

MICHAEL S. PARDO

Henry Upson Sims Professor of Law
The University of Alabama School of Law
101 Paul W. Bryant Drive, Box 870382
Tuscaloosa, AL 35487-0382
mpardo@law.ua.edu | 205-348-2032
[Faculty Profile](#) | [SSRN](#) | [Google Scholar](#)

ACADEMIC APPOINTMENTS

The University of Alabama School of Law

Henry Upson Sims Professor of Law, 2010-
(appointed Assistant Professor in 2005-06; promoted to Associate Professor in 2007-08;
awarded tenure in 2008-09; promoted to Professor and awarded Sims Professorship in 2010-
11)
Graduate Faculty, 2016-

Georgetown University Law Center

Visiting Professor of Law, Fall 2019

Loyola University Chicago School of Law

Visiting Professor of Law, Spring 2008

Chicago-Kent College of Law

Visiting Assistant Professor, 2004-05

Northwestern University School of Law

Visiting Assistant Professor, 2003-04

COURSES TAUGHT

Evidence, Advanced Evidence, Jurisprudence, Civil Procedure, Constitutional Criminal Procedure,
Criminal Procedure: Adjudication, Criminal Law, Special Topics in Evidence (seminar), Special
Topics in Criminal Procedure (seminar), Philosophy of Law (seminar),
Law & Neuroscience (seminar)

PUBLICATIONS

I. Books

AN ANALYTICAL APPROACH TO EVIDENCE: TEXT, PROBLEMS & CASES (6th edition, Wolters Kluwer,
2016) (with Ronald J. Allen, Eleanor Swift, David Schwartz & Alex Stein)

Editor, PHILOSOPHICAL FOUNDATIONS OF LAW AND NEUROSCIENCE (Oxford University Press, 2016) (with Dennis Patterson)

MINDS, BRAINS, AND LAW: THE CONCEPTUAL FOUNDATIONS OF LAW AND NEUROSCIENCE (Oxford University Press, 2013; paperback edition, 2015) (with Dennis Patterson)

EVIDENCE: TEXT, PROBLEMS, AND CASES (5th edition, Wolters Kluwer, 2011) (with Ronald J. Allen, Richard Kuhns, Eleanor Swift & David Schwartz)

THE NATURE OF JURIDICAL PROOF (with Ronald J. Allen) (in progress)

II. Articles and Longer Essays

The Paradoxes of Legal Proof: A Critical Guide, 99 BOSTON UNIV. LAW REVIEW 233 (2019)

Confrontation After Scalia and Kennedy, 70 ALABAMA LAW REVIEW 755 (2019) (symposium)

Relative Plausibility and Its Critics, 23 INTERNATIONAL JOURNAL OF EVIDENCE & PROOF 5 (2019) (with Ronald J. Allen) (target article for symposium)

Safety vs. Sensitivity: Possible Worlds and the Law of Evidence, 24 LEGAL THEORY 50 (2018) (peer-reviewed journal)

Epistemology, Psychology, and Standards of Proof: An Essay on Risinger's "Surprise" Theory, 48 SETON HALL LAW REVIEW 1039 (2018) (symposium)

Some Remarks on the Importance of Evidence Outside of Trials, 36 REVIEW OF LITIGATION (2017) (symposium)

Morse, Mind, and Mental Causation, 11 CRIMINAL LAW & PHILOSOPHY 111 (2017) (with Dennis Patterson) (peer-reviewed journal)

Group Agency and Legal Proof; or, Why the Jury is an "It," 56 WILLIAM & MARY LAW REVIEW 1793 (2015)

Accuracy, Optimality, and the Preponderance Standard, 14 LAW, PROBABILITY & RISK 193 (2015) (with Edward Cheng) (peer-reviewed journal)

Risk, Uncertainty, and "Super-Risk," 29 NOTRE DAME J. OF LAW, ETHICS & PUBLIC POLICY 471 (2015) (with José Bermúdez) (symposium)

