

Center for Law, Brain & Behavior

Neuroscience for Justice

**Annual Report
2020-2021**



CENTER FOR LAW
BRAIN & BEHAVIOR



MASSACHUSETTS
GENERAL HOSPITAL



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HARVARD MEDICAL SCHOOL
TEACHING HOSPITAL

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From the Executive Director

Dear Advisory Board,

CLBB has continued to dynamically evolve during 2020-2021. We completed the transition to a full-time executive director position following the remarkable three-year tenure of my predecessor Dr. Francis Shen. We added distinguished persons to our Advisory Board and accomplished professionals to our Affiliated Faculty. We built or strengthened relationships with the Federal Judicial Center, Northwestern University's Pritzker School of Law, Northeastern University School of Law, innovative youth-serving agencies, legal and judicial educators, policy institutes, and advocacy groups, and the Office of the District Attorney in Suffolk County, Boston.

CLBB's unique mission is to bring neuroscience to law and public policy. Neuroscience is a powerful tool to prevent crime and reduce recidivism, improve outcomes of those who are court-involved, and afford greater community safety. It's a powerful tool to protect vulnerable elders against exploitation and maltreatment while also recognizing their dignity and autonomy. It's a powerful tool to shield asylum-seekers from injustice and suffering arising from deeply flawed ideas about human memory and trauma. It's a powerful tool to give young people a chance to redeem themselves after a thoughtless, reckless, or even catastrophic act.

While we have had clear impact in each of these program areas, our challenge is to take them to scale. Each day brings new inquiries from judges, attorneys, legal and judicial educators, law school faculty, criminal justice advocates and policy-makers seeking information and assistance. As we are still staffed mostly by volunteers, we can respond only to the carefully selected requests and opportunities. As a result, an important achievement of the past year has been to plan for the expansion of our capacity through a formal fundraising campaign.

This endeavor, titled the Neuroscience for Justice Campaign, will provide CLBB the resources to implement transformational reforms and to contribute more fully to criminal justice and social equity. With increased charitable support, we can translate and disseminate neuroscience findings and their pragmatic application to law and public policy. We will do so by educating more judges, providing tool kits for practicing attorneys, creating an open access digital library of actionable neuroscience, and launching and evaluating innovative pilot reform projects with community partners.

I am honored to have been given the charge to advance the mission established by our founders and co-directors Dr. Judith Edersheim and Dr. Bruce Price and to see these program initiatives to fruition. To succeed, your guidance and participation will be crucial. Thank you for your commitment to the CLBB mission. Together, we will help bring about a more reasonable, humane and equitable justice system for all through the application of neuroscience.

Sincerely,



Robert T. Kinscherff

Executive Director

Mission

The Center for Law, Brain and Behavior strives to put the most accurate and actionable neuroscience in the hands of judges, lawyers, policymakers and journalists—people who shape the standards and practices of our legal system and determine its impact in people’s lives. We work to make the legal system more effective and more just for all those affected by the law.

Although the brain and the law are both complex, CLBB’s work is quite simple. We provide expert training, tools and counsel, helping members of the legal community and justice policymakers to understand and apply the most relevant brain science to cases, community and institutional practices, courtroom procedures and public policies.

We also support those working across the media landscape who can accurately inform the public about the brain, human behavior and the justice system.

The Center is led by accomplished legal and medical experts—practitioners, researchers and thought leaders—based at Harvard Law School, Mass General Hospital, Harvard Medical School and other leading institutions of learning.

CLBB works with partners as diverse as Roca, Suffolk County DA Office, Federal Judicial Center, Securities and Exchange Commission, National District Attorneys Association, American Bar Association, Committee for Public Counsel Services, and Flaschner Judicial Institute.

Since CLBB’s founding in 2008, we have demonstrated the clear benefits of accurately applied neuroscience: better decisions aligned with science lead to better outcomes aligned with justice.

Strategic Priorities

1 Establishing more effective standards and practices for criminal sentencing by helping judges and lawyers understand the most relevant applications of the neuroscience of decision-making.

2 Ensuring more accurate evaluations and more effective solutions for juvenile and emerging adult justice by helping judges, lawyers and other key members of the legal ecosystem understand the most relevant applications of the neuroscience of developing brains.

3 Ensuring more accurate judgments in immigration and asylum cases, and changing legal standards through impact litigation, by helping lawyers and judges understand the most relevant applications of the neuroscience of trauma, family separation and memory.

4 Ensuring better protection and agency for older adults, especially in the process of estate planning and financial decision-making, by helping judges, lawyers, families and financial planners understand the most relevant applications of the neuroscience of aging brains.

Leadership



Silda A. Wall Spitzer, JD
Advisory Board Chair

CEO, Publisher and Co-Founder, New York Makers



Judith G. Edersheim, JD, MD
Founder and Co-Director

Assistant Professor of Psychiatry, Harvard Medical School
Attending Psychiatrist, Massachusetts General Hospital



Bruce H. Price, MD
Founder and Co-Director

Chief, Department of Neurology, McLean Hospital
Senior Clinical Neurologist, Massachusetts General Hospital
Associate Professor of Neurology, Harvard Medical School



Robert T. Kinscherff, PhD, JD
Executive Director

Professor, Doctoral Clinical Psychology Program at William James College



Judge Nancy Gertner, JD, MA (Ret.)
Managing Director

Senior Lecturer on Law, Harvard Law School
Federal Judge, U.S. District Court of Massachusetts



Lisa Feldman Barrett, PhD
Chief Scientific Officer

Distinguished University Professor of Psychology, Northeastern University
Department of Psychiatry and Martinos Center for Biomedical Imaging,
Massachusetts General Hospital/Harvard Medical School



Francis Shen, JD, PhD
Immediate Past Executive Director
Professor, University of Minnesota Law School
Executive Director of Education and Outreach, MacArthur Foundation
Research Network on Law and Neuroscience

Board of Advisors

Silda Wall Spitzer, JD, *Chair*, Co-founder and CEO, *NewYorkMakers.com*

Jennifer Jones Austin, JD, MA, Chief Executive Officer and Executive Director, *Federation of Protestant Welfare Agencies*

Neal Baer, MD, MA, Emmy-winning Executive Producer and Writer

Joan Belkin, Former First Grade Teacher; Philanthropist

Steven Belkin, Founder, *Trans National Group*; Philanthropist

Avis Buchanan, JD, Director, *Public Defender Service for the District of Columbia*

Paul Butler, JD, Professor in Law, *Georgetown University Law Center*

Raluca Buttner, Artist; MIT Chemical Engineering graduate

The Honorable Katherine M. Clark, JD, Congresswoman, *Massachusetts 5th District*; Assistant Speaker, *United States House of Representatives*

