

# **Science and Legal Ethics: A Modern Tragedy**

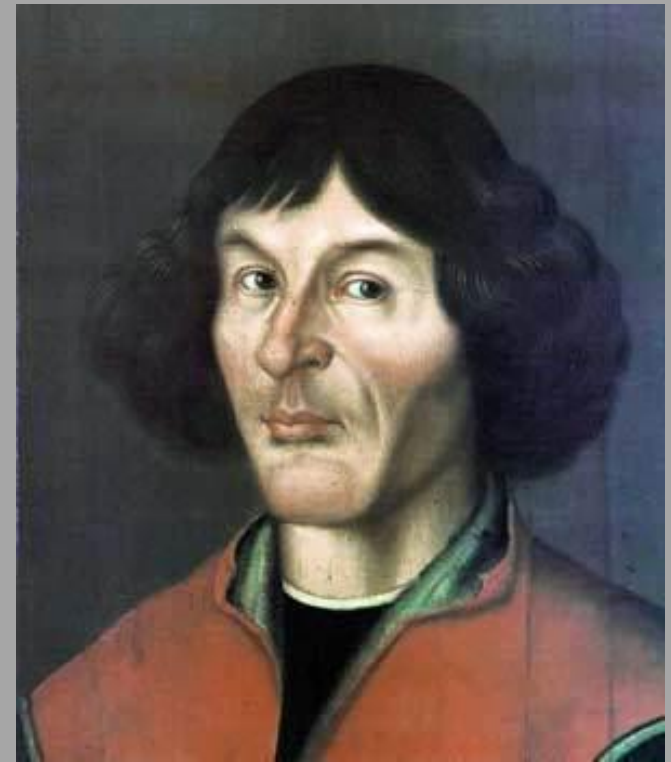
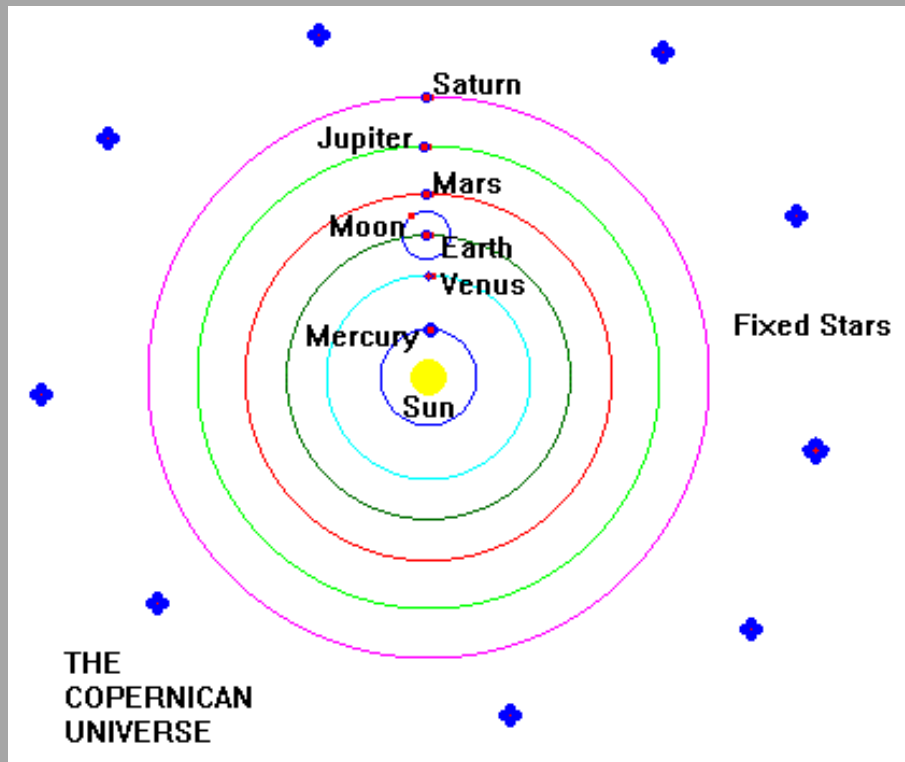
**By Jim Blackburn**

**February 8, 2012**

# Columbus and the Flat Earth



# Copernicus and the Sun



# John Anderson and Sea Level Rise



**“I’m willing to live with not having it published,” John Anderson said Tuesday. “I refuse to have it published with their deletions.”**

Texas on the verge of limiting academic freedom of climate scientists. Texas has become the epicenter of climate skepticism in recent months. SciGuy, *Houston Chronicle*



