent Judicial Research in the Daubert Age*, 56 DUKE L.J. 1263 (2007).  
*Same Old, Same Old: Scientific Evidence Past and Present*, 104 MICH. L. REV. 1387 (2006) (reviewing TAL GOLAN, *LAW OF MEN AND LAWS OF NATURE* (2004)).  
*Structural Laws and the Puzzle of Regulating Behavior*, 100 NW. U. L. REV. 655 (2006) (nominated for *The Green Bag's Reader of Exemplary Legal Writing* 2006) (reprinted in YOUNG-CHEOL JEONG, *CORPORATE COMPLIANCE* (Pakyounsa 2012) (Korean textbook)).  
*Does Frye or Daubert Matter?: A Study of Scientific Admissibility Standards*, 91 VA. L. REV. 471 (2005) (with Albert H. Yoon).  
*Changing Scientific Evidence*, 88 MINN. L. REV. 315 (2003).

### Invited Contributions, Symposia, and Shorter Works

*Autopsy of a Crime Lab*, 2 WRONGFUL CONVICTIONS L. REV. 121 (2021) (with Brandon Garrett, Jennifer Mnookin and Erin Murphy) (transcript of panel discussion).

*Completing the Quantum of Evidence*, 105 MINN. L. REV. HEADNOTES 323 (2021) (with Brooke Bowerman) (response to Daniel J. Capra & Liesa L. Richter, *Evidentiary Irony and the Incomplete Rule of Completeness*, 105 MINN. L. REV. 901 (2020)).

*Conference on Best Practices for Managing Daubert Questions*, 88 FORDHAM L. REV. 1215 (2020) (with multiple co-authors) (transcript of panel discussion).

*Unravelling Williams v. Illinois*, 95 NYU L. REV. ONLINE 136 (2020) (with Cara Mannion).

*Surprise vs. Probability as a Metric for Proof*, 48 SETON HALL L. REV. 1081 (2018) (with Matthew Ginther).

*Forensics, Chicken Soup, and Meteorites: A Tribute to Michael Risinger*, 48 SETON HALL L. REV. 559 (2018).

*The Burden of Proof and the Presentation of Forensic Evidence*, 130 HARV. L. REV. F. 154 (2017).

*DNA, Blue Bus, and Phase Changes*, 20 INT'L J. EVID. & PROOF 112 (2016) (with Alex Nunn) (refereed).

*A Bayesian Look at the Baby Annie Case*, 29 CHANCE 27 (2016) (refereed).

*Thinking Beyond the Federal Rules*, 23 EVID. SCI. (China) 632 (2015) (also translated into Chinese).

*Fighting Legal Innumeracy*, 17 GREEN BAG 2D 271 (2014).

*Comment on Fienberg, Faigman, and Dawid (2013)*, 43 SOCIOLOGICAL METHODS & RESEARCH 396 (2014) (solicited response to Stephen E. Fienberg, David L. Faigman & Philip Dawid, *Fitting Science into Legal Contexts*).

*A Normalized Scoring Model for Law School Competitions*, 17 GREEN BAG 2D 377 (2013) (with Scott Farmer) (reprinted in *Legal Writing Institute Monograph* vol. 6 (2017)).

*Being Pragmatic About Forensic Linguistics*, 21 J.L. & POL'Y 541 (2013) (symposium contribution).

*Erie and the Rules of Evidence*, 65 VAND. L. REV. EN BANC 231 (2012) (response to Jay Tidmarsh, *Procedure, Substance, and Erie*, 64 VAND. L. REV. 877 (2011)).

*Scientific Evidence as Foreign Law*, 75 BROOK. L. REV. 1095 (2010) (festschrift contribution).

*Festschrift in Honor of Margaret A. Berger -- Introduction*, 75 BROOK. L. REV. 1057 (2010).

*Law, Statistics, and the Reference Class Problem*, 109 COLUM. L. REV. SIDEBAR 92 (2009) (adapted version of Columbia piece).

*Response: Are Proffers of Inadmissible Evidence Wrongful?*, 7 INT'L COMMENT. EVID., issue 1, art. 7 (2009) (response).

*Opinion Specialization: Alive and Well in the Federal Appellate Judiciary*, 92 JUDICATURE 103 (2008) (adapted version of Stanford piece).

*The Perils of Evidentiary Manipulation*, 93 VA. L. REV. IN BRIEF 191 (2007) (response).

*Should Judges Do Independent Research on Scientific Issues?*, 90 JUDICATURE 58 (2006) (adapted version of Duke article) (subject article of print symposium).

*Reenvisioning Law Through the DNA Lens*, 60 N.Y.U. ANN. SURV. AM. L. 649 (2005).

*Mitochondrial DNA: Emerging Legal Issues*, 13 J.L. & POL'Y 99 (2005).

*Note, Constitutional Risks to Equal Protection in the Criminal Justice System*, 114 HARV. L. REV. 2098 (2001).

*The Supreme Court, 1999 Term – Leading Cases*, 114 HARV. L. REV. 339 (2000) (commenting on *Geier v. Am. Honda Motor Co.*, 120 S. Ct. 1913 (2000)).

*Signalling Intentions and Obliging Behavior Online: An Application of Semiotic and Legal Modeling in E-Commerce*, 12 J. END USER COMPUTING 33 (2000) (with James Backhouse), reprinted in *STRATEGIES FOR ECOMMERCE SUCCESS* (Bijan Fazlollahi ed., 2002).

*Recent Case*, 113 HARV. L. REV. 621 (1999) (commenting on *Dale v. Boy Scouts of America*, 734 A.2d 1196 (N.J. 1999)).

