

## **JULES EPSTEIN**

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Director, Advocacy Programs  
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## **EDUCATION**

**University of Pennsylvania Law School**  
Juris Doctor, 1978

**University of Pennsylvania**  
Bachelor of Arts, Liberal Arts 1975  
Magna cum Laude; Phi Beta Kappa

## **EMPLOYMENT**

**Temple University Beasley School of Law**  
July, 2015-current  
Professor of Law and Director of Advocacy Programs

**Widener University School of Law (Delaware)**  
2003-June, 2015  
Professor of Law with courses in Evidence, Criminal Law, and Criminal Procedure. Director, Taishoff Advocacy, Technology and Public Service Institute (2013-2015)

**University of Pennsylvania**  
1988 to 2006  
Adjunct Professor in Evidence and in Trial Advocacy.

**Kairys, Rudovsky, Messing, Feinberg & Lin, LLP**  
Philadelphia, Pa.  
1990-Current  
Formerly a partner handling federal civil rights and criminal trial and appellate litigation and currently in limited representation of indigent death row inmates, appellate and post-conviction cases, and *pro bono* and court-appointment matters.

## **Defender Association of Philadelphia**

Philadelphia, Pennsylvania

1978 to 1990

Senior trial and appellate attorney with the Defender Association, a non-profit organization providing legal representation to indigents in criminal cases.

## **RECENT ACTIVITIES AND POSITIONS**

Member, Legal Resources Committee, Organization of Scientific Area Committees, a project of the National Institute of Standards and Technology,, effective October 2018.

Member. Third Circuit Taskforce on Identification, 2016-present

Commissioner, National Commission on Forensic Science, 2014-2017. Co-chair of Human Factors Subcommittee effective June, 2015.

National Judicial College, Faculty for advanced evidence and capital case courses, and for training of military judges. 2007 to present.

American Bar Association, co-editor, Scientific Evidence Review (Monograph), 2012-2013.  
Section Editor, ENCYCLOPEDIA OF FORENSIC SCIENCE 2<sup>nd</sup> EDITION, 2011-2012.

National Institute of Standards and Technology, member, Expert Working Group on Human Factors in Latent Print Analysis, 2009-2012.

Pennsylvania Bar Institute, Pennsylvania Suggested Standard Jury Instructions - Criminal, member of Committee creating and revising Pennsylvania criminal jury instructions. 2003 to present.

Pennsylvania Commission on the Causes of Wrongful Convictions, member. 2007-2011.

National Institute of Justice, Workgroup on Forensic DNA for Officers of the Court, designing training material for DNA evidence, both scientific and legal. 2003-2007.

## **BOOKS**

SCIENTIFIC EVIDENCE REVIEW: ADMISSIBILITY AND THE USE OF EXPERT EVIDENCE IN THE COURTROOM, MONOGRAPH NO. 9, Cynthia Kwik, Jules Epstein and Carol Henderson editors, ABA 2013

LATENT PRINT EXAMINATION AND HUMAN FACTORS: IMPROVING THE PRACTICE THROUGH A SYSTEMS APPROACH, contributing author, NIST 2012  
[http://www.nist.gov/customcf/get\\_pdf.cfm?pub\\_id=910745](http://www.nist.gov/customcf/get_pdf.cfm?pub_id=910745)

DNA FOR THE DEFENSE BAR, contributing author, NIJ 2012  
<https://www.ncjrs.gov/pdffiles1/nij/237975.pdf>

THE FUTURE OF EVIDENCE: HOW SCIENCE AND TECHNOLOGY WILL CHANGE THE PRACTICE OF LAW, Carol Henderson and Jules Epstein editors, ABA 2011.

## **PUBLICATIONS (Law Review)**

Epstein, *The National Commission on Forensic Science: Impactful or Ineffectual?*, 48 Seton Hall L. Rev. 743 (2018).