Houston Chronicle Houston  
Chronicle 10/12/2011 Editorial





# ***Houston & Texas Central RR v. East*, Tex. S. Ct, 1904**

## **Study and Evaluation of Groundwater Involves the Occult**



# **Texas Rules of Professional Conduct**

## **Rule 3.03 Candor Toward the Tribunal**

**(a) A lawyer shall not knowingly:**

**(1) make a false statement of material fact or law to a tribunal;**

# **Texas Rules of Professional Conduct**

## **Rule 3.03 Candor Toward the Tribunal**

**(a) A lawyer shall not knowingly:**

**(2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act;**

# **Texas Rules of Professional Conduct**

## **Rule 3.03 Candor Toward the Tribunal**

**(a) A lawyer shall not knowingly:**

**(4) fail to disclose to the tribunal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or**

# **Texas Rules of Professional Conduct**

## **Rule 3.03 Candor Toward the Tribunal**

**(a) A lawyer shall not knowingly:**

**5) offer or use evidence that the lawyer knows to be false.**

# Expert Witnessing After *Daubert*



THEN EUT-LE TEN STOOD WITHIN THE FIRE

# **In re SILICA PRODUCTS LIABILITY LITIGATION**

- "Repeatedly, the diagnosing doctors testified as to their blind (and, as it happens, unfounded) faith that other physicians had taken the necessary steps to legitimize their diagnoses. By dividing the diagnosing process among multiple people, most of whom had no medical training and \*634 none of whom had full knowledge of the entire process, no one was able to take full responsibility over the accuracy of the process. This is assembly line diagnosing. And it is an ingenious method of grossly inflating the number of positive diagnoses."**

# **In re SILICA PRODUCTS LIABILITY LITIGATION**

**"If nothing else, this MDL illustrates the mess that results when lawyers practice medicine and doctors practice law. In almost all of these cases, one vital requirement for the diagnosis of silicosis—the taking of occupational histories—was performed absent medical oversight by the lawyers or their agents or contractors. More generally, the lawyers determined first what disease they would search for and then what criteria would be used for diagnosing that disease. The lawyers controlled what information reached the diagnosing physicians, stymying the physician's normal ability to ask targeted follow-up questions and perform follow-up exams"**

# Expert Witnessing After *Daubert*



THEN EUT-LE TEN STOOD WITHIN THE FIRE



de Tom Pully

## Confirmed Groundwater Conservation Districts

1. Anderson County UWCD - 10/17/1987
2. Bandera County River Authority & Ground Water District - 11/7/1989
3. Barton Springs/Edwards Aquifer CD - 8/13/1987
4. Bee GCD - 1/20/2001
5. Blanco-Pedernales GCD - 1/23/2001
6. Bluebonnet GCD - 11/5/2002
7. Brazoria County GCD - 11/8/2005
8. Brazos Valley GCD - 11/5/2002
9. Brevard County GCD - 11/6/2001
10. Brush Country GCD - 11/3/2003
11. Central Texas GCD - 9/24/2005
12. Clear Fork GCD - 11/5/2002
13. Clearwater UWCD - 8/21/1999
14. Coastal Bend GCD - 11/6/2001
15. Coastal Plains GCD - 11/6/2001
16. Coke County UWCD - 11/4/1986
17. Colorado County GCD - 11/6/2007
18. Corpus Christi ASRCD - 6/17/2005
19. Cow Creek GCD - 11/5/2002
20. Crockett County GCD - 1/26/1991
21. Culberson County GCD - 5/2/1998
22. Duval County GCD - 7/25/2009
23. Edwards Aquifer Authority - 7/28/1996
24. Evergreen UWCD - 8/30/1985
25. Fayette County GCD - 11/6/2001
26. Fox Crossing Water District - 4/4/1986
27. Garza County UWCD - 11/5/1996
28. Gateway GCD - 5/3/2003
29. Glasscock GCD - 8/22/1981
30. Goliad County GCD - 11/6/2001
31. Gonzales County UWCD - 11/2/1994
32. Guadalupe County GCD - 11/14/1999
33. Hays Trinity GCD - 5/3/2003
34. Headwaters GCD - 11/5/1991
35. Hemphill County UWCD - 11/4/1987
36. Hickory UWCD No. 1 - 8/14/1982
37. High Plains UWCD No. 1 - 9/29/1951
38. Hill Country UWCD - 8/6/1987
39. Hudspeth County UWCD No. 1 - 10/5/1957
40. Iron County WCD - 8/2/1985
41. Jeff Davis County UWCD - 11/2/1993
42. Kenedy County GCD - 11/2/2004
43. Kimble County GCD - 5/3/2002
44. Kinney County GCD - 11/2/2002
45. Lipan-Kickapoo WCD - 11/3/1987
46. Live Oak UWCD - 11/7/1989
47. Llano Estacado UWCD - 11/3/1998
48. Lone Star GCD - 11/6/2001
49. Lone Wolf GCD - 2/2/2002
50. Lost Pines GCD - 11/5/2002
51. Lower Trinity GCD - 11/7/2006
52. McMullen GCD - 11/6/2001
53. Medina County GCD - 8/26/1991
54. Menard County UWCD - 8/14/1999
55. Mesa UWCD - 1/22/1990
56. Mesquite GCD - 11/4/1986
57. Mid-East Texas GCD - 11/5/2002
58. Middle Pecos GCD - 11/5/2002
59. Middle Trinity GCD - 5/4/2002
60. Neches & Trinity Valleys GCD - 11/6/2001
61. North Plains GCD - 1/2/1955
62. North Texas GCD - 12/1/2009
63. Northern Trinity GCD - 5/15/2007
64. Panhandle GCD - 1/21/1985
65. Panola County GCD - 11/6/2007
66. Pecan Valley GCD - 11/6/2001
67. Permian Basin UWCD - 9/21/1985
68. Pineywoods GCD - 11/6/2001
69. Plateau UWC and Supply District - 3/4/1974
70. Plum Creek CD - 5/1/1993
71. Post Oak Savannah GCD - 11/5/2002
72. Prairielands GCD - 9/1/2009
73. Real County UWCD - 8/31/1999
74. Real-Edwards C and R District - 5/30/1959
75. Red River GCD - 9/1/2009
76. Red Sands GCD - 11/5/2002
77. Refugio GCD - 11/6/2001
78. Rolling Plains GCD - 1/26/1999
79. Rusk County GCD - 6/5/2004
80. San Patricio County GCD - 5/12/2007
81. Sandy Land UWCD - 11/7/1989
82. Santa Rita UWCD - 8/19/1989
83. Saratoga UWCD - 11/7/1989
84. South Plains UWCD - 2/8/1992
85. Southeast Texas GCD - 11/2/2004
86. Southern Trinity GCD - 6/19/2009
87. Starr County GCD - 1/6/2007
88. Sterling County UWCD - 11/3/1987
89. Sutton County UWCD - 4/5/1986
90. Texana GCD - 11/6/2001
91. Trinity Glen Rose GCD - 11/5/2002
92. Upper Trinity GCD - 11/6/2007
93. Uvalde County UWCD - 9/11/1993
94. Victoria County GCD - 8/5/2005
95. Wes-Tex GCD - 11/5/2002
96. Wintergarden GCD - 11/7/1998