*An Introduction to Digital Signatures*, 6 AMICUS CURIAE (UK) 20 (1998).

*Modeling of leakage current distributions in series-connected polysilicon thin film transistors*, Tech. Dig. Second Inter. Work. on Active Matrix LCD's, Lehigh University, 102-105 (Sept. 1995) (with J.C. Sturm, I.W. Wu, & T.J. King).

*Thickness Dependence of  $La_{2-x}Sr_xCuO_4$* , 65 APPLIED PHYSICS LETTERS, 3383-85 (1994) (with Marta Z. Cieplak (first author) and seven others).

### Other Media

LAW SCHOOL FOR EVERYONE: TORTS, The Great Courses, The Teaching Company [DVD/CD, 6 hrs] (2017).

FairScore Moot Court Score Normalization, [www.fairscoremodel.com](http://www.fairscoremodel.com) (2017) (web-based application).

## GRANTS

- Vanderbilt University, Discovery Grant, *A Psychometric Approach to Legal Decisionmaking* (2016) (with Rene Marois (Psychology)).
- Vanderbilt Institute for Digital Learning Microgrant (2016).
- American Alpine Club, Bedayn Grant (2010).
- Project on Scientific Knowledge and Public Policy (2004) (with Albert Yoon).

## WORKING PROJECTS

- Bending the Rules of Evidence (with Alex Nunn and Julia Simon-Kerr)
- The Consensus Principle (book project under contract with the University of Chicago Press)
- A Psychometric Approach to Decision-Making Thresholds Across Legal and Societal Domains (with Lauren Hartsough, Matthew Ginter, and Rene Marois) (under submission)
- Reversal Paradoxes (with Hillel Bavli)
- Expert Histories (preregistered empirical study)
- Proving General Acceptance Using Modularity (draft)

## CONFERENCES/COLLOQUIA/GUEST LECTURES

### Presentations

- Vanderbilt Law Review Symposium, Reimagining the Rules of Evidence at 50, "Reimagining Expert Evidence," forthcoming November 2022.
- Tilberg University (Netherlands), Conference on Judicial Decisionmaking, "Models of Consensus," forthcoming June 2022 (online).
- Villanova Law Review Shachoy Symposium, "The Daubert Mistake," forthcoming March 2022 (keynote address and topic of symposium).
- George Mason University, Faculty Workshop, "Sequencing in Damages," October 2021 (online).
- American Psychology-Law Society, "Expert Histories," October 2021 (online).
- Vanderbilt University Digital Commons, "Digital Presence: Academic Podcasting" Panel, October 2021 (online).
- Vanderbilt Law School, Brown Bag, "Unenforceable Waivers," August 2021 (online).
- Tennessee Court of Workers' Compensation Claims, Discussion on Evidence Law, Nashville, TN, July 2021.
- Duke University School of Law, "Forensic Reform without *Daubert*," March 2021 (online).
- Hebrew University of Jerusalem Workshop on Law, Economics, and Empirical Studies, "Proving General Acceptance Using Modularity," May 2020 (online).
- Vanderbilt Law School, Faculty Workshop, "Proving General Acceptance Using Modularity," April 2020 (online).
- Federal Judicial Center, Mid-Career Seminar for US District Judges, "The Challenges of Complexity," Nashville, TN, October 2019 (with Judge Will Smith (D.R.I.) and Judge Jeremy Fogel (N.D. Cal. ret.)).
- Tennessee Court of Workers' Compensation Claims, Discussion on Evidence Law, Nashville, TN, July 2019.
- University of California Hastings College of Law, Faculty Workshop, "Beyond the Witness: Bringing a Process Perspective to Modern Evidence Law," March 2019 (online).
- Good Law Bad Law, "Scientific Evidence and the RoundUp Cancer Trial," March 2019 (with Aaron Freiwald) (podcast interview).
- Tennessee Court of Workers' Compensation Claims, Discussion on Evidence Law, Nashville, TN, January 2019.
- Vanderbilt Law School, Hess Chair Inaugural Lecture, "Expert Decisions (Without Expertise)," Nashville, TN, November 2018.
- Tennessee Court of Workers' Compensation Claims, Discussion on Evidence Law, Nashville, TN, July 2018.
- Vanderbilt Law School, Summer Brown Bag Series, "Fair Division of Attorneys' Fees," June 2018.
- Lund University (Sweden) Faculty of Law, Colloquium on Evidence Theory, "Beyond Fake News: Lay Decisions About Expert Topics," April 2018 (online).

GMU Antonin Scalia Law School, Larry Ribstein Law & Economics Workshop, "Fair Division of Attorneys' Fees," Arlington, VA, March 2018 (online).

University of Toronto Faculty of Law, Law and Economics Colloquium, "Fair Division of Attorneys' Fees," Toronto, Canada, March 2018.

University of Toronto Faculty of Law, Faculty Workshop, "Detection and Correction of Case Publication Bias," Toronto, Canada, March 2018.

Defense Research Institute, Toxic Tort and Environmental Law Seminar, Daubert at 25, "What Daubert Should Have Said," Nashville, TN, March 2018.

Tennessee Court of Workers' Compensation Claims, Discussion on Evidence Law, Nashville, TN, January 2018.

RAND Corporation, Justice and Public Policy Program Brown Bag Series, "The Fundamental Problem in Expert Testimony," Santa Monica, CA, December 2017.

Los Angeles Superior Court, Judicial Education Seminar, "Kelly, Scientific Advancement, and Judicial Oversight of Expert Testimony," Los Angeles, CA, December 2017.

UCLA Law School, Program on Understanding Law, Science, & Evidence (PULSE) Lunch and Learn, "The Fundamental Problem in Expert Testimony," November 2017.

