

LETTER TO THE EDITOR

Commentary on: Dror IE, Melinek J, Arden JL, Kukucka J, Hawkins S, Carter J, et al. Cognitive bias in forensic pathology decisions. *J Forensic Sci.* <https://doi.org/10.1111/1556-4029.14697>. Epub 2021 Feb 20.

See Original Dror et al Article [here](#)

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Editor,

We are writing to you about serious data misrepresentation in the recently published paper on cognitive bias by Dror et al. [1].

The paper states that the results were based on survey responses from 133 forensic pathologists. The survey, however, was sent to 713 anatomic pathologists, not 713 *forensic* pathologists. The authors obtained the respondent contact information through a members-only directory of the National Association of Medical Examiners (NAME). Their survey was of all board-certified anatomic pathologists, not all board-certified forensic pathologists. NAME has members who are certified only in anatomic pathology and members certified in both anatomic and forensic pathology. The authors have no way of knowing how many respondents were board-certified forensic pathologists, or even who responded.

Anatomic pathologists are typically hospital pathologists. Forensic pathologists practice a subspecialty; they not only need to be certified in anatomic pathology but also must successfully complete an additional year of training in an accredited forensic pathology fellowship and then must pass a national examination to become a board-certified forensic pathologist. Forensic pathologists, not anatomic pathologists, are the experts of the investigation and certification of unnatural deaths.

The methods section states all 133 respondents were "American Board of Pathology-certified members," which is correct. But in multiple areas in the paper, they state that all 133 were "board-certified *forensic* pathologists." These conflicting descriptions are confusing and misleading. The authors did not know how many respondents were even working as medical examiners (despite our name, NAME has many members who are not practicing as medical examiners). There is no way to know that all 133 respondents were board-certified forensic pathologists or even medical examiners. The authors did not, and do not, have these data. The respondents

were anonymous per IRB protocol, and the survey itself did not ask whether the respondents were forensic pathologists. Certainly, many respondents were forensic pathologists, but it is inconceivable that all were. Even if there were additional analyses that could have been done to demonstrate that "most" of the respondents were forensic pathologists, why was this analysis not done before the paper was submitted? This cohort issue was known before publication.

Since the entire premise of the study was to evaluate "forensic pathologists' decision making," the cohort must be made up entirely of forensic pathologists. To allow this group to include non-forensic pathologists, including doctors still in training, conflates the results and makes any conclusions about the survey meaningless. Having a fellow or another non-forensic pathologist gives an opinion on these challenging investigations does not accurately reflect the training or experience of a board-certified forensic pathologist. Due to the small respondent number, a change of only 5 or 6 certifications in each group would likely negate any statistical significance. This article should be retracted because it contains errors in sampling that skew the statistics (the respondents are not all forensic pathologists, and the number of forensic pathologists is not and cannot be known) and it is irreproducible (due to the mixed cohort, others would not be able to get the same mixture of respondents). All of these are bases for retraction.

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REFERENCE

1. Dror I, Melinek J, Arden JL, Kukucka J, Hawkins S, Carter J, et al. Cognitive bias in forensic pathology decisions. *J Forensic Sci.* 2021. <https://doi.org/10.1111/1556-4029.14697>. Epub 2021 Feb 20.