

# LAW AND CONTEMPORARY PROBLEMS

DURHAM, NORTH CAROLINA

---

A QUARTERLY PUBLISHED BY THE DUKE UNIVERSITY SCHOOL OF LAW

DURHAM, NORTH CAROLINA

## FACULTY BOARD OF EDITORS

PAUL D. CARRINGTON, *General Editor*  
PETER G. FISH  
MARTIN P. GOLDING  
DANIEL A. GRAHAM  
CLARK C. HAVIGHURST

DAVID L. LANGE  
RICHARD C. MAXWELL  
JOYCE S. RUTLEDGE, *General Editor*  
THOMAS D. ROWE, JR.

## SENIOR EDITORS

THOMAS J. BLACKWELL  
MARGARET C. CALLAHAN  
DOUGLAS B. CANNON  
JOANNE F. KAY

SCOTT D. LIVINGSTON  
EVELYN M. PURSLEY, *Executive Editor*  
R. JAMES ROBBINS, JR.  
DAVID THUMA

## EDITORS

ARTHUR H. ADLER  
LINDA A. ARNSBARGER  
AARON J. BESEN  
REBECCA L. BLOCH  
DENNIS L. CASEY  
KRIS E. CURRAN  
GARDNER F. DAVIS  
CAROLINE E. EMERSON

MICHAEL T. HARVEY  
ELIZABETH H. HOFFMAN  
MARSHALL D. ORSON  
PATRICK M. ROSENOW  
HOWARD E. SCHREIBER  
LORI S. SMITH  
HENRY E. VALENZUELA  
MONTY L. WALTON

## ADMINISTRATIVE STAFF

JANSE CONOVER  
PENNY LOZON CROOK

MARY JANE FLOWERS  
EVELYN HOLT-FULLER

---

VOLUME 46

AUTUMN 1983

NUMBER 4

---

## STATISTICAL INFERENCE IN LITIGATION

DAVID W. PETERSON  
Special Editor for this Symposium

	page
FOREWORD .....	<i>David W. Peterson</i> 1
INTRODUCTION .....	<i>Patrick E. Higginbotham</i> 7
STATISTICAL SIGNIFICANCE AND THE BURDEN OF PERSUASION .....	<i>David H. Kaye</i> 13
THE SIGNIFICANCE OF QUANTITATIVE EVIDENCE IN FEDERAL TRADE COMMISSION DECEPTIVE ADVERTISING CASES .....	<i>David W. Barnes</i> 25
ALTERNATIVE APPROACHES TO VALUING THE HEALTH IMPACTS OF ACCIDENTS: LIABILITY LAW AND PROSPECTIVE EVALUATIONS .....	<i>W. Kip Viscusi</i> 49

# LAW AND CONTEMPORARY PROBLEMS

## STATISTICAL INFERENCE IN LITIGATION

David W. Peterson

Special Editor

SCHOOL OF LAW • DUKE UNIVERSITY

VOL. 46

AUTUMN 1983

No. 4

QUANTITATIVE METHODS IN ANTITRUST LITIGATION .....	<i>Daniel L. Rubinfeld</i> <i>Peter O. Steiner</i>	69
REGRESSION ESTIMATES OF DAMAGES IN PRICE-FIXING CASES .....	<i>Michael O. Finkelstein</i> <i>Hans Levenbach</i>	145
TESTING FOR DISCRIMINATION IN EMPLOYMENT PRACTICES .....	<i>Robert Follett</i> <i>Finis Welch</i>	171
THE PROBLEM OF MULTIPLE COMPONENTS OR DIVISIONS IN TITLE VII LITIGATION: A COMMENT .....	<i>David W. Barnes</i>	185
THE ROLE OF PROBATIVE STATISTICS IN EMPLOYMENT DISCRIMINATION CASES .....	<i>Anthony E. Boardman</i> <i>Aidan R. Vining</i>	189
THE USE OF STATISTICS TO PROVE INTENTIONAL EMPLOYMENT DISCRIMINATION .....	<i>Elaine W. Shoben</i>	221
URN MODELS FOR REGRESSION ANALYSIS, WITH APPLICATIONS TO EMPLOYMENT DISCRIMINATION STUDIES .....	<i>Bruce Levin</i> <i>Herbert Robbins</i>	247
INTEGRATING STATISTICAL EVIDENCE AND LEGAL THEORY TO CHALLENGE THE SELECTION OF GRAND AND PETIT JURORS .....	<i>Sara Sun Beale</i>	269
NOTE: TITLE VII, MULTIPLE LINEAR REGRESSION MODELS, AND THE COURTS: AN ANALYSIS .....		283
STATISTICS IN LITIGATION: A SELECTIVE BIBLIOGRAPHY .....	<i>Michael Chiorazzi</i>	297

---

LAW AND CONTEMPORARY PROBLEMS is a quarterly publication. Normal publication dates are in January, April, July, and September. Because each issue is a symposium, it is not possible to delay publication of an article without postponing publication of the issue. Therefore, if a very promising contribution is not yet complete at the anticipated time of publication, some delay may result. Readers are asked to forbear the occasional irregularity which results.

---

Views expressed in articles published in this periodical are to be attributed to their authors and not the periodical, its editors, or Duke University.

---