Vanderbilt Law School, Summer Brown Bag Series, "Moving Beyond the Witness," August 2017.

Tennessee Supreme Court and Court of Appeals Law Clerk/Staff Attorney CLE Session, "Knotty Expert Issues," Nashville, TN, April 2017.

University of Virginia School of Law, "Remarks on the Psychological Foundations of Evidence Law," February 2017.

AALS Evidence Section, "Forensics, Witches, and Chicken Soup: A Tribute to Michael Risinger," San Francisco, CA, January 2017.

AALS Criminal Justice Section, "Publication Bias in False Confession Cases," San Francisco, CA, January 2017.

Penn State Law, Faculty Workshop, "Detecting and Correcting Publication Bias in Legal Cases," November 2016.

Federal Judicial Center, Mid-Career Seminar for US District Judges, "The Challenges of Complexity," Nashville, TN, October 2016 (with Judge Will Smith (D.R.I.)).

Joint Statistical Meetings, Do Courts Appreciate the Power of Statistical Evidence? (Royal Statistical Society Invited Session), "Detecting and Correcting Publication Bias in Legal Cases," Chicago, IL, August 2016.

National Foundation for Judicial Excellence, "Information Gathering by Appellate Courts: Is It Ever Permissible for an Appellate Judge to Gather Information From the Internet?," Chicago, IL, July 2016.

Vanderbilt Law School, Faculty Workshop, "Publication Bias," March 2016.

National Academy of Sciences, Engineering, and Medicine, Committee on Science, Technology, and Law, "Independent Judicial Research," Newport Beach, CA, March 2016.

University of Alabama School of Law, Faculty Colloquium, "Detecting and Correcting Publication Bias in Legal Cases," February 2016.

Federal Judicial Center, Mid-Career Seminar for US District Judges, "The Challenges of Complexity," Nashville, TN, October 2015 (with Judge Will Smith (D.R.I.)).

Northwestern University Law School, The Foundations of the Law of Evidence and Their Implications for Developing Countries, "Reflections, Philosophical, or Otherwise on the Law of Evidence," November 2014.

Federal Judicial Center, National Workshops for District Court Judges, "Becoming an Expert at Daubert Motions," Washington, DC, May 2014 (with Judge Jed Rakoff (S.D.N.Y.)).

American Chemical Society, Congressional Briefing, "Policing Forensics in the Courtroom," Washington, DC, April 2014.

Vanderbilt Law School, Tarkington Chair Lecture, "Fighting Legal Innumeracy," March 2014.

Harry Phillips American Inn of Court, "Expert Witnesses and Hearsay," Nashville, TN, October 2013.

UCLA School of Law, Law, Science, and Evidence Colloquium, "A Defense of Accuracy-Based Burdens of Proof," September 2013.

Vanderbilt University Law School, Summer Brown Bag Series, "Reconceptualizing the Burden of Proof," May 2012.

Texas Center for the Judiciary, Texas College for Judicial Studies Conference, "Judicial Gatekeeping: What Can Judges Do?," Austin, TX, April 2012.

ABA Women in Products Liability Conference, "Preemption: An Overview," Nashville, TN, October 2011.

University of Connecticut Insurance Law Center, Conference on Actuarial Litigation, "When 10 Trials Are Better Than 1000: An Evidentiary Perspective on Trial Sampling," April 2011.

Vanderbilt University Law School, Faculty Workshop, "A Practical Solution to the Reference Class Problem," October 2009.

University of Alabama School of Law, Faculty Colloquium, "A Practical Solution to the Reference Class Problem," October 2009.

New York City Bar Committee on Science and Law, Panel on Nanotechnology, Law, and Policy, "Law and Its Difficulties in Regulating Emerging Technologies," New York, NY, June 2009.

Emory University Law School, Faculty Workshop, "A Practical Solution to the Reference Class Problem," March 2009.

University of Colorado Law School, Faculty Colloquium, "A Practical Solution to the Reference Class Problem," March 2009.

Brooklyn Law School, Brown Bag Series, "Solving the Reference Class Problem," March 2009.

Brooklyn Law School, Symposium on "The Products Liability Restatement: Was It a Success?," "The Restatement and Product Defects: An Introduction," November 2008.

Brooklyn Law School Boston Alumni Faculty Lecture, "Moneyball for Lawyers," Boston, MA, October 2008.

Northeast Law and Society Meeting, Amherst College, "A Practical Solution to the Reference Class Problem," October 2008.

University of Utah, S.J. Quinney College of Law, New Voices in Legal Scholarship Distinguished Guest Lecture, "A Practical Solution to the Reference Class Problem," September 2008.

New York City Bar Committee on Criminal Justice, "The Admissibility of False Confession Testimony," May 2008.

Fordham University Law School, Faculty Workshop, "Specialist Judges," January 2008.

Michigan State University College of Law, Faculty Workshop, "The Clinical-Statistical Controversy in Law," October 2007.

Amherst College, Law and Science, Science and Law Seminar Series, "The Clinical-Statistical Controversy in Law," September 2007.

New York Junior Faculty Colloquium, "The Myth of the Generalist Judge," Fordham Law School, April 2007.

Cardozo Law School, Faculty Workshop, "The Myth of the Generalist Judge," April 2007.

Science for Judges IX Conference, Brooklyn Law School, "Using Court Appointed Experts," April 2007.

New York City Bar Committee on Science and Law, "The Myth of the Generalist Judge," March 2007.

Susquehanna University, Arlin M. Adams Center for Law and Society Discussion on "Wrongful Convictions: Causing Pain and Allowing Gain," "Rethinking Forensics," February 2007.

