

Curriculum Vitae

James P. Scanlan
Attorney at Law
1529 Wisconsin Ave., NW
Washington, DC 20007
Tel. 202-338-9224
Email jps@jpscanlan.com

EDUCATION

London School of Economics and Political Science, 1971
Harvard Law School, JD, 1969
John Carroll University, AB, 1966

EMPLOYMENT

2002 to present
James P. Scanlan, Attorney at Law
Washington, DC

1996 to 2002
Akin Gump Strauss Hauer & Feld, LLP
Washington, DC

1973 to 1995
Equal Employment Opportunity Commission
Washington, DC

1969 to 1971
United States Army

Published Articles

["Things the President Doesn't Know About Racial Disparities,"](#) *Federalist Society Blog* (Aug. 5, 2016)

["The Mismeasure of Health Disparities,"](#) *Journal of Public Health Management and Practice* (July/Aug. 2016)

["Is the Disparate Impact Doctrine Unconstitutionally Vague?,"](#) *Federalist Society Blog* (May 6, 2016)

["Things DOJ doesn't know about racial disparities in Ferguson,"](#) *The Hill* (Feb. 22, 2016)

[“Case may reveal government’s perverse fair lending enforcement,”](#) *The Hill* (Dec. 29, 2014)

[“Is HUD’s Disparate Impact Rule Unconstitutionally Vague?,”](#) *American Banker* (Nov. 10, 2014)

[“Race and Mortality Revisited,”](#) *Society* (July/August 2014)

[“The Perverse Enforcement of Fair Lending Laws,”](#) *Mortgage Banking* (May 2014)

[“Measuring Health and Healthcare Disparities,”](#) *Proceedings of the Federal Committee on Statistical Methodology 2013 Research Conference* (Apr. 2014)

[“It’s Easy to Misunderstand Gaps and Mistake Good Fortune for a Crisis,”](#) *Minneapolis Star Tribune* (Feb. 8, 2014)

[“Things Government Doesn’t Know About Racial Disparities,”](#) *The Hill* (Jan. 28, 2014).

[“Let’s Hope Insurer Lawsuit Makes HUD Rethink ‘Disparate Impact’”](#) *American Banker* (Jan. 8, 2014)

[“The Paradox of Lowering Standards,”](#) *Baltimore Sun* (Aug. 5, 2013)

[“Regulators Need Schooling on Measuring Lending Bias,”](#) *American Banker* (June 14, 2013):

[“Fair Lending Studies Paint Incomplete Picture,”](#) *American Banker* (April 24, 2013)

[“Misunderstanding of Statistics Leads to Misguided Law Enforcement Policies,”](#) *Amstat News*, (Dec. 2012)

[“Statistical Quirks Confound Lending Bias Claims,”](#) *American Banker* (August 14, 2012):

[“Racial Differences in School Discipline Rates,”](#) *The Recorder* (June 22, 2012):

[“Disparate Impact’: Regulators Need a Lesson in Statistics,”](#) *American Banker* (June 5, 2012):

[“The Lending Industry’s Conundrum,”](#) *National Law Journal* (Apr. 2, 2012)

[“Can We Actually Measure Health Disparities?,”](#) *Chance* (Spring 2006):47-51

“Harvard Model,” in *Affirmative Action, An Encyclopedia* (James A. Beckman ed.) Greenwood Press, 2004, 472-73.

“Manifest Imbalance,” in *Affirmative Action, An Encyclopedia* (James A. Beckman ed.)

Greenwood Press, 2004, 586-88.

[“Statistical Proof of Discrimination,”](#) in *Affirmative Action, An Encyclopedia* (James A. Beckman ed.) Greenwood Press, 2004, 838-40.

[“John Paul Stevens,”](#) in *Affirmative Action, An Encyclopedia* (James A. Beckman ed.) Greenwood Press, 2004, 848-53.

[“Wards Cove Packing Co. v. Atonio, 490 U.S. 642 \(1989\)”](#) in *Affirmative Action, An Encyclopedia* (James A. Beckman ed.) Greenwood Press, 2004, 930-32.