The Nature and Purpose of Evidence Theory, 66 VANDERBILT LAW REVIEW 547 (2013)

Minds, Brains, and Norms, 4 NEUROETHICS 179 (2011) (with Dennis Patterson) (peer-reviewed journal)

Pleadings, Proof, and Judgment: A Unified Theory of Civil Litigation, 51 BOSTON COLLEGE LAW REVIEW 1451 (2010)

The Gettier Problem and Legal Proof, 16 LEGAL THEORY 37 (2010) (peer-reviewed journal)

Evidence Theory and the NAS Report on Forensic Science, 2010 UTAH LAW REVIEW 367 (2010) (symposium)

Philosophical Foundations of Law and Neuroscience, 2010 UNIV. ILLINOIS LAW REVIEW 1211 (2010) (with Dennis Patterson) (reprinted in LEGAL THEORY AND THE NATURAL SCIENCES (Maksymilian Del Mar & Burkhard Schafer eds., Ashgate, 2014)).

Second-Order Proof Rules, 61 FLORIDA LAW REVIEW 1083 (2009)

Self-Incrimination and the Epistemology of Testimony, 30 CARDOZO LAW REVIEW 1023 (2008) (symposium)

Juridical Proof and the Best Explanation, 27 LAW & PHILOSOPHY 223 (2008) (with Ronald J. Allen) (peer-reviewed journal)

Testimony, 82 TULANE LAW REVIEW 119 (2007)

On Misshapen Stones and Criminal Law's Epistemology, 82 TEXAS LAW REVIEW 347 (2007) (review essay of LARRY LAUDAN, TRUTH, ERROR, AND CRIMINAL LAW: AN ESSAY IN LEGAL EPISTEMOLOGY)

The Political Morality of Evidence Law, 5 INTERNATIONAL COMMENTARY ON EVIDENCE (2007) (review essay of ALEX STEIN, FOUNDATIONS OF EVIDENCE LAW) (peer-reviewed journal)

The Problematic Value of Mathematical Models of Evidence, 36 JOURNAL OF LEGAL STUDIES 107 (2007) (with Ronald J. Allen) (peer-reviewed journal) (reprinted in THEORETICAL FOUNDATIONS OF CRIMINAL TRIAL PROCEDURE (Paul Roberts ed., Ashgate, 2014))

Neuroscience Evidence, Legal Culture, and Criminal Procedure, 33 AMERICAN JOURNAL OF CRIMINAL LAW 301 (2006)

Disentangling the Fourth Amendment and the Self-Incrimination Clause, 90 IOWA LAW REVIEW 1857 (2005)

The Field of Evidence and the Field of Knowledge, 24 LAW & PHILOSOPHY 321 (2005) (peer-reviewed journal)

The Myth of the Law-Fact Distinction, 97 NORTHWESTERN UNIVERSITY LAW REVIEW 1769 (2003) (with Ronald J. Allen)

III. Book Chapters

Reasoning to the Best Explanation, in PHILOSOPHICAL FOUNDATIONS OF EVIDENCE LAW (Dahlman, Stein & Tuzet eds., Oxford University Press, forthcoming)

Generalizations and Reference Classes, in PHILOSOPHICAL FOUNDATIONS OF EVIDENCE LAW (Dahlman, Stein & Tuzet eds., Oxford University Press, forthcoming)

Lying, Deception, and fMRI: A Critical Update, in NEUROLAW AND RESPONSIBILITY FOR ACTION 143 (Bebhinn Donnelly-Lazarov ed., Cambridge University Press, 2018)

The Promise of Neuroscience for Law: “Overclaiming” in Jurisprudence, Morality, and Economics, in PHILOSOPHICAL FOUNDATIONS OF LAW AND NEUROSCIENCE (Dennis Patterson & Michael S. Pardo, eds., Oxford University Press, 2016)

Neuroscientific Challenges to Retributivism, in THE FUTURE OF PUNISHMENT (Thomas Nadelhoffer ed., Oxford University Press, 2013) (with Dennis Patterson)

