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Public Health Authority Legislative Update

March 2024

How to Assess Studies Using Legal Data

March marks four years since the WHO declared COVID-19 a global pandemic. In those four years, we've seen a rapid proliferation of laws enacted to, among other things, establish or block pandemic mitigation measures like vaccines and mask wearing.

Nowadays, we are also seeing a growing number of studies attempting to assess the efficacy of such measures. These studies necessarily rely on legal data measuring the population's "exposure" to these measures (for example, who has been affected by the laws, and for how long). Given the importance of and often politically charged nature of some of the interventions being studied, this month, we are sharing some key factors to consider when considering an evaluation study, particularly the legal data used in that study.

[Creating legal data](#) for use in research requires a systematic process where researchers identify what features of laws they'd like to collect, find the legal texts where those features are codified, then identify the locations of those features within the texts, and then code those features to create the data.

All these steps should be carried out with careful quality control mechanisms in place, and the process should be transparent and replicable — that is, the authors of a study should provide sufficient detail about how they produced the data so that a reader can understand how the data were compiled, what limitations they may have, and how to replicate the research. This is standard science and applies to legal data just like any other data.

No matter how carefully the rest of the study is designed and conducted, if the legal data are not transparent and rigorous, the study's findings must be considered unreliable.

Here are three important factors to consider when assessing legal data sources:

- 1. Is there a description of the process used to compile the legal data?** Does the research paper describe where the data being used came from and how they created it? Legal data sources should always provide details of the methods and processes used to create the legal data. That documentation should include the overall scope of data (i.e., what's included and what's not), and should provide definitions for the measured variables. Quality control measures (i.e., redundancy, secondary source

verification, independent review) implemented during the data creation process should also be described.

2. **Did the study use the best evidence of what's in the law?** The best evidence is the actual law, order, or rule. Press releases, news accounts, web pages or other secondary sources — unfortunately used in too many COVID-19 era studies — are no more reliable in the measurement of law than they would be as a measure of, say, vaccination rates. Aside from their obvious limitations as secondary sources, these sources often do not provide information about key features of the law, like the date the law went into effect (the "effective date") or any exemptions from a mandate — two features that are essential to good measurement of the law and its effects.
3. **Does the legal data properly measure exposure to the law?** Remember that measuring the effects of a law requires measuring exposure to that law and its features. To do so, the data must capture where (i.e., what jurisdictions) and when (i.e., for what time periods) the law was in effect. While this may seem straightforward, understanding the nuances of all the possible dates associated with law can be complex and lead to errors in measurement. When considering a study's reliability, we want to ask: Is this study measuring from the date a bill was signed into law by the governor or the date the law became effective according to the legislation itself or a default state rule? Or is it examining the implementation date of a law stated within the text of the law itself? All three of those dates (signed date, effective date or implementation date) can be different for any given law, so it is important to recognize what kind of date the source is using and if this is consistent for all jurisdictions with the study.

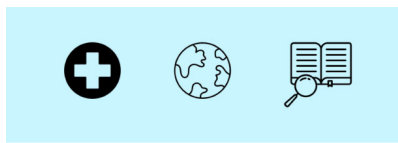
Most consumers of research on the effects of laws and legal practices do not feel qualified to assess the methods used in the research to support the findings. They have to take statistical operations to some degree on trust. But lawyers and others with some legal epidemiology exposure can readily assess the quality and transparency of the legal data part. If it does not meet basic standards, the rest just doesn't matter: the paper's findings cannot be deemed credible.

We can and must do our part to ensure that legal research and data analyses remain valuable tools for improving people's lives by evaluating what truly works, and what doesn't. And if you have been asked to engage with, respond to, or rely on studies that involve legal data that doesn't satisfy these three requirements, especially as it relates to vaccines or other essential, valuable, public health services, please reach out to the Center for Public Health Law Research or other legal experts for support.

Interested in learning more about legal epidemiology or have questions about public health authority studies using legal data? [Request assistance](#) from the Act for Public Health team or view the resources provided by Act for Public Health partners:

- Center for Public Health Law Research
 - [Theory & Methods](#)
 - [Policy Surveillance Self-Guided Training](#)
- ChangeLab Solutions
 - [Public Health Law Academy](#)

Next month, we will discuss the current state of innovation in the field of legal epidemiology and describe how to adapt and implement methods in research and practice using examples from our legislative tracking work.



NEW LEGAL EPIDEMIOLOGY RESOURCES

April 4, 2024, noon ET

Happy National Public Health Week 2024! In this webinar, CPHLR will share the latest updates on public health law research technology, from the nation's leading institution in legal epidemiology.



UPCOMING WEBINAR

New Legal Epidemiology Resources April 4, noon ET

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LEGAL EPI AT LUNCH

Legal Data for Drug Policy
February 15, 2024

FEATURING



Jon Larsen
Legal Program Manager,
CPHLR

Derek Carr
Vital Strategies

Kate Boulton
Vital Strategies



WEBINAR RECORDING

Legal Epi at Lunch: Legal Data for Drug Policy

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