## Unconfirmed Groundwater Conservation Districts

- 97. Lavaca County GCD + #
- 98. Calhoun County GCD + #
- 99. Terrell County GCD + #

- \* Pending Election Results
- \* Created by the 80th Legislature
- \* Created by the 82nd Legislature

## Subsidence Districts

- Harris-Galveston Subsidence District
- Fort Bend Subsidence District

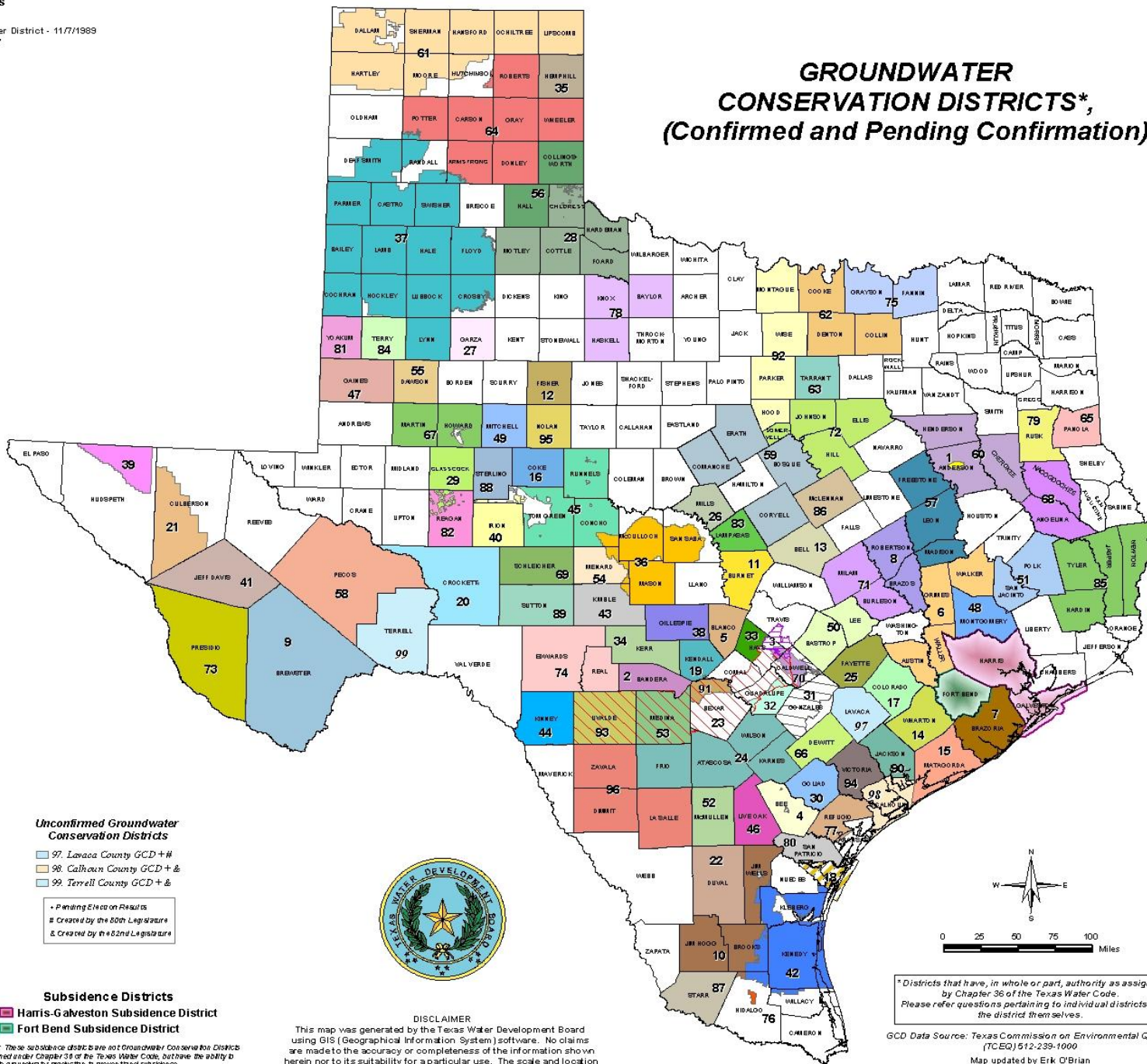
NOTE: These subsidence districts are not Groundwater Conservation Districts as defined under Chapter 38 of the Texas Water Code, but have the ability to regulate groundwater production to prevent land subsidence. (Refer to Senate Bill 1537 from the 76th Legislative Session.)