National Academy of Science, Committee on the Evaluation of the Reference Manual on Scientific Evidence, "State Judicial Attitudes Toward the Reference Manual on Scientific Evidence," Washington, DC, December 2006.

AEI-Brookings Judicial Symposium on Civil Justice Issues, "Empirical Evidence on *Daubert v. Frye* in the State Courts," Washington, DC, December 2006.

Southeastern Association of Law Schools Annual Meeting, "Independent Judicial Research in the *Daubert* Age," Palm Beach, FL, July 2006.

Law & Society Conference, "Independent Judicial Research in the *Daubert* Age," Baltimore, MD, July 2006.

Northwestern University School of Law, Faculty Workshop, "Independent Judicial Research in the *Daubert* Age," January 2006.

Brooklyn Law School, Faculty Workshop, "Independent Judicial Research in the *Daubert* Age," January 2006.

National Foundation for Judicial Excellence, Science and Justice Conference, "*Frye* Versus *Daubert*— Does the Standard Matter? Is It the Review That Counts?," Chicago, IL, July 2005.

NYU Law Review Speaker Series, "Fiat vs. Structure: Music Piracy, Speeding, and the Regulation of Behavior," October 2004.

Vanderbilt Law School, Dean's Lunch Series, "Does *Frye* or *Daubert* Matter?: An Empirical Study of Scientific Admissibility Standards," October 2004.

Aspen Institute, Justice & Society Seminar, July 2004.

Law & Society Conference, "Fiat vs. Structure: Rethinking Speeding, Music Piracy, and Other Quasi-Crimes," Chicago, IL, May 2004.

Northwestern University School of Law, Zodiac Junior Faculty Discussion Workshop, "Fiat vs. Structure: Music Piracy, Speeding, and the Regulation of Behavior," April 2004.

University of Michigan Law School Legal Theory Workshop, "Fiat vs. Structure: Music Piracy, Speeding, and the Regulation of Behavior," April 2004.

Science for Judges III Conference, Brooklyn Law School, "Mitochondrial DNA Evidence," March 2004.

Northwestern University School of Law, Zodiac Junior Faculty Discussion Workshop, "The Anomalous Crime of Speeding," April 2003.

#### Commentator / Moderator (in-person)

Tilberg-Vanderbilt Conference on Judicial Decisionmaking, June 2021 (discussant) (online).

Northumbria Law School, Panel on Polygraphs, March 2021 (chair) (online).

Evidence Summer Workshop (ESW2020), Vanderbilt Law School, "Works in Progress," August 2020 (chair) (online).

Advisory Committee on (Federal) Rules of Evidence, Miniconference on Best Practices in Managing Daubert Questions, October 2019 (commentator).

University of Houston, The Future of Crime Labs and Forensic Science Symposium, "Solving Daubert's Dilemma in Forensic Science through Blind Testing" by Sandra Thompson and Nicole Casarez, September 2019 (commentator) (via videolink).

Evidence Summer Workshop (ESW2019), Vanderbilt Law School, "Elements," May 2019 (chair).

Branstetter New Voices Workshop, Vanderbilt Law School, "Unraveling the Conjunction Paradox" May 2016 (commentator).

Branstetter New Voices Workshop, Vanderbilt Law School, "Party Control of the Evidence Rules?" May 2014 (commentator).

Authorship Attribution Workshop, Brooklyn Law School, Panel on Forensic Linguistics, October 2012 (discussant).

Branstetter New Voices Workshop, Vanderbilt Law School, "Comments on How Judges Judge," May 2012 (commentator).

Conference on Empirical Legal Studies, Cornell Law School, Panel on Judicial Interpretation, September 2008 (chair).

Conference on Empirical Legal Studies, Cornell Law School, "Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?" by J.J. Prescott, September 2008 (discussant).

AALS Mid-Year Conference on Evidence, "fMRI and Lie Detection: Technique and Critique," June 2008 (chair).

AALS Mid-Year Conference on Evidence, "Inferring Causation," June 2008 (chair).

American Enterprise Institute, Panel on "Expert Witnesses, Adversarial Bias, and the (Partial) Failure of the Daubert Revolution," April 2007 (discussant).

Brooklyn Law School, "A Cross-Disciplinary Look at Scientific Truth: What's the Law to Do?" Symposium, March 2007 (chair).

Brooklyn Law School, "Crawford and Beyond II" Symposium, September 2006 (chair).

AALS Section on Evidence (co-sponsored by the Section on Torts and Compensation Systems), "The Effect of the Daubert Trilogy on Products Liability Litigation," January 2006 (chair).

Brooklyn Law School, "Crawford and Beyond" Symposium, March 2005 (chair).

NYU School of Law, "The Powers and Pitfalls of Technology: Evidence Law and the Modern Courtroom" Symposium, February 2004 (moderator).

#### Moderator (The Unavailability Workshop)

Preemptory Challenges, December 2021 (featuring Barbara O'Brien & Catherine Grosso).

