

Andrew W. Jurs

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CURRENT POSITION

Drake University Law School, Des Moines, IA

Richard M. and Anita Calkins Distinguished Professor of Law: April 2023 – present

Clemens J. Smith Faculty Research Scholar: July 2019 – April 2023

Professor of Law: July 2015 – present

Associate Dean for Academic Affairs: July 2018 – June 2021

Director of Faculty Development: August 2016 – July 2018

Associate Professor of Law: July 2012 – June 2015

Assistant Professor of Law: July 2011 – June 2012

- Stevens Faculty Scholar of the Year, 2020
- Leland Forrest Outstanding Professor of the Year, 2014 & 2018
- Nominated for the Madelyn Levitt Teacher of the Year Award (University-wide), 2014 (ineligible for consideration due to insufficient years of service)
- Classes: Evidence, Scientific and Expert Evidence, Criminal Law, Criminal Procedure – Investigation, and Criminal Procedure - Adjudication
- Law School Service: Chair of Self-Study and Faculty Appointments Committees
- Supervision of Prosecution Internship Program, August 2011 – August 2016
- University Service: Graduate and Professional Studies Council, July 2018 – January 2021, Online Program Analysis Team, July 2018 – June 2021, Institutional Review Board, September 2015 – September 2018, and Hearing Officer for Misconduct, 2016 – 2017

EDUCATION

University of California, Berkeley, School of Law, Berkeley, CA

Juris Doctor and Environmental Law Certificate, May 2000

- Sadie & Alvin Landis Prize for Excellence in Environmental Law Writing (Best Paper Submitted to Judges in Area of Water Law)
- *Ecology Law Quarterly*: Career Programs Coordinator, 1999 – 2000
- Moot Court Board, Spring and Fall Semesters, 1999
- First Year of Study at the University of Michigan Law School, Ann Arbor, MI, 1997 – 1998

Stanford University, Stanford, CA

Bachelor of Arts in Political Science, April 1997

- Stanford Men's Lacrosse Club, 1993 – 1996
- Study Abroad at the University of Sydney, July – December 1996

PUBLICATIONS

A Return to Rationality: Restoring the Rule of Law After Daubert's Disastrous U-Turn, 54 N.M. L. REV. ____ (2023) (with Scott DeVito) (forthcoming)

EXPERT EVIDENCE (2019) (Carolina Academic Press)

Disruption to Disaster: The Case Study of For-Profit Legal Education in Riaz Tejani's Law Mart, 94 ST. JOHN'S L. REV. 439 (2021) (book review)

A Tale of Two Dauberts: Discriminatory Effects of Scientific Reliability Screening, 79 OHIO ST. L.J.

1107 (2018) (with Scott DeVito)

- Cited by Dissent in *Rochkind v. Stevenson*, 236 A.3d 630, 661 (Md. 2020) (suggesting evaluation of change to *Daubert* on claimants of color and others necessary before adoption)
- Cited by Dissent in *State v. Matthews*, ___ A.3d ___ (Md. 2022) (suggesting broader consideration of effects of *Daubert* adoption, instead of just reviewing the “*Daubert* factors”)

Expert Prevalence, Persuasion and Price: What Trial Participants Really Think About Experts, 91 IND. L.J. 353 (2016)

An Overreaction to a Nonexistent Problem: Empirical Analysis of Tort Reform from the 1980s to 2000s, 3 STANFORD J. COMPLEX LITIG. 62 (2015) (with Scott DeVito)

- Cited in *Beason v. I.E. Miller Svcs.*, 441 P.3d 1107 (Okla. 2019) (overturning Oklahoma noneconomic damages cap)

The Gatekeeper’s Toolbox: A Survey on Judicial Handling of Expert Reliability Motions, 51 COURT REVIEW 8 (2015)

Doubling Down for Defendants: The Pernicious Effects of Tort Reform, 118 PENN ST. L. REV. 543 (2014) (with Scott DeVito)

Gatekeeper with a Gavel: A Survey on Judicial Management of Challenges to Expert Reliability and Their Relationship to Summary Judgment, 83 MISS. L.J. 325 (2014)

Et Tu, Plaintiffs? An Empirical Analysis of Daubert’s Effect on Plaintiffs, and Why Gatekeeping Standards Matter (a Lot), 66 ARK. L. REV. 975 (2013) (with Scott DeVito)

Utilization of Rules 614 and 706 in Fact-Finding: A Recent Study of Midwest Judges, 49 COURT REVIEW 132 (2013) (invited submission for issue on judicial decision making)

The Stricter Standard: An Empirical Assessment of Daubert’s Effect on Civil Defendants, 62 CATH. U. L. REV. 675 (2013) (with Scott DeVito)

Questions from the Bench and Independent Experts: A Study of the Practices of State Court Judges, 74 U. PITT. L. REV. 47 (2012)

Balancing Legal Process with Scientific Expertise: A Comparative Assessment of Expert Witness Methodology in Five Nations, and Suggestions for Reform of Post-Daubert U.S. Reliability Determinations, 95 MARQ. L. REV. 1329 (2012)

Science Court: Past Proposals, Current Considerations, and a Suggested Structure, 15 VA. J. L. & TECH 1 (2010)