## DISCLAIMER

This map was generated by the Texas Water Development Board using GIS (Geographical Information System) software. No claims are made to the accuracy or completeness of the information shown herein nor to its suitability for a particular use. The scale and location of all mapped data are approximate.

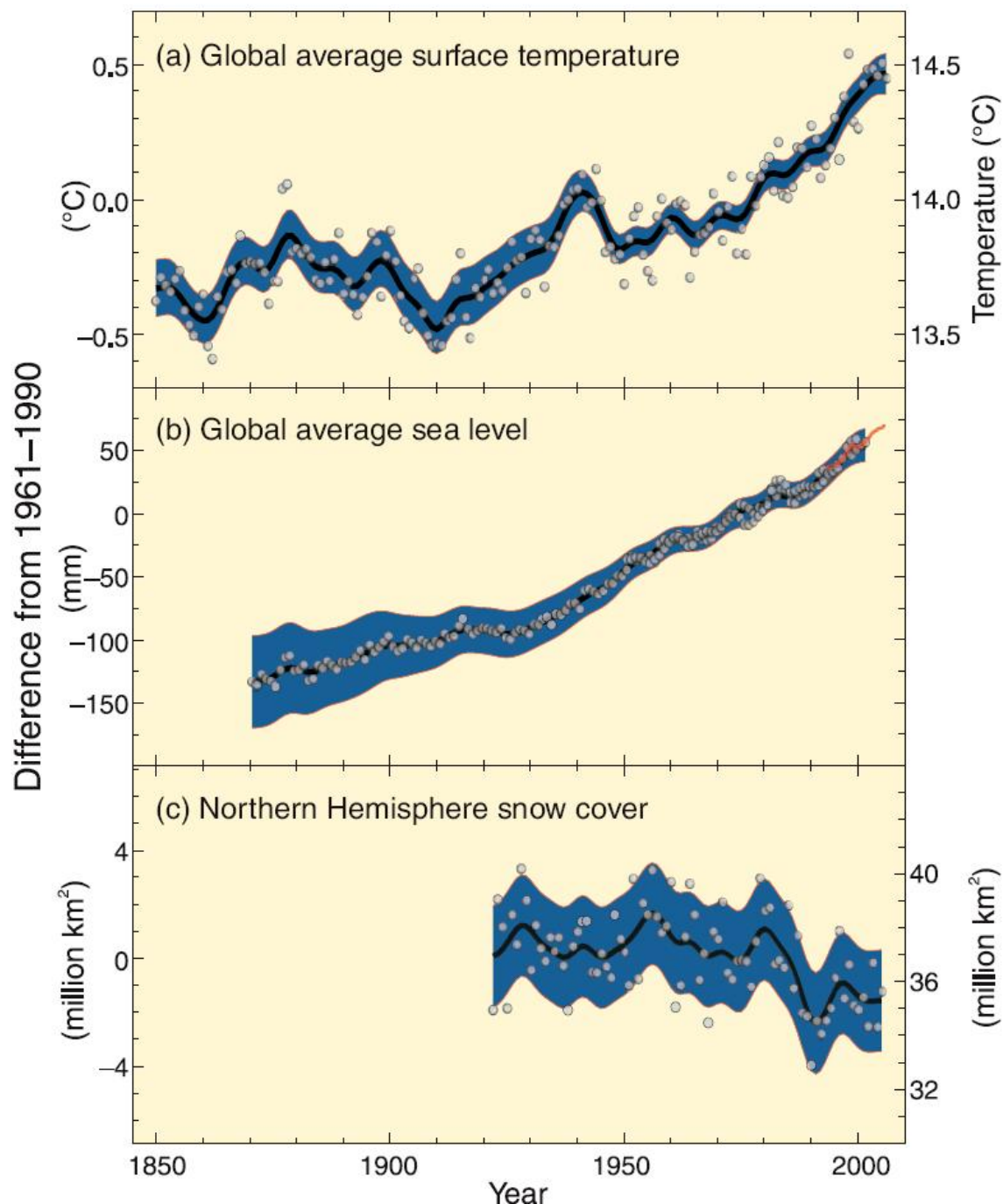
# GROUNDWATER CONSERVATION DISTRICTS\*, (Confirmed and Pending Confirmation)