[“Understanding Racial Differences in Infant Mortality,”](#) *Prenatal Ed Update* (Oct. 2000)

[“Race and Mortality,”](#) *Society* (Jan/Feb 2000), 29-35 (reprinted in *Current* (Feb. 2000)).

[“Both Sides Misuse Data in the Credit Discrimination Debate,”](#) *American Banker* (July 22, 1998).

“Responsive Banks Hurt By Improper Data Interpretation,” *Montgomery Journal* (May 5, 1998)

[“Perils of Using Statistics to Show Presence or Absence of Loan Bias,”](#) *American Banker* (Dec., 1997)

[“Statistical Anomaly Penalizes Fair-Lending Effort,”](#) *American Banker* (Nov. 18, 1996)

[“Mired in Numbers,”](#) *Legal Times* (Oct. 21, 1996)

“Women Employees' Case Against Publix, Built on Wrong Data, Doesn't Compute,” *Miami Daily Business Review* (Aug. 2, 1996)

[“When Statistics Lie,”](#) *Legal Times* (Jan. 1, 1996)

[“Strictly Scrutinizing Affirmative Action,”](#) *Legal Times* (1994-1995 Supreme Court Review) (July 31, 1995)

[“No Substitute for the Real Thing: Class-Based Affirmative Action Won't Achieve the Same Results,”](#) *Legal Times* (May 1, 1995)

[“Multimillion-Dollar Settlements May Cause Employers to Avoid Hiring Women and Minorities for Less Desirable Jobs to Improve the Statistical Picture,”](#) *National Law Journal* (Mar. 27, 1995)

[“Divining Difference,”](#) *Chance* (Fall 1994), 38-39, 48.

["Measuring Hiring Discrimination,"](#) *Labor Law Journal* 44(7) (July 1993), 387-94.

["Getting it Straight When Statistics Can Lie,"](#) *Legal Times* (June 28, 1993)

["Unlucky Stores: Are They All Guilty of Discrimination?"](#) *San Francisco Daily Journal* (Jan. 29, 1993)

"Study Misses Mark [o]n Discrimination in D.C.," *Washington Business Journal* (May 18-25, 1992)

["Bias Data Can Make the Good Look Bad,"](#) *American Banker* (Apr. 27, 1992)

["The Curious Case of Affirmative Action for Women,"](#) *Society* 29(2) (Jan/Feb 1992) (reprinted in *Current* (June 1992))

"Low Entrance Standards Hardest on Minorities," *NCAA News* (Dec. 18, 1991)

["Slip-Up on Civil Rights Bill,"](#) *Legal Times* (Dec. 11, 1991)

["Setbacks Ahead for Set-Asides,"](#) *Legal Times* (May 21, 1991)

["Can Affirmative Action Survive the Struggle?"](#) *Legal Times* (Jan. 21, 1991)

["The Perils of Provocative Statistics,"](#) *Public Interest* (Winter, 1991), 3-14

["Comment on McLanahan, Sorensen, and Watson's ' Sex Differences in Poverty, 1950-1980,'"](#) *Signs: Journal of Women in Culture and Society* (Winter 1991), 409-13.

["Double-Edged Civil Rights,"](#) *National Law Journal* (Nov. 5, 1990)

["The Court's Little Surprise,"](#) *Legal Times* (1989-1990 Supreme Court Review) (July 23, 1990)

["Numbers Can Mislead on Race and Death,"](#) *Legal Times*, (July 9, 1990) (reprinted as part of the proceedings of the Criminal Section of the American Bar Association annual meeting in August, 1990)

"Race, Color Bias Inseparable," *Fulton County Daily Report* (June 26, 1990)

["Broadcasting Cases to Transmit Message on Racial Preferences,"](#) *Legal Times* (Mar. 19, 1990)

["An Issue of Numbers,"](#) *National Law Journal* (Mar. 5, 1990)

["Patterson v. McLean and Affirmative Action,"](#) *Labor Law Journal* 41(3) (March 1990), 131-37