Casebooks, July 2021 (featuring Jeff Bellin).  
Developments from the Federal Advisory Comm. on Evidence, June 2021 (featuring Liesa Richter).  
Online Judicial Proceedings, June 2021 (featuring Judge Emily Miskel).  
Hemphill v. New York, May 2021 (featuring Jeff Fisher).  
Domestic Violence Cases During COVID, May 2021 (featuring Deborah Davis).  
Confrontation in the Jensen Case, December 2020 (featuring Lauren Breckenfelder).  
Child Witnesses, October 2020 (featuring Tom Lyon).  
Evidence and Psychology, September 2020 (featuring Bobbie Spellman).  
Evidence in Title IX Proceedings, September 2020 (featuring Ben Trachtenberg).  
Rule 404(b) (Character), August 2020 (featuring Paul Rothstein).  
Evidence and Race, July 2020 (featuring Montre Carodine).  
Evidence In/Through Popular Culture, July 2020 (featuring Ann Murphy).  
Evidence Issues Online, July 2020 (featuring Neal Feigenson).  
Rule 412 (Rape Shield), June 2020 (featuring Deb Tuerkheimer).  
Evidence Reform Outside the US, June 2020 (featuring Ron Allen).  
Expert Evidence, May 2020 (featuring Andrew Jurs and Tamara Piety).  
Rule 803(3) (Hillmon), May 2020 (featuring Mimi Wesson).  
Rule 608 (Credibility), May 2020 (featuring Julia Simon-Kerr).  
Confrontation, April 2020 (featuring Rich Friedman).  
Rule 615 (Witness Sequestration), April 2020 (featuring Dan Capra).  
Privileges, April 2020 (featuring Ed Imwinkelried).  
Rule 702 (Experts), April 2020 (featuring Jenn Oliva).  
Rule 609 (Prior Convictions), March 2020 (featuring Anna Roberts).  
Rule 801 (Hearsay), March 2020 (featuring Jeff Bellin).

#### Panel / Conference Organizer

Vanderbilt Law Review Symposium, Reimagining the Rules of Evidence at 50, forthcoming November 2022.  
Evidence Summer Workshop (ESW2022), Vanderbilt Law School, forthcoming May 2022.  
Evidence Summer Workshop (ESW2021) (online conference), August 2021.  
Evidence Summer Workshop (ESW2020) (online conference), August 2020.  
Evidence Summer Workshop (ESW2019), Vanderbilt Law School, May 2019.  
AALS Criminal Justice Section Panel, "False Confessions in Context," January 2017.  
Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School, May 2013 (with Tracey George).  
AALS Section on Evidence Panel, "The Future of Statistics in Evidence Law," January 2011.

#### Podcasts

Excited Utterance, 113 Valerie Hans, Guiding Jurors on Damage Award Decisions, November 29, 2021.  
Excited Utterance, 112 Itiel Dror, Cognitive Bias in Forensic Pathology Decisions, November 15, 2021.  
Excited Utterance, 111 Evan Bernick, Fourteenth Amendment Confrontation, November 1, 2021 (production only).  
Excited Utterance, 110 David Crump, Why Do We Admit Criminal Confessions into Evidence, October 18, 2021.  
Excited Utterance, 109 Ian Gallacher, Time to Abandon the Testimonial Oath, October 4, 2021.  
Excited Utterance, 108 Maggie Wittlin, Meta-Evidence and Preliminary Injunctions, September 20, 2021 (production only).  
Excited Utterance, 107 Maneka Sinha, Junk Science at Sentencing, September 6, 2021 (production only).  
Excited Utterance, 106 Edward Imwinkelried, The Limits of Legitimate Contextual Interpretation in the Age of Statutes, April 12, 2021 (production only).  
Excited Utterance, 105 Brandon Garrett, Autopsy of a Crime Lab, March 29, 2021.  
Excited Utterance, 104 William Ortman, Confrontation in the Age of Plea Bargaining, March 15, 2021.  
Excited Utterance, 103 Teneille Brown, The Content of Our Characters, March 1, 2021.



Excited Utterance, 102 Kyriakos Kotsoglou, *Zombie Forensics: The Polygraph in England and Wales*, February 15, 2021.

Excited Utterance, 101 Alexandra Lahav, *Chancy Causation*, February 1, 2021.

Excited Utterance, 100 Ed Cheng & Alex Nunn, *99 Episodes of Excited Utterance*, January 18, 2021.

Excited Utterance, 99 Mark Spottswood, *Proof Discontinuities and Civil Settlements*, December 14, 2020 (production only).

Excited Utterance, 98 Marvin Zalman, *The Bite Mark Dentists and the Counterattack on Forensic Science Reform*, November 30, 2020 (production only).

Excited Utterance, 97 Rebecca Wexler, *Privacy as Privilege*, November 16, 2020.

Excited Utterance, 96 Julia Simon-Kerr, *Unmasking Demeanor*, November 2, 2020 (production only).

Excited Utterance, 95 Paul Rothstein, *Confronting Memory Loss*, October 19, 2020 (production only).

Excited Utterance, 94 Jeffrey Bellin, *The Evidence Rules that Convict the Innocent*, October 5, 2020 (production only).

Excited Utterance, 93 Tess Neal, *Psychological Assessments in Legal Contexts*, September 21, 2020.

Excited Utterance, 92 Louisa Henry, *The Incomplete Rule of Completeness*, September 7, 2020.

Excited Utterance, 91 Edith Beerdsen, *Litigation Science After the Knowledge Crisis*, August 24, 2020.

Excited Utterance, 90 Liat Levanon, *Bad Character, Tragic Errors and Deep Ignorance*, April 27, 2020.

Excited Utterance, 89 Georgi Gardiner, *Rape Accusations and the Preponderance of Evidence*, April 13, 2020.

Excited Utterance, 88 Yehonatan Givati, *Preferences for Criminal Justice Error Types*, March 30, 2020.

Excited Utterance, 87 Meghan Ryan, *Secret Conviction Programs*, March 17, 2020 (production only).

Excited Utterance, 86 Marcello DiBello, *Profile Evidence, Fairness, and the Risks of Mistaken Convictions*. March 2, 2020.

Excited Utterance, 85 Kristen Eichensehr, *The Law & Politics of Cyberattack Attribution*, February 17, 2020 (production only).

Excited Utterance, 84 Bobby Harges, *Reputation vs. Opinion*, February 3, 2020.