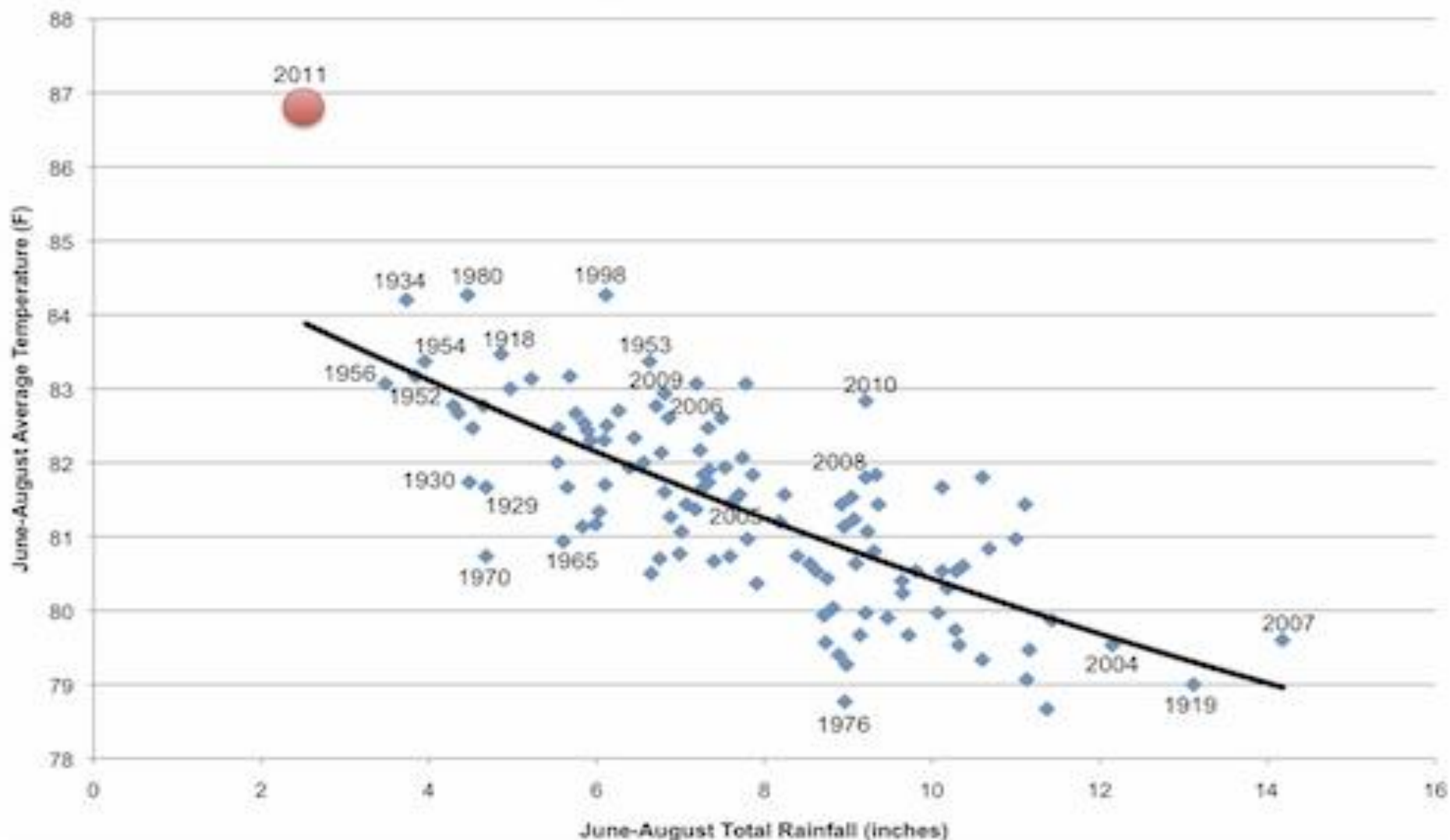
\* Districts that have, in whole or part, authority as assigned by Chapter 36 of the Texas Water Code. Please refer questions pertaining to individual districts to the district themselves.