Leslie Cornfeld, JD, Founder/CEO, *National Education Equity Lab*

Ophelia M. Dahl, Co-Founder and Chair of the Board, *Partners in Health*

Judge Andre Davis, JD (Ret.), Circuit Judge, *United States Court of Appeals for the Fourth Circuit*; City Solicitor, *Baltimore City Department of Law*

Andre De Fusco, CEO and President, *Hawkeye Bio, Inc.*

Bianca De Fusco, International Marketing

Rodney S. Dowell, JD, Chief Bar Counsel, *Massachusetts Board of Bar Overseers*

Lisa Frantzis, Senior Vice President, *Advanced Energy Economy*

Martin Garbus, JD, First Amendment Attorney

Susan Eve Haar, JD, Attorney; Author and Playwright, *Ensemble Studio Theatre*

Adam Haar Horowitz, PhD Candidate, *MIT Media Lab*

Robert R. Hopper, JD, MPP, Founder and Managing Partner, *Robert R. Hopper & Associates, LLC*

James L. Joslin, CFP, Founding Principal, *TFC Financial Management, Inc.*

Joan Kahn, Vice President, *Women's International Zionist Organization, USA*

Peggy Edersheim Kalb, Senior Editor, *Yale Alumni Magazine*

Scott E. Kalb, CEO, *KLTI Advisors*

Andrew M. Moravcsik, PhD, Professor and Director, *Liechtenstein Institute on Self-Determination and the European Union Program*, *Princeton University*

Anne Peretz, MSW, Founder and Chair, *The Parenting Journey*

William Pietragallo, II, JD, Founding Partner, *Pietragallo, Gordon, Alfano, Boscik, & Raspanti, LLP*

Kevin Prussia, JD, Partner, *WilmerHale*

John Reinstein, JD, Attorney; Former Legal Director, *Massachusetts ACLU*

Jerrold F. Rosenbaum, MD, Immediate Past Chief of Psychiatry, *Massachusetts General Hospital*

Anne-Marie Slaughter, PhD, JD, Professor, *Princeton University*; CEO, *New America*

Eliot L. Spitzer, JD, Principal, *Spitzer Enterprises*; Former Governor of *New York*

Carol W. Taylor, MA (Ret.), Executive Director of Development, *Massachusetts General Hospital*

Emeritus Advisors

Rangita de Silva de Alwis, SJD, Associate Dean, University of Pennsylvania Law School

Judi Sorenson Flom, JD, Attorney

Laurie L. Gildan, JD, Attorney and Principal, Greenberg Traurig, LLP

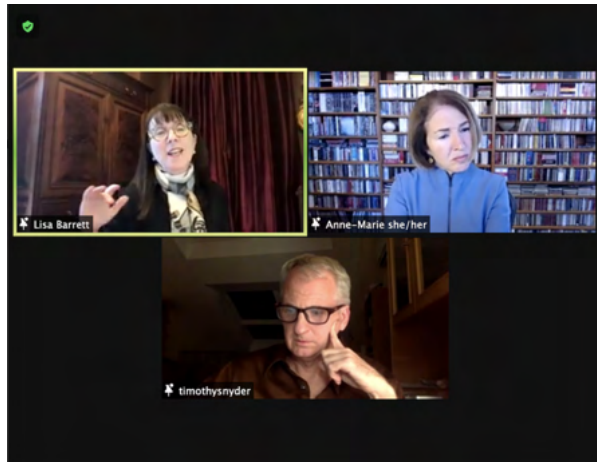
Phillip C. Gildan, JD, Attorney and Principal, Greenberg Traurig, LLP

Therese Rosenblatt, PhD, Psychologist

Lidia Rosenbaum, Educator

H. Marshall Sonenshine, JD, Chairman and Managing Partner, Sonenshine Partners

The Totalitarian Brain - Virtual Salon for Advisory Board Members and Guests



The Center's Board of Advisors gathered in April 2021 for the virtual event "The Totalitarian Brain," featuring internationally renowned neuroscientist Dr. Lisa Feldman Barrett and American author and historian Dr. Tim Snyder, moderated by CLBB Advisory Member and foreign policy analyst Dr. Anne-Marie Slaughter.

The Advisory Board considered the social and intellectual predicates for tyranny and the unique attributes of the human brain which allow for the co-opting of socially constructed realities.

The Advisory Board will convene on December 8, 2022 for a discussion of the updated edition of *The Seven Sins of Memory: How the Mind Forgets and Remembers* with author and William R. Kenan, Jr. Professor of Psychology, Daniel Schacter. This updated edition revisits Professor Schacter's groundbreaking research with the twenty-first century's cultural trends and scientific discoveries.

Core and Affiliated Faculty

Justin T. Baker, MD, PhD

Dir, Laboratory for Functional Neuroimaging & Bioinformatics; Scientific Director, Institute for Technology in Psychiatry, McLean Hospital; Asst. Professor of Psychiatry, HMS

Jay D. Blitzman, JD (Ret.)

First Justice-Massachusetts Juvenile Court, Middlesex Division; Lecturer on Law, Harvard Law School; Instructor, Northeastern University School of Law; Adjunct Professor, Boston College Law School; Affiliate, Boston University Center For Antiracism

Joshua W. Buckholtz, PhD

Associate Professor of Psychology, Harvard University; Director, Systems Neuroscience of Psychopathology lab; Assistant in Research, Department of Psychiatry, MGH

Fiery Cushman, PhD

Professor of Psychology, Harvard University; Director, Moral Psychology Research Laboratory

Joshua Greene, PhD

Professor of Psychology, Harvard University; Member, Center for Brain Science faculty, Harvard University

Steven E. Hyman, MA, MD

Director, Stanley Center for Psychiatric Research, Broad Institute of MIT and Harvard; Distinguished Service Professor of Stem Cell and Regenerative Biology, Harvard University

Morgan Medlock, MD, MDIV, MPH

Chief Medical Officer and Director of Crisis and Emergency Services, DC Department of Behavioral Health; Adjunct Assistant Professor of Psychiatry, Howard University Hospital

Charles A. Nelson, PhD

Professor of Pediatrics and Neuroscience and Professor of Psychology, HMS; Professor of Education, Harvard Graduate School of Education; Richard David Scott Chair in Pediatric Developmental Medicine Research, Boston Children's Hospital; Director of Research, Division of Developmental Medicine

Amanda Pustilnik, JD

Professor of Law, University of Maryland School of Law; Director of the Program on Pain, CLBB; 2014-2015 Senior Fellow in Law & Applied Neuroscience, CLBB and the Petrie-Flom Center

Eugene V. Beresin, MA, MD

Executive Director, MGH Clay Center for Young Healthy Minds; Director of Child and Adolescent Psychiatry Residency Training Program, MGH and McLean Hospitals; Professor of Psychiatry, HMS

David Borsook, MD

Director, Pain and Analgesia Imaging Neuroscience, Children's Hospital Boston, MGH, and McLean Hospital; Professor of Anaesthesia, Children's Hospital Boston

