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*The Disconnect Between Law and Policy Analysis: A Case Study of Drivers and Cell Phones*

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Abstract by Carol Willette

Through an examination of the policy response to cell phone use while driving, this article argues that lawmakers are advocating inefficient and ineffective regulations while ignoring more important aspects of the problem. The article proposes explanations for this: regulations are responding to popular opinion; politicians are responding to public concern, ignoring the basis for the concern; non-economic cost/ benefit analyses are applied using morality as the primary benefit; people consider the personal versus general benefit of regulation; and industry lobbyists play a large role in policy making. Regarding cell phone use while driving, the Article provides significant data that a total ban is not justified using economics or efficiency. However, the law is moving towards such a ban. This disconnect arises from the political response to public perception of risk. The article concludes by advocating increased use of public institutions to study risk using scientific and economic data before policy is created.