GCD Data Source: Texas Commission on Environmental Quality (TCEQ) 512-239-1000  
Map updated by Erik O'Brian  
September 2011

# Changes in temperature, sea level and Northern Hemisphere snow cover



## Texas Summers



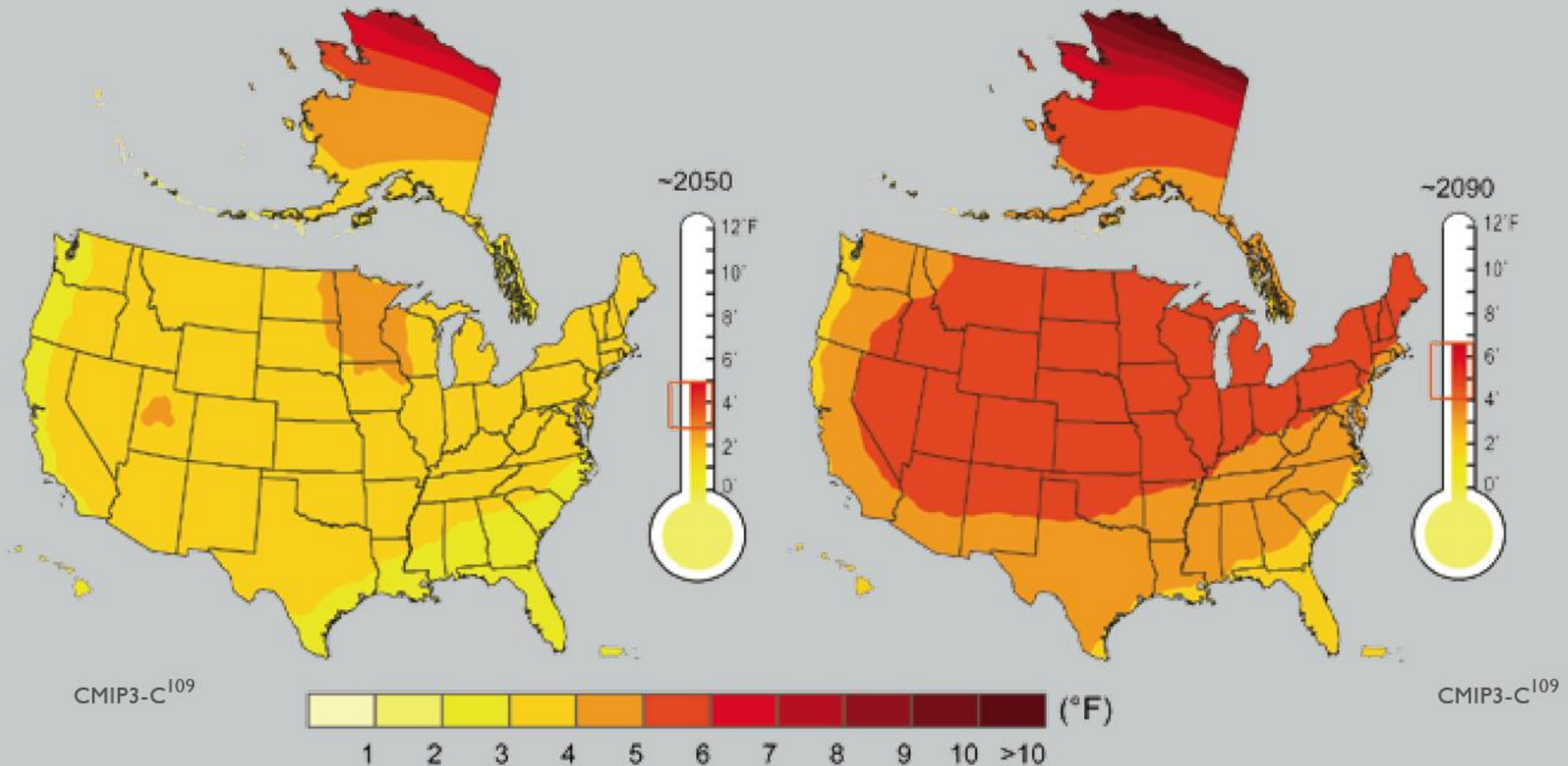
*In Texas, the summer of 2011 has been both the hottest and driest on record. The drought has cost billions in economic losses, mainly due to agricultural impacts and from wildfires. Credit: John Nielsen-Gammon, Texas State Climatologist.*