Philosophy, Neuroscience, and Law: The Conceptual and Empirical, Rule-Following, Interpretation, and Knowledge, in PROBLEMS OF NORMATIVITY, RULES AND RULE-FOLLOWING (Michal Araszkievicz *et al.* eds., Springer, 2015) (with Dennis Patterson)

The Gathering and Use of Neuroscientific Evidence in Criminal Trials in the United States: Compatibility with the 4th and 5th Amendments and with Due Process, RIVISTA DI FILOSOFIA DEL DIRITTO (2014) (with Dennis Patterson & Sofia Moratti)

Standards of Proof and Evidence Theory, in ESTÁNDARES DE PRUEBA Y PRUEBA CIENTÍFICA. ENSAYOS DE EPISTEMOLOGÍA JURÍDICA (Carmen Vázquez ed., Marcial Pons, 2013) (published in Spanish, Seijas trans.)

Upsides of the American Trial’s “Anticonfluent” Nature: Notes on Richard K. Sherwin, David Foster Wallace, and James O. Incandenza, in IMAGINING LEGALITY: WHERE LAW MEETS POPULAR CULTURE (Austin Sarat ed., University of Alabama Press, 2011)

IV. Shorter Essays and Reviews

Clarifying Relative Plausibility: A Rejoinder, 23 INTERNATIONAL JOURNAL OF EVIDENCE & PROOF 205 (2019) (with Ronald J. Allen) (symposium) (peer-reviewed journal)

A Comment on Statistical Significance and Burdens of Proof, 24 SUPREME COURT ECONOMIC REVIEW 59 (2018) (symposium) (peer-reviewed journal)

Explanations and the Preponderance Standard: Still Kicking Rocks with Dr. Johnson, 48 SETON HALL LAW REVIEW 1579 (2018) (with Ronald J. Allen) (symposium)

Symposium on MINDS, BRAINS, AND LAW: A Reply, 7 JURISPRUDENCE 181 (2016) (with Dennis Patterson) (peer-reviewed journal)

The Law of Evidence and the Practice of Theory, 163 PENN LAW REVIEW ONLINE 285 (2015) (symposium)

Rationality, 64 ALABAMA LAW REVIEW 142 (2012) (introduction to the Meador Lectures)

More on the Gettier Problem and Legal Proof: Unsafe Nonknowledge Does Not Mean that Knowledge Must Be Safe, 17 LEGAL THEORY 75 (2011) (peer-reviewed journal)

More on the Conceptual and the Empirical: Misunderstandings, Clarifications, and Replies, in 4 NEUROETHICS 215 (2011) (with Dennis Patterson) (peer-reviewed journal)

Empire, 60 ALABAMA LAW REVIEW 1209 (2009) (introduction to the Meador Lectures)

Book Review, *Douglas Walton, Witness Testimony Evidence: Argumentation, Artificial Intelligence, and Law*, NOTRE DAME PHILOSOPHICAL REVIEWS (Nov. 2008)

Reference Classes and Legal Evidence, 11 INTERNATIONAL JOURNAL OF EVIDENCE & PROOF 255 (2007) (peer-reviewed journal) (symposium)

Probability, Explanation, and Inference: A Reply, INTERNATIONAL JOURNAL OF EVIDENCE & PROOF 307 (2007) (with Ronald J. Allen) (peer-reviewed journal) (symposium)

Facts in Law and Facts of Law, 7 INTERNATIONAL JOURNAL OF EVIDENCE & PROOF 153 (2003) (with Ronald J. Allen) (peer-reviewed journal)

V. Other

Panelist, *"Excess" Pain, Hyperalgesia, and the Variability of Subjective Experience*, 18 JOURNAL OF HEALTH CARE LAW & POLICY 237 (2015) (with Pustilnik et al.) (symposium on pain neuroimaging and the law)

Online Book Symposium on *Minds, Brains, and Law*, NEUROETHICS & LAW BLOG (March-April 2014)

Bayes Wars Redivivus—An Exchange, 8 INTERNATIONAL COMMENTARY ON EVIDENCE (2010) (published listserv exchange, with Park et al.)