["Time Running Out on Minority Preferences,"](#) *Legal Times* (Dec. 11, 1989)

["Strategic Defense Can Be Dangerous,"](#) *New Leader* (June 12-26, 1989)

["Affirmative Action for Women: New Twist on an Old Debate,"](#) *Legal Times* (Dec. 5, 1988)
(reprinted in *The Corporate Board* (July-August, 1989))

["Striking Down Set-Aside System, Court Tackles Complex Issue,"](#) *National Law Journal* (Mar. 6, 1989)

"Indiscriminate Reading of Statistics Can 'Prove' Bias Where None Exists," *Manhattan Lawyer* (Apr. 24, 1989)

["Are Bias Statistics Nonsense?"](#) *Legal Times* (Apr. 17, 1989)

["Illusions of Job Segregation,"](#) *Public Interest* (Fall 1988), 54-69.

["What Helps the Single Working Parent?"](#) *National Law Journal* (Sept. 29, 1988)

["Facing the Paradox of Deterrence,"](#) *Midwest Quarterly* 29(1) (Autumn 1987), 9-24.

["Feminization of Poverty' is Misunderstood,"](#) *Cleveland Plain Dealer* (Oct. 9, 1987) (reprinted in *Current* (May, 1988) and *Annual Editions: Social Problems 1989/90* (1989))

["Semantic Quibbles Miss the Point in EEO Debate,"](#) *Legal Times* (Feb. 24, 1986)

["The Bottom Line Limitation to the Rule of *Griggs v. Duke Power Co.*,"](#) *University of Michigan Journal of Law Reform* (Spring, 1985)

["Employment Quotas for Women?"](#) *Public Interest* 73 (Fall, 1983), 106-12.

Conferences Presentations and Methods Workshops

"The Mismeasure of Health Disparities in Massachusetts and Less Affluent Places," Quantitative Methods Seminar, Department of Quantitative Health Sciences, University of Massachusetts Medical School (Nov. 18, 2015): [Abstract](#), [PowerPoint Presentation](#),

"The Mismeasure of Discrimination," Methods Workshop, Center for Demographic and Social Analysis, University of California, Irving (Jan. 20, 2015): [PowerPoint Presentation](#).

"The Mismeasure of Demographic Differences in Outcome Rates," Methods Workshop, Public Sociology Association of George Mason University, October 18, 2014: [Abstract](#), [PowerPoint Presentation](#).

“Rethinking the Measurement of Demographic Differences in Outcome Rates,” Methods Workshop, Maryland Population Research Center of the University of Maryland, Oct. 10, 2014: [Abstract](#), [PowerPoint Presentation](#).

“The Mismeasure of Association: The Unsoundness of the Rate Ratio and Other Measures That Are Affected by the Prevalence of an Outcome,” Methods Workshop, Minnesota Population Center and the Department of Epidemiology and Community Health of the University’s School of Public Health, University of Minnesota, Sept. 5, 2014: [Abstract](#), [PowerPoint Presentation](#).

“Measuring Health and Healthcare Disparities,” 2013 Federal Committee on Statistical Methodology Research Conference, Nov. 4-6, 2013: [Abstract](#), [PowerPoint Presentation](#), [Paper](#).

“The Mismeasure of Discrimination,” Faculty Workshop at the University of Kansas School of Law, Sept. 20, 2013: [Abstract](#), [PowerPoint Presentation](#), [Paper](#).

“The Mismeasure of Group Differences in the Law and the Social and Medical Sciences,” Applied Statistics Workshop at the Institute for Quantitative Social Science at Harvard University, Oct. 17, 2012: [Abstract](#), [PowerPoint Presentation](#).

“The Mismeasure of Group Differences in the Law and the Social and Medical Sciences,” American University Department of Mathematics and Statistics Colloquium, Washington, DC, September 25, 2012: [PowerPoint Presentation](#).

