

RISK: Health, Safety & Environment (1990-2002)

Volume 4
Number 2 *RISK: Issues in Health & Safety*

Article 9

March 1993

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Jon R. Cavicchi, *The Science Court: A Bibliography*, 4 RISK 171 (1993).

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The Science Court: A Bibliography

Jon R. Cavicchi*

This list of English language references is presented in two parts. Part one focuses specifically on the “Science Court” as proposed by Professor Arthur Kantrowitz in the mid-sixties. It should serve those interested in gaining a thorough understanding of the origin and development of the proposal. Part two includes references that mention the “Science Court” incidentally. It presents a comprehensive collection of articles that casually mention the proposal in assorted contexts and should enable an etymological view of the term “science court” as it evolved (or devolved) over the past two decades.

Lexis/Nexis, WESTLAW, Dialog on WESTLAW and EPIC on-line services provided the initial pool of references. When possible, the full text of articles was reviewed for further citations. The Dialog database SCISEARCH was invaluable; it includes an international, multidisciplinary index to several thousand major journals. This allowed subject access to articles not contained in legal databases and to articles written before the coverage of full text and bibliographic legal databases (generally, before 1980). Few books were found, but those located through EPIC are included.¹

References Primarily Focused on the Science Court

Abrams, N.E. & Berry, R.S., *Mediation — Better Alternative to Science Courts*, 33 BULL. ATOM. SCI. 50 (1977).

Ashby, E., *Science Courts*, 81 NEW SCIENTIST 595 (1979).

Banks, R.S., *The Science Court Proposal in Retrospect — A Literature Review and Case Study*, 10 CRC CRITICAL REVIEWS IN ENVTL. CONTROL 95 (1980).

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¹ The compiler did not attempt to include books that may include relevant chapters. Finally, the compiler did not navigate the shoals of the INTERNET.

Bazelon, David, *Coping With Technology Through the Legal Process*, 62 CORNELL L.REV. 817 (1977).

Boffey, P.M., *Experiment Planned to Test Feasibility of a Science Court*, 193 SCIENCE 129 (1976).

Brennan, Troyen A., *Helping Courts With Toxic Torts: Some Proposals Regarding Alternative Methods for Presenting and Assessing Scientific Evidence in Common Law Courts*, 51 U. PITT. L.REV. 1 (1989).

Callen, E., *Science Court*, 193 SCIENCE 950 (1976).

COLE, LEONARD A., *RESOLVING SCIENCE CONTROVERSIES: FROM SCIENCE COURT TO SCIENCE HEARINGS PANEL* (U. Houston 1985).

Note. *The Case for Special Juries in Complex Civil Litigation*, 89 YALE L.J. 1155 (1980).

Casper, *Technology Policy and Democracy: Is the Proposed Science Court What We Need?* 194 SCIENCE 29 (1976).

Christiansen, D., *Science Court Tested*, 16 IEEE SPECTRUM 27 (1979).

Curbing Ignorance and Arrogance: The Science Court Proposal and Alternatives, 19 JURIMETRICS J. 387 (1979).

Garfield, Eugene, *Can a Science Court Settle Controversies Between Scientists — Contemplating a Science Court — On the Question of Institutionalizing Scientific Factfinding*, 1 SCIENTIST 9 (1987).

Greenberg, D.S., *Plans Proceeding for Science Court Experiment*, Science & Government, Feb. 15, 1976.

Greenberg, D.S., *Trial Run for a Science Court*, 294 N. ENG. J. MED. 505 (1976).

Illman, Deborah & VonBeck, David, *Who Knows? The Search for Understandable Science*, Seattle Times, July 12, 1991, at A11.

Johnston, A.S., *Democratic Science Court*, 22 BULL. AM. PHYS. SOC. 29 (1977).

Kantrowitz, Arthur, *Proposal for an Institution for Scientific Judgment*, 153 SCIENCE 763 (1967).

Kantrowitz, Arthur, *Controlling Technology Democratically*, 63 AM. SCI. 505 (1975).

Kantrowitz, Arthur, *Science Court Experiment*, 194 SCIENCE 6 (1976).

Kantrowitz, Arthur, *The Science Court — Another Alternative*, 18 IDEA 61 (1976).

Kantrowitz, Arthur, *Out of Court*, 81 NEW SCI. 502 (1979).

Kantrowitz, Arthur, *The Science Court Experiment*, Trial, Mar. 1977 at 49.

Kantrowitz, Arthur, *The Science Court Experiment: Criticisms and Responses*, 33 BULL. ATOM. SCI. 44 (1978).

