

JULES EPSTEIN

Visiting Professor of Law
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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

Visiting Professor of Law and Director of Advocacy Programs and Clinical Legal Education.

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, 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

Commissioner, National Commission on Forensic Science, 2014 Ongoing. 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, Section of Science and Technology Law, co-chair of Scientific Evidence Committee, 2010 to present.

American Bar Association, co-editor, Scientific Evidence Review (Monograph), 2012-2013.

Section Editor, ENCYCLOPEDIA OF FORENSIC SCIENCE 2nd EDITION, 2011-2012.

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

Pennsylvania Association of Criminal Defense Lawyers, Board Member and co-chair of capital defense committee, 2010 to present.

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.

RECENT LECTURES AND PRESENTATIONS

Symposium Moderator, "Law Professors as Expert Witnesses," Widener University School of Law, April 2015

Symposium Panelist, "A Systems Approach to Conviction Integrity," Quattrone Center, University of Pennsylvania Law School, April 2014.

Symposium Panelist, "False Confessions: Intersecting Science, Ethics and the Law," Temple Beasley School of Law, November 2012.

Symposium Co-Planner and Moderator, "Lessons from Tragedy: Legal, Professional, and Ethical Issues Raised by Bradley and Beyond," Widener University School of Law, November 2011.

Symposium Panelist, "Innocence Behind Bars: The Key to Exoneration," Villanova Law School, January, 2011.

Symposium Panelist, "Examining Modern Approaches to Prosecutorial Discretion," Temple Beasley School of Law, October, 2009.

National Institute of Justice, Planner, Presenter and Moderator, 2010 "Impression and Pattern Evidence Symposium," 2010.

National Institute of Justice, Planner, Moderator and Presenter, "Post-Conviction DNA" Conference, 2009.

Center for American and International Law (Texas), Chair of and Presenter at Annual Conference "Actual Innocence," 2008 to present.

Pennsylvania Bar Institute, Capital Case Track Planner and Presenter, Annual Criminal Law Symposium, ongoing

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

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, *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, 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 revisor 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).

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)

"Barack Obama, Sir Walter Raleigh and Forensics (or The 2008 Election and the Future of the Right of Confrontation)", *It's Evident* (National Clearinghouse for Science, Technology and the Law) (2010)

"The NAS Report: An Evidence Professor's Perspective," *It's Evident* (National Clearinghouse for Science, Technology and the Law) (2009)

"Witness Impeachment: Its Art and Rationales", *Widener University School of Law Alumni Magazine* Volume 12, Number 2 (Fall, 2005).

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.”