

BOOK REVIEW

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Review of: *Case Studies in Forensic Epidemiology*

REFERENCE: Loue S. *Case studies in forensic epidemiology*. Kluwer Academic, New York, 2002, 203 pp.

This volume is intended to be a textbook on the intersection of law and epidemiology. The book is divided into four parts: epidemiology in the courtroom, epidemiology in legislation and administrative rule making, community organization and advocacy group use of epidemiology in advocacy efforts designed to change law, and a final section on the role of epidemiological research in social debates about deviance. Each part of the book includes an introductory chapter that sets forth general issues, followed by two "case study" chapters that are designed to flesh out the issues in a particular area. Chapter 1 begins the first part with a very useful introductory summary of epidemiological methods and an introductory overview of the law of torts. The chapter compares and contrasts standards for the proof of causation in each area. Chapter 2 is a "case study" of the silicone breast implant litigation, and Chapter 3 a "case study" of a lawsuit involving an E. coli outbreak in which the author was an expert witness.

Chapter 4 introduces part two with an introductory overview of the legislative and administrative rule making processes, followed by case studies of the FDA's decision to force withdrawal of silicone implants and its efforts to regulate tobacco as a "drug delivery system."

Part three opens with a chapter reviewing social science literature on advocacy groups followed by a case study of the Mothers Against Drunk Drivers crusade to change DWI laws and a case study on needle exchange programs around the country. Finally, part four focuses on deviance. The two case studies assess questions of sexuality and gender and the medical use of marijuana. All of the chapters conclude with a set of discussion questions.

Epidemiology has come to play an increasingly important role in law. A textbook dealing with the many ways in which law and epidemiology interact would be a welcome addition to the literature. Unfortunately, this book has several shortcomings that limit its ability to fill this role.

First, and perhaps surprisingly, the actual discussion of epidemiology is quite limited. Only in the first three chapters is there a

detailed discussion either of epidemiological research per se, or of how this research affects legal outcomes or political conflicts. As a result, the appeal of the book may be limited to epidemiology classes where the students come to a course with a good deal of background knowledge about epidemiology.

Second, the volume is not well integrated. Within each part of the book the case study chapters are only loosely connected to the introductory chapter. For example, Chapter 1 focuses on the question of whether epidemiology and litigation employ different definitions of causation, but the two case study chapters that follow barely touch on this issue. Moreover, the four parts of the book are not integrated. Later chapters do not build on materials covered earlier. Other than the very general idea that epidemiology may be used in many different legal contexts, there is no underlying theme tying the book together. Ultimately, the very breadth of the book is a detriment rather than an asset. Each topic is introduced, briefly discussed, and then set aside to make room for the next topic.

Finally, although it has a 2002 copyright the book rarely discusses developments occurring after the 1990s. For example, Chapter 2 on silicone implant litigation leaves the impression that many plaintiffs are succeeding in their autoimmune and connective tissue disease cases even in the face of a large body of epidemiology to the contrary. If this was ever the case, by 2000, with the release of the Institute of Medicine report on the safety of silicone breast implants, plaintiffs could rarely get to trial, much less prevail before a jury. These developments are not discussed, leaving the impression that this is a mass tort where the law failed to heed epidemiological findings when in fact the opposite is true. Similarly, much of Chapter 6 is devoted to FDA efforts to regulate tobacco as a drug, but it does not cite or discuss *Food and Drug Administration v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120 (2000) in which the Supreme Court concluded that the FDA did not have authority from Congress to regulate tobacco.

In summary, the book's effort to indicate the many ways law and epidemiology interact ultimately works against its success. It is sometimes said of lawyers that their knowledge is a mile wide and an inch deep. Unfortunately, this book exhibits a similar imbalance.

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