

# EDWARD K. CHENG

## Vanderbilt University Law School

131 21st Avenue South  
Nashville, TN 37203  
edward.cheng@vanderbilt.edu  
www.edwardcheng.com

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### ACADEMIC APPOINTMENTS

Vanderbilt University Law School  
Professor of Law, 2010-present

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. Statistics (2011)  
Ph.D. program (part-time), Department of Statistics  
Dissertation Topic: Bayesian Prediction of Cases in the Federal Circuit  
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, 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

### CLERKSHIP

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

## **PUBLICATIONS**

### Treatise

MODERN SCIENTIFIC EVIDENCE (5 vols.) (2006-13 eds.) (with David Faigman, Jeremy Blumenthal, Jennifer Mnookin, Erin Murphy, and Joseph Sanders).

### Submitted Works

*Reconceptualizing the Burden of Proof*, 122 YALE L.J. \_\_\_\_ (forthcoming 2013).

*When 10 Trials Are Better Than 1000: An Evidentiary Perspective on Trial Sampling*, 160 U. PA. L. REV. 955 (2012).

*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

*Being Pragmatic About Forensic Linguistics*, 21 J.L. & POL'Y \_\_\_\_ (forthcoming 2013) (symposium response).

*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).

#### GRANTS

American Alpine Club, Bedayn Grant (2010).  
Project on Scientific Knowledge and Public Policy (2004) (with Albert Yoon).

#### WORKING PROJECTS

Bayesian Prediction of Cases in the Federal Circuit (Ph.D. dissertation)  
Is High-Altitude Mountaineering Russian Roulette? (under review)  
Normalizing Scoring: A Moot Court Experiment (with Janna Maples & Scott Farmer)  
Shielding Experts (with Deanna Foster)  
Daubert, Crawford, and the Future of Forensics

#### CONFERENCES/COLLOQUIA/GUEST LECTURES

##### Presentations

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

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).

AALS Section on Evidence, "The Future of Statistics in Evidence Law," January 2011 (chair).

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).

#### 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**

Hall-Hartman Outstanding Professor Award, 2012

Evidence, Vanderbilt Law School, Fall 2011, Spring 2013  
Brooklyn Law School, Spring 2004, Spring 2005, Spring 2006, Spring 2008, Spring 2010  
Torts, Vanderbilt Law School, Spring 2012, Fall 2012  
Brooklyn Law School, Fall 2004, Fall 2005, Fall 2006, Fall 2008, Fall 2009  
Statistical Concepts for Lawyers, Vanderbilt Law School, Fall 2012  
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, Professor Diane C. Snyder, "Intelligence Reform in the Post-Cold War Era," Woodrow Wilson School for Public and International Affairs, Princeton University, Fall 1996

#### **PROFESSIONAL SERVICE**

*Law, Probability & Risk*, Case Comment Editor, 2009-present  
*Expert Witness Chronicle*, Editorial Board, 2012-present  
American Association of Law Schools  
Section on Evidence, Chair, 2010; Executive Committee, 2005-2011  
Steering Committee, 2008 Mid-Year Conference on Evidence  
International Conference on Forensic Inference and Statistics, Program Committee, 2011  
Association of the Bar of the City of New York, Science & Law Committee, 2006-2008  
New York American Inn of Court, 2004-06

#### **PEER REVIEWER**

American Journal of Political Science; American Political Science Review; International Commentary on Evidence; Israeli Science Foundation; Journal of Legal Studies; Journal of Philosophy, Science & Law; Judicature; Jurimetrics; Law & Society Review; National Research Council; National Science Foundation; Political Research Quarterly

**BAR ADMISSIONS**

New York (not practicing)

**HOBBIES**

Rock climbing (indoor bouldering V6/V7), birding, woodworking, hiking