

PAUL J. ZWIER

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Professor of Law
Director, Advocacy and Dispute Resolution
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TEACHING EXPERIENCE

Professor of Law, Emory University School of Law, 2003-
Professor of Law, University of Tennessee, Knoxville, College of Law, 1999-2003;
Professor of Law, University of Richmond School of Law, Richmond, Virginia; 1987-99;
Associate Professor of Law, 1983-1987; Assistant Professor of Law, 1980-1983.
Visiting Professor of Law, William & Mary Law School, Williamsburg, Virginia, Fall, 1998.
Visiting Professor of Law, Temple University School of Law, Phila., PA, 1988-89.

Presently Teaching:

Torts
Advanced Trial Advocacy
Advanced Negotiation and Alternative Dispute Resolution

Previously Taught:

The Ethics 2000 Commission: The Adversary System and the Lawyer Client Relationship; Recent Amendments to FRCP and their effects on litigation strategy and tactics, Bioethics, Business Torts, Corporations, Legislation, Products Liability, Professional Responsibility, Interviewing & Counseling, Negotiation, ADR, Civil Litigation Seminar,

Director, Center for Advocacy and Dispute Resolution, Emory University,

(One of the director's main tasks is to oversee the advocacy and dispute resolution curriculum at Emory University School of Law. This curriculum allows students to focus their legal education on the role of lawyer as advocate and sophisticated problem solver. The curriculum is taught by a combination of judges, law professors, practicing litigators and trial lawyers who have been trained in the goals and pedagogy of the program. The students engage in researching, drafting, writing, fact investigation planning, interviewing, counseling, negotiation, written discovery, depositions, trial advocacy, post trial counseling, appellate brief writing and appellate oral advocacy.)

Program Director, International Advocacy and Dispute Resolution, Emory University,

(Consultant through USAID, Lawyers Without Borders, on Rule of Law projects in Mexico, Liberia, Former Soviet Republic of Georgia, and Kenya.)

Executive Committee, Board, Institute for Developing Nations, (IDN), Emory University

TEACHING AWARDS

1999-2000 Forrest W. Lacey Award, Outstanding Contribution to the University of Tennessee, College of Law, Moot Court Program

1998 Honorable Prentice Marshall Faculty Award, Excellence in Teaching and Program Design, NITA

1991 Distinguished Educator, University of Richmond

LAW SCHOOL UNIVERSITY COMMITTEES AND SERVICE

Emory Strategic Planning Committee, Emory Promotion and Tenure Committee. Other significant committee service includes; UR Law School Executive Committee (90-93), UR Chair, Curriculum Committee, UR Long Range Planning Committee, University of Richmond Commission on Diversity, UR Dean Search Committee,

ARTICLES

The Utility of a Nonconsequentialist Rationale for Civil Jury Awarded Punitive Damages, 54 Kansas Law Review __ 2006

Looking to Ground Motives” for a Religious Foundation for Law, 54 Emory L.J. 357, (2005)

Burden of Proof: Developments in Modern Chinese Evidence Rules, 10 Tulsa J. Comp. & Int’l L. 419 (2003)(with Zhang)

Forward, The Ethics 2000 Commission: The Adversary System and the Lawyer-Client Relationship, 70 U. Tenn. L. Rev. i, (2002)

The "Care Perspective," American Legal Counselors, and Reformed Christian Philosophy, 2002 Rutgers. J. L. and Relig., 3, No. 2.

Epistemology After Daubert, Kumho Tire, and the New Federal Rule of Evidence 702, 74 Temp.L. Rev. 103, 2001 (with Malone)

Technology and Opening Statements: A Bridge to the Virtual Trial of the 21st Century? 67 Tenn. L.Rev 523, Fall 2000 (with Galligan.)

Using Analogies to Persuade at Trial, www.lexis.com/practice areas/litigation, (1999).

Ethics of Care and Re-Imagining the Lawyer Client Relationship, 22 J. Contemp. Law 383 (1996).

Looking For A Nonlegal Process: Physician-Assisted Suicide and the Care Perspective, 30 U.Rich. L. Rev. 201, (1996)

Should the Children Pray and The Godless Court, Book Review, 50 Interpretations 299 (1996).

Due Process and Punitive Damages, 1991 Utah L. Rev. 407 (1991).

God, Man and Jury, 1989 Utah L. Rev. 433 (1989).