Randy L. Buckner, PhD

Professor of Psychology and of Neuroscience, Harvard University; Neuroscientist in Psychiatry and Radiology, MGH; Director, Psychiatric Neuroimaging Research Program, MGH

Brad Dickerson, MD

Professor of Neurology, Harvard Medical School; Tommy Rickles Chair in Progressive Aphasia Research Director, Frontotemporal Disorders Unit and Laboratory of Neuroimaging, MGH

Edward Hundert, MD

Dean for Medical Education, Harvard Medical School; Daniel D. Federman, MD Professor in Residence of Global Health and Social Medicine and Medical Education, HMS

Jonathan Jackson, PhD

Executive Director, Community Access, Recruitment, and Engagement (CARE) Research Center, MGH and HMS; Instructor in Neurology, HMS and MGH

Alisha Moreland-Capuia, MD

Founder and Director, McLean Hospital's Institute for Trauma Informed Systems Change; Psychiatrist, LEADER Program; Affiliate Clinical Associate Professor, OHSU School of Medicine; Assistant Professor, HMS

Olivia Okereke, MD, MS

Board-Certified Geriatric Psychiatrist and Associate Professor of Psychiatry and Associate Professor of Epidemiology, HMS and the Harvard T. H. Chan School of Public Health; Director of Geriatric Psychiatry and Director (Research), Geriatric Psychiatry Clinical and Research Program, MGH

Kerry Ressler, MD, PhD

Professor of Psychiatry, Harvard Medical School; Chief Scientific Officer, McLean Hospital; Director, Grady Trauma Project

Altaf Saadi, MD, MSc

General Academic Neurologist, MGH; Instructor of Neurology, HMS; Associate Director, MGH Asylum Clinic

Francis Shen, JD, PhD

Professor, University of Minnesota Law School; Executive Director of Education and Outreach, MacArthur Foundation Research Network on Law and Neuroscience

Jordan W. Smoller, MD, ScD

Director, Psychiatric and Neurodevelopmental Genetics Unit, MGH; Associate Chief for Research and Director of Psychiatric Genetics, MGH Department of Psychiatry; Professor of Psychiatry, HMS; Professor of Epidemiology, HSPH

Jeffrey Rosen, JD, Esq

President and CEO, National Constitution Center; Professor of Law, George Washington University; Senior Fellow, The Brookings Institution, Project on Technology and the Constitution

Daniel L. Schacter, PhD

William R. Kenan Jr. Professor of Psychology, Harvard University; Director, Memory Lab, Harvard University

Margaret Sheridan, PhD

Associate Professor of Psychology, University of North Carolina; Director, Child Imaging Research on Cognition and Life Experiences (CIRCLE) Laboratory

Leah Somerville, PhD

Professor of Psychology, Harvard University; Director, Affective Neuroscience and Development Laboratory Faculty, Center for Brain Science

Gina Vincent, PhD

Associate Professor of Psychiatry, UMass Medical School; Director, Translational Law & Psychiatry Research, UMass Medical School

Staff

Executive Director

Renowned forensic psychologist **Robert Kinscherff, PhD, JD** became the Center's first full-time Executive Director on July 1, 2021. Immediate Past Executive Director **Francis Shen, JD, PhD**, who had served as the Center's volunteer Executive Director from October 2018 through June 2021, will remain active as a faculty member.

Building on the foundation laid over the past three years, Dr. Kinscherff looks forward to leading the Center to even more success:

"I am eager to begin as Executive Director at CLBB as we strive together to further responsible, ethical and scientifically sound translation of neuroscience into the legal arena."



Prior to joining CLBB as Executive Director, **Dr. Kinscherff** was Associate Vice President (Community Engagement) and Professor (Doctoral Clinical Psychology Program) at William James College. He has been affiliated with CLBB for nine years, serving for the past three years as its Associate Managing Director of the Juvenile and Young Adult Justice Project. He was the 2015-2017 Senior Fellow in Law & Applied Neuroscience at CLBB and The Petrie-Flom Center for Health Law Policy, Biotechnology, and

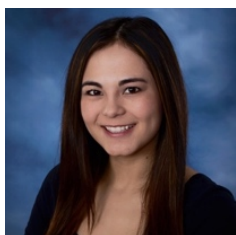
Bioethics at Harvard Law School. Over recent years, he has been on the planning committee and faculty for federal judicial trainings jointly presented through the Federal Judicial Center, CLBB and Harvard Law School.

He was a contributor to the amicus brief submitted to the US Supreme Court by the American Psychological Association (APA) in *Roper v. Simmons* (2005) and has been involved in bringing science to juvenile and criminal justice reform since before that time. As a Fellow of the APA, Dr. Kinscherff's service has included Chair of the Ethics Committee, Chair of the Committee on Legal Issues, and Board of Professional Affairs. He has also held prominent roles in APA projects involving public health approaches to gun violence and mass shootings, juvenile solitary confinement, law and ethics in professional practice, and liaison to the American Bar Association. Between 2008 and 2021 he served as Senior Consultant for the National Center for Youth Opportunity and Justice (previously the National Center for Mental Health and Juvenile Justice) where he worked on several MacArthur Foundation Models for Change projects.

Dr. Kinscherff has held leadership positions in Massachusetts state government and the trial court, as well as teaching, professional service, and policy advisory/development positions that reflect interests at the intersections of law, policy, applied neuroscience, and clinical/forensic behavioral science.

His practice areas include juvenile and adult offenders, post-*Miller* resentencing and parole cases, expert testimony, violence risk assessment and management, law and policy in justice system reforms and gun violence policy, and the impact of adversities, resiliencies, and social determinants in child, adolescent, and young adult development. He has published widely, teaches and consults nationally and internationally, is involved in state and federal legislative advocacy, and provides trial and appellate judicial education on the implications of developmental neuroscience for law and public policy.

Project Manager



Emily L. Rehmet, BA, joined CLBB in July 2020 as Project Manager. Emily graduated from Brown University *magna cum laude* as a double major in cognitive neuroscience and public policy with a track in law and ethics. At Brown, she was inducted into the Phi Beta Kappa and Sigma Xi societies and received the John Hazen White Jr. Public Policy Award, Undergraduate Teaching and Research Award, and LINK Award.

At Brown University, Emily was a co-captain of the Brown Mock Trial team, co-president of the Cognitive Neuroscience Departmental Undergraduate Group, contributing writer and editor for the Triple Helix Bioethics Blog, and member of the Brown Pre-Law society. Emily also worked as a research fellow at the Center for Science and Law located in Houston, TX, where she became interested in juvenile justice and the use of neuroscientific technologies to predict human behavior and decision-making.

As Project Manager, Emily works to promote the sound translation of brain-based and behavioral science into law through assisting CLBB leadership with various administrative and research projects. Emily is excited to further the Center's commitment to serve as an academic and professional resource for the education, research, and understanding of neuroscience and the law.

