

## **PALMER MORREL-SAMUELS**

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### **ACADEMIC TRAINING**

Northwestern University School of Law, Chicago, IL (2015-2017) MSL (Master of Science in Law)

Area of Specialization: workplace discrimination

Columbia University, Department of Psychology, NYC, NY (1982-1989) M.Phil, Ph.D.

Area of Specialization: experimental social psychology

University of Chicago, Division of Social Sciences, Chicago, IL (1979-1980) M.A.

Area of Specialization: research methodology in behavioral science

Goddard College, Plainfield VT, credits transferred from Dickinson College (1974-1976) B.A.

### **MAJOR WORK EXPERIENCE**

President & Principal Consultant

Employee Motivation & Performance Assessment, Inc. (EMPA) Chelsea, MI (4/98-present)

Instructor (teaching courses on survey design & research methodology, including classes on statistics, and sampling)

Institute for Social Research, Survey Research Ctr., Summer Institute, University of Michigan (7/09-present)

Lecturer (teaching courses on survey design & research methodology, including classes on ethics, statistics, and sampling)

School of Public Health, University of Michigan (teaching 9/08-4/14; on-call thereafter)

Expert Witness

Employee discrimination, surveys & assessments, contract disputes requiring statistical analysis (2004-present)

### **ADDITIONAL WORK EXPERIENCE**

Team Director & Senior Consultant

Hewlett-Packard, formerly EDS-Survey Services (8/91-11/96)

Assistant Research Scientist

Cognitive Science & Machine Intelligence Lab, University of Michigan, Ann Arbor, (3/93-12/99)

Adjunct Research Scientist

National Quality Research Center, University of Michigan Business School, Ann Arbor (6/97-6/98)

Research Assistant

Computer Science Department, Watson Research Center, IBM, Yorktown, NY (8/86-4/87)

Research Assistant

Psychology Department, Yale University, New Haven, CT (12/81-9/82)

### **PROFESSIONAL MEMBERSHIPS**

American Psychology-Law Society

Society for Empirical Legal Studies

Society of Industrial/Organizational Psychologists (SIOP)

Society for Public Health Education

Association for Psychological Science (Charter Member)

Amer. Assn. for Public Opinion Research

### **HONORS**

Who's Who in Science and Engineering (second edition, 1994-1995)

Faculty Fellowship, Department of Psychology, Columbia University (1982-1987)

Scholarship, French Ministry of Education & Université de la Source, Orleans, France (1967)

## LITIGATION EXPERIENCE as EXPERT WITNESS (EW)

- 1) Burns v. Interstate Brands Corporation (AKA Hostess Bakeries); expert witness (EW) for D (settled ~ 5/9/04)  
Ran statistical analysis of job assignments for evidence of disparate impact (DI) and/or disparate treatment (DT).
- 2) Tower Automotive Products v. Lamb Technicon; EW for D (settled ~ 8/31/05)  
Ran statistical tests of 4 million datapoints tracking assembly-line failures in breach of contract suit.
- 3) [Corp. A] v. [Corp. B] EW for D testified to ICC's International Court of Arbitration in The Hague (settled ~ 2/10/12)  
Analyzed psychometric properties of assessment P used to compute damages in contract breach suit. **Testified** (*details sealed*).
- 4) Scott v. City of Indianapolis; EW on behalf of the Ps (settled ~ 7/19/12)  
Ran statistical analysis of data from Human Resources Information System (HRIS) to evaluate Ps' claim of DI based on race.  
**Withstood Daubert Challenge:** 3-25-2010 US District Court, S.D. IN, Indianapolis Division.
- 5) American Postal Workers Union, AFL-CIO v. United States Postal Service; EW for P (settled ~ 3/7/13)  
Ran statistical analysis of 111 postal workers who did or did not receive letter of intent regarding job relocation, for DI analysis
- 6) EEOC v. Bass Pro Inc.; EW for P and the EEOC (settled ~ 3/4/2014)  
Designed a cross-validated assessment for verifying race of several hundred job applicants to rebut exclusion of P's expert
- 7) Sweeney v. Washington Board of Pilotage; EW for P alleging DT violation (settled ~ 10/1/14)  
Ran statistical tests of 1.03 million datapoints from pilot's licensing test for evidence of sex discrimination; **Deposed** (8/22/13).
- 8) Cardelle et al. v. Miami Fraternal Order of Police; EW for P alleging ADEA violation (settled ~ 11/25/2015)  
Ran statistical tests of 221K datapoints from pension payments & HRIS for evidence of age discrimination
- 9) Grevera v. Microsoft Inc.; EW for P alleging ADEA violation (settled ~ 8/29/14)  
Ran statistical tests of 4.9 million datapoints from job evaluations & HRIS for evidence of age discrimination  
**Withstood Daubert Challenge** (*details sealed*).
- 10) Schmidt v. Gronik; EW for D alleging violation of ADA, FLSA & Clean Hands Doctrine (settled ~ 5/14/14)  
Ran statistical analysis of HRIS data and analyzed documents re ADA, FLSA & Clean Hands Doctrine; **Deposed** (8/1/13).
- 11) Swann v. Time Warner Entertainment; EW for D regarding alleged DI and DT violations. (Dismissed 12/15/15)  
Ran statistical analysis of HRIS data; analyzed validity of performance appraisal & employment screening test (*details sealed*)
- 12) National Treasury Employee Union v. Social Security Admin.; EW for P in binding arbitration (Complaint #1 settled ~ 8/28/15)  
Analyzed HRIS data; evaluated performance assessment's validity & evidence of DI using covariates. **Testified** (*details sealed*)
- 13) EEOC v. FAPS; EW for P and the Equal Employment Opportunity Commission (settled ~ 4/28/16)  
Designed and ran a cross-validated assessment to determine race of 900 job applicants by mail, for DI analysis; **Deposed** (12/9/13)  
**Withstood Daubert Challenge:** 9-26-14 US District Court, District of N.J.;