“Perverse Perceptions of the Impact of Pay for Performance on Healthcare Disparities,” 9th International Conferences on Health Policy Statistics, Cleveland, Ohio, Oct. 5-7, 2011: [Abstract](#), [PowerPoint Presentation](#), [Oral Presentation](#).

“Measuring Healthcare Disparities,” 3rd North American Congress of Epidemiology, Montreal, Canada, June 21-24, 2011: [PowerPoint Presentation](#).

“The Emerging European Acceptance of ‘Scanlan’s Rule’ in Health Disparities Research: Will the United States Be Left Behind?” to be presented at American Public Health Association 138th Annual Meeting & Exposition, Denver, Colorado, Nov. 7-10, 2010: [Abstract](#).

“Measuring Health Inequalities by an Approach Unaffected by the Overall Prevalence of the Outcomes at Issue,” Royal Statistical Society Conference 2009, Edinburgh, Scotland, Sept. 7-11, 2009: [Abstract](#), [PowerPoint Presentation](#).

“Interpreting Differential Effects in Light of Fundamental Statistical Tendencies,” 2009 Joint Statistical Meetings of the American Statistical Association, International Biometric Society, Institute for Mathematical Statistics, and Canadian Statistical Society, Washington, DC, Aug. 1-6, 2009: [Abstract](#), [Oral Presentation](#), [PowerPoint Presentation](#).

“Approaches to Measuring Health Disparities that are Unaffected by the Prevalence of an Outcome,” American Public Health Association 136th Annual Meeting & Exposition, San Diego, California, Oct. 25-29, 2008. [Abstract](#), [PowerPoint Presentation](#).

“An Approach to Measuring Differences Between Rates that is not Affected by the Overall Prevalence of an Outcome,” British Society for Populations Studies Conference 2008, Manchester, England, Sept. 10-11, 2008: [PowerPoint Presentation](#).

“Evaluating The Sizes Of Differences Between Group Rates In Settings Of Different Overall Prevalence,” Joint Statistical Meetings of the American Statistical Association, International Biometric Society, Institute for Mathematical Statistics, and Canadian Statistical Society, Denver, Colorado, Aug. 3-7, 2008: [PowerPoint Presentation](#).

“Measures of Health Inequalities that are Unaffected by the Prevalence of an Outcome,” 16th Nordic Demographic Symposium, Helsinki, Finland, June 5-7, 2008: [PowerPoint Presentation](#).

“Measuring Health Disparities,” Kansas Department of Health and Environment, Center for Health Disparities, 2008 Health Disparities Conference, Topeka, Kansas, Apr. 1, 2008: [PowerPoint Presentation](#).

“Can We Actually Measure Health Disparities?,” 7th International Conference on Health Policy Statistics, Philadelphia, PA, Jan. 17-18, 2008: [Oral Presentation](#), [PowerPoint Presentation](#). http://www.jpscanlan.com/images/2008_ICHPS_Oral.pdf

“Measurement Problems in the National Healthcare Disparities Report,” American Public Health Association 135th Annual Meeting & Exposition, Washington, DC, Nov. 3-7, 2007: [Abstract](#), [Oral Presentation](#), [PowerPoint Presentation](#), [Addendum](#).

“Methodological Issues in Comparing the Size of Differences between Rates of Experiencing or Avoiding an Outcome in Different Settings,” British Society for Populations Studies Conference 2007, St. Andrews, Scotland, Sept. 11-13, 2007. [Oral Presentation](#), [PowerPoint Presentation](#).

“Approaches to Measuring Differences in Health That Are Unaffected by the Prevalence of an Outcome,” Roundtable coffee at 2006 Joint Statistical Meetings of the American Statistical Association, International Biometric Society, Institute for Mathematical Statistics, and Canadian Statistical Society, Salt Lake City, Utah, July 29 – Aug. 2, 2007: [Abstract](#).

“Exploring Methods to Measure Health Inequalities that are Unaffected by the Prevalence of an Outcome,” Social, Cultural and Economic Determinants of Health: International Perspectives for Global Action (1st Conference of the Journal Public Health, Journal of the Royal Institute of Public Health), Lisbon, Portugal, May 9-11, 2007: [Oral Presentation](#), [PowerPoint Presentation](#).