Petrie-Flom Senior Fellow in Law and Applied Neuroscience, 2021-2022



Elyssa Spitzer, JD, is the fourth Senior Fellow in the Project on Law and Applied Neuroscience, a collaboration CLBB and the Petrie-Flom Center at Harvard Law School.

After graduating from Harvard Law School in 2017, Elyssa led a legal research project surveying U.S. criminal law and developing national performance benchmarks for the criminal justice system as a Senior Legal Researcher at the nonprofit Measures for Justice. Elyssa then served as a Justice Catalyst Legal Fellow at the Center for Reproductive Rights, where her work focused on developing new legal theories for protecting and advancing reproductive rights and justice. Elyssa clerked in the United States District Court for the Eastern District of Louisiana. She also assisted on cases related to police brutality for the Roderick and Solange MacArthur Justice Center's Supreme Court and Appellate Program. She currently conducts policy analysis on women's health and rights at the Center for American Progress.

As the Senior Fellow in Law and Applied Neuroscience, Elyssa aims to bridge the gap between neuroscience and legal doctrine through amicus work on topics including the brain injury inflicted by long-term solitary confinement and fetal pain capacity as relevant to abortion jurisprudence.

Student Research Assistants

The Center for Law, Brain and Behavior regularly engages students to advance its mission. Student research interns come from diverse backgrounds and include undergraduates, law students, medical students, and post-docs. In the 2020-21 academic and summer term, CLBB hosted 17 students at schools such as Harvard College, Tufts University, Duke University, Brown University, Yale Law School and Harvard Law School. In Summer 2021, the center **received 138 applications** for **five** available slots, with an additional slot in support of Dr. Edersheim's work.



The CLBB Summer 2020 Research Assistant team co-produced an article, *Justice for Emerging Adults after Jones: The Rapidly Developing Use of Neuroscience to Extend Eighth Amendment Miller Protections to Defendants Ages 18 and Older*, that was recently accepted into New York University Law

Review Online, for publication forthcoming in 2021.



Heloise Evins-Mackenzie,
Colby College



Junchi Chu,
Brown University



Mariah Bellamoruso,
Harvard Law School



Annie Ilsley,
Duke University



Najet Miah,
Queens College



Alexander Walker,
Harvard Law School

CLBB Summer 2021 Research Assistant Team

Highlights

- **Partnering** with the Bluhm Legal Clinic at Northwestern Pritzker School of Law, Northeastern University School of Law, and other leaders in juvenile justice to form a national post-*Jones v. Mississippi* working group. **Partnering** with Roca to provide a neuroscience framework for their evidence-based innovations in work with youth and young adults (including young mothers with infant) at high risk for justice involvement.
- **Expanded program capacity through multiple grants**, including a renewed grant from the **Dana Foundation**, continuing to fund a repository of continuously updated law and neuroscience cases.
- **Presented and hosted four talks and events** at Harvard Law School, including: *Mental Health Moonshot: Unlocking Federal Funds for Psychedelics Research*; *Detecting Dementia: Technology, Access, and the Law*; *Policing and the Brain: How Neuroscience Can Contribute to Police Reform*; and *Book Talk: The Seven Sins of Memory Updated Edition: How the Mind Forgets and Remembers*; with total attendance across all talks of over 430 participants.
- **Educated and informed** judges and attorneys, including further development of programs with the Federal Judicial Center forming a new partnership with the Flaschner Judicial Institute for an ongoing learning series for Massachusetts judges.
- **Expanded the Project on Law and Applied Neuroscience**, a collaboration between CLBB and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School.
- **Recruited** five additional highly qualified Affiliated Faculty members, adding to CLBB's substantive expertise and expanding our geographic, racial and professional diversity.
- **Published** 28 scholarly publications and news media publications and **produced** 59 professional talks. Affiliated faculty published 387 articles related to CLBB priorities.
- **Led policy reform through** prominent roles in standard-setting bodies, including: the Massachusetts Forensic Science Oversight Board, the Massachusetts Supreme Judicial Court Standards on Substance Abuse Advisory Board, the Bipartisan Advisory Search Committee for the U.S. Attorney for the District of Massachusetts, and the Presidential Commission on the Supreme Court of the United States.
- **Joined** the American Brain Coalition to advocate for support of brain research.
- **Endorsed legislation**, including an American Brain Coalition proposal to establish a Neuroscience Center of Excellence at the FDA, and an advocacy letter calling the Biden-Harris Administration to increase support for federal policies that focus on security and equity for children and youth.
- **Joined Amicus Briefs**, such as one in a Supreme Court Case regarding the free speech of a high school student. CLBB joined the Juvenile Law Center and other organizations as amici to provide the most up to date neuroscience data on adolescent and emerging adult brain development in support of the defendant's petition.

Leadership Achievements

Francis Shen, JD, PhD

Awarded the American Law Institute Early Career Scholars Medal

Dr. Francis Shen was awarded the ALI Early Career Scholars Medal from The American Law Institute. "The award recognizes outstanding law professors whose work is relevant to public policy and has the potential to influence improvements in the law." Two law professors are selected every other year to win the award.

Highlight: These award-winning scholars "are two early-career law professors who are already making a tremendous impact on the way we think about some of the most important and current legal topics of our day," said Judge Diane P. Wood of the U.S. Court of Appeals, Seventh Circuit, who serves as the chair of ALI's Early Career Scholars Medal Selection Committee. "I am thrilled, on behalf of ALI, to award the Early Career Scholars Medal to these extraordinary professors."

Nancy Gertner, JD, MA

Elected to Serve on Presidential Commission on the Supreme Court of the United States

President Biden selected **Judge Nancy Gertner** as a commissioner on the Presidential Commission on the Supreme Court of the United States, comprised of a bipartisan group of experts on the Court and the Court reform debate.

The Commissioners include legal scholars, former federal judges and practitioners who have appeared before the Court, and advocates for the reform of democratic institutions and of the administration of justice.

Rebecca W. Brendel, MD, JD

Named American Psychiatric Association President-Elect

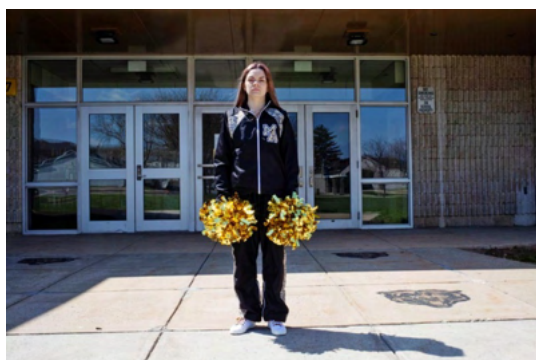
The members of the American Psychiatric Association (APA) chose **Rebecca W. Brendel, MD, JD**, as the medical society's next president-elect. She will assume the office of president in May 2022.