# Lower Emissions Scenario<sup>91</sup> Projected Temperature Change (°F)

from 1961-1979 Baseline

Mid-Century (2040-2059 average)

End-of-Century (2080-2099 average)



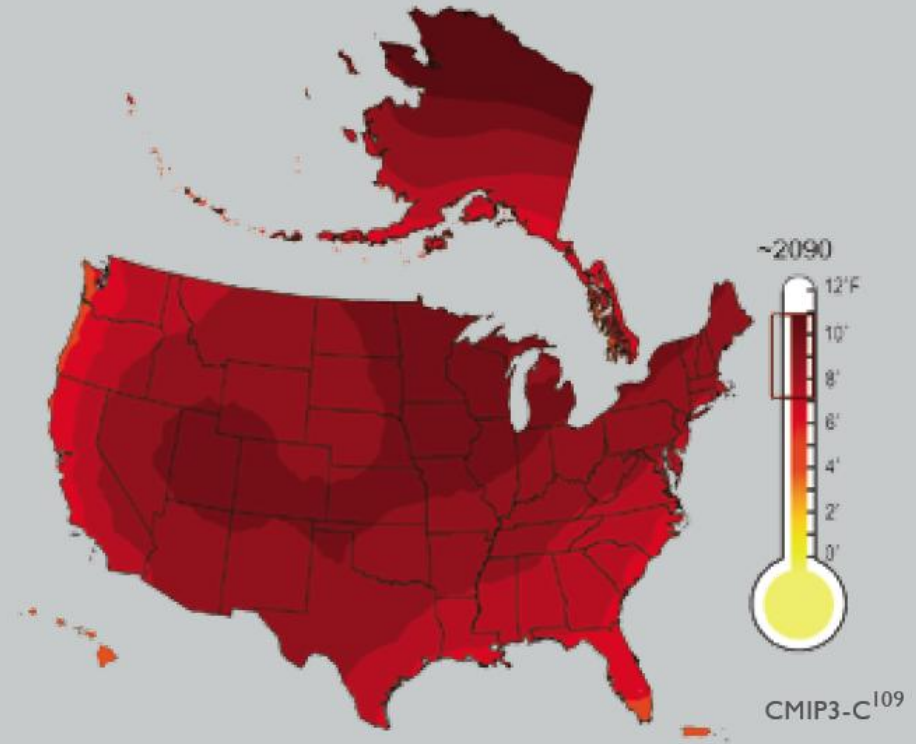
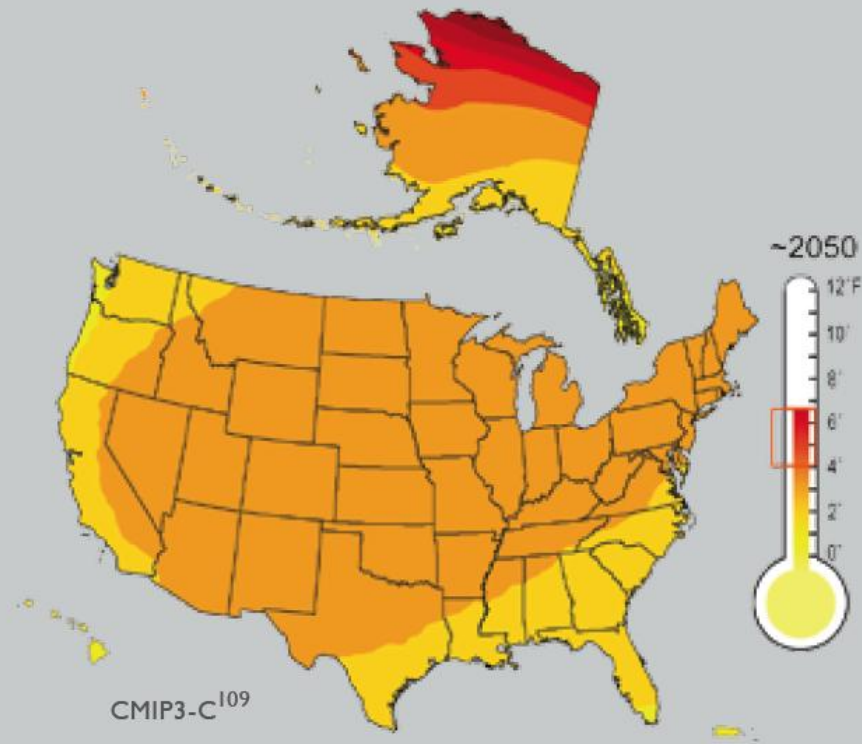
The maps on this slide and the next are based on projections of future temperature by 16 of the Coupled Model Intercomparison Project Three (CMIP3) climate models using two emissions scenarios from the Intergovernmental Panel on Climate Change (IPCC), *Special Report on Emission Scenarios (SRES)*. The “lower” scenario here is B1, while the “higher” is A2. The brackets on the thermometers represent the likely range of model projections, though lower or higher outcomes are possible.