Richard Rorty and Warden v. Hayden, entries in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (2006)

Shakespeare's Interrogatories, Or Why He Wanted to Kill All the Lawyers, MCSWEENEY'S INTERNET TENDENCY (8/5/2003) (with Warner) (reprinted in THE MCSWEENEY'S JOKE BOOK OF BOOK JOKES (2008))

Juridical Proof, Evidence, and Pragmatic Meaning: Toward Evidentiary Holism, 95 NORTHWESTERN UNIVERSITY LAW REVIEW 399 (2000) (student comment)

SELECTED PRESENTATIONS

Orange Beach Epistemology Workshop (May 2020)

Evidence Summer Workshop, Vanderbilt Law School (May 2019)

Panel on “Epistemology and the Law,” American Philosophical Association, Eastern Division Meeting (January 2019)

Seven Pines Symposium on “What Counts as Evidence?,” Univ. of Minnesota Center for the Philosophy of Science (May 2018)

Roundtable on the “Economics of Legal Error,” *Supreme Court Economic Review*, George Mason Law School (February 2018)

Alabama Law School Faculty Workshop (January 2018)

Symposium on “Experts, Inference, and Innocence,” Seton Hall Law School (October 2017)

University of Michigan, Department of Philosophy (March 2017)

Law & Philosophy Roundtable, SEALS Conference (July 2016)

Commentator, “New Voices in Civil Justice Workshop,” Vanderbilt Law School (May 2016)

Section on Litigation, Association of American Law Schools Annual Meeting (January 2016)

“Author Meets Critics” Panel on *Minds, Brains, and Law*, American Political Science Association Annual Meeting (September 2015)

XVII World Congress of the International Association for the Philosophy of Law and Social Philosophy, Georgetown University Law Center (July 2015)

Conference on Neuroscience, Pain, and Law, Harvard Law School (June 2015)

Conference on Philosophy, Law, and Neuroscience, European University Institute, Florence, Italy (June 2015)

Conference on “Foundations of the Law of Evidence and Their Implications for Developing Countries,” Northwestern Univ. School of Law (November 2014)

Symposium on “The New Doctrinalism: Legal Realism and Legal Doctrine,” *University of Pennsylvania Law Review* (October 2014)

Conference on “Pain Neuroimaging and the Law,” University of Maryland School of Law (April 2014)

Northwestern Univ. School of Law Faculty Workshop (March 2014)

Conference on “Law and Neuroscience: the Work of Stephen J. Morse,” European University Institute, Florence, Italy (June 2013)

Vanderbilt Law School Faculty Workshop (November 2012)

Conference on “Law and Neuroscience: State of the Art,” Rutgers Institute for Law & Philosophy, Rutgers-Camden School of Law (Sept. 2012)

Workshop on Law, Science, and Evidence, UCLA Law School (May 2012)

Michigan State University College of Law Faculty Workshop (April 2012)

AALS Annual Meeting, Section on Evidence (January 2012)

Conference on Epistemology and Law, Institute for Philosophical Research, UNAM, Mexico City (November 2011)

Fordham Law School Faculty Workshop (Sept. 2011)

Conference on Law and Neuroscience, Institute for Law and Philosophy, University of San Diego School of Law (Sept. 2011)

Workshop on “Artificial Intelligence and Evidential Inference,” International Conference on Artificial Intelligence and the Law, Pittsburgh Law School (June 2011)

Conference on “Standards of Proof and Scientific Evidence,” University of Girona, Spain (May 2011)

Cardozo Law School Faculty Workshop (February 2011)

AALS Annual Meeting, Section on Evidence (January 2011)

Forum on Epistemology and Law, Institute for Philosophical Research, UNAM, Mexico City (Sept. 2009)

Colloquium on Law and Neuroscience, University College London (July 2009)

