## LAW AND CONTEMPORARY PROBLEMS

## CAUSATION IN LAW AND SCIENCE

John M. Conley

Special Editor

SCHOOL OF LAW • DUKE UNIVERSITY VOL. 64 AUTUMN 2001 NO. 4

## LAW AND CONTEMPORARY PROBLEMS

DURHAM, NORTH CAROLINA

VOLUME 64

**AUTUMN 2001** 

Number 4

## **CAUSATION IN LAW AND SCIENCE**

John M. Conley Special Editor

Foreword	page 1
Scientific Ignorance and Reliable Patterns of Evidence in Toxic Tort Causation: Is There a Need for Liability Reform? Carl F. Cranor and David A. Eastmond	5
The Swine Flu Vaccine and Guillain-Barré Syndrome: A Case Study in Relative Risk and Specific Causation	49
Scientific Models of Human Health Risk Analysis in Legal and Policy Decisions	63
Causation and the Law: Preemption, Lawful Sufficiency, and Causal Sufficiency Richard Fumerton and Ken Kress	83
The Admissibility of Differential Diagnosis Testimony to Prove Causation in Toxic Tort Cases: The Interplay of Adjective and Substantive Law	107
Assessing Causation in Breast Implant Litigation: The Role of Science Panels	139
Too Many Probabilities: Statistical Evidence of Tort Causation	191
OF CHERRIES, FUDGE, AND ONIONS: SCIENCE AND ITS COURTROOM PERVERSION David W. Peterson and John M. Conley	213

THE RELATION BETWEEN COUNTERFACTUAL  ("But For") AND CAUSAL REASONING:	
Experimental Findings and Implications for Jurors' Decisions	241
Causation, Contribution, and Legal Liability:  An Empirical Study	265
Rationalism and Empiricism in Modern Medicine	299
Culture and Causality: Non-Western Systems of Explanation William M. O'Barr	317

ŧ