

EDWARD P. SCHWARTZ

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SUMMARY

Nationally recognized expert on jury decision-making and trial procedures, bringing a fresh perspective and a diverse set of skills to strategic litigation support. Expertise in formulating litigation preparation, jury selection, and trial strategies for attorneys and their clients. Known for creativity in applying game theory, decision theory and social choice theory to decision-making within judicial institutions. Rare combination of expertise in civil and criminal law and procedure, the social-psychological literature on juries, complex statistical analysis, and economic modeling. Experience with experimental design and analysis.

EXPERIENCE

EDWARD P. SCHWARTZ CONSULTING

2003 - Present

President

- Served as Jury Behavior Consultant to **RISK MANAGEMENT FOUNDATION** in Cambridge, MA. Evaluated firm's planning and implementation of jury focus groups and mock jury studies in medical malpractice cases. Assisted in revision of firm's jury simulation strategies to enhance predictive capability. Provided expertise on jury behavior in ongoing cases. Gave presentation on designing focus groups to annual assembly of outside counsel.
- Designed focus group and mock trial procedures for torts cases.
- Analyzed results of jury studies and advised litigators on trial strategy accordingly.
- Designed supplemental juror questionnaires and scripted *voir dire* for litigation
- Designed proprietary JURY MEMO for litigators, to assist with jury selection and trial presentation strategies.
- Provided advice on likely jury damage awards as input to settlement negotiations.
- Advised Reproductive Medicine department of New York City hospital on risk minimization and management strategies.
- Established [The Jury Box](#) newsletter on jury-related issues for attorneys, risk managers and members of the legal media.
- Organized two New England regional meetings of the American Society of Trial Consultants and gave presentation on American Bar Association "Principles for Juries and Jury Trials."
- Gave Invited Presentations to Lawyers' Associations
- Columnist on "Trial Strategy" for Lawyers Weekly, USA

BOSTON UNIVERSITY SCHOOL OF LAW, Boston, MA

2002 - Present

Visiting Associate Professor

- Taught courses: "Trial by Jury" and "Capital Punishment."
- Conducted research on Jury Instructions, Racial Profiling, and Takings Law.
- Supervised several major research articles, required of all law students for graduation.

YALE UNIVERSITY, New Haven, CT

2001 - 2002

Visiting Professor of Political Science

- Taught course: "The Role of the Jury in a Democratic Society."

HARVARD LAW SCHOOL, Cambridge, MA

2000 - 2001

Lecturer, and John M. Olin Fellow of Law and Economics

- Taught course: "The Politics of Judicial Decision-making."
- Conducted research on jury decision-making and rule of law values in judicial decision-making.
- Presented research and served as a discussant for others at the Harvard Law and Economics Research Forum.

HARVARD UNIVERSITY, Cambridge, MA

1996 - 2001

Associate Professor of Government

1992 - 1996

Assistant Professor of Government

- Taught Courses: "The Role of the Jury in a Democratic Society," "Game Theory and Social Choice Theory for Political Science," "Advanced Modeling of Political Processes," and "Policy-making in a Separation of Powers System."
- Supervised graduate research workshops: "American Politics," and "Positive Political Theory."
- Conducted research on collective decision-making in bureaucratic agencies, jury decision-making in capital cases, local-central governmental relations in Japan, and the structure of jury deliberations.

YALE LAW SCHOOL, New Haven, CT

1995

John M. Olin Fellow of Law and Economics

- Conducted research on peremptory challenges and concurring opinion-writing on the United States Supreme Court.
- Presented and evaluated research at the Yale Law School Workshop on Law, Economics and Organizations.