Loyola-Chicago Law School Faculty Workshop (June 2008)

AALS Mid-Year Meeting on Evidence (June 2008)

Stanford Law School, Law and Neuroscience Workshop (April 2008)

Symposium, “The Future of Self Incrimination,” Cardozo Law School (March 2008)

Brooklyn Law School Faculty Workshop (November 2007)

“Jurisgenesis Conference: New Voices on the Law,” Washington Univ. School of Law (June 2007)

Chicago-Kent Law School Faculty Workshop (May 2007)

Univ. of Georgia School of Law Faculty Workshop (Sept. 2006).

Loyola-Chicago Law School Faculty Workshop (July 2006)

Alabama Faculty Workshop (April 2006)

Rutgers-Camden School of Law Faculty Workshop (January 2006)

Cumberland Law School Faculty Workshop (November 2005)

Chicago-Kent Law School Faculty Workshop (February 2005)

Stanford-Yale Junior Faculty Forum, “Jurisprudence and Philosophy” category, (June 2004)

Northwestern Univ. School of Law Faculty Workshop (March 2004)

PROFESSIONAL ACTIVITIES

AALS Evidence Section

Chair, 2011-12

Chair-Elect, 2010-11

Secretary, 2009-10

Executive Committee, 2008-15

Council Member, International Association of Evidence Science, 2019-

U.S. Book Review Editor for the peer-reviewed journal *International Commentary on Evidence*, 2008-12

Peer Referee for the journals *Legal Theory*, *Law and Philosophy*, *The Journal of Philosophy*, *The Philosophical Review*, *International Commentary on Evidence*, *Jurimetrics*, *Modern Law Review*, *Cognitive Systems Research*, *Law, Culture & the Humanities*, *International Journal of Evidence & Proof*, *Artificial Intelligence & Law*, *Law Probability & Risk*, *Harvard Law Review*, *Yale Law Journal*, *NYU Law Review*, and for *Harvard University Press*, *Oxford University Press*, *Cambridge University Press*, *University of Chicago Press*, *MIT Press*, and *Springer (Law & Philosophy series)*.

LAW-SCHOOL AND UNIVERSITY SERVICE

Founder and Co-Director, Cross-Disciplinary Legal Studies Program: 2011-
Chair-Level Appointments: 2008-10, 2014-15, 2018-
Entry-Level & Lateral Appointments: 2006-08, 2009-10, 2011-12, 2014-15
Faculty Development Committee (Promotion & Tenure): 2013-14
Colloquium Committee: 2005-
 Chair: 2010-12
Ad Hoc Committee on Faculty Policies: 2017-
Textbook Selection Committee: 2015-
Ad Hoc Committee on Curriculum Reform: 2015-16
Research Advisory Committee (University-level committee advising the administration on research
policy): 2013-16

EDUCATION

Northwestern University School of Law, Chicago, IL
Juris Doctor, *cum laude*, 2001
Northwestern University Law Review
 Note & Comment Development Editor; Executive Board, 2000-01
 Staff Member, 1999-2000
Benjamin Mazur Scholarship

Illinois Wesleyan University, Bloomington, IL
Bachelor of Arts, *cum laude*, 1998
Double Major: Philosophy and Business Administration
“Distinguished Senior” Award

OTHER LEGAL EXPERIENCE

United States v. Dantzler (03-2358): Co-authored brief as court-appointed *amicus curiae*
United States Court of Appeals for the Seventh Circuit, Chicago, IL (August 2001 - July 2003): Staff
Law Clerk
Jenner & Block, Chicago, IL (summer 2000 and summer 2001): Summer Associate
Honorable Wayne R. Andersen, U. S. District Court for the Northern District of Illinois (1999):
Judicial Extern

BAR ADMISSIONS & PROFESSIONAL ORGANIZATIONS

Illinois
United States Court of Appeals for the Seventh Circuit
Member, American Philosophical Association
Member, American Bar Association

(Last Revised: August 2019)