Excited Utterance, 83 Jay Kadane, *Certainty and Uncertainty in Reporting Fingerprint Evidence*, January 20, 2020.

Excited Utterance, 82 Rosanna Cavallaro, *Rape Shield Evidence and the Hierarchy of Impeachment*, December 2, 2019.

Excited Utterance, 81 Larry Rosenthal, *Eyewitness Identifications and the Problematics of Blackstonian Reform of the Criminal Law*, November 18, 2019.

Excited Utterance, 80 Nicole Casarez, *Blind Testing: Lessons from Houston*, November 4, 2019.

Excited Utterance, 79 Bernard Chao, *How Evidence of Subsequent Remedial Measures Matters*, October 21, 2019.

Excited Utterance, 78 Emily Murphy, *Brain-Based Memory Detection*, October 7, 2019.

Excited Utterance, 77 Christian Dahlman, *Naked Statistical Evidence and the Futility of Lawful Conduct*, September 23, 2019.

Excited Utterance, 76 Mark Spottswood, *Towards a Continuous Burden of Proof*, September 9, 2019.

Excited Utterance, 75 Going Ballistic, Binyamin Blum, August 26, 2019.

Excited Utterance, 74 Kristin Liska, *Experts in the Jury Room*, August 19, 2019 (production only).

Excited Utterance, 73 Jessica Haushalter, *Brain-Computer Interfaces and the Law*, August 5, 2019 (production only).

Excited Utterance, 72 Morgan Birck, *Problems with Juror Bias in Viewing Body-Camera Video Evidence*, July 22, 2019 (production only).

Excited Utterance, 71 Katie Hicks, *Expanding *Pena-Rodriguez* to Protect Criminal Defendants from Explicit Gender Animus*, July 8, 2019 (production only).

Excited Utterance, 70 Jason Chin, *Why Open Science Matters to Factfinding in Courts*, April 22, 2019.

Excited Utterance, 69 Colin Miller, *A Right to Prove Innocence After Pleading Guilty*, April 8, 2019.

Excited Utterance, 68 Adele Quigley-McBride, *Fillers, Contextual Bias, and Forensic Comparisons*, March 25, 2019.

Excited Utterance, 67 John Leubsdorf, *Evidentiary Fringes*, March 11, 2019.

Excited Utterance, 66 Deborah Tuerkheimer, *Incredible Women*, February 25, 2019.

Excited Utterance, 65 Michael Pardo, *The Paradoxes of Legal Proof*, February 11, 2019 (production only).

Excited Utterance, 64 Zhuhao Wang, Oral Testimony in Chinese Criminal Trials, January 28, 2019.

Excited Utterance, 63 Liesa Richter, Goldilocks and the Rule 803 Hearsay Exceptions, January 14, 2019.

Excited Utterance, 62 Christopher Robertson, Incentives, Lies, and Disclosure, November 26, 2018.

Excited Utterance, 61 Andrew Hayashi, A Theory of Facts and Circumstances, November 12, 2018.

Excited Utterance, 60 Richard Reuben, Rethinking Rule 408, October 29, 2018.

Excited Utterance, 59 Dora Klein, Examples and Exceptions Under the Federal Rules of Evidence, October 15, 2018.

Excited Utterance, 58 James Anderson, The Unrealized Promise of Forensic Science, October 1, 2018.

Excited Utterance, 57 Jennifer Hunt, The Cost of Character, September 17, 2018.

Excited Utterance, 56 Valena Beety, Evidence on Fire, September 3, 2018.

Excited Utterance, 55 Alan Trammell, Precedent and Preclusion, August 20, 2018.

Excited Utterance, 54 Susanna Rychlak, Examining the Admissibility of Living-Victim Photographs in Murder Trials, July 23, 2018 (production only).

Excited Utterance, 53 Kate Klonick, The People, Rules, and Processes Governing Online Speech, July 16, 2018 (production only).

Excited Utterance, 52 Taurus Myhand, Will the Jury System Survive the *Peña-Rodriguez* Exception to Rule 606(b)?, July 9, 2018 (production only).

Excited Utterance, 51 Mara Afzali, The Res Gestae Exceptions to the Rule Against Hearsay, July 2, 2018.

Excited Utterance, 50 Brandon Garrett, The Proficiency of Experts, April 16, 2018.

Excited Utterance, 49 Jessica Salerno, Disgust Reactions to Gruesome Photographs, April 2, 2018.

Excited Utterance, 48 Catherine Bonventre, The Impact of *Melendez-Diaz v. Massachusetts*, March 19, 2018.

Excited Utterance, 47 William Thompson, Evaluating Negative Forensic Evidence, March 5, 2018.

Excited Utterance, 46 Robert Leonard, Forensic Linguistics, February 19, 2018.

Excited Utterance, 45 Alex Stein, Law and the Epistemology of Disagreement, February 5, 2018.

Excited Utterance, 44 Timothy Lau, The Reliability of Present Sense Impression Hearsay Evidence, January 22, 2018.

Excited Utterance, 43 Christine Ruva, Bias, Pretrial Publicity, and Deliberation, January 8, 2018.

Excited Utterance, 42 Ric Simmons, Evaluating Credibility Using Prior Convictions, November 27, 2017.

Excited Utterance, 41 Justin Sevier, Popularizing Hearsay, November 13, 2017.

Excited Utterance, 40 Russell Covey, Recantations and the Perjury Sword, November 6, 2017.

Excited Utterance, 39 Michael Risinger, Leveraging Surprise, October 30, 2017.

Excited Utterance, 38 Sara Appleby, When Self-Report Trumps Science, October 23, 2017.

Excited Utterance, 37 James Dillon, Expertise on Trial, October 16, 2017.