“Understanding Variations in Group Differences that are the Results of Variation in the Prevalence of an Outcome,” American Public Health Association 134th Annual Meeting & Exposition, 2006, Boston, MA, Nov. 4-8, 2006: [Abstract](#), [Oral Presentation](#), [PowerPoint Presentation](#).

“The Misinterpretation of Health Inequalities in the United Kingdom,” British Society for Populations Studies Conference 2006, Southampton, England, Sept. 18-20, 2006: [Complete Paper](#), [Oral Presentation](#), [PowerPoint Presentation](#).

“Measuring Health Disparities,” Roundtable lunch at 2006 Joint Statistical Meetings of the American Statistical Association, International Biometric Society, Institute for Mathematical Statistics, and Canadian Statistical Society. Seattle, Washington, Aug. 6-10, 2006.

“The Misinterpretation of Health Inequalities in Nordic Countries,” 5th Nordic Health Promotion Research Conference, Esbjerg, Denmark, June 15-17, 2006: [Abstract](#), [Oral Presentation](#).

“Measuring Health Inequalities,” 5th International Conference on Health Economics, Management and Policy, Athens, Greece, June 5-7, 2006: [Abstract](#), [Complete Paper](#).

“Understanding Increasing Racial Differences in Mortality (and Declining Differences in Survival),” First Annual Health Disparities Conference, Teachers College, Columbia University, New York, New York, Mar. 19, 2006.

“The Difficulties of Interpreting Changing Racial and Socioeconomic Differences in Health Outcomes,” International Conference on Health Policy Research, Boston, MA, Dec. 9, 2001: [Abstract](#).

“The Misunderstood Relationship Between Declining Mortality and Increasing Racial and Socioeconomic Disparities in Mortality Rates, presented at the conference "Making a Difference: Is the Health Gap Widening?" sponsored by the Norwegian National Institute of Public Health, Oslo Norway, May 14, 2001: [Abstract](#), [PowerPoint Presentation](#).

"Affirmative Action for Women" "Women and the Constitution" sponsored by the Carter Center of Emory University, Atlanta, Georgia (December, 1987)

Working Papers (unpublished)

“[Mortality and Survival](#)” 2010

“[Scanlan’s Rule](#)” (2009)

“[Adjustment Issues](#)” (2009)

“[Times Higher/Greater Issues](#)” (2009)

“[Percentage Points](#)” (2009)

[“Gender Differences in Rates of Military Discharges for Violation of Sexual Orientation Policy”](#) (2009)

[“Pay for Performance and HealthCare Disparities”](#) (2009)

[“Subgroup Effects/Interaction”](#) (2009)

[“The Profiling Conundrum”](#) (2001)

[“Data and Discipline”](#) (2000)

[“The Confusion over Credit Discrimination”](#)(1997)

["The Relationship Between Declining Mortality and Increasing Racial and Socioeconomic Disparities in Mortality"](#) (1992)

["Direct Regression and Reverse Regression: Contrasting Ways of Looking at the Wrong Information"](#) (1992)

[“The Obsolescence of Strategic Bombers and Submarines”](#) (1991)

On-Line Responses to Medical, Epidemiological, and Health Policy Journal Articles

The numbering of the items below is that according to which they are maintained in Section D of the [Measuring Health Disparities](#) page of [jpscanlan.com](#).