Highlight: "As a proud member of APA for nearly two decades, I am honored to have been elected to help lead this organization," Brendel said. "We have right now an unprecedented opportunity to advance psychiatric treatment in order to improve the lives of persons with mental illness, and to address the challenges before us to set the path forward for psychiatry's promising future."

Programs and Initiatives

Juvenile and Emerging Adult Justice

CLBB Joins Amicus Brief in Support of Respondent in Supreme Court Case



CLBB joined the Juvenile Law Center and experts in education, first amendment litigation, young adult psychology, and related fields to file an amicus brief in support of Levy's case.

CLBB provided insight on the most up-to-date adolescent and emerging adult neuroscientific research, explaining how *"Young people's 'lack of maturity' and 'underdeveloped sense of responsibility' make them more prone to 'impetuous and ill-considered actions and decisions'"* such as Levy's decision to post on Snapchat.

Impulsive speech is developmentally appropriate for young adults: *"As young people 'explore, experiment, and learn, they require. . . environments that bolster opportunities to thrive.'" Young adults also have a heightened need for peer validation; maintaining social connections is an essential element in helping youth "discover their identity, role, and purpose."*

Allowing schools to discipline students for their off- campus behavior, amici argued, would subject students to potential punishment for speech subjectively viewed as "vulgar" or "disorderly." This would disproportionately affect students from marginalized groups and hinder normal psychosocial development.

In an opinion authored by Justice Breyer, the Court found that Levy's speech was constitutionally protected. The Court's holding does not categorically protect off- campus speech but does limit schools' ability to address students' expression on social media in the absence of "substantial disruption of learning-related activities" or a need for "protection [of] those who make up a school community."

No. 20-255	
In The	
Supreme Court of the United States	
MAHANOH AREA SCHOOL DISTRICT,	Petitioner,
v.	
B.L., A MINOR, BY AND THROUGH HER FATHER LAWRENCE LEVY AND HER MOTHER BETTY LOU LEVY,	
Respondents.	
On Writ of Certiorari To The United States Court of Appeals For The Third Circuit	
BRIEF OF ADVANCEMENT PROJECT, JUVENILE LAW CENTER, AND 38 OTHER ORGANIZATIONS AS AMICI CURIAE IN SUPPORT OF RESPONDENT	
GILDA DANIELS JESSICA ALGANTARA KY'EISHA W. PENN ADVANCEMENT PROJECT 1220 L Street, N.W., Ste. 850 Washington, D.C. 20005 +1 202.728.9557 gdaniels@ advancementproject.org	JOHN A. FREEDMAN (Counsel of Record) JEREMY KARPATKIN RAQIYYAH PIPPINS MEGAN PIEPER ARNOLD & PORTER KAYE SCHOLER LLP 601 Massachusetts Ave., N.W. Washington, D.C. 20001-3743 +1 202.942.5000 john.freedman@ arnoldporter.com
MARSHA L. LEVICK KATHERINE E. BURDICK JUVENILE LAW CENTER 1800 JFK Blvd., Ste. 1900B Philadelphia, PA 19103 +1 215.625.0551 mlevick@jlc.org	
Counsel for Amici Curiae	
[Additional Counsel Listed on Inside Cover]	

Scanning For Justice through Neurolaw: Complex Trauma - To - Prison Pipeline

BeProximate Center for People | May 21, 2021

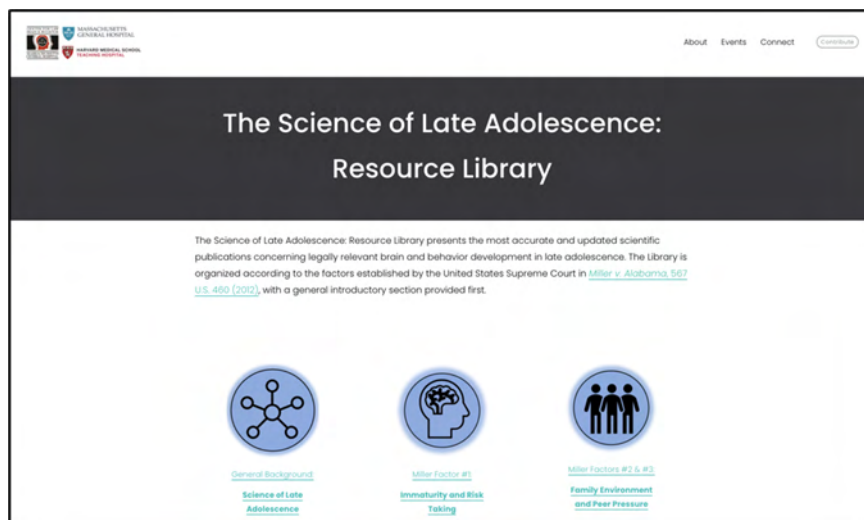


This panel discussion, presented through the Returning Citizens program of the Boston Mayor's Office, illuminated the debilitating effects of adverse childhood experiences (ACEs), the symbiotic relationship between complex trauma and imprisonment, and the emerging intersection of neuroscience and law to transform the criminal justice system. Acknowledging the predisposition of trauma to transmit when adequate services are not rendered juxtaposed with the principles of neuroplasticity to help people recuperate, experts provided practical steps for coping and self-care during these unprecedented times.

Panelists included **Dr. Robert Kinscherff** and **Judge Nancy Gertner**.

The Science of Late Adolescence: Resource Library

In early 2021, the Center for Law, Brain and Behavior research team developed The Science of Late Adolescence: Resource Library. This library presents the most accurate and updated scientific publications concerning legally relevant brain and behavior development in late adolescence. The Library is organized according to the factors established by the United States Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012), with a general introductory section provided first.



Additional Activities

ABA House Addresses Treatment of Children and Youths in Pair of Resolutions

ABA Journal | August 10, 2021



Blitzman.

On August 4, 2021 the ABA House of Delegates adopted Resolution 505 from the Criminal Section urging states to raise the minimum age of juvenile court jurisdiction to 14. Previously, the issue of raising the maximum age of court jurisdiction beyond 18 to address late teens and emerging adults had been discussed but the minimum age of jurisdiction has been neglected. The report in support of resolution was drafted by and presented to the Criminal Justice Section in April 2021 by **Judge Jay**

Nearly Three-Quarters of Youth Behind Bars Suffer From Mental Health Issues

Cronkite News | September 4, 2020



sophisticated and well-funded."

The expertise of **Robert Kinscherff, JD, PhD** was cited in a recent article discussing how more than 70% of youth entering juvenile detention and currently behind bars are suffering from mental health issues that often go untreated and unnoticed. Dr. Kinscherff, who directs CLBB's juvenile and emerging adult justice work, observed that "states deal with mental health in a variety of ways, 'from the appalling to the surprisingly

CLBB Expert Testimony Leads to Major Victory on Parole Eligibility Ruling in Louisiana

24th Judicial District Court in Louisiana | October 6, 2020



offense had the features of transient immaturity and that Jacobs had demonstrated a capacity for embracing a positive way of life. The Court ruled that Jacobs was immediately eligible for parole.