Epstein et al, Sidebar; *A Requiem for the National Commission on Forensic Science*, 50 Int'l Soc'y Barristers Q. \_\_ (2017).

Epstein, *Looking Backwards at Old Cases: When Science Moves Forward*, 106 J. Crim. L. & Criminology 49 (2016).

Epstein, *The "Ohlbaum Paper" and Advocacy Scholarship--Why Now?*, 88 Temple L. Rev. 507 (2016).

Epstein, *Cognitive Bias and Its Impact on Expert Witnesses and the Court*, 54 Judges' J. 8 (Fall 2015) (with I.E. Dror & B.M. McCormack).

Symposium, *Forensic Science(s) in the Courtroom*, 20 Widener L. Rev. 119 (2014) (with other panelists).

Epstein, *Preferring the 'Wise Man' to Science – The Failure of Courts and Non-Litigation Mechanisms to Demand Validity in Forensic Matching Testimony*, 20 Widener L. Rev. 81 (2014).

Epstein, *Irreparable Misidentifications and Reliability: Reassessing the Threshold for Admissibility of Eyewitness Identification*, accepted for publication, 58 Villanova Law Review 69 (2013).

Epstein, *Ruminations on an Ethical Issue When Examining the Child Witness: Zealous Advocacy or Destroying Evidence*, accepted for publication, 19 Widener University Law Review 165 (2013).

Epstein, *Mandatory Mitigation: An Eighth Amendment Mandate to Require Presentation of Mitigation Evidence, Even When the Sentencing Trial Defendant Wishes to Die*, 21 Temp. Pol. & Civ. Rts. L. Rev. 1 (Fall, 2011).

Epstein *Death-Worthiness and Prosecutorial Discretion in Capital Case Charging*, 19 Temp. Pol. & Civ. Rts. L. Rev. 389 (2010)

Epstein, *Foreword: Why "The Child Witness" Now?*, 16 Widener L.Rev. i (2010, Issue 2).

Epstein, *Cross-Examination: Seemingly Ubiquitous, Purportedly Omnipotent, And "At Risk"*, 14 Widener L. Rev. 427 (2009).

Epstein, *"Genetic Surveillance" - The Bogeyman Response to Familial DNA Investigations*, University of Illinois Journal of Law, Technology and Policy, Volume 2009, Issue 1, 141 (peer reviewed).

Epstein, *Avoiding Trial By Rumor: Identifying the Due Process Threshold for Hearsay Evidence After the Demise of the Ohio v. Roberts "Reliability" Standard*, 77 UKMC L. Rev. 119 (Fall, 2008)

Epstein, *The Great Engine That Couldn't: Science, Mistaken Identifications, and the Limits of Cross-Examination*, 36 Stetson L. Rev. 727 (Spring, 2007).

Epstein, *True Lies: The Constitutional and Evidentiary Bases for Admitting Prior False Accusation Evidence in Sexual Assault Prosecutions*, 24 Quinn.L.Rev. 609 (2006)

Epstein, *Tri-State Vagaries: The Varying Responses of Delaware, New Jersey and Pennsylvania to the Phenomenon of Mistaken Identifications*, 12 *Widener L. Rev.* 327 (2006).

Epstein, *Silence: Insolubly Ambiguous and Deadly. The Constitutional, Evidentiary and Moral*  
Epstein, *Reasons for Excluding "Lack of Remorse" Testimony and Argument in Capital Sentencing Proceedings*, 14 *Temple Political & Civil Rights Law Review* 45 (Fall, 2004).

## **PUBLICATIONS (Other)**

Epstein, *POTUS, PCAST and Forensics*, 13 *SciTech Lawyer* 4 (2017).

Epstein, *Using Science to Challenge Gruesome Evidence*, *Champion* 22 (Apr. 2016).

Epstein, *"Gruesome" Evidence, Science, and Rule 403*, *The Judicial Edge* (Mar. 17, 2016) (with S. Mannes).