- 14) Nevis v. Jacobs Telecommunications Inc.; EW. for P re. D's apparent failure to accommodate P under ADA (settled ~ 6/1/16)  
 Researched information on procedures for using workplace assessments to conduct drug-testing of employees
- 15) Johnson v. ABF Freight System; EW for P (settled ~ 2/15/17)  
 Evaluated validity of promotional process
- 16) US v. City of Jacksonville [FL]; EW for D (settled ~ 1/13/17)  
 Ran statistical tests of 179 million datapoints from promotion exams & HRIS for evidence of DI; **Deposed** (3/4/16 & 3/14/16)  
*Withstood Three Daubert Challenges (deemed moot).*
- 17) US v. Commonwealth of Pennsylvania & Pennsylvania State Police; EW for D (settled ~ 4/4/18)  
 Wrote rebuttals of reports by P's EWs regarding evidence of DI; **Deposed** (7/14/16)
- 18) Neff v. City of East Lansing; EW for D (Summary Judgment Granted 4/20/17)  
 Evaluated validity of workplace assessment and ran statistical analysis evaluating evidence of DT & DI
- 19) Grzebyk, Shin & Hardrick v. Auto Club Insurance Assn. [of AAA]; EW for P (settled ~ 9/12/19)  
 Evaluated survey methodology used by D to set compensation rates for home health assistants; **Deposed** (3/10/17)
- 20) Miller v. Port Authority of NY & NJ; EW for P (Still in litigation)  
 Evaluated D's claim that P's request for reasonable accommodation would necessarily entail an undue hardship.  
*Withstood Daubert Challenge: 12-20-2017 US District Court, District of NJ*
- 21) Jones & Barnes v. Bd. of Trustees of Univ. of Il et al.; EW for P (Still in litigation)  
 Evaluated interview process used to make promotions to Chief Engineer; ran statistical analyses; **Deposed**, Barnes, (11/30/17)  
*Withstood Daubert Challenge: 3-25-2019 US District Court, Northern District of IL, Eastern Division (deemed moot)*
- 22) Herron v. AT&T; EW for P (status of litigation uncertain) (Details sealed)  
 Evaluated termination records for evidence of discrimination
- 23) Wesley v. KY Transportation Cabinet; EW for P (still in litigation)  
 Evaluated employment data on promotions, salary, raises and performance bonuses
- 24) Robinson v. Des Moines Public Schools; EW for D (still in litigation)  
 Evaluated P's motion to be designated Class Representative for a proposed class; evaluating employment data.  
*Withstood Daubert challenge: 10-2-2018 Iowa District Court, Polk County, IA*

#### **SAMPLE of SUPPLEMENTARY EXPERIENCE**

Served as consultant (~30 years) designed & analyzed assessments for more than 7 million employees in over 70 countries  
 Wrote and patented four web-based assessments and surveys for the workplace  
 Provided survey services for corporations (e.g., Disney, FedEx, Mars, Credit Suisse, Coke, GM, UPS, Ford, Duke Energy)  
 Provided survey services for non-profits & government agencies (e.g., US Department of Justice, Blue Cross Blue Shield)  
 Provided survey services for healthcare industry (e.g., Harvard Pilgrim HC, Pfizer, Novo Nordisk, Univ. of Michigan)

**Testified** to Congress on a DOJ study examining the relation between working conditions, motivation, and job performance