Kantrowitz, Arthur, *Science Courts*, 81 NEW SCI. 892 (1979).

Kantrowitz, Arthur, *A Response to Matheny & Williams*, 3 L. & POL'Y Q 365 (1981).

Kushner, L.M., *Science Court Experiment*, 194 SCIENCE 6 (1976).

Leproski, W., *Science Court on Guard*, 263 NATURE 454 (1976).

Lindsay, Leon, *Science Court Would Tackle Knotty Technological Issues*, The Christian Science Monitor, Mar. 23, 1983, at 7.

Marino, A.A., *We Need a Science Court*, 4 J. BIOELECTRICITY R7 (1985).

Martin, James A., *The Proposed Science Court*, 75 MICH. L.REV. 1058 (1977).

Martin, James A., *Procedures for Decisionmaking under Conditions of Scientific Uncertainty: The Science Court Proposal*, 16 HARV. J. LEGIS. 443 (1979).

Matheny, Albert R. & Williams, Bruce A., *Scientific Disputes and Adversary Procedures in Policy-Making: An Evaluation of the Science Court*, 3 LAW & POL'Y Q. 341 (1981).

Mazur, *Science Courts*, 15 MINERVA 1 (1977).

Minnesota Tries Science Court Concept to Decide Power Line Issue, Chemical Week, Jan. 25, 1978, at 40.

Mulhern, F.J., *Support for Science Court*, 49 FOOD ENG. 10 (1977).

Plan to Test Science Court, Business Week, Jan. 17, 1977, at 58.

Science Court — Idea in Search of a Need, 10 ENVTL. SCI. & TECH. 1088 (1976).

Science Court Experiment — Interim Report, 193 SCIENCE 653 (1976).

Science Court on Trial, Chemical Week, Dec. 1, 1976, at 17.

Seagrave, *Science Court: Test Case This Year?* 26 BIOSCIENCE 377 (1976).

Sofaer, Abraham D., *The Science Court: Unscientific and Unsound*, 9 ENVTL. L. 1 (1978).

Specifications for the [Science] Court, 33 BULL. ATOM. SCI. 45 (1977).

Task Force of the Presidential Advisory Group on Anticipated Advances in Science and Technology, *The Science Court Experiment: An Interim Report*, 193 SCIENCE 653 (1976).

Talbott, *Science Court: A Possible Way to Obtain Scientific Certainty for Decisions Based on Scientific Fact*, 8 ENVTL. L. 827 (1978).

John Thibaut & Laurens Walker, *A Theory of Procedure*, 66 CAL. L.REV. 541 (1978).

U.S. DEPT. COMMERCE, PROCEEDINGS OF THE COLLOQUIUM ON THE SCIENCE COURT (1977).

Weinberg, *The Science Court Controversy: Are Our Courts & Agencies Adequate to Resolve New and Complex Scientific Issues?* 33 REC. ASS'N BAR CITY N.Y. 8 (1978).

Weinberg, *Science and Trans-Science*, 10 MINERVA 209 (1972).

Wesley, John. W., *Scientific Evidence and the Question of Judicial Capacity*, 25 WM. & MARY L.REV. 675 (1984).

Whitney, Scott C., *Technical & Scientific Evidence in Administrative Adjudication*, 45 U. CIN. L.REV. 37 (1976).

Whitney, Scott C., *The Case for Creating a Special Environmental Court System*, 14 WM. & MARY L.REV. 473 (1973).

Whitney, Scott C., *The Case for Creating a Special Environmental Court System — A Further Comment*, 15 WM. & MARY L.REV. 33 (1973).

Wilford, J., *Science Considers Its Own Court*, N.Y. Times, Feb. 29, 1976, at E8.

Wilford, J., *28 Leaders Endorse Science Court Test*, N.Y. Times, Jan. 2, 1977, at L28.

References Incidentally Treating the Science Court

Arbiters Called Inconsistent in Approach to Cases Involving Drug and Alcohol Abuse, Daily Labor Rep. (BNA), at A3 (Dec. 6, 1985).

Brennan, Troyen A., *Casual Chains and Statistical Links: The Role of Scientific Uncertainty in Hazardous Substance Litigation*, 73 CORNELL L.REV. 469 (1988).

Brodin, Mark S., *Accuracy, Efficiency, and Accountability in the Litigation Process — The Case for the Fact Verdict*, 59 U. CIN. L.REV. 15 (1990).

Brown, Kirk, *Legal Goals Collide. Special Courts Suggested to Save Environmental Interests*, Palm Beach Post, Apr. 27, 1992, at 1A.

