JULES EPSTEIN

Associate Professor of Law
Widener University School of Law (Delaware)
4601 Concord Pike
P.O. Box 7475
Wilmington, Delaware 19803-0475
Phone: 302-477-2031
E-Mail: Jepstein@Mail.Widener.Edu; Jepstein@krlawphila.com

EDUCATION

University of Pennsylvania Law School
Juris Doctor, 1978

University of Pennsylvania
Bachelor of Arts, Liberal Arts 1975
Magna Cum Laude; Phi Beta Kappa

EMPLOYMENT

Widener University School of Law (Delaware)
2003-Current

Associate Professor of Law with courses in Evidence, Criminal Law, and Criminal Procedure.

University of Pennsylvania
1988 to 2006

Adjunct Professor in Evidence and in Trial Advocacy.

Kairys, Rudovsky, Messing & Feinberg, LLP
Philadelphia, Pa.
1990 to present

Of counsel, and previously partner, in law practice handling federal civil rights and criminal trial and appellate litigation.

Defender Association of Philadelphia
Philadelphia, Pennsylvania
1978 to 1990

Senior trial and appellate attorney with the Defender Association, a non-profit organization providing legal representation to indigents in criminal cases.

RECENT ACTIVITIES, POSITIONS, LECTURES

National Judicial College, Faculty and Course Planner for 2006 Capital Case Litigation Improvement training in Pennsylvania.

National Institute of Justice, Panel moderator at (and part of workgroup planning for) the 2005 Conference on Science, Technology and the Law.

National Institute of Justice, Workgroup on Forensic DNA for Officers of the Court designing training material for DNA evidence, both scientific and legal. 2003, ongoing.

Pennsylvania Bar Institute, Pennsylvania Suggested Standard Jury Instructions - Criminal, Coordinator within Committee revising Pennsylvania criminal jury instructions. 2003, ongoing.

Symposium Co-Planner and Presenter, "Battered Again? Re-Victimizing Victims of Domestic Violence," Widener University School of Law April, 2005.

Capital Case Post-Conviction Relief Seminars, 2001-2003 Dickinson School of Law. Adviser to and Faculty for legislatively-funded training for lawyers throughout Pennsylvania assigned to handle capital case post-conviction proceedings. 2001-2003.

PUBLICATIONS (Law Review)

Epstein, *Silence: Insolubly Ambiguous and Deadly. The Constitutional, Evidentiary and Moral Reasons for Excluding "Lack of Remorse" Testimony and Argument in Capital Sentencing Proceedings***,** 14 Temple Political & Civil Rights Law Review 45 (Fall, 2004)

Epstein, *True Lies: The Constitutional and Evidentiary Bases for Admitting Prior False Accusation Evidence in Sexual Assault Prosecutions*, 24 Quinn.L.Rev. 609 (2006)

Epstein, *Tri-State Vagaries: The Varying Responses of Delaware, New Jersey and Pennsylvania to the Phenomenon of Mistaken Identifications.* Accepted for publication by the Widener Law Journal. Anticipated publication date Fall, 2006.

Epstein, *The Great Engine That Couldn't: Science, Mistaken Identifications, and the Limits of Cross-Examination*, accepted for publication in the Stetson Law Review for 2007.

PUBLICATIONS (Other)

PENNSYLVANIA CRIMINAL PROCEDURE, SECOND EDITION (West Group 2002), author of Chapter *Capital Case Litigation* (2002) and pocket part revision (2003; 2004, 2005).

DEFENSE OF NARCOTICS CASES (Matthew Bender)

Chapter 1 - Narcotics Crimes (statutes and defenses)
Chapter completely rewritten February, 1998; revised, 2001.

Chapter 2 - Pre-Trial Representation in Narcotics Cases
Chapter completely rewritten (1996); revised, 2001.

Chapter 5 - "The Trial" of Narcotics Cases
Chapter completely rewritten. Spring 1997; revised Fall, 2002..

Chapter 5A - Jury Selection in Drug Cases
Chapter completely rewritten. (2003); revised Summer 2005.

