

PALMER MORREL-SAMUELS

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Office at EMPA, 210 Park St., Chelsea, MI 48118

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)

Testified to Congress regarding a DOJ study on the effect of working conditions, corporate culture & motivation on job performance

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)

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)

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 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. (Decision reached in favor of D.)
- 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

25) Scott et al v. State of NJ; EW for D (still in litigation)

Evaluated the role of race in job actions within the AG's office regarding Promotions, New Hires, Old Hires, & Job Performance.

26) Mitchel v Jefferson County School District; EW for P (settled ~ 5/29/20)

Evaluated the psychometric properties of a workplace survey that was used to evaluate P's work performance.

27) Nam v. Regents of the University of California; EW for D (still in litigation)

Evaluated HRIS data, depositions, and surveys to determine if D's job action decision was justified.

29) Rodriguez v Atrius; EW for P (still in litigation)

Evaluated HRIS data, survey data, and depositions to determine whether or not Disparate Impact played a role in D's job actions.

30) Numerous Ps v DeVry University; EW for Ps (settled ~11/11/21)

Evaluated DeVry's student data & publications to determine whether or not DVU's marketing materials constituted false advertising.

31) B. van Meeuwen v IBM; EW for P (settled ~ 11/11/21)

Evaluated data from HRIS to determine whether or not Disparate Impact or Disparate Treatment played a role in D's job actions.

32) Herskovitz v Snowflake; EW for P (still in litigation)

Evaluated data from HRIS to determine whether or not Disparate Impact or age discrimination played a role in D's job actions.

33) X v National Football League; EW for P (still in arbitration)

Evaluated data from HRIS to determine whether or not arrests were inappropriately used as a basis for D's job actions

34) Bartholomew v Lowes; EW for Ps (still in litigation)

Evaluating contracts and data on compensation and to determine whether Lowes has discriminated against older EEs

35) Kennedy v. Monroe; EW for Ds (settled ~ 8/24/22)

Evaluating whether D – owner of a low-income housing unit – discriminated against minority applicants.

36) Seely, Harper, Stout and/or Renati v. Walmart; EW for 4 separate Ps (still in litigation)

Evaluating whether D, subsequent to denial of Class Cert. in *Wal-Mart v. Dukes*, discriminated against 4 female EEs in CA.

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Sample of Publications and Presentations as of November 2022

- 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
- 30) Morrel-Samuels, P. (2020) Fix your organizational culture before it's too late. Paper submitted for publication.

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