146. Sound guidance on measurement of health inequalities must reflect an understanding of the patterns by which measures tend to be affected by the frequency of an outcome. PLoS Med June 17, 2015 (responding to Hosseinpoor AR, Bergen N, Koller T, et al. Equity-oriented monitoring in the context of universal health coverage. PLoS Med 2014;11(9): e1001727. doi:10.1371/journal.pmed.1001727 PLoS Med 11(9): e1001727. <http://journals.plos.org/plosmedicine/article/comments?id=10.1371/journal.pmed.1001727>

145. Time to stop thinking in terms of relative inequalities and absolute inequalities. Eur J Pub Health (May 27, 2015), responding to Mackenbach JP. Should we aim to reduce relative or absolute inequalities in mortality? Eur J Pub Health 2015;25(2):185: <http://eurpub.oxfordjournals.org/content/25/2/185.explore>

144. The monitoring of health inequalities has never been sound II. BMJ Aug. 17, 2014 (responding to Marmot M, Goldblatt P. Importance of monitoring health inequalities. BMJ 2013;347:f6576): <http://www.bmj.com/content/347/bmj.f6576/rr/762856>

143. The need for new thinking about how to measure disparities II. BMJ March 17, 2014 (responding to Epstein K. Persistent health disparities in the US signal for new thinking. BMJ

2012;345:e6204 doi: 10.1136/BMJ.e620):
<http://www.bmj.com/content/345/bmj.e6204>

142. The monitoring of health inequalities has never been sound. BMJ Nov. 9, 2012 (responding to Marmot M, Goldblatt P. Importance of monitoring health inequalities. BMJ 2013;347:f6576): <http://www.bmj.com/content/347/bmj.f6576/rr/671152>

141. General reductions in adverse health outcomes tend to increase rather than reduce relative differences in rates of experiencing those outcomes. Health Affairs Oct. 28, 2013 (responding to Qasim M, Andrews RM. Despite Overall Improvement In Surgical Outcomes Since 2000, Income-Related Disparities Persist. Health Affairs. 2013;32(10):1773-1780):
http://content.healthaffairs.org/content/32/10/1773/reply#healthaff_el_476813

140. There are important differences between disparities in survival and disparities in mortality. BMC Cancer Oct. 16, 2013 (responding to Yu XQ. Socioeconomic disparities in breast cancer survival: relation to stage at diagnosis, treatment and race. BMC Cancer 2009, 9:364: doi:10.1186/1471-2407-9-364):
<http://www.biomedcentral.com/1471-2407/9/364/comments#1563696>

139. Need for researchers to acknowledge alternative methods. Health Affairs. Apr. 1, 2013 (responding to Trivedi AN, Grebla RC, Wright SM, Washington DL. Despite improved quality of care in the veterans affairs health system, racial disparity persists for important clinical outcomes. Health Affairs, 30, No. 4 (2011):707-715):
http://content.healthaffairs.org/content/30/4/707.full/reply#healthaff_el_476354

138. Efforts to quantify the magnitude of inequalities must consider more carefully the implications of the patterns by which measures tend to be affected by the prevalence of an outcome. BMC Public Health March 10, 2013 (responding to Scholes S., Bajekal M, Hande L, et al. Persistent socioeconomic inequalities in cardiovascular risk factors in England over 1994-20000. A time-trend analysis of repeated cross-sectional data. BMC Public Health 2012, 12:129 doi:10.1186/1471-2458-12-129): <http://www.biomedcentral.com/1471-2458/12/129/comments#1358696>

137. Goodbye to the rate ratio. BMJ Feb. 25, 2013 (responding to Hingorani AD, van der Windt DA, Riley RD, et al. Prognosis research strategy (PROGRESS) 4: Stratified medicine research. BMJ2013;346:e5793): <http://www.BMJ.com/content/346/BMJ.e5793/rr/632884>

136. Researchers must address whether other methods yield different conclusions. Health Aff (Millwood) Feb. 5, 2013 (responding to Sommers BD, Buchmueller T, Decker SL, et al. The Affordable Care Acts has led to significant gains in health insurance and access to care for young adults. 2011;32(1):920-930):
<http://content.healthaffairs.org/content/32/1/165.abstract?sid=7a17deef-f029-4dc6-895f-2b4f41398fc0#responses>