Excited Utterance, 36 Anna Lvovsky, The Judicial Presumption of Police Expertise, October 9, 2017.

Excited Utterance, 35 Cassandra Burke Robertson, Invisible Error, October 2, 2017.

Excited Utterance, 34 Neal Feigenson, Experiencing Other Minds in the Courtroom, September 25, 2017.

Excited Utterance, 33 Christine Bartholomew, Exercising the Clergy Privilege, September 18, 2017.

Excited Utterance, 32 Jennifer Oliva, Discovering Forensic Fraud, September 11, 2017.

Excited Utterance, 31 Jeffrey Bellin, The Silence Penalty, September 4, 2017.

Excited Utterance, 30 Maureen Howard, Bringing Demonstrative Evidence in From the Cold, August 28, 2017.

Excited Utterance, 29 Anna Kirkland, The Vaccine Court, August 21, 2017.

Excited Utterance, 28 Bennett Capers, Rape, Truth, and Hearsay, April 10, 2017.

Excited Utterance, 27 Barbara Spellman, The Psychological Foundations of Evidence Law, April 3, 2017.

Excited Utterance, 26 Edward Imwinkelried, Computer Source Code, March 27, 2017.

Excited Utterance, 25 Thomas Lyon, Questioning Child Witnesses, March 20, 2017.

Excited Utterance, 24 Eyal Zamir, New Evidence About Circumstantial Evidence, March 13, 2017.

Excited Utterance, 23 Anna Roberts, Reclaiming the Importance of the Defendant's Testimony, March 6, 2017.

Excited Utterance, 22 Dale Nance, *The Burdens of Proof*, February 27, 2017.  
 Excited Utterance, 21 David Kaye, *Communicating the Results of Forensic Science Examinations*, February 20, 2017.  
 Excited Utterance, 20 Shaakirrah Sanders, *The Value of Confrontation as a Felony Sentencing Right*, February 13, 2017.  
 Excited Utterance, 19 Jessica Roth, *Informant Witnesses and the Risk of Wrongful Convictions*, February 6, 2017.  
 Excited Utterance, 18 Andrew Porwancher, *John Henry Wigmore and the Rules of Evidence*, January 30, 2017.  
 Excited Utterance, 17 Andrea Roth, *Machine Testimony*, January 23, 2017.  
 Excited Utterance, 16, Daphne O'Regan, *Eying the Body to Find Truth*, January 16, 2017.  
 Excited Utterance, 15 Julia Simon-Kerr, *Credibility by Proxy*, January 9, 2017.  
 Excited Utterance, 14 Jay Koehler, *Testing for Accuracy in the Forensic Sciences*, November 21, 2016.  
 Excited Utterance, 13 Nancy Marder, *Juries and Lay Participation*, November 14, 2016.  
 Excited Utterance, 12 Pamela Metzger, *Confrontation as a Rule of Production*, November 7, 2016.  
 Excited Utterance, 11 Erin Murphy, *Inside the Cell: The Dark Side of Forensic DNA*, October 31, 2016.  
 Excited Utterance, 10 Stephanos Bibas, *Designing Plea Bargaining from the Ground Up*, October 24, 2016.  
 Excited Utterance, 09 Maggie Wittlin, *Hindsight Evidence*, October 17, 2016.  
 Excited Utterance, 08 Sandra Guerra Thompson, *Cops in Lab Coats*, October 10, 2016.  
 Excited Utterance, 07 Deryn Strange, *Memory Errors in Alibi Generation*, October 3, 2016.  
 Excited Utterance, 06 Mark Spottswood, *Unraveling the Conjunction Paradox*, September 26, 2016.  
 Excited Utterance, 05 Christopher Slobogin, *Gatekeeping Science*, September 19, 2016.  
 Excited Utterance, 04 Sachin Pandya, *The Constitutional Accuracy of Legal Presumptions*, September 12, 2016.  
 Excited Utterance, 03 Mary Fan, *Justice Visualized*, September 5, 2016.  
 Excited Utterance, 02 Michael Pardo, *Group Agency and Legal Proof*, August 29, 2016.  
 Excited Utterance, 01 Daniel Capra, *Electronically Stored Information and the Ancient Documents Exception*, August 22, 2016.

#### Guest Lectures

New York Law School, Advanced Torts Seminar, "The Myth of the Generalist Judge," March 2007.  
 Princeton University, Woodrow Wilson School for Public and International Affairs, "Scientific Evidence and Tort Reform," February 2004.

#### Posters

Conference on Empirical Legal Studies, Cornell Law School, "Are Federal Circuit Judges Really Generalists?," September 2008.  
 American Association for the Advancement of Science, "Justifying the Need for Judicial Delay by Measuring the Lifecycle of Scientific Research," Washington, DC, February 2005 (with student Frank Truong).

#### **TEACHING**

Evidence, Vanderbilt Law School, Fall 2011, Spring 2013, Spring 2014, Fall 2014, Fall 2015, Fall 2016, Spring 2017, Spring 2018, Fall 2018, Fall 2019, Spring 2021, Spring 2023; Columbia Law School, Spring 2009; Brooklyn Law School, Spring 2004, Spring 2005, Spring 2006, Spring 2008, Spring 2010  
 Torts, Vanderbilt Law School, Spring 2012, Fall 2012, Fall 2013, Fall 2014, Fall 2015, Spring 2018, Fall 2018, Fall 2019, Spring 2021, Fall 2021, Spring 2022; Harvard Law School, Fall 2022; Brooklyn Law School, Fall 2004, Fall 2005, Fall 2006, Fall 2008, Fall 2009  
 Life of the Law, Vanderbilt Law School, Fall 2016, Fall 2021  
 Scientific Evidence Seminar, Vanderbilt Law School, Spring 2019; Hebrew University of Jerusalem, Spring 2020; Brooklyn Law School, Spring 2006  
 Statistical Concepts for Lawyers, Vanderbilt Law School, Fall 2012, Fall 2013, Spring 2016  
 Statistical Inference and the Law, Vanderbilt Law School, Spring 2012