Charge That EPA Acted Wrongly — House Panel Staff Criticizes Formaldehyde Decisions, Philadelphia Inquirer, Mar. 23, 1983, at A6.

Cohn, Ernst M., *They Are Not Asking the Right Questions*, Chemical Week, Sept. 14, 1977, at 5.

Commentary — Trial Procedures, The Recorder, Oct. 7, 1992, at 8.

Curridan, Mark, *Judges, Lawyers Court the Future... Panel Envisions Legal System of the 21st Century*, The Atlanta J. & Const., Oct. 26, 1992, at B1.

Delgado, Richard et al., *Can Science be Inopportune? Constitutional Validity of Governmental Restrictions on Race-IQ Research*, 31 UCLA L.REV. 128 (1983).

Dowd, R.M., *The Canadian Science Court Model*, 22 ENVTL. SCI. & TECH. 258 (1988).

Dreyfuss, Rochelle C., *The Federal Circuit: A Case Study in Specialized Courts*, 64 N.Y.U. L.REV. 1 (1989).

EPA Actions on Formaldehyde Criticized, Boston Globe, Mar. 23, 1983, at 15.

Eddy, David M., *What Care is "Essential"? What Services Are "Basic"?* 265 JAMA 782 (1991).

Employers Setting Blood Tests Told How to Lessen Suit Risk, 25 GOVT. EMP. REL. REP. (BNA) 706 (1987).

Garrett, Laurie, *Bush Set to Shortcut Rules on Toxics*, Newsday, July 8, 1992, at 6.

Gaines, Sanford E., *Politics and the Management of Toxic Risks Through Law*, 30 JURIMETRICS J. 271 (1990).

Garrett, Laurie, *Bush Set to Shortcut Rules on Toxics*, Newsweek, July 8, 1992, at 6.

Gasior, John P., *Pesticide Safety Regulation under the Federal Insecticide, Fungicide, and Rodenticide Act: Debacle At the EPA*, 1 FORDHAM ENVTL L. REP. 47 (1989).

Golden, Gayle, *Science Puts Law to the Test*, Dallas Morning News, May 1, 1988, at A1.

Graham, John D., *The Failure of Agency — Forcing: The Regulation of Airborne Carcinogens under Section 112 of the Clean Air Act*, 1985 DUKE L.J. 100.

Green, Harold P., *The Law-Science Interface in Public Policy Decisionmaking*, 51 OHIO ST. L.J. 375 (1990).

Gwynne, Peter, et al., *Credibility Gap*, Newsweek, Apr. 23, 1979, at 86.

Harlow, Ruth E., *The EPA and Biotechnology Regulations Coping With Scientific Uncertainty*, 95 YALE L.J. 553 (1986).

Herman, Russ M., *Allowing the Jurors to Decide*, Nat'l L.J., July 30, 1990, at 15.

House Committee Report Criticizes EPA Assessment of Formaldehyde, Daily Rep. for Exec. (BNA), at A3 (June 13, 1983).

Horne, Melissa M., *Novel Scientific Evidence*, 65 U. DET. L.REV. 147 (1987).

How Carter Views CPI Issues, Chemical Week, Nov. 10, 1976, at 22.

How to Bring Whaling Outlaws to World Justice, N.Y. Times, Jan. 24, 1989, at A20.

Intellectual Technology: The Dilemma of Environmental Law, 15 RUTGERS COMPUTER & TECH. L.J. 411 (1989).

Jasanoff & Nelkin, *Science, Technology, and the Limits of Judicial Competence*, 214 SCIENCE 1211 (1981).

Johnson, Pamela L., *Court Appointed Scientific Expert Witnesses: Unfettering Expertise*, 2 HIGH TECH. L.J. 249 (1987).

Kantrowitz, Arthur, *The Science Court on Campus*, 1 SCIENTIST 10 (1987).

Keeton, Robert E., *Legislative Facts and Similar Things: Deciding Disputed Premise Facts*, 73 MINN. L.REV. 1 (1988).

Kurtz, Howard, *House Panel Probing Chemical Industry Influence on Todhunter*, Wash. Post, Mar. 12, 1983, at A2.

Larmer, Brook, *Letting Layment Rule on Toxic Waste*, Christian Science Monitor, July 30, 1986, at 3.

Lipton, Jack P., et al., *Rethinking the Admissibility of Medical Treatises As Evidence*, 17 AM. J. L. & MED. 209 (1991).

London, Robb, *New Technology Sends Law Firms Recruiting Scientists to be Partners*, N.Y. Times, Mar. 22, 1991, at B18

MCAA Looks at Risks, Innovation, Chemical Week, Nov. 29, 1978, at 14.

