LAWYERS, GOLF PROS AND
STATISTICIANS

By William J. Maffucci

Nine times out of ten, when someone says something happens "nine times out of ten," it doesn't happen that often.

I know what you're thinking: That first sentence presents a paradox: If it's true, then chances are ninety percent that it's false. Perhaps. But of this I'm sure: Statements that things occur "nine times out of ten" are very often exaggerations. I'm tempted to say they're exaggerations more often than not, but then you might say that, if that's true, my initial statement is more likely than not to be an exaggeration. No need to go there. I think you get the point.

A golf pro got me thinking about this. It was triggered by an off-hand remark he had made in a conversation after I had just finished a round. I asked him whether I had scored one of the holes correctly. He explained the applicable rule and pointed out that, because I didn't know the rule, I had added an unnecessary stroke to my score. That surprised me, but the pro said I shouldn't have been surprised. "That's the thing about the Rules of Golf," he explained. "Nine times out of 10, the rules that golfers don't know would actually help them."

Now I am an excellent golfer, but I am trapped inside a very bad golfer's body. So I was thrilled to hear that I could lower my score – 90 percent of the time! – simply by learning all of the rules of the game. I bought a copy of the Official Rules of Golf on the spot, and I settled in that night with a glass of scotch to read them.

Huge mistake. Far from helping my score earlier in the day, the rules repeatedly and mercilessly penalized me.

Take just the first hole, an uncomplicated par four. I thought I had birdied it: 235-yard drive; 6-iron to within four feet; dropped the putt. But as I read the Rules of Golf the "3" on my card transmogrified into an "12." I was obligated to take nine penalty strokes:

- Two strokes for asking a fellow competitor whether she was using a driver on the tee (Rules 8.1 and 8.4);
- Two strokes for responding to her request for the same information from me (same);
- Two strokes for moving my ball slightly with my club head, before my approach shot, just to be sure the ball was actually mine, and not moving it back before I hit it (Rules 20.1(B)(1) and 20.3(E));
- Another stroke on the approach shot because the wind moved my ball perceptibly after I had addressed it and before I hit it (Rule 18.2(B)); and
- Two strokes for making the "birdie" putt without first removing the flag stick, and then proceeding to the next hole without first removing the pin and reputting (Rule 17.3(B)).

Again, I know what you're thinking (at least if you play golf): Nobody applies any of those rules unless they happen to be playing in a tournament, and even in tournaments (except the kind on TV) those rules are often waived or unenforced. But I'm a lawyer, and therefore I'm not allowed to bend the rules, let alone ignore them. And, besides, my point isn't about the integrity of recreational golfers. I'm just trying to explain how one golf pro's gross exaggeration got me thinking about the rate at which things said to occur "nine times out of ten" actually occur.

The more I thought about it, the more I realized that the problem wasn't limited to statements that things happen 90 percent of the time. It seemed that most statements of incidence, particularly statements that a certain percentage of the population have a specified condition or have experienced a specified event, are overstatements. Sometimes gross overstatements.

I acknowledge that I am not qualified to quantify probabilities. But my neighbor Tim is. He's an actuary, so I asked for his help. After a few scotches, he was happy to give it.

Tim pulled out his calculator. I showed him a list of all the "incidence" statistics that I had heard on reputable news media over the prior week. We winnowed out those that regarded related matters, and we selected quantifications as to the incidence of independent conditions or events: lactose intolerance (20 percent), residence in a gated community (14 percent), affliction with a compulsion (known as trichotillomania) to pull out one's own hair (14 percent), affliction with "restless-leg syndrome" (5.5 percent), and a belief that one has been abducted by extraterrestrial aliens (2 percent).

Tim then calculated a "blended" percentage – 45.2 percent. If the statistics are accurate, he explained, we would expect 45 out of 100 of poll respondents to answer "yes" to at least one of the following questions:

- Are you lactose-intolerant?
- Do you live in a gated community?

The responses came in, first as a trickle and then as a torrent. It quickly became clear that my "statistics-are-usually-exaggerations" hypothesis was correct.

- Do you suffer from a compulsion to pull hair off your body?
- Do you suffer from restless-leg syndrome?
- Have you ever been abducted by extraterrestrial aliens?

I distributed that questionnaire to more than 100 Americans selected randomly. To eliminate the embarrassment factor, I allowed them to respond anonymously, and I assured them that I was not interested in knowing which condition or experience, if any, applied to them. Instead, I wanted them to let me know, each with a single "yes" or "no," whether they would answer yes to at least one of the questions.

The responses came in, first as a trickle and then as a torrent. It quickly became clear that my "statistics-are-usually-exaggerations" hypothesis was correct. Far from the 45.2 percent affirmative responses that Tim's calculations predicted, only 15.8 percent of the respondents said they would answer yes to any of the questions.

Please don't misunderstand: My feeling of vindication does not betray any failure to appreciate that lactose intolerance, entrapment in a gated community, trichotillomania, restless-leg syndrome, and alien abductions can be serious matters. I'm just saying that they, or at least some of them, aren't nearly as common as the statistics proclaimed.

And if you're a statistician, please don't send me angry emails pointing out any perceived flaws in my methodology (e.g., plying my actuary with scotch). Remember, I'm a lawyer, so I'm entitled to the last word, and it's usually a swift and sharped-tongued riposte. I may not be right, but I'm relentless. Nine times out of ten, that's all it takes. ∎

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