Who Knows Best About Damages: A Case for Courts Rights, 93 Dickinson L. Rev. 689 (1989) (with Dean Piermattei).

The Consequentialist/Non-consequentialist Ethical Distinction: A Tool for the Formal Appraisal of Negligence and Economic Tort Analysis, 26 Boston College L. Rev. 905 (1985).

"Cause in Fact" in Tort Law - A Philosophical and Historical Examination, 31 DePaul L. Rev. 769 (1982).

First Bank of Boston v. Bellotti: Corporations Right to Political Speech, 6 Pepperdine L. Rev. 529 (1979).

BOOKS AND BOOK CHAPTER

Torts: Cases, Problems, and Exercises, 3rd ed. (LexisNexis, 2009) (with Weaver, Bauman, Cross, Klein, Martin)

Torts: Cases, Problems, and Exercises, 2d ed. Teacher’s Manual, (LexisNexis, 2005) (with Weaver, Bauman, Cross, Klein, Martin)

Mastering Torts, (North Carolina Academic Press 2009) (with Weaver, Bauman, Cross, Klein, Martin)

Effective Expert Testimony, 2d ed. (NITA, 2006)(with Malone)

Legal Strategy, (NITA 2005)

Teaching Legal Strategy (NITA 2005)(with Siemer and Rothschild)

Advanced Negotiation and Mediation Theory and Practice (NITA, 2005)(with Guernsey)

Fact Investigation: Interviewing, Case Analysis, and Counseling for Effective Representation, (NITA, 2000)(with Bocchino)

Expert Rules, (NITA,1999)(with Malone)

Ethics in Negotiation, (Chapter) BRIDGING THE GAP, (PLI 1998).

Ethics in Litigation, From First Client Interview to Trial (PLI 1995).

Problems and Materials on Appellate Advocacy (NITA, 1992).

Problems and Materials on Motion Practice (NITA, 1989).

The Use and Abuse of Expert Witnesses; Dealing with Experts from Discovery through Summation (with Malone & Patterson) (NITA, 1991).

LEGAL EDUCATION TEACHING MATERIALS

Computer Software, Negotiating for Success, with Harbaugh, Guernsey, PLI (1998)
Video Tape, Ethics in Litigation: From First Client Interview through Trial, (PLI 1991) (wrote script, commentary and consulted in production).
Developing Trial, Deposition and Motion Practice Skills, Li v. Ross, Ross Construction Inc.2d ed. (NITA, 2005).

WORK IN PROGRESS

Trial Advocacy, A Normative Approach, (with Malone and Barney)(expected publication 2009).

PROFESSIONAL ACTIVITIES

Director of Public Education, National Institute for Trial Advocacy (NITA) (October 1. 2003-2007).
Associate Director, In-House Training, NITA, (1998-2003).Co-Director, (NITA) National Trial Program, (2000-2001) Director, (NITA) Smokey Mountain Regional Trial Advocacy Program, (1999-2002) Director, (NITA)Appellate Program (1989 to 1997); Director, (NITA) Motion Practice Program (1989-present).Team Leader, NITA, led teams of judges and trial lawyers in teaching litigation skills at National Programs in Boulder, CO, and Regional Programs in Berkeley, CA, Chicago, IL, Chapel Hill, NC, Cleveland, OH, Denver, CO, Miami, FL, Philadelphia, PA, Seattle, WA, Washington, D.C., and Advanced Trial Advocacy programs in Broomfield Colo. Washington D.C., and Gainesville, FL, and also taught in many NITA in-house programs around the country. (1982 to present)

Consultant, Committee of Bar Examiners, State of California and Multi-state Bar Examiners, performance based testing, 1990, 1991, 1993, 1997, 1998 (edited/prepared performance based bar questions.)

Consultant, ethics, interviewing, counseling, negotiation, deposition taking and trial skills for various law firms, governmental agencies, and business organizations (including Skadden, Arps, Slate, Meagher, & Flom, Shearman & Sterling; Kirkland & Ellis; Kaye Scholer Fierman Hays & Handler; Freid Frank, Davis Polk & Wardell; Jones Day Reaves & Pogue; Mayer Brown & Platt; Brown & Bain; Baker Botts & Hoestetler; Gunster Yoakley & Stuart; Rosenman & Colin; Steptoe & Johnson; NY Stock Exchange; Federal Trade Commission; Federal Election Commission; Home Loan Bank Board; Legal Services Corporation; Sovran Inc.; Signet Inc.; Crestar Inc.; Virginia Insurance Reciprocal; Selective Insurance Inc; Consolidated Edison, Inc.)