135. The need for new thinking about how to measure disparities. *BMJ* Feb. 4, 2013 (responding to Epstein K. Persistent health disparities in the US signal for new thinking. *BMJ* 2012;345:e6204 doi: 10.1136/BMJ.e620):
<http://www.BMJ.com/content/345/BMJ.e6204/rr/628910>
134. How Measures are Affected by the Prevalence of an Outcome (responding to Clemans-Cope L, Kenney GM, Buettgens M, et al. The Affordable Care Acts coverage expansions will reduce differences in insurance rates by race and ethnicity. *Health Aff (Millwood)* 2012;31(5):920-930):
http://content.healthaffairs.org/content/31/5/920.abstract/reply#healthaff_el_476249
133. Discussions of relative and absolute differences cannot ignore that there are two relative differences. *BMJ* Nov. 8, 2012 (responding to King NB, Harper S, Young ME. Use of relative and absolute effect measure in reporting health inequalities: structured review. *BMJ* 2012;345:e544 doi: 10.1136/bmj.e5774): <http://www.bmj.com/content/345/bmj.e5774/rr/613496>
132. Clarity in the reporting of health equity issues requires addressing measurement issues. *PLoS Medicine* Nov. 3, 2012 (responding to The PLOS Medicine Editors (2012) Bringing Clarity to the Reporting of Health Equity. *PLoS Med* 9(10): e1001334. doi:10.1371/journal.pmed.1001334):
<http://www.plosmedicine.org/annotation/listThread.action?inReplyTo=57571&root=57571>
131. Recognizing contrasting patterns of gender differences in mortality and gender differences in survival. *PLoS Medicine* Sept, 26, 2012 (responding to Cornell M, Schomaker M, Garone db, et al. Gender differences in survival among adult patients starting antiretroviral therapy in South Africa: A Multicentre cohort study. *PLoS Med* 9(9): e1001304): doi:10.1371/journal.pmed.1001304:
<http://www.plosmedicine.org/annotation/listThread.action?inReplyTo=54807&root=54807>
130. Study of effects of increasing coverage on inequalities in use of insecticide-treated bed nets illustrates implications of choices of measure of inequality. *PLoS Medicine*, July 5, 2012 (responding to Noor AM, Amin AA, Akhwale WS, Snow RW (2007) Increasing Coverage and Decreasing Inequity in Insecticide-Treated Bed Net Use among Rural Kenyan Children. *PLoS Med* 4(8): e255. doi:10.1371/journal.pmed.0040255):
<http://www.plosmedicine.org/annotation/listThread.action?inReplyTo=51561&root=51561>
129. Assumption of constant relative risk reductions across different baseline rates is unsound. *CMAJ* Mar. 12, 2012 (responding to Barratt A, Wyer PC, McGinn T, et al. Tips for learners of evidence-based medicine: 1. Relative risk reduction, absolute risk reduction and number needed to treat. *CMAJ* 2004;171(4):353-358):
http://www.cmaj.ca/content/171/4/353.short/reply#cmaj_el_690714
128. Study of changes in the effect of marital status on cancer outcomes overlooks the way standard measures of association tend to be affected by the overall prevalence of an outcome.

BMC Public Health March 5, 2012 (responding to Kravdal H, Syse A. Changes over time in the effect of marital status on cancer survival. *BMC Public Health* 2011;11:804 (doi:10.1186/1471-2458-804): <http://www.biomedcentral.com/1471-2458/11/804/comments#730697>

127. Studies of effects of health conditions on self-rated health must consider the ways standard measures of health disparities tend to be affected by the prevalence of an outcome. *BMJ Public Health* Feb. 14, 2012 (responding to Delpierre C, Kelly-Irving M, Munch-Petersen M., et al. SRH and HRQ: does social position impact differently on their with health status. *BMC Public Health* 2012, 12,19: doi:10.1186/1471-2458-12-19): <http://www.biomedcentral.com/1471-2458/12/19/comments#732698>

126. Flaws in tools for measuring healthcare disparities can exacerbate those disparities (responding to Blustein J, Weissman JS, Ryan AM. Analysis raised question of whether pay-for-performance in Medicaid can efficiently reduce racial and ethnic disparities. *Health Aff* (Millwood) 2011;30(6):1165-1175): <http://content.healthaffairs.org/content/30/6/1165/reply>

