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John Ryan Presents to the Harvard Medical School 27th Annual Ischemic and Hemorrhagic Update conference.

John Ryan was recently invited to present to the Harvard Medical School 27th Annual Ischemic and Hemorrhagic Update conference. John presented on the significance of the Massachusetts Supreme Judicial Court's recent decision in Doull v. Foster, 487 Mass. 1 (2021), in which the SJC discarded the "substantial contributing factor" test for causation and reinvigorated the "but for" standard for causation in tort cases. John explained the significance of the former substantial contributing factor test as it related to complex medical malpractice actions involving multiple defendants and the anticipated clarity which the reestablishment of the simpler, less ambiguous but for test should have with regard to complex causation questions in medical malpractice cases. John noted the SJC's comment that "Causation has been a continually contested concept in tort law, confounding courts, commentators and practitioners." Weaving in the Random House Unabridged Dictionary's definition of "cause," as well as Mr. Bumble's famous, and rather uncharitable, observation in Oliver Twist concerning the confusing nature of law, John discussed the conceptual and linguistic challenges of distinguishing factual causation from legal causation as well as the nuanced interpretations of the phrases "substantial contributing factor" and "but for" when used to instruct juries on causation. John's presentation was well received and generated a number of interesting questions regarding the the nuances of causation in the setting of medical malpractice litigation.

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