Consultant, Medical College of Virginia, Ethics Committee, (1992-99).
Facilitated discussion and awareness of medical legal ethical issues that arise at MCV's teaching hospital.

BAR ADMISSIONS

Pennsylvania (1979-81)
California (1979 to present)
Virginia (1984 to present)

EDUCATION

L.L.M., May, 1981, Legal Education, Temple University School of Law,
J.D., December, 1978, Pepperdine University School of Law, Pepperdine Law Review.
B.A., 1976, Calvin College, Grand Rapids, Michigan.

References Provided Upon Request

DIRECTOR OF CENTER FOR ADVOCACY AND DISPUTE RESOLUTION-- University of Tennessee 1999-2003).

CLE SPEECHES AND WORKSHOPS WHILE AT UT

In addition to administering the Advocacy Concentration curriculum at UT, the Director's job responsibilities include conducting high quality national CLE programming in advocacy and dispute resolution. The Center has partnered with the National Institute for Trial Advocacy to do this. The Director is also the Associate Director of In-House Training for NITA. Since becoming Associate Director of the National Institute for Trial Advocacy's (NITA) In-House Training Programs in 1999, Professor Zwier has been responsible for 5.5- 6.0 million dollars of in-house training conducted at national law firms by the Center and NITA. In the past year alone, he has designed and conducted workshops in Ethics, Trial Advocacy, Motion Practice, Fact Investigation and Interviewing, Counseling, Negotiation, Experts in Deposition, Experts at Trial, and Supervisory Skills Training. In addition he has conducted many of these same programs in public and international settings. He has designed, lectured and conducted workshops for the following firms and at the following national and international public programs over the last year:

November 16, Hale & Dorr, Boston, *Supervisory Skills Program*.

November 23-December 2, Team Leader, *Northern Ireland (NITA) Trial Advocacy Training Program*, Belfast, Ireland.

December 3,4,5,17, 18, Jones Day Reavis & Pogue, Atlanta, Columbus, Pittsburgh, Chicago, LA, *Fact Investigation Interviewing, and Ethics Program*.

January 5-12, Baker & Botts, *Trial Skills Training Program*, Houston.

January 23-25, Jones Day Reavis & Pogue, Dallas, *Privilege, Discovery, Trade Secrets and Motion Practice*.

Winston & Strawn, designed, administered, *NITA Trial Skills 5 Weekend Program* Jan.-Feb. Chicago, NY, DC, and LA).

January 31, Kirkland & Ellis, Chicago, *Persuasion and Technology in the Courtroom*, (KITA with Brian Johnson).

January 4-February 2, Fried Frank, NY, *Trial Skills*.

February 20-22, Jones Day Reavis & Pogue, Chicago, *Effective Expert Testimony*.

February 28, Kirkland & Ellis, Washington DC, *Persuasion and Technology in the Courtroom*, (KITA with Brian Johnson).

March 25-April 15, USBAID/ Temple University, *Trial Skills and Evidence Program in Beijing, China*.

May 1-4, Jones Day Reavis & Pogue, Directed Annual Litigation Academy, Banff, Canada, Supervisory Skill Program, Banff, Canada.

May 5-6, Fried Frank, NY, NY, *Deposition Skills*.

June 12-20,,*NITA Western Regional Trial Skills Program*, Team Leader, Berkeley, CA.

July 5-13, NITA National Trial Advocacy Training Program. Boulder, Colo. Special Lecture, *Ethics in the Courtroom*.

August 3-10, Program Director, *UT Advocacy Center/ NITA Smokey Mountain Regional Trial and Technology Program*,

September 20 21, Paul Hastings: Atlanta, *Fact Investigation and Interviewing*.

September 26-27, Shook Hardy & Bacon, San Francisco, *Motion Practice: Privileges and Trade Secrets*.

October 11, Jones Day Reavis & Pogue, Cleveland, *Updates on FREs and FRCPs Effecting Litigation*.

October 18, Jones Day Reavis & Pogue, Washington D.C. ,*Updates on FREs and FRCPs Effecting Litigation*.

October 25, Jones Day Reavis & Pogue, Los Angeles, *Updates on FREs and FRCPs Effecting Litigation*.

November 1, Designed Trial Skills and Deposition Programs, Skadden, Arps, Meagher & Flom. (Program Delivery 2003).

