

EDWARD K. CHENG

Vanderbilt University Law School

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APPOINTMENTS

Vanderbilt University Law School

FedEx Research Professor, 2017-18

Professor of Law, 2010-present

Tarkington Chair in Teaching Excellence (three-year rotating chair), 2013-2016

RAND Corporation

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 (2008-present)

M.A. (2011) Statistics

Ph.D. program (part-time), Department of Statistics

Dissertation Topic: Selected Legal Applications for Bayesian Methods

Committee: David Madigan (chair), Liam Paninski, Lauren Hannah, Rahul Mazumder (MIT),

Bert Huang (Columbia Law)

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, Woodrow Wilson School for 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 the Woodrow Wilson School

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)

PUBLICATIONS

Treatise

MODERN SCIENTIFIC EVIDENCE (5 vols.) (2006-17 eds.) (currently with David Faigman, Jennifer Mnookin, Erin Murphy, Joseph Sanders, and Christopher Slobogin).

Submitted Works

Accuracy, Optimality, and the Preponderance Standard, 14 *LAW, PROBABILITY, & RISK* 193 (2015) (with Michael Pardo) (peer-reviewed).
Reconceptualizing the Burden of Proof, 122 *YALE L.J.* 1254 (2013).
Is High-Altitude Mountaineering Russian Roulette?, 9 *J. QUANTITATIVE ANALYSIS SPORTS* 1 (2013) (peer-reviewed statistics journal).
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, *LAWS 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* (Pakyoungsa 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

The Burden of Proof and the Presentation of Forensic Evidence 130 *HARV. L. REV. FORUM* (forthcoming 2017).
DNA, Blue Bus, and Phase Changes, 20 *INT'L J. EVID. & PROOF* 112 (2016) (with Alex Nunn) (peer-reviewed).
A Bayesian Look at the Baby Annie Case, 29 *CHANCE* 27 (2016) (peer-reviewed).
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).
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_xCuO₄, 65 APPLIED PHYSICS LETTERS, 3383-85 (1994) (with Marta Z. Cieplak (first author) and seven others).

Other Media

LAW SCHOOL FOR EVERYONE: EVIDENCE, The Great Courses, The Teaching Company [DVD/CD, 6 hrs] (forthcoming 2018).

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

FairScore Score Normalization, www.fairscoremodel.com (2017) (web-based application).

GRANTS

Vanderbilt University, Discovery Grant (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

Detection and Correction of Legal Publication Bias (under review)

Latent Space Models for Legal Doctrine

Moving Beyond the Witness (with Alex Nunn)

Selected Legal Applications for Bayesian Methods (Ph.D. dissertation)

CONFERENCES/COLLOQUIA/GUEST LECTURES

Presentations

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

University of Toronto Faculty of Law, Faculty Workshop, "Moving Beyond the Witness," forthcoming March 2018.

Defense Research Institute, Toxic Tort and Environmental Law Seminar, "Thoughts on Daubert at 25 Years," Nashville, TN, forthcoming March 2018.

Seton Hall Law School, Symposium in Honor of Michael Risinger, "Deciding on Truth in Science," forthcoming October 2017.

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

University of Virginia School of Law, "Remarks on the Psychological Foundations of Evidence Law," Charlottesville, VA, 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," University Park, PA, 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," 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," Chicago, IL, 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," 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

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).

Panel / Conference Organizer

AALS Criminal Justice Section, "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, "The Future of Statistics in Evidence Law," January 2011.

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; 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
Brooklyn Law School, Fall 2004, Fall 2005, Fall 2006, Fall 2008, Fall 2009
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
Scientific Evidence, Brooklyn Law School, Spring 2006
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)
Host and Producer, 2016-present
National Academies of Sciences, Engineering & Medicine
Transportation Research Board Committee to Review Evidentiary Protection for Public
Transportation Safety Program Information, 2017-18
Law, Probability & Risk
Editor, 2014-present
Case Comment Editor, 2009-present
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)

Learning Community on Podcasting, Center for Teaching, 2016-
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)

Ad Hoc ABA Accreditation Review Committee, 2015-17 (chair)
Appointments Committee, 2014-15 (co-chair)
Curriculum Committee, 2013-14 (chair)
Ad Hoc Promotion and Tenure Committee (Seymore), 2011-12 (chair)

Law School Student Well-Being Working Group, 2016-present
Mentoring Committee, 2012-17
Entry-Level Appointments Committee, 2011-12

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; Israeli Science Foundation; Journal of Legal Studies; Journal of Philosophy, Science & Law; Judicature; Jurimetrics; 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

Vanderbilt University Credit Union, Board of Directors, 2016-present

Chairman, starting 2018

Vice Chair, 2017

Nashville Soccer United

Youth Soccer Coach (U8-U12 Advanced), 2012-2016

West Nashville Sports League

Youth Indoor Soccer Coach, 2014

Youth Basketball Coach, 2015

HOBBIES

Rock climbing (indoor V5/V6), intramural soccer, native plant gardening, hiking

OTHER

US Soccer Federation "E" Coaching License