## Sample of Publications and Presentations as of April 2020

- 1) Fiske, D., & Morrel-Samuels, P. (1980, May) *A Dictionary of Terms in Research Methodology*. (Technical Report). Chicago, IL. University of Chicago, Quantitative Research Methodology for the Social and Behavioral Sciences.
- 2) Herman, L., Morrel-Samuels, P., & Pack, A. (1990). Bottlenosed dolphin and human recognition of veridical and degraded video displays of an artificial gestural language. *Journal of Experimental Psychology: General*, 119, 215-230.
- 3) Krauss, R., Morrel-Samuels, P., & Colasante, C. (1991). Do conversational hand gestures communicate? *Journal of Personality and Social Psychology*, 61, 743-754.
- 4) Morrel-Samuels, P., & Krauss, R. (1992). Word familiarity predicts temporal asynchrony between gesture and speech. *Journal of Experimental Psychology: Learning, Memory & Cognition*, 18, (3) 615-622.
- 5) Morrel-Samuels, P., (April 1, 1996) U.S. Patent No. 5,743,742 "System for Measuring Leadership Effectiveness." [for HP]
- 6) Morrel-Samuels, P., (August 18, 1998) U.S. Patent No. 5,795,155 "Leadership Assessment Tool & Method." [for Xerox]
- 7) Morrel-Samuels, P. (June 30, 1998). An objective measure of performance linked to employee motivation. In M. Cronin (Chair) INTEX: A system to evaluate performance at INS. Briefing to staff and officials of US Congress, Washington, DC.
- 8) Morrel-Samuels, P., (December 28, 1999) U.S. Patent No. 6,007,340 (Filed April 1, 1996) "Method and System for Measuring Leadership Effectiveness." [Divisional Patent for HP]
- 9) Morrel-Samuels, P., (Sept. 22, 2009) U.S. Patent 7,593,861 (Filed Oct 4, 2002) "Employee Assessment Tool". [for EMPA]
- 10) Morrel-Samuels, P. (2002) Measuring illegal immigration at us border stations by sampling from a flow of 500 million travelers, *Population and Environment*, 23, (3), 285-302.
- 11) Morrel-Samuels, P. (2002) Getting the truth into workplace surveys. *Harvard Business Review*, 80 (2) 111-118.
- 12) Morrel-Samuels, P. (2003) Web surveys' hidden hazards. *Harvard Business Review*, 81 (7) 16-17.
- 13) Maini, B., & Morrel-Samuels, P. (2006) Cascading improvements in communication: Adopting a new approach to organizational communication. *Physician Executive: Journal of Medical Management*. 32 (5), pp 38-43.
- 14) Morrel-Samuels, P. and Maini, B., (August 2006) Cascading improvements in communication throughout the workplace. Presented at the annual conference of the American Psychological Association, New Orleans, LA.
- 15) Morrel-Samuels, P. & Goldman, E., (2007) Who, what, and where: Guidelines for the statistical analysis of disparate impact in EEO litigation, *Docket*, 25, (2), pp. 54-74.
- 16) Morrel-Samuels, P., & Jacobson, P. J. (2008, March). Using statistical evidence to prove causality to non-statisticians. Presented at the meeting of the American Psychology-Law Society, Jacksonville, FL.

- 17) Morrel-Samuels, P., (2009, August) The National Benchmark Study: Employee motivation affects subsequent stock price. Presented at the annual meeting of the American Psychological Association, Toronto, Canada.
- 18) Morrel-Samuels, P., (Sept. 22, 2009) U.S. Pat 7,593,861 (Filed Oct. 4, 2002) "Employee Assessment Tool" [for EMPA].
- 19) Morrel-Samuels, P., Francis, E., & Shucard, S. (2009) Merged datasets: An analytic tool for evidence-based management, *California Management Review*, 52 (1), pp.120-139.
- 20) Morrel-Samuels, P., (2010, March) Distinguishing reverse discrimination from overcorrection: Statistical methods for clarifying this neglected distinction. Presented at the meeting of the American Psychology-Law Society, Vancouver, CDN.
- 21) Morrel-Samuels, P., & Zimmerman, M. (2010). Research methodology: An innovative approach to a venerable course. *Clinical and Translational Science*, 3(6), 309-311.
- 22) Fritz, C., Curtin, J., Poitevineau, J., Tao, F., & Morrel-Samuels, P. (2012). Player preferences among new and old violins. *Proceedings of the National Academy of Sciences*, 109 (3) 760-763.
- 23) Morrel-Samuels, P. Banaszak-Holl, J, Karls, E, DeCicco, B. (2013, June). The importance of organizational climate in the performance improvement process. Presented at the Annual Research Meeting of AcademyHealth, Baltimore, MD.
- 24) Morrel-Samuels, P. & Goldman, E., (2014) Workplace assessments: Thirteen ways to invite litigation and thirteen ways to avoid it. Presented at the Annual Conference of the American Psychological Association, Washington DC.
- 25) Morrel-Samuels, P. (2014) Using graphs in business, law, and public health to facilitate analysis of trends, impacts, and linkages. Presented at the Annual Conference of the American Psychological Association, Washington DC.
- 26) Morrel-Samuels, P (2015) True or False: The Ricci Decision was Illogical and Problematic. Presented at the annual conference of the European Association of Psychology and Law, Nuremburg, 8/4/15.
- 27) Morrel-Samuels, P. (2018) Statistical Analysis in Employment Discrimination: Trends and Implications. Presented to the Conference on Empirical Legal Studies, Society of Empirical Law Studies, Ann Arbor, 11/9/18.
- 28) Morrel-Samuels, P. (2019) Psychologists Can Provide Critical Empirical Assistance to Judges Evaluating Class Certification. Presented to the Conference of the American Psychology-Law Society, Portland OR, 3/14/19.
- 29) Morrel-Samuels, P. (2020) Working Conditions Driven by Corporate Culture; A Factor Underlying Commonality in Class Action Lawsuits. Presented at the Conference of the American Psychology-Law Society, New Orleans LA, 3/5/20

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