125. Understanding contrasting patterns of relative differences in survival and relative differences in mortality. *Emerging Themes in Epidemiology*. Jan. 12, 2011 (responding to Hockey R, Tooth I, Dobson A. Relative survival: a useful tool to assess generalisability in longitudinal studies of health in older persons. *Emerging Themes in Epidemiology* 2011, 8,3): <http://www.ete-online.com/content/8/1/3/comments>

124. Estimation of treatment effects across a range of baseline rates should not be based on assumptions of either constant relative risks or constant odds ratios. *Emerging Themes in Epidemiology* Jan. 12, 2012 (responding to Wang H, Boissel JP, Nony P. Revisiting the relationship between baseline risk and risk under treatment. *Emerging Themes in Epidemiology* 2009;6:1): <http://www.ete-online.com/content/6/1/1/comments>

123. Efforts to appraise changes in inequalities in poor health over the life course must consider the implications of general increases in poor health as the population ages. *BMC Public Health* Jan. 12, 2012 (responding to Benzeval M, Green MJ, Leyland AH. Do social inequalities in health widen or converge with age. Longitudinal evidence from three cohorts in the West of Scotland. *BMC Public Health* 2011, 11:947: doi:10.1186/1471-2458-11-947): <http://www.biomedcentral.com/1471-2458/11/947/comments>

122. The inevitability of interaction. *BMJ* Dec. 19, 2011 (responding to Altman DG, Bland JM. Interaction revisited: the difference between two estimates. *BMJ* 2003;326:219): <http://www.bmj.com/content/326/7382/219?tab=responses>

121. Nomogram for calculating number needed to treat is based on an unsound premise. *BMJ* Dec. 8, 2011 (responding to Chatellier G, Zapletal E, Lemaitre D, et al. The number needed to treat: a clinically useful nomogram in its proper context. *BMJ* 1996;312:426-429): <http://www.bmj.com/content/312/7028/426?tab=responses>

120. The crucial priority for research on equity and health is the development of a sound method of measurement. *PLoS Med* Dec. 3, 2011 (responding to Östlin P, Schrecker T, Sadana R, Bonnefoy J, Gilson L, et al. (2011) Priorities for Research on Equity and Health: Towards an Equity-Focused Health Research Agenda. *PLoS Med* 8(11); e1001115. Doi:10):

<http://www.plosmedicine.org/annotation/listThread.action?inReplyTo=info%3Adoi%2F10.1371%2Fannotation%2Fa03ee9ea-5a5e-4da1-ac8b-45db407ec574&root=info%3Adoi%2F10.1371%2Fannotation%2Fa03ee9ea-5a5e-4da1-ac8b-45db407ec574>

119. Assumption of constant relative risk reductions across different baseline rates is unsound. *BMJ* Nov. 21, 2011 (responding to Cook RJ, Sackett DL. The number needed to treat: a clinically useful measure of treatment effect. *BMJ* 1995;310:452-454):

<http://www.bmj.com/content/310/6977/452?tab=responses>

118. Ratio measures are not transportable. *BMJ* Nov. 11, 2011 (responding to Schwartz LS, Woloshin S, Dvorin EL, Welch HG. Ratio measures in leading medical journals: structured review of underlying absolute risks. *BMJ* 2006;333:1248-1252):

<http://www.bmj.com/content/333/7581/1248?tab=responses>

117. Studies of trends in the relationship of marital status to mortality must consider the implications of general changes in mortality. *BMC Public Health* Nov. 7, 2011 (responding to Berntsen KN. Trends in total and cause-specific mortality by marital status among elderly Norwegian men and women. *BMC Public Health* 2011; 11:537):

<http://www.biomedcentral.com/1471-2458/11/537/comments#608693>

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["Criminal Division Deputy Assistant Attorney General Bruce C. Swartz, Roman Polanski, and the Hiding of Exculpatory Material"](#) March 10, 2011

[The Remarkable Careers of Sometimes Prosecutor David M. Barrett,"](#) March 8, 2011 (2600):

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