On October 6, 2020, the 24th Judicial District Court in Louisiana held a *Miller* re-sentencing hearing in *State of Louisiana v. Lawrence Jacobs*, to determine Mr. Jacobs' eligibility for parole. Jacobs was 16 when he was convicted of murder and sentenced to life without the possibility of parole. **Describing the expert testimony of Dr. Robert Kinscherff as "the most helpful evidence" in the case**, the court found that Jacobs'

Can They Do That? We Ask Judge Nancy Gertner

Judge Nancy Gertner | Radio Boston | July 7, 2021

Massachusetts Could Loosen Life Without Parole Restrictions for Young People

Robert Kinscherff | The Appeal | June 30, 2021

Massachusetts Judge Laments Recent Supreme Court Ruling That Juveniles Can Be Sentenced To Life Without Parole

Judge Jay Blitzman | WBUR NEWS | May 3, 2021

We Need Truth and Reconciliation

Judge Jay Blitzman | Commonwealth Magazine | September 27, 2020

Criminal Sentencing



In partnership with the Federal Judicial Center (FJC), and with leadership from Judge Gertner, Dr. Edersheim, and Dr. Kinscherff, CLBB has become the nation's leading provider of neuroscience-informed education for the federal judiciary. The core of this work is a signature workshop on Science-Informed Decision Making (held virtually in 2021 due to COVID-19). In addition to attending the annual workshop, a subset of judges returns to Harvard to participate in Judge Gertner's sentencing seminar to continue their training and education.


Federal Judicial Center (FJC) Lecture Series: Fall 2021

1. Screening, Assessment & Why It Matters for Science-Informed Decision Making
2. Trauma Informed Justice
3. Substance Use Disorders : State of the Art Treatment
4. Screening Tools for Mental Illness and Substance Use Disorders in the Justice System

The Federal Judicial Center Fall 2021 Lecture Series will be held spaced out over several months, with presentations including CLBB leadership and affiliates Robert Kinscherff, Nancy Gertner, Stephanie Tabashneck, and Jay Blitzman.

On August 14, the first in a series of follow-up webinars was held for prior federal court participants in the Science-Informed Decision Making trainings. This webinar featured Chief US Probation Officer Anthony Castellano (Northern District of California) and Dr. Robert Kinscherff speaking on "Screening, Assessment, and Why It Matters for Science-Informed Decision-making." Participants included federal judges and magistrates, and pre-trial and post-disposition probation staff.

The FJC is the research and education agency of the judicial branch of the U.S. government. The Center was established by Congress in 1967, and the Center's governing board is chaired by the Chief Justice of the United States. Our lead partners at the FJC are Mark Sherman, the Assistant Division Director, Probation & Pretrial Services Education, and Cassandra Snyder, Education Attorney.



**Screening and Assessment To Support
Science-Based Decision-Making**
(Part 1: Overview of Screening and Assessment)

Robert Kinscherff, PhD, JD
Executive Director
Center for Law, Brain & Behavior

Additional Activities



'Why'd You Pick Me?': Eyewitness Reforms Offer Limited Help To Those Convicted Decades Ago

WBUR | February 27, 2021

A 2015 Massachusetts court case *Commonwealth v. Gomes* ruled that the judge must instruct the jury on scientific principles relating to eyewitness identification and flawed memory. This article features a discussion on the potential of making the *Gomes* decision retroactive. The **Center for Law, Brain and Behavior** filed an amicus brief in the 2015 *Gomes* case, outlining the

modern neuroscientific understanding of how episodic memories are constructed and recalled.

Highlight: "Today, after a 2015 court ruling in Massachusetts called *Commonwealth vs. Gomes*, the judge must instruct the jury on these scientific principles. But that didn't help people like Tommy Rosa. 'The court said, you know, we're saying that every case going forward is going to have the benefit of this, but we're not applying this to cases going backwards,' Natarajan said. That was frustrating to people in prison who felt if the rules had been different during their trials, they wouldn't have been convicted."

Brain Based Justice Reform: Psychiatry, Neuroscience and the Law

3rd Annual Carol W. Taylor Lecture in Psychiatry Grand Rounds

MGH Dept. of Psychiatry | January 14, 2021

Judith Edersheim discussed how recent discoveries in the fields of adolescent neurodevelopment and the neurobiology of substance use have already begun to advance fairness and equity in the legal system.



Cutting Edge Issues in Criminal Law Virtual Panel

Robert Kinscherff | Boston Bar Association | June 14, 2021



Why the Innocent Plead Guilty and the Guilty Go Free: And Other Paradoxes of Our Broken Legal System

University of Minnesota | April 12, 2021



Restoring Justice

Nancy Gertner | Harvard Magazine | July-August 2021

Immigration and Asylum Justice

In 2019 CLBB launched a new initiative focused upon the implications of neuroscience and trauma research on immigration justice.

We are currently developing **litigation support materials** based on the most up to date neuroscience research on adversity and trauma, memory, and traumatic brain injury. For instance, neuroscience of trauma evidence can aid litigants in making visible and more concrete the types of emotional and mental trauma that is often difficult to substantiate in an adversarial or even hostile legal environment. Currently immigration evidence law requires an immigration judge to deem less credible accounts of asylum seekers that are inconsistent-- even for peripheral details. The neuroscience of memory can be used to inform credible fear determinations by adding support to claims that inconsistencies in recall of events by asylum seekers does not necessarily suggest an inference of dishonesty.

Asylum seekers and their attorneys need of new tools to overcome the substantial barriers they face in the immigration system. The neuroscience of trauma and memory are well positioned to be applied in these contexts. CLBB is the first organization working at this important intersection of brain science and law.

A Historic Opportunity to Update Asylum Law's Outdated Assumptions About Trauma and Memory

Annals of Internal Medicine | June 8, 2021

Annals of Internal Medicine

IDEAS AND OPINIONS

A Historic Opportunity to Update Asylum Law's Outdated Assumptions About Trauma and Memory

Erin Shortell, JD, MPP¹; Aldis H. Petriceks, BA²; Francis X. Shen, JD, PhD³; and Judith G. Edersheim, JD, MD⁴

A Congress debates a significant overhaul of the country's immigration laws, the urgency of asylum reform is increasing as migrants flock to the U.S. southern border and the Biden administration faces a backlog of 1.3 million immigration cases (1). When asylum seekers finally have their asylum interview or court hearing, the Immigration and Nationality Act requires that they convince the adjudicator that they cannot return to their home country because of past persecution or "a well-founded fear of persecution." An asylum seeker's memories about persecution are central to the legal process. Under the REAL ID Act of 2005, adjudicators are instructed to consider any possible discrepancies in an asylum applicant's verbal and written testimonies, "without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim" (2). As a result, applicants with narrative inconsistencies—even those that may be considered peripheral or understandable given a history of trauma-related distress—often are found not credible and are denied asylum (3). In this way, the system adjudicates asylum claims under the unspoken assumption that memory is like a videotape and that any inconsistency in recall of episodic memory is evidence of a deliberate lie. This hidden assumption in asylum law regularly contributes to the rejection of asylum claims that deserve greater consideration. It is also fundamentally inconsistent with current scientific understanding of trauma-related distress and human memory.