Marcus, Richard L., *Discovery along the Litigation/Science Interface*, 57 BROOK. L.REV. 381 (1991).

Marquardt & Wheat, *The Developing Concept of an Administrative Court*, 33 ADEL. L.REV. 301 (1981).

Moenssens, Andre A., *Admissibility of Scientific Evidence — An Alternative to the Frye Rule*, 25 WM. & MARY L.REV. 545 (1984).

Mosher, Lawrence, *Environmentalists Sue to Put an End to Regulatory Massive Resistance*, 13 NATL. J. 2233 (1981).

No Consistent Patterns of Approach Seen in Awards on Alcohol, Drugs, 23 GOVT. EMPL.REL. REP. (BNA) 1740 (1985).

Okrent, David, *The Safety Goals of the U.S. Nuclear Regulatory Commission*, 236 SCIENCE 296 (1987).

Osborne, John W., *Judicial/Technical Assessment of Novel Scientific Evidence*, 1990 U. ILL. L.REV. 497.

Out of the Frying Pan and into the Fire: The Expert Witness Problem in Toxic Tort Litigation, 10 REV. LITIG. 117 (1990).

Prepare for Strikes, Employers Advised at Pacific Coast Labor Law Conference, Daily Labor Rep.(BNA), at A2 (May 13, 1987).

Reshaping of American Medicine, Business Week, Aug. 16, 1976, at 128.

Richards, Bill, *Angry Minn. Farmers Battling Massive High Voltage Line*, Wash. Post, Oct. 17, 1977, at A14.

Rosenkranz, E. Joshua, *A Ghost of Christmas Yet to Come: Standing to Sue Future Generations*, 1 J.L. & TECH. 67 (1986).

Sacks, Michael J., *Accuracy vs. Advocacy; Expert Testimony before the Bench*, Tech. Rev., Aug.-Sept.1987, at 42.

Sandler, R., *EPA's Secret Science Courts*, 24 ENV'T 4 (1982).

Science is Science and Law is Law and Never the Twain, 21 Inside R&D 38 (1992).

Shaffer, Kenneth, *Improving California's Safe Drinking and Toxic Enforcement Act: Scientific Advisory Panel Through Regulatory Reform*, 77 CAL. L.REV. 1211(1989).

Shapiro, Sidney, *Scientific Issues and the Function of Hearing Procedures: Evaluating the FDA's Public Board of Inquiry*, 1986 DUKE L.J. 288.

Smyth, Todd R., *The FDA's Public Board of Inquiry and the Aspartame Decision*, 58 IND. L.J. 627 (1982).

Spagnoletti, Robert J., *Using Artificial Intelligence to Aid in the Resolution of Socioscientific Disputes: A Theory for the Next Generation*, 2 J. L. & TECH. 101 (1987).

Statistics and the Environment Subject of National Research Council Symposium, Daily Rep. Exec. (BNA), at A5 (Oct. 8, 1992).

Strauss, Peter L., *Defining Administrative Law — A Review of an Introduction to Administrative Justice in the U.S.*, 60 GEO. WASH. L.REV. 268 (1991).

Sugarman, *The Need to Reform Personal Injury Law: Leaving Scientific Disputes to Scientists*, 248 SCIENCE 823 (1990).

Suit Charges EPA Should Regulate Formaldehyde as Imminent Hazard under TSCA, Daily Rep. Exec. (BNA), at A3 (July 20, 1983).

Taylor, Ronald A., *Science in Court (Scientific Testimony Can be Bewildering)*, U.S. News & World Report, Nov. 10, 1986, at 91.

Terwhitt & Cahan, *Hazy U.S. Cancer Policy is Causing Dissension*, Chemical Engineering, Apr. 4, 1983, at 35.

Wade, *Should There be Special Courts for Technical Cases?* N.Y. Times, Dec. 27, 1987, at E14.

Wessel, Milton R., *Alternative Dispute Resolution for the Socioscientific Dispute*, 1 J. L. & TECH. 1 (1986).

West, Leigh, *Mediated Settlement of Environmental Disputes: Grassy Narrows & White Dog Revisited*, 18 ENVTL. L. 131 (1987).

Yellin, Joel, *High Technology & the Courts: Nuclear Power and the Need for Institutional Reform*, 94 HARV. L.REV. 489 (1981).

Zeckhauser, Richard J. & Viscusi, Kip W., *Risk Within Reason*, 248 SCIENCE 559 (1990).

Zuckerman, Lord, *Science and Technology Advice to the President, Congress, and Judiciary*, Sci. Am., Sept. 1988, at 140.