Epstein, *When Must Lawyers Learn Science?*, *Judicial Edge* (Jan. 21, 2016).

Brief *Amici Curiae* of Social Scientists in Support of Petitioner, *Walter v. Pennsylvania*, No. 15-650 (Sup. Ct. Dec. 14, 2015) (co-author and counsel of record).

Epstein, Chapter 3, "Eyewitnesses and Erroneous Convictions: An American Conundrum," in *CONTROVERSIES IN INNOCENCE CASES IN AMERICA*, Sarah Cooper, Editor (Ashgate, 2014)

Epstein, Chapter 4, "Expert Testimony: Legal Standards for Admissibility," in *EXPERT TESTIMONY ON THE PSYCHOLOGY OF EYEWITNESS IDENTIFICATION*, Brian Cutler, Ed. (American Psychological Association, Oxford University Press, 2009).

*PENNSYLVANIA CRIMINAL PROCEDURE*, Second Edition (West Group 2002), author of Chapter *Capital Case Litigation* (2002) and pocket part revision (2003, 2004, 2005, 2006, 2007).

*THE PROSECUTION AND DEFENSE OF SEX CRIMES* (Matthew Bender)(original author or reviser of numerous chapters, 1991 to present)

*DEFENSE OF NARCOTICS CASES* (Matthew Bender) (chapter revisions)

*PROVING CRIMINAL DEFENSES* (Matthew Bender)(Chapter 4 - "Insanity," Authored 1991; revised 1993).

*Commonwealth v. King*, Brief of the Pennsylvania Association Of Criminal Defense Lawyers as *Amici Curiae* on Behalf of Appellant (2018)

*Walker v. Pennsylvania*, Brief of the Pennsylvania Association Of Criminal Defense Lawyers as *Amici Curiae* on Behalf of Appellant (2012)

*Allshouse v. Pennsylvania*, Brief of the National Association of Criminal Defense Lawyers, the Pennsylvania Association Of Criminal Defense Lawyers, the Public Defender Association of Pennsylvania, and the Defender Association Of Philadelphia, as *Amici Curiae* on Behalf of Petitioner (2010)

## **LECTURING**

**Cardozo Law School, National Forensics College (2014)**

**West Virginia University Forensic Science Initiative (2012-2013)**

**New Jersey Judicial College (2013-2014)**

**Pennsylvania Judiciary (ongoing)**

**Pennsylvania Association of Criminal Defense Lawyers (ongoing since 1993)**

**Pennsylvania Bar Institute (ongoing since 1995)**

**Philadelphia Municipal Court Judges Training (ongoing since 2004)**

**NITA (National Institute of Trial Lawyers)(intermittent since 1992)**

## **AWARDS**

2015 Outstanding Faculty Award, Widener University School of Law (Delaware).

2014 Charles Gelso President's Award, Pennsylvania Association of Criminal Defense Lawyers

2013 Liberty Award, Pennsylvania Association of Criminal Defense Lawyers

2011 Lindback Foundation Award for Distinguished Teaching, an honor bestowed annually to a member of the Widener University faculty.

2009 Outstanding Faculty Award, Widener University School of Law (Delaware).

2008 President's Award for outstanding service, Pennsylvania Association of Criminal Defense Lawyers

2008 Widener University School of Law, Student Bar Association, Outstanding Faculty Member

2005 Outstanding Faculty Award, Widener University School of Law (Delaware).

2005 Alan Jay Josel Advocacy Award, presented by the Pennsylvania Association of Criminal Defense Lawyers

2003-2005 Irving Segal Lecturer in Advocacy, University of Pennsylvania Law School

2003 Beccaria Award, presented by the Philadelphia Bar Association's Criminal Justice Section and The Justinian Society, for contributions to the cause of justice and the advancement of legal education.

1999 Roscoe Pound Foundation (ATLA), "Award for Excellence in Teaching Trial Advocacy as an Adjunct Professor of Law