HOW TRAUMA AFFECTS AUTOBIOGRAPHICAL STORYTELLING AND CREDIBILITY

A wide body of research in psychology, neuroscience, and related fields has found that autobiographical memory is particularly vulnerable to interference at the encoding, storage, and retrieval stages. When a specific event is encoded and stored as memory under stressful conditions, subsequent recollection of certain aspects of the event may be less accurate than those encoded under less stressful conditions. For example, subjects in a psychology study watched a slideshow depicting either a traumatic or a nontraumatic version of the same event, and although those who watched the traumatic version recalled its central details with greater accuracy, they were less capable of recognizing specific slides (4). Furthermore, the effect of trauma on memory may be noted during the retrieval stage given that people with objective signs of trauma-related distress (though not necessarily a history of trauma alone) often demonstrate reduced specificity when recalling episodic

memories (5). All of this suggests that persons from non-U.S. cultures with histories of trauma, trauma-related distress, or both may provide honest recollections of their asylum-seeking narratives that inadvertently include inconsistencies and thus seem misleading to asylum officers or immigration judges.

To complicate matters, there is evidence that cultural background may affect the content of autobiographical descriptions of traumatic as well as nontraumatic memories (6). For example, people from collectivist cultures which tend to prioritize the goals of the group, may describe "holistic, less ego-centric" memories of trauma than those from more individualist cultures, which tend to prioritize the goals of individuals (6). These culturally mediated effects of recalling events may be misinterpreted by officials in the U.S. asylum system.

The effects of trauma and stress on episodic memory may be amplified among children and adolescents—a critical observation, given the surge of unaccompanied minors at the southern border. Depression and trauma-related distress are prevalent among child and adolescent asylum seekers with histories of trauma (7). Consequently, young asylum seekers often "provide less event-specific autobiographical memories" during asylum interviews and tell stories with "less emotional and sensory content" and "from an observer perspective," seemingly detached from their memories (7). Thus, they may be viewed skeptically by an asylum system that equates a failure to provide specific details with an intention to deceive.

The law's adherence to outdated assumptions about memory has significant consequences for asylum seekers. For example, a woman from Guinea fled her country after government soldiers invaded her home, arrested her and her husband, and sexually assaulted her each night for several months (8). In the United States, she was diagnosed with posttraumatic stress disorder. However, the immigration judge who heard her case denied her asylum because of testimonial inconsistencies. For example, she had described the scars on her back as resulting from being beaten with belts but had not reported that her captors had also burned her with cigarettes—a detail she had discussed in sessions with her counselor.

CALL TO ACTION

As the Biden administration and Congress embark on widespread immigration reform, there is a historic opportunity to update asylum law's deeply flawed assumptions about episodic memory, at the systemic level.

Francis Shen and Judith Edersheim teamed with CLBB student research assistants Erin Shortell (Harvard Law) and Aldis Petriceks (Harvard Med) to critique asylum law's assumptions about credibility and inconsistencies in episodic memory.

Highlight: "The system adjudicates asylum claims based on the unspoken assumption that memory is like a videotape, and that any inconsistency in recall of episodic memory is evidence of a deliberate lie. This hidden assumption in asylum law about human memory regularly contributes to the rejection of asylum claims that deserve greater consideration. It is also fundamentally inconsistent with current scientific understandings of trauma-related distress and human memory."

Neuroscience in Action: "A wide body of research in psychology, neuroscience, and related fields has found that autobiographical memory is particularly vulnerable to interference at the encoding, storage, and retrieval stages. When a specific event is encoded and stored as memory under stressful conditions, subsequent recollection of certain aspects of the event may be less accurate than those encoded under less stressful conditions."

Citation: Shortell, Erin, Aldis H. Petriceks, Francis X. Shen, and Judith G. Edersheim. "A Historic Opportunity to Update Asylum Law's Outdated Assumptions About Trauma and Memory." *Annals of Internal Medicine* (2021).

This article was published at doi.org/10.1093/annals/abz001.

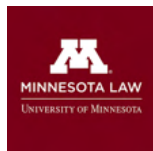
*Ms. Shortell and Mr. Petriceks share first authorship.

† Drs. Shen and Edersheim share senior authorship.

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Additional Activities



Trauma and Truth: A Law and Neuroscience Perspective on Episodic Memory, Credibility and Asylum Law

University of Minnesota | March 5, 2021

In this presentation, Dr. Francis Shen discussed a foundational, yet failed assumption, animating U.S. asylum law's approach to credibility---that honest human memory is free of inconsistencies, and that those with histories of trauma are capable of error free autobiographical recall. Dr. Shen discussed how memory science counsels a more nuanced approach to credibility, and how changes in asylum seekers' narratives over time may not be due to deliberate deception but rather to the nature of human memory itself.



Government Report Finds Care Deficits for Pregnant People in Federal Custody

The Petrie-Flom Center at Harvard Law School | March 25, 2021

Atty. Elyssa Spitzer comments upon a report recently issued by the Government Accountability Office.



Trauma, Truth, and the Scientific Shortcomings of U.S. Asylum Law

McLean Hospital, Perspectives on Trauma Lecture Series | February 17, 2021

Dr. Edersheim and Dr. Shen discussed how changes in asylum seekers' narratives over time may not be due to deliberate deception but rather to the nature of human memory itself. The presentation included discussion of current efforts at CLBB to leverage memory science for a more nuanced legal approach to credibility assessment in asylum law.



Associations Between Memory Loss and Trauma in US Asylum Seekers: A Retrospective Review of Medico-Legal Affidavits

PLOS One Journal | March 23, 2021

Dr. Altaf Saadi and colleagues empirically explored “the interplay of trauma and memory loss and how they might impact immigration proceedings for this vulnerable population” of U.S. asylum seekers. The study examined “200 medico- legal affidavits from ... the Physicians for Human Rights Asylum Network.” The study found that a “majority of the sample received a neuropsychiatric diagnosis.”



Study Shows How U.S. Immigration Policy Can Have Domestic Health Effects

Harvard School of Public Health | August 2, 2021

Dr. Altaf Saadi co-authored a study measuring the impact of the 2017 executive order suspending travel from seven Muslim- majority countries on the health of U.S. residents from those nations.