CENTER FOR ADVOCACY AND DISPUTE RESOLUTION/LAW REVIEW VISITING FOUNDERS FORUM

The University of Tennessee Center for Advocacy and Dispute Resolution and the *Tennessee Law Review* publish an annual symposium on advocacy and dispute resolution related topics. As Director for the Center, Professor Zwier designs each seminar, selects the visitors, and is responsible for the teaching of the seminar and the production of the symposium.

The symposium serves several purposes. Funded by the founders of the Center, it provides resources to invite nationally prominent scholars, judges, and lawyers to the law school to teach a seminar and make presentations to faculty, students, and members of the bar and community. Second, it provides those scholars research support in the writing on an issue of current importance to advocates and dispute resolvers. Finally, the symposium is intended as a showcase for The University of Tennessee College of Law, the *Tennessee Law Review*, its faculty, and the Center for Advocacy and Dispute Resolution.

The following symposium articles have been or will be published under his tenure as director:

Symposium: Communicating with Juries (Spring 2000), 67 *Tennessee Law Review* 517 (2000)

James W. McElhaney, *Picking a Jury: Who Are You Talking To?*

Paul J. Zwier and Thomas C. Galligan, *Technology and Opening Statements: A Bridge to the Virtual Trial of the Twenty-First Century?*

Anthony J. Bocchino and Samuel H. Solomon, *What Juries Want to Hear: Methods for Developing Persuasive Case Theory*

Valerie P. Hans and Nicole Vadino, *Whipped by Whiplash? The Challenges of Jury Communication in Lawsuits Involving Connective Tissue Injury*

Michael P. Kenny & William H. Jordan, *Trial Presentation Technology: A Practical Perspective*

Philip Gaines, *Communication with Juries: Episodic Representational Structure in Cross-Examination*

Paula L. Hannaford, Valerie P. Hans, Nicole L. Mott, and G. Thomas Musterman, *The Timing of Opinion Formation by Jurors in Civil Cases: An Empirical Examination*

Steven S. Gensler, *Prejudice, Confusion, and the Bijurcated Civil Jury Trial : Lessons form Tennessee*

Neil P. Cohen, *The Timing of Jury Instructions*

Behtany K. Dumas, *Jury Trials Lay Jurors, Pattern Jury Instructions, and Comprehension Issues*

Adam M. Chud and Michael L. Berman, *Six-Member Juries: Does Size Really Matter?*

Symposium: Recent Amendments to the Federal Rule of Civil Procedure (Fall 2001) 69 Tennessee Law Review 1 (2001)

Geoffrey C. Hazard, *Class Certification Based on Merits of the Claims*

Thomas D. Rowe, *A Square Peg in a Round Hole? The 2000 Limitation on the Scope of Federal Civil Discovery*

John B. Oakley, *Joinder and Jurisdiction in the Federal District Courts: The State of the Union of Rules and Statutes*

Morgan Cloud, *Privileges Lost? Privileges Retained?*

Linda S. Mullenix, *Some Joy in Whoville: Rule 23(f), A Good Rule Making*

Symposium: The Ethics 2000 Commission: The Lawyer/Client Relationship and the Adversary System (Spring 2002) Tennessee Law Review (2002).

Paul J. Zwier, *Forward, The Lawyer/Client Relationship and the Adversary System.*

Charles W. Wolfram, *Ethics 2000 and Conflicts of Interest: The More Things Change... .*

E.Norman Veasey, *The Ethical and Professional Responsibilities of the Lawyer for the Corporation in Responding to Fraudulent Conduct by Corporate Officers or Agents.*

Carrie Menkel-Meadow, *The Lawyer as Consensus Builder: Ethics for a New Practice.*

Carl Pierce, *Variations on a Theme: Revising the ABA's Revision of Model Rule 4.2 (Part 1).*

Symposium: Damages in Tort Law (Spring 2003) __ Tennessee Law Review __ (2003).

Francis McGovern, *Damages in Asbestos Cases.*

Jeffrey O'Connell, *A Fairer Alternative to Tort Law Liability and Damages.*

Martha Chamallas, *9/11 Compensation Fund as a Model of Tort Reform.*

Jerry Phillips, *Damages in Wrongful Death Claims.*

Joseph King, *Critical Evaluation of Per Diem Arguments for Non-economic Damages in Torts Cases.*

Paul Zwier, *Punitive Damages: Efficiency, Federalism, and Morality*