

CONTENTS

<i>Preface</i>	<i>xi</i>
<i>Abbreviations</i>	<i>xxiii</i>
Chapter 1 Science and Society	1
The Socioscientific Dispute	4
The Public Interest	5
The Impact of Science on Society	7
Complexity of the Issues	9
Technology Assessment	10
Organizational Intent	14
Conspiracy	16
Risk/Benefit Analysis	18
The Historical Setting	19
The First Period: Optimism	20
The Second Period: Pessimism	22
The Present Period: Realism	23
Solving the Risk/Benefit Equation	25
Legislative Decision-Making	26
Chapter 2 Our Adversarial Nation	30
The Adversary Process	39
“Adversary Science”	42
Adversary Process Risk/Benefit Analysis	47
Chapter 3 Legal Responsibility	56
The Lawyer’s Advocacy Role	57
Legal Ethics	65

Improved Ethical Enforcement	67
New Approaches	70
Chapter 4 Corporate Responsibility	72
The “Activist” Model	75
The “Conservative” Model	77
The “Business” Model	78
Chapter 5 Responsibility in Dispute Resolution	85
Resistance to Change	86
Dispute-Resolution Authority	90
The Rule of Reason	94
The Lawyer-Director	101
Identifying the Client	103
Preventive Law	109
Chapter 6 Responsibility in Science	114
Science and Public Policy	116
Separating Science and Policy	119
Science and Public Communication	122
Simplifying Complex Information	124
Apples and Oranges	129
Standards and Benchmarks—the Risk Index	132
The “Establishment” Role	137
Chapter 7 Interim Scientific “Consensus-Finding”	141
The Scientific “Consensus”	142
Traditional Scientific Method	144
Specialized Scientific Panels	146
The First 2,4,5-T (“Agent Orange”) Conference	150
The Second 2,4,5-T Conference	158
The National Coal Policy Project	165
The Scientific “Consensus-Finding” Conference	173
“Science,” Not “Policy”	173

“Scientific Consensus,” Not “Negotiated Agreement”	174
Procedural Fairness in Appearance as Well as Fact	175
Broad Scientific Participation and Self-Selection	176
Wide Public Participation	178
The Local Conference	180
Conference Funding	181
Chapter 8 A Plea for Understanding	184
“Industry” vs. “Environmentalism”	186
The Industry Response	189
The “Intent” Fallacy	192
Our Societal Crusade	194
Appendix A. Public Forum, Coal as an Energy Resource: Conflict and Consensus	199
Appendix B. Legal Function Management Proposal	203
Appendix C. Summary of the Dispute-Resolution Conference Concerning 2,4,5-T, Held June 4–6, 1979.	247
<i>Notes</i>	257
<i>Index</i>	287