- STANFORD UNIVERSITY, Palo Alto, CA 1988 - 1992
Graduate School of Business
Research Assistant to David W. Brady (1989 - 1992)
 - Conducted research on Electoral Response to Senate Voting on Abortion.Research Assistant to Jonathan Bendor (1988 - 1989)
 - Conducted experiments and analyzed data on Repeat-play Prisoners' Dilemma.
- CALIFORNIA INSTITUTE OF TECHNOLOGY, Pasadena, CA 1987 - 1988
Division of Humanities and Social Sciences
Research Assistant to Charles Plott
 - Conducted experiments and analyzed data on payload allocation for the Space Shuttle.
 - Conducted experiments and analyzed data on pipeline pricing.
- UNIVERSITY OF ARIZONA, Tucson, AZ Summer, 1986
Department of Economics
Research Assistant to Michael Block and Stanley Reynolds
 - Conducted experiments and analyzed data on the risk attitudes of criminals incarcerated in the Arizona Penal System.
- LEXECON, INC., Washington, DC Summer, 1985
Research Associate
 - Conducted research for ongoing antitrust cases.
 - Conducted research on market structure in preparation for mergers and acquisitions.

EDUCATION

- YALE LAW SCHOOL, New Haven, CT 2002
M.S.L. One-year degree program for senior scholars seeking formal training in law for teaching and research purposes.
 - Courses: Civil Procedure, Torts, Contracts, Criminal Law, Criminal Procedure, Constitutional Law, and History of the Common Law.
 - Directed Research with Professor Dan Kahan: Should a Colloquy with the defendant be mandatory when his counsel requests jury instructions on lesser-included offenses?
- STANFORD UNIVERSITY, GRADUATE SCHOOL OF BUSINESS, Palo Alto, CA 1993
Ph.D. Doctoral Program in Political Economics. Thesis Title: *Essays in the Positive Political Theory of Judicial Institutions*.
Thesis Committee: John Ferejohn (chair), David W. Brady, Barry Weingast.
- YALE UNIVERSITY, DEPARTMENT OF ECONOMICS, New Haven, CT 1987
B.A. Senior Thesis Title: *The Risk Attitudes of Future M.B.A. Candidates: An Experimental Approach*.
Undergraduate Advisor: David Pearce.
- BOSTON LATIN SCHOOL, Boston, MA 1983
High School diploma

PROFESSIONAL ACTIVITIES

- MEMBER: The American Society of Trial Consultants
The American Law and Economics Association
- EDITORIAL SERVICES: Journal of Law, Economics, and Organization; Law and Society Review; American Political Science Review; American Journal of Political Science; Western Political Quarterly; Journal of Management Studies, Rand Journal; American Economic Review, Cambridge University Press; Harvard University Press, University of Michigan Press.

ADDITIONAL SKILLS AND AFFILIATIONS

- BOARD OF TRUSTEES: Cambridge Montessori School, Cambridge, MA.
- COMPUTER: **Microsoft Office** Products, **MathCad** (mathematical modeling and graphing program), **Stata** and **SST** (statistical analysis programs), and **Adobe Illustrator**.
- LANGUAGES: French and Spanish.

ARTICLES RELATING TO JURIES

1. "The Jury Box," a periodic publication of Edward P. Schwartz Consulting. www.eps-consulting.com/jurybox
2. "Why Mock Trials Are Bad Diagnostic Tools," *Lawyers Weekly USA*, December 19, 2005.
3. "Recent ABA Report on Juries is Disappointing," editorial, *Massachusetts Lawyers Weekly*, April 21, 2005.
4. "Death Comes to Town," editorial, *Boston Globe*, September 19, 2003.
5. "Unequal Under the Law: A Comparative Analysis of State Lesser Included Offenses Doctrine." Under revision for *Journal of Legal Studies*.
6. "And So Say Some of Us: What to do When Jurors Disagree." (with Warren F. Schwartz) 9(2) *University of Southern California Interdisciplinary Law Journal*, 429-463 2000.
7. "Double Jeopardy and Lesser Included Offenses: Complements, Substitutes, or Neither?" presented at the Annual Meetings of the Public Choice Society, Charleston, SC, 2000.
8. "The Challenge of Peremptory Challenges," (with Warren F. Schwartz) 12(2) *Journal of Law, Economics, and Organizations*, 375-394, 1996.
9. "Deciding Who Decides Who Dies: Capital Punishment as a Social Choice Problem." (with Warren F. Schwartz) 1(2) *Legal Theory* 113-147, 1995.
10. "Decisionmaking by Juries Under Unanimity and Supermajority Voting Rules." (with Warren F. Schwartz) 80 *Georgetown Law Journal* 775-807, 1992.