

# **THE INTERFACE OF SCIENCE AND THE LAW:** **VACCINE INJURY CAUSATION**

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Vaccines are one of the most important and cost-effective public health interventions, widely recognized as being significantly successful at reducing infection-related morbidity and mortality, second only to the development of clean drinking water. Vaccines are, unfortunately, a victim of their own success because fear of the actual infection is one of the most powerful motivators against vaccine hesitancy.<sup>1</sup> Because vaccines can in rare cases cause illness, this rare potential for harm can predominate when people no longer experience or fear the targeted disease. Founded in the 1980s, the National Vaccine Compensation Program, aka “Vaccine Court,” is an important part of the public health social contract that helps to ensure vaccine safety.

## **OUTLINE OF TALK**

- 1. The scientific method versus the civil lawsuit**
- 2. Perceptions from Experts**
- 3. Defining Junk Science**
- 4. Evidentiary Reliability**
- 5. Evaluation of Evidence by the Courts**

## References:

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<sup>1</sup> “Between hope and fear: A History of Vaccines and Human Immunity.” By Michael Kinch. An examination of the science of immunity, the public policy implications of vaccine denial, and the real-world outcomes of failing to vaccinate.

- Jennifer L. Mnookin, *Atomism, Holism, and the Judicial Assessment of Evidence*, 60 UC A L. REv. 1524, 1576-80 (2013).
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#### Law Cases:

- *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)
- *Adams v. Toyota Motor Corp.*, 867 F.3d 903 (8th Cir. June 9, 2017)
- *In re Zolof (Sertraline Hydrochloride) Prod. Liab. Litig.*, 858 F.3d 787 (3d Cir. June 2, 2017)
- *Wendell v. GlaxoSmithKline LLC*, 858 F.3d 1227 (9th Cir. June 2, 2017)
- *Nease v. Ford Motor Co.*, 848 F.3d 219 (4th Cir. 2017)
- *Hardeman v Monsanto Co.*, 997 F. 3d 941 (9th Cir. 2021)
- *In re Incretin-Based Therapies Prods. Liab. Litig.*, No. 21-55342, 2022 WL 898595 (9th Cir. Mar. 28, 2022).
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