Chapter 5B - Federal Sentencing in Drug Cases
Chapter created by this author in its entirety. (1999); revised 2001; revised Fall 2002; revised Fall, 2004; revised Spring, 2005

CRIMINAL LAW ADVOCACY (Matthew Bender)

Chapter 4 - "Preparation for Direct Examination"
Chapter completely revised. Winter, 1996.

Chapter 5 - "Strategic Techniques in Jury Selection"
Chapter completely revised. Spring, 1995.

CRIMINAL DEFENSE TECHNIQUES (Matthew Bender)

Chapter 50 - "Defense of Homicide Cases"
Chapter completely rewritten. Autumn, 1996; Revised Spring, 2001.

Chapter 25A - "Examination of Eyewitnesses"
Chapter completely rewritten. Autumn, 1997.

Chapter 110 - “Motions to Suppress Statements and Identifications”
Chapter completely rewritten. November, 1997.

Chapter 2 - “Identification Evidence - Constitutional and Evidentiary Principles”
Authored Autumn, 1999; revised 2003.

Chapter 78A - “Examination of the Child Witness”
Chapter Completely Rewritten. Summer, 2000

MOORE’S FEDERAL PRACTICE - CRIMINAL

Chapter 605.1 - The Preliminary Hearing in Federal Prosecutions and Chapter 635
Authored 2003

Chapter 635- Correction or Reduction of Sentence
Authored 2003

PROVING CRIMINAL DEFENSES (Matthew Bender)

Chapter 4 - "Insanity"
Authored 1991; revised 1993.

THE PROSECUTION AND DEFENSE OF SEX CRIMES (Matthew Bender)

Chapter 9 - "The Prosecution and Defense of Child Sexual Assault"
Chapter Revision Winter 1989-1990; 1992; 1995; 1999; 2002, 2004

Chapter 3 - "The Prosecution and Defense of Forcible Sex Crimes"
Chapter Revision 1991; 1993; 1999; 2002; 2004, 2006 (pending).

Chapter 12A - “Sex Crimes Committed by Persons in a Position of Trust”
Chapter Authored 2003, 2006 (pending)

Chapter 16 - “Jury Selection”
Chapter Completely Revised 2000; 2004; 2005.

Chapter 18 - “Sex Offender Registration and Community Notification”
Chapter completely revised Spring 2005

POLICE INVESTIGATION HANDBOOK (Matthew Bender)
Chapter 4 "Constitutional Aspects of Criminal Investigation"

Chapter Revision Spring, 1995

DEFENSE OF DRUNK DRIVING CASES CRIMINAL - CIVIL (Matthew Bender)

Chapter 9 - "Pictures of Accused Taken or Tape Recordings Made by Police Officers"
Chapter Revision August 1989

Chapter 33A - "The .10% Absolute or the Illegal Per Se Drunk Driving Laws"
Chapter Revision Winter 1989-1990

MISCELLANEOUS

“Witness Impeachment: Its Art and Rationales”, Widener University School of Law Alumni Magazine Volume 12, Number 2 (Fall, 2005).

“Omissions in the Law: Impeachment and the Supreme Court”; PACDL Forum (Journal of the Pennsylvania Association of Criminal Defense Lawyers), Volume 10, Number 1 (1998)

“The Present Danger of ‘Future Dangerousness’”; PACDL Forum (Journal of the Pennsylvania Association of Criminal Defense Lawyers), Volume 9, Number 3 (1997)

"Avoiding Trial By Ambush: Making the Most of Commonwealth v. Ulen"; PACDL Forum (Journal of the Pennsylvania Association of Criminal Defense Lawyers), Volume 9, Number 2 (1997)

"INTOXICATION: More Than a Defense in Homicide Prosecutions"
Plain View (Journal of the Pennsylvania Association of Criminal Defense Lawyers), Winter, 1996.

Materials on Syndromes
Advanced Criminal Law Workshop Materials
Pennsylvania Bar Institute, 1991

Issues In Child Sexual Assault Trials
Symposium Materials
Pennsylvania Bar Institute, 1987

In-house educational materials
Defender Association of Philadelphia

LECTURING

Pennsylvania Association of Criminal Defense Lawyers

Fall, 2005 CLE - Capital Case Representation

For The Experienced - Capital Case Training August 2005.