# Higher Emissions Scenario<sup>91</sup> Projected Temperature Change (°F)

from 1961-1979 Baseline

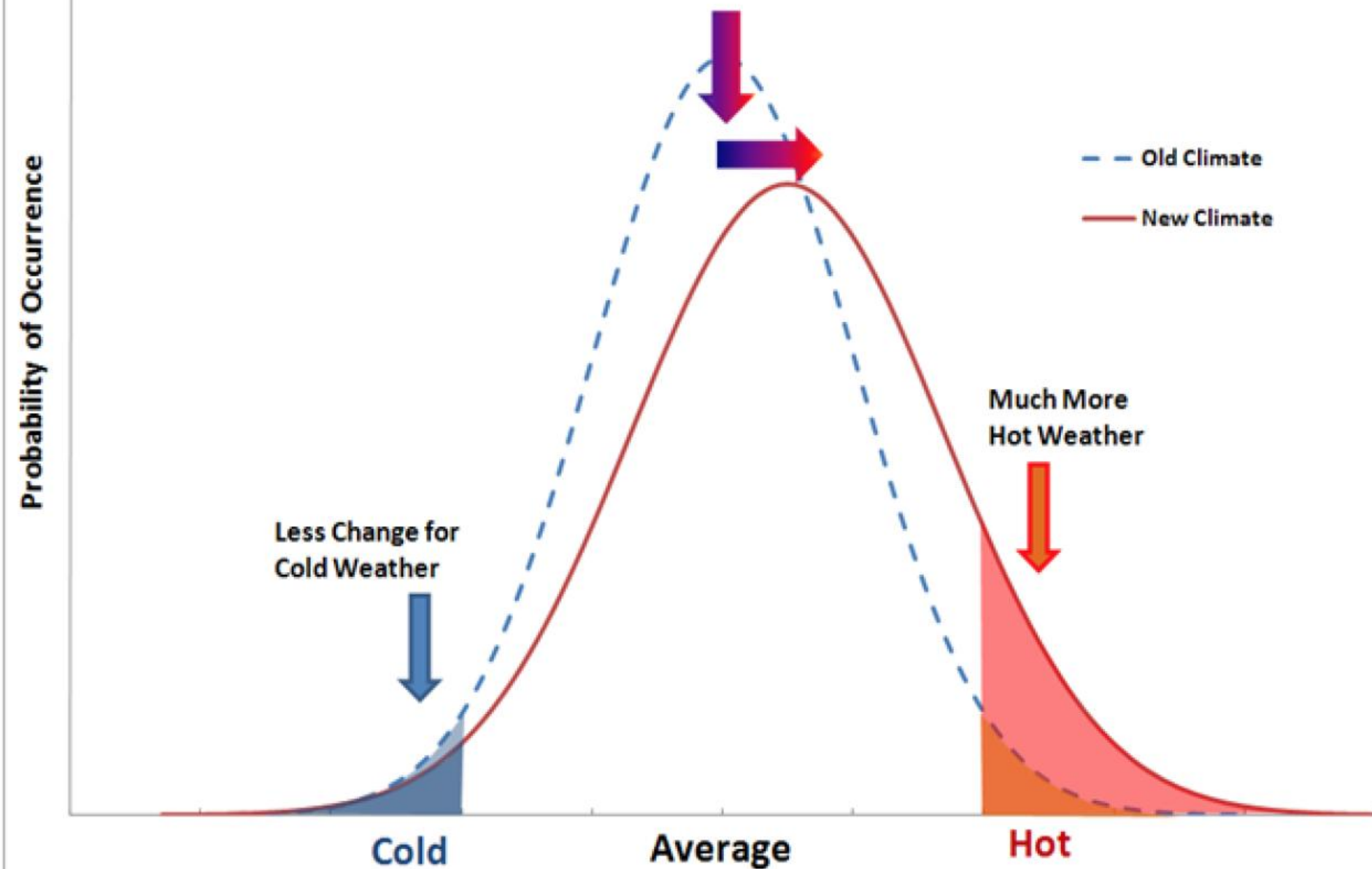
Mid-Century (2040-2059 average)

End-of-Century (2080-2099 average)



The maps on this slide and the previous are based on projections of future temperature by 16 of the Coupled Model Inter-comparison Project Three (CMIP3) climate models using two emissions scenarios from the Intergovernmental Panel on Climate Change (IPCC), *Special Report on Emission Scenarios (SRES)*. The “lower” scenario here is B1, while the “higher” is A2. The brackets on the thermometers represent the likely range of model projections, though lower or higher outcomes are possible.

## Increase in Mean Temperature and Variance



## Increase in Mean Temperature and Variance

