

## PAUL J. ZWIER

### Emory University School of Law

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  
Evidence  
Advanced International Negotiation and ADR  
Litigation Seminar (FCA and FCPA)

#### Previously Taught:

Director, Kessler Eidsen Trial Techniques Program. 2003-2016. (Mandatory Trial Advocacy Training Program--designed course, created materials, case files, teaching videos, author of the Normative Guide, recruited and assembled and conducted teacher's training for national and international faculty, 300 students, 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, NITA, and The Carter Center on Rule of Law projects in Mexico, (Universidad Panamericana), Liberia, Georgia-Fmr Sov. Republic, Kenya, Shanghai Stock Exchange Prosecutors, Jao Tong Law School, Ural State University School of Law, and project in Kenya.)

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

Consultant, The Carter Center, (country expert, Liberia, and Syria).

## 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

Is the Corporation an Enemy of Democracy? How to Give the Corporation a Little Soul (ECGAR, June 5, 2018). Emory Legal Studies Research Paper Forthcoming. Available at SSRN: <https://ssrn.com/abstract=3191473> or <http://dx.doi.org/10.2139/ssrn.3191473>

Wildlife Poaching and Rule of Law Development in Africa, Law and Development Review, (June, 2018) (with Sergio Glajar, 2018) Emory Legal Studies Research Paper. Available at SSRN: <https://ssrn.com/abstract=3132680> or <http://dx.doi.org/10.2139/ssrn.3132680>

Human Rights for Women in Liberia (and West Africa): Integrating Formal and Informal Rule of Law Reforms through the Carter Center's Community Justice Advisor Project, Law and Development Review, (2017), ISSN (Online) 1943-3867, ISSN (Print) 2194-6523, DOI: <https://doi.org/10.1515/ldr-2017-0008>.

High Prices in the US for Life Saving Drugs: Collective Bargaining Through Tort Law? Marquette Benefits & Social Welfare Law Review, 17:2 (2016)

A Failure of Remedies: The Case of Big Pharma (An Essay) 3 Emory Corporate Governance and Accountability Review 41 (2016)(with Reuben Guttman)

History, Creative Imagination, and Forgiveness in Mediation on an International Stage: Practical Lessons from Paul Ricoeur's Hermeneutics, 30, 2 Journal of Law and Religion, (2015)

Social Media and Conflict Mapping in Syria: Implications for Peacemaking, International Criminal Prosecutions and for TRC Processes (2015) 30 Emory International Law Review, 169, 2015

Moving From an Inquisitorial to an Oral Adversarial System in Mexico: Jurisprudential, Criminal Procedure, Evidence Law and Trial Advocacy Implications, 26 Emory Journal of International and Comparative Law 189 (2012)(with Alexander Barney)

The Utility of a Nonconsequentialist Rationale for Civil Jury Awarded Punitive Damages, 54 Kansas Law Review 403 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 21<sup>st</sup> Century? 67 Tenn. L.Rev 523, Fall 2000 (with Galligan.)

Using Analogies to Persuade at Trial, [www.lexis.com/practice areas/litigation](http://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

Peacemaking, Religious Belief and the Rule of Law: The Struggle between Dictatorship and Democracy in Syria and Beyond, (Routledge, Taylor and Francis Group, London and New York, 2018).  
Principled Negotiation and Mediation in the International Arena: Talking With Evil, (Cambridge University Press, 2018)  
Torts: Cases, Problems, and Exercises, 5th. ed. (LexisNexis, 2018) (with Weaver, Bauman, Cross, Klein, Martin)  
Mastering Torts, 2d. (North Carolina Academic Press 2016) (with Weaver, Bauman, Cross, Klein, Martin)  
Advanced Negotiation and Mediation Theory and Practice 3<sup>rd</sup>. ed. (NITA, 2015)(with Guernsey)  
Fact Investigation: Interviewing, Case Analysis, and Counseling for Effective Representation, 2d ed.(NITA, 2015)(with Bocchino)  
Exhibit Rules, 2d. ed. (NITA 2017)(with Malone and John Zwier)  
Effective Expert Testimony, 4th ed. (NITA, 2015)(with Malone)  
Legal Strategy, (NITA 2005)  
Teaching Legal Strategy (NITA 2005)(with Siemer and Rothschild)  
Expert Rules, (NITA,2011)(with Malone)  
Exhibit Rules, (NITA 2011)(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).

## BOOK CHAPTERS

Legal Remedies and High Prices for US Drugs: A Case for a Single-Payer System, 3, in ed. Russell L. Weaver and Steven I. Friedland, Comparative Perspectives on Remedies, Global Paper Series, Vol. V, (Carolina Academic Publishers, Durham, NC, (2017).  
Applied Advanced Legal Strategy in Court: the Example of the International Criminal Court, in ed. Antoine Masson and Mary J. Shariff, Legal Strategies: How Corporations Use Law to Improve Performance, (Springer, Heidelberg Dordrecht London New York, 2010) (with Deanne C. Siemer),

## LEGAL EDUCATION TEACHING MATERIALS

Yount v. Molitor,(depositions and expert depositions)  
State v. Cortez

State v. Malack  
US v. Rodriguez (trial case file and Motions Practice materials)  
US v. Hughes  
Developing Trial, Deposition and Motion Practice Skills, Li v. Ross, Ross Construction Inc. 2d ed. (NITA, 2005).  
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).

## **WORK IN PROGRESS**

Wildlife Poaching and Rule of Law in Kenya and Beyond. (accepted for publication, Law and Development Review, 2018).

## **PROFESSIONAL ACTIVITIES**

Of Counsel, Guttman Brooks & Buschner (legal strategy, evidence and ethics in whistleblower case involving the False Claims Act, (FCA))

Consultant, The Carter Center (TCC), since 2004. (Country expert on Syria, Liberia).

Director of NITA/Emory Deposition Program, (December 2012-). 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, ethics, interviewing, counseling, negotiation, deposition taking and trial skills for various law firms, governmental agencies, and business organizations (including Jones Day, Kirkland & Ellis; King & Spalding, Sutherland Asbill, McKenna Long & Aldridge, Kaye Scholer Fierman Hays & Handler; Freid Frank, Davis Polk & Wardell; 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**