- Proposal empirically tested in Justin Sevier, *Redesigning the Science Court*, 73 MD. L. REV. 770 (2014)

Judicial Analysis of Complex & Cutting-Edge Science in the Daubert Era: Epidemiologic Risk Assessment as Test Case for Reform Strategies, 42 CONN. L. REV. 49 (2009)

Daubert, Probabilities and Possibilities, and the Ohio Solution: A Sensible Approach to Relevance under Rule 702 in Civil and Criminal Applications, 41 AKRON L. REV. 609 (2008)

- Cited in *State v. Lang*, 954 N.E. 2d 596 (Ohio 2011)

The Rationale for Expert Immunity or Liability Exposure in Case Law Since Briscoe: Reasserting Immunity Protection for Friendly Expert Witnesses, 38 U. MEM. L. REV. 49 (2008)

The Heightened Expert Disclosure Requirement of Fed. R. Civ. P. 26(A)(2) and the Physician-Defendant in Medical Negligence Cases: Rejecting the Substance-Based Approach for Rule 26 Judicial Interpretation, 28 J. LEGAL MED. 521 (2007)

PRIOR EMPLOYMENT

University of Oregon School of Law, Eugene, OR

Visiting Professor of Law: August 2021 – June 2022; January – June 2023

- Classes: Evidence, Expert Evidence, Criminal Procedure – Investigation, Criminal Procedure – Adjudication, and Criminal Law

Florida Coastal School of Law, Jacksonville, FL

Assistant Professor of Law: July 2009 – July 2011

- Classes: Evidence, Criminal Procedure, and Criminal Law
- Committees: Admissions (2009-2010), Career Services (2010-2011)

Wake Forest University School of Law, Winston-Salem, NC

Visiting Assistant Professor of Law: August 2008 – July 2009

- Classes: Criminal Procedure and Law & Medicine

Colorado Attorney General's Office, Denver, CO

Assistant Attorney General: August 2007 – July 2008

- Representation of State of Colorado in Licensing Actions for Health Care Providers

Johnson, McConaty & Sargent, P.C., Glendale, CO

Associate Attorney: June 2004 – August 2007

- Detailed Legal Analysis for Medical Malpractice Defense
- Research on Multiple Complex Civil Issues for Appeals

Office of the District Attorney, 18th Judicial District, Englewood, CO

Deputy District Attorney: December 2000 - April 2004

- Prosecuted Criminal Cases at County Court and District Court Levels
- Tried Twenty Jury Trials at County Level, Fourteen Juvenile Trials, and Four District Court Jury Trials

PROFESSIONAL ACTIVITIES AND CONFERENCES

Elected Member, American Law Institute, December 2020

AALS Section on Evidence: Chair, 2017 – 2018

- Executive Committee, 2015 – 2019

Appointed Member, Legal Task Group, Organization of Scientific Area Committees (OSAC), National Institute of Standards and Technology, U.S. Department of Commerce, Summer 2020 – May 2023

Evidence Panel, Helix Bar Review, AccessLex, West Chester, PA, September 2019 – Spring 2021

Invited Panelist, “The Proper Role of the Judge in Evaluating Expert Testimony,” George Mason University Symposium on the Law & Economics of Consumer Protection, Arlington, VA, October 2019

Panel Creator & Moderator, “*Daubert* After 25 Years: A Prospective Look at the Next Great Challenges in Expert Reliability,” AALS Annual Meeting, San Diego, CA, January 2018

Invited Panelist, “*Daubert* vs. *Frye*: The Evolving Standards for Expert Testimony,” George Mason University: Eleventh Annual Civil Justice Symposium, Arlington, VA, May 2017

Attended, “LEC Workshop on Empirical Methods for Law Professors,” George Mason University School of Law, Arlington, VA, May 2015

Invited Panelist, Mississippi College Law Review Symposium “Ten Years Later: The Effect of Tort Reform in Mississippi,” Jackson, MS, March 2015

Invited Speaker, “Expert Gatekeeping– A Recent Survey on Judicial Scrutiny of Expert Reliability,” 8th Circuit Federal Judicial Conference, Omaha, NE, August 2014

Invited Speaker, “How Judges Perform Gatekeeping – New Data on Judicial Handling of Expert Witnesses,” Iowa State Judges Conference, Des Moines, IA, June 2014

Attended, “Conducting Empirical Legal Scholarship Workshop,” University of Southern California, Los Angeles, CA, May 2012

Invited Speaker, “Science and the Law: How the Legal System Handles Complex Scientific Evidence,” Iowa State University, Ames, IA, March 2012

Speaker, “Balancing Legal Process with Scientific Expertise: A Comparative Assessment of Expert Witness Methodology in Five Nations, and Suggestions for Reform of Post-*Daubert* U.S. Reliability Determinations,” Central States Law School Association, Grand Forks, ND, September 2010

Member, New Scholars Committee, SEALS, August 2009 – July 2011

Organizer, “Enhancing the Classroom Experience: New Developments in Teaching Methodology and Technology” Panel, Southeastern Association of Law Schools (SEALS) Annual Conference, Hilton Head, South Carolina, July 2011

Moderator, “Responding to the Call for Law Teacher Training” Panel, Southeastern Association of Law Schools (SEALS) Annual Conference, Palm Beach, Florida, August 2009