Brooklyn Law School, Fall 2007, Fall 2008, Fall 2009  
Criminal Law, Brooklyn Law School, Fall 2003, Fall 2004, Spring 2007, Fall 2007  
Topics in Scientific Evidence, Northwestern University School of Law, Spring 2003  
Evidence Colloquium, Brooklyn Law School, Fall 2006  
Teaching Assistant for Intelligence Reform in the Post-Cold War Era (Diane C. Snyder), Woodrow Wilson School for Public and International Affairs, Princeton University, Fall 1996

#### PROFESSIONAL SERVICE

Excited Utterance: The Evidence and Proof Podcast ([www.excitedutterancepodcast.com](http://www.excitedutterancepodcast.com))  
Host and Producer, 2016-present (over 100 episodes)  
The Unavailability Workshop ([www.unavailabilityworkshop.com](http://www.unavailabilityworkshop.com))  
Organizer and Moderator, 2020-present (over 20 events)  
*Law, Probability & Risk*  
Editor, 2014-present  
Case Comment Editor, 2009-present  
Tennessee Court of Workers' Compensation Claims  
Evidence Law Consultant, 2017-present  
National Academies of Sciences, Engineering & Medicine  
Transportation Research Board Committee to Review Evidentiary Protection for Public Transportation Safety Program Information, 2017-18  
American Association of Law Schools  
Section on Evidence, Chair, 2010; Executive Committee, 2005-2013  
Steering Committee, 2008 Mid-Year Conference on Evidence  
International Conference on Forensic Inference and Statistics (ICFIS)  
Scientific Advisory Board, 2014  
Program Committee, 2011  
*Expert Witness Chronicle*, Editorial Board, 2012-2016  
Association of the Bar of the City of New York, Science & Law Committee, 2006-2008  
New York American Inn of Court, 2004-06

#### INSTITUTIONAL SERVICE

##### Vanderbilt (university-level)

Healthy Minds Study Working Group, 2022  
Digital Projects and Services Committee, 2019-20  
Learning Community on Podcasting, Center for Teaching, 2016-18  
Search Committee, Vice Provost for Equality, Diversity, and Inclusion, 2016-17  
Working Group on Response Systems, Center for Teaching, 2015-16  
Advisory Committee for the Vanderbilt Institute for Digital Learning (VIDL), 2013-2015  
Academic Planning Group for Healthcare Solutions, 2013-14  
Center for Teaching Visits Program, Spring 2014 (case study for the center)  
IT Advisory Board, 2013

##### Vanderbilt (law school)

Learning Assessment Committee, 2021-22 (chair)  
Master of Legal Studies (MLS) Curriculum Working Group, 2020-21 (chair)  
Ad Hoc Good Moral Character Investigation Committee, 2019 (chair)  
Ad Hoc ABA Accreditation Review Committee, 2015-17 (chair)  
Appointments Committee, 2014-15 (co-chair), 2011-12, 2018-19  
Curriculum Committee, 2013-14 (chair)  
Ad Hoc Promotion and Tenure Committee (Seymore), 2011-12 (chair)  
Ad Hoc Journal Committee, 2020.  
Law School Student Well-Being Working Group, 2016-18  
Mentoring Committee (Allensworth), 2012-17

Vanderbilt Law Futbol (Soccer) Club, 2014-present (faculty advisor)

## Brooklyn Law School

Faculty Workshop Committee, 2004-06, 2006-10 (chair)  
Screening Committee for City Bar Fellowships, 2004-07, 2007-10 (chair)  
Appointments Committee, 2005-06, 2008-10  
Clerkship Committee, 2003-04  
Computer Tech Planning Committee, 2003-07  
Long Range Planning Committee, 2008-09  
Scholastic Standing Committee, 2004-07  
Ad Hoc Faculty Task Force on Strategic Planning, 2009-10  
Ad Hoc Law Review Committee, 2004  
Ad Hoc Library Director Search Committee, 2007-08

## **PEER REVIEWER**

American Journal of Political Science; American Political Science Review; Canadian Social Sciences and Humanities Research Council; International Commentary on Evidence; International Journal of Evidence & Proof, Israeli Science Foundation; Journal of Legal Studies; Journal of Philosophy, Science & Law; Judicature; Jurimetrics; Jurisprudence; Law & Philosophy; Law & Society Review; National Research Council; National Science Foundation; Political Research Quarterly; Vanderbilt Law Review; Yale Law Journal

## **BAR ADMISSIONS**

New York (not practicing)

## **COMMUNITY ACTIVITIES**

West End Synagogue, Nashville, TN  
Vice President, 2019-present  
Executive Committee and Board of Directors, 2018-present  
Vanderbilt University Credit Union, Nashville, TN  
Chair, Board of Directors, 2018-2019  
Member, Board of Directors, 2016-2020  
Somers High School, Somers, NY  
Science Research Mentor, 2018-19  
Nashville Soccer United, Nashville, TN  
Youth Soccer Coach (U8-U12 Advanced), 2012-16  
West Nashville Sports League, Nashville TN  
Youth Indoor Soccer Coach, 2014  
Youth Basketball Coach, 2015

## **HOBBIES**

Rock climbing (indoor bouldering V7), soccer, native plant gardening

## **OTHER**

US Soccer Federation "E" Coaching License  
I have an Erdős number of 3.