Annual Meeting 2005 - Evidentiary Issues in Capital Case Trials

Fall, 2004 CLE - Capital Case Representation

Fall, 2003 CLE - Capital Case Representation

Fall, 2002 CLE - Capital Case Representation

Fall, 2001 CLE - Capital Case Representation

January, 1999 CLE - Capital Case Representation

Annual Meeting 1994 - Lecture on Homicide Defenses

Annual Meeting, 1993 - Lecture on developments in Fourth Amendment law

Pennsylvania Bar Institute

Capital Case Litigation - Harrisburg, 2005, 2006 (day-long training)

Philadelphia Bench-Bar Conference, Capital Case Update - Atlantic City, 2004

The Law of Confessions - Philadelphia, 2004

Pennsylvania Rules of Evidence - Philadelphia, 2004

Supreme Court Update - Philadelphia, 2004

The Law of Confessions - Harrisburg, 2004

Pennsylvania Rules of Evidence - Philadelphia, 2003

How to Try an Identification Case - Philadelphia, 2003

Pennsylvania Rules of Evidence. Philadelphia, 2002.

Identification Cases - Law and Practice. Philadelphia, 2002.
How to Handle Tough Evidence Problems in Drug Cases. Harrisburg, 2001.

Pennsylvania Rules of Evidence Refresher. Philadelphia, 2000.

The Law of Identification. Philadelphia, 2000.

P.C.R.A. Litigation. Philadelphia, 2000; Philadelphia, 2001.

Homicide Litigation: Death Penalty Law and Tactics, Philadelphia, 1999

Pennsylvania Rules of Evidence: Continuing Legal Education Program. Philadelphia, 1998.

The Criminal Lawyer's Breakfast Series
Philadelphia, December 1995; Philadelphia, December 1996
A Search & Seizure Update - Lecture regarding application of Fourth Amendment and Pennsylvania Constitution to stops, searches and seizures of automobiles and their contents.

Philadelphia Municipal Court Judges Training
Current Developments in Constitutional law - Fall, 2004

12th Annual Criminal Law Symposium
Harrisburg, 1995
Lectured regarding application of Fourth Amendment and Pennsylvania Constitution to stops, searches and seizures of automobiles and their contents.

Fourth Annual Criminal Law Symposium
June, 1987
Lecturer on evidentiary and trial issues in child sexual assault prosecutions.

Advanced Criminal Law Workshops
Philadelphia, 1991
Syndrome evidence and its admissibility for the defense and the prosecution in criminal cases.

Philadelphia Bar Education Center
Philadelphia, April 1996
Defending Homicide and Death Penalty Cases - Lecture on Pre-Trial Motion Practice and on Ethical Issues in Death Penalty Cases

Philadelphia, December 1995
Criminal Law Update:
Juries in the Age of O.J.
Lecture on issues in selecting jurors in death penalty cases and on tactics and issues in all jury selection processes.

Philadelphia, 1995
Representing Clients in Death Penalty Appeals
Lecture concerning appellate practice and issues arising from imposition of a sentence of death.

Philadelphia, 1995
Public Interest Law Update 1995
Lecture regarding basic issues in criminal law as they impact on Legal Services clients.

Criminal Justice Act Panel Training Seminar
Philadelphia, 1996
Lecture on Motions and Tactics in Federal Prosecutions Involving Violent Crime and Drug Offenses

NITA (National Institute of Trial Lawyers)
NITA instructor for regional NITA training programs.
Philadelphia, 1992-2006

NITA instructor for capital case representation training.
Philadelphia, 2001, 2005

AWARDS

Roscoe Pound Foundation (ATLA), 1999 Recipient of "Award for Excellence in Teaching Trial Advocacy as an Adjunct Professor of Law"

Irving Segal Lecturer in Advocacy, 2003-2004; 2004-2005 Academic Years, University of Pennsylvania Law School

2003 Beccaria Award, presented by the Philadelphia Bar Association's Criminal Justice Section and The Justinian Society, for contributions to the cause of justice and the advancement of legal education.

2005 Outstanding Faculty Award, Widener University School of Law (Delaware).

2005 Alan Jay Josel Advocacy Award, presented by the Pennsylvania Association of Criminal Defense Lawyers