

## Law's Christopher Robertson on Health, Science and the Law

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**Christopher Robertson** <sup>[1]</sup> is associate dean for research and innovation and a professor of law at the **James E. Rogers College of Law** <sup>[2]</sup>. In addition to teaching courses for first-year law students, he explores the intersection of health, science and the law. With support from **UA Health Sciences**, <sup>[3]</sup> Robertson founded the UA Regulatory Science Program to accelerate clinical and translational science and to train a new generation of regulators, lawyers and scientists.

Lo Que Pasa talked with Robertson about how the law affects decision making by researchers, patients and even juries when it comes to issues related to health and medicine, epistemology, and the recent deluge of data that legal scholars and attorneys now must contend with.

### What does your position entail?

I teach courses like torts, which is a first-year course that covers private wrongs, or harm, to individuals. Harm includes things like performing health care without consent or performing health care negligently, or when a physician breaches confidentiality. There are bodies of law in all three of these examples: informed consent, medical competence and medical confidentiality. But these are also core concepts that flow into other areas of the law outside the health care setting. A lot of my work is at that intersection of health and science on the one hand, and law and decision making on the other hand. For example, I'm interested in how jurors decide medical malpractice cases and how they decide which expert witnesses to believe. These are fascinating issues of epistemology, the study of knowledge. How do we know what's true, and how can we believe an expert who may be biased by being affiliated with one side or the other?

### You were one of the founders of the Regulatory Science Program here. Would you explain how the program came about, and why it's important?

The regulatory science program was created a few years ago when researchers from UA Health Sciences came to us and said they wanted to become a national center for clinical and translational science. Translational science is the science of taking a discovery, say a new chemical compound, figuring out whether it's safe and effective for treating a particular disease, and then getting the compound into the standard of care so that it's being used every day. But the FDA (Food and Drug Administration) and the NIH (National Institutes of Health) recognized years ago that there were these big gaps in accomplishing that, and that there were all these chemical compounds being discovered, but only a tiny portion of them was ever used to help patients. The FDA and the NIH realized that one of these gaps involved the wrong incentives to invest in these molecules or new devices. And then if there were the right incentives, there were regulatory barriers. So, someone needs to understand the regulatory pathways and the strategies to cross them, and that's an expertise that lawyers and others can bring.

We started the regulatory science program with a fellowship program where we take recent law school graduates, and they work with me and two other faculty members, **Leila Barraza** <sup>[4]</sup> (assistant professor in the Mel and Enid Zuckerman College of Public Health) and **Elizabeth Hall-Lipsy** <sup>[5]</sup> (assistant professor in the College of Pharmacy). We look at how different universities apply the same regulatory rules. It turns out there's a lot of different ways to apply these rules, so it helps to know the law and to know the range of possibilities that these rules may apply to, and then to make a decision on what's the best approach. We also started a colloquium series with the idea of creating a conversation and educating the whole university about this field called regulatory science.

### Thanks to advances in artificial intelligence, lawyers have more data available to them than ever before. How is the college responding to that, and how is that changing the legal field?

More and more, artificial intelligence is reducing what lawyers need to do. For example, just a decade ago, young lawyers in large firms would spend most of their time reviewing documents. Several years ago, the AI would start highlighting documents that would be candidates for what the lawyer was looking for, and as the AI got better, reviewing documents needed less and less of a human touch.

We've been training lawyers for several years how to use Boolean logic search terms, and that was their interface with technology. But as natural language gets smarter, lawyers are spending less time reading cases and documents. What they're going to spend more time doing is engaging at that higher level of knowing a client's business or being able to read a financial document or the medical literature. So, lawyers are having to learn to grow beyond the field. The rudimentary part of their work is being covered more and more by computers. We're training them to do things that can't be replaced in 100 years, the human skills, like resolving a dispute between neighbors, or negotiating water rights. There are human aspects to the law that we now think are going to be more important than ever.

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