The Neurobiology of Trauma, Fear, and Racism

Federal Judicial Center | October 1, 2020

This lecture was presented to alumni of the "Workshop on Science-Informed Decision Making" as an opportunity to understand the neurobiology of trauma and to plan to apply that understanding to trauma-informed practices at the district-level. Dr. Alisha Moreland-Capua provided an overview of how trauma affects the brain and explored how racism is experienced as trauma that affects the brain. Opening remarks were led by Dr. Francis Shen.

Aging Brains and Elder Justice

Since its founding, CLBB has explored how neuroscience might aid the law's efforts in improving elder justice by supporting and protecting older adults in the realm of financial decision-making. Dr. Bruce Price and Dr. Judith Edersheim regularly consult on elder law cases, and annually address law and dementia issues in the renowned Harvard Medical School educational program, *Dementia: A Comprehensive Update* (a program led by Dr. Bradford Dickerson).



Dementia & The Law: Clinical Pearls on Testamentary Capacity and Undue Influence

Harvard Medical School | June 5, 2021

Dr. Judith Edersheim and Dr. Bruce Price presented at the "Dementia: A Comprehensive Update 2021" course at Harvard Medical School.

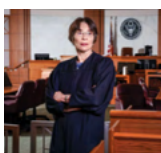
The spectrum of neurodegenerative diseases spans from very mild cognitive impairment to frank dementia. Alzheimer's disease (AD), the most common cause of dementia, is a devastating condition that affects patients and their whole family of caregivers at tremendous emotional and financial cost. *Dementia: A Comprehensive Update* was a three-and-a-half day, annual, review course designed by clinicians for clinicians. The course took a practical and multidisciplinary approach to understanding and treating dementia and was designed for healthcare professionals involved in the diagnosis, management, and investigation of disease states causing dementia.



How Do Age and Gender Affect Judges' Sentences? New Study Suggests Nuanced Answer

American Bar Association Journal | September 17, 2020

Researchers, including Dr. Francis Shen, studied nearly 3,000 sentences imposed over a 16-year period in Colorado, and found that judges' age and gender correlated with differences in sentence length-but only for serious crimes.



How Can Aging Judges Know When It's Time to Hang Up the Robe?

American Bar Association | November 21, 2020

In this article, Dr. Judith Edersheim and Dr. Francis Shen discuss the challenges of identifying and responding to cognitive decline in judges.



New York Court Officials Complete Rare Review of Cases Handled by Judge Forced Into Retirement by Dementia

ProPublica | November 20, 2020

A review of dozens of Judge ShawnDya Simpson's cases found the decisions to be rational, a disappointment for a man whose claims of innocence had been one of the judge's last cases. Francis Shen discusses the outcome of this review.

- **Ruling on Murder Case by Judge Suffering From Dementia Will Stand, Court Says**
Francis Shen | ProPublica | March 5, 2021
- **Source of Remarkable Memory of 'Superagers' Revealed**
Lisa Feldman Barrett | Massachusetts General Hospital | July 6, 2021

Detecting Dementia: Technology, Aging Brains, and the Law

November 16, 2020 (originally scheduled for April 2020)

Detecting Dementia Technology, Aging Brains, and the Law



Jonathan Jackson, PhD
Founding Director, Community Access, Recruitment and Engagement (CARE) Research Center at Massachusetts General Hospital and Harvard Medical School



Bruce H. Price, MD
Co-Founder and Co-Director, Massachusetts General Hospital Center for Law, Brain and Behavior
Associate Professor of Neurology, Harvard Medical School
Chief of Department of Neurology, McLean Hospital



Ipsit Vahia, MD
Medical Director, Geriatric Psychiatry Outpatient Services and McLean Institute for Technology in Psychiatry
Assistant Professor of Psychiatry, Harvard Medical School
PI, Technology in Aging Lab, McLean Hospital



Carmel Shachar, JD, MPH
Executive Director, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics
Co-Lead, Regulatory Foundations, Ethics, and Law Program of Harvard Catalyst, Harvard Clinical and Translational Science Center



Advances in neuroimaging, genetics, and mobile health apps are creating unprecedented opportunities to detect subtle brain changes that may predict the onset of Alzheimer's disease and other types of dementia. But how much trust should we have in these new technologies, who will have access to them, and how should the law respond when litigants proffer novel evidence of their brain states? This panel will explore technological innovations in dementia detection, and their ethical, social, and legal implications.



Part of the Project on Law and Applied Neuroscience, a collaboration between the Center for Law, Brain & Behavior at Massachusetts General Hospital and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School



CENTER FOR LAW, BRAIN & BEHAVIOR



clbb.mgh.harvard.edu

Racial Justice

Events over the last year have prompted a social reckoning arising from public responses to the murder of George Floyd by police officer Derek Chauvin and further scrutiny of significant racial disparities in policing and sentencing, the “redlining” of real estate and housing, banking and lending, the use of interstate highway construction to reinforce neighborhood segregation, increased de facto racial segregation in schools, and other longstanding practices reflecting racial discrimination and even animus.

CLBB responded to this ongoing reckoning by identifying the potential contributions of neuroscience to police and criminal justice reform, participating in a forum supporting increased representation of students of color in psychology, and examining ethical and social justice issues in the development of neurotechnologies.

Policing and the Brain: How Neuroscience Can Contribute to Police Reform

March 31, 2021 | CLBB & The Petrie-Flom Center at Harvard Law School

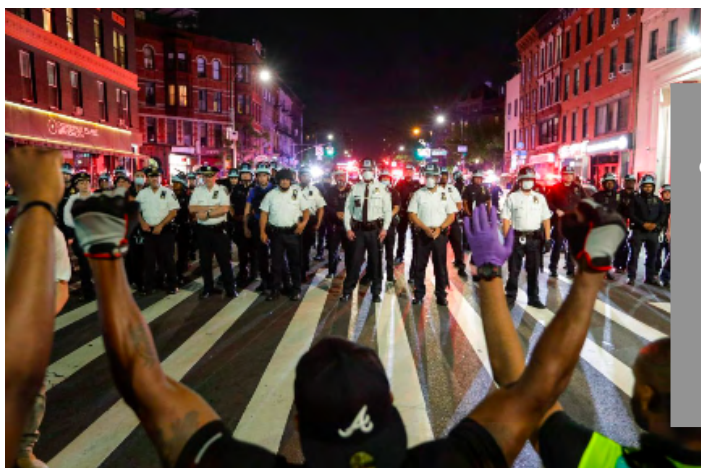
The language of medical science has been used by law enforcement to justify police brutality. For example, a police officer present at the killing of George Floyd suggested that Floyd might have been experiencing “excited delirium,” a term that, while not recognized by major medical associations, is sometimes used by law enforcement to describe aggression resulting from illicit substance use.

Though there is potential for problematic and biased use of medical science by law enforcement, could neuroscience hold promise for shaping evidence-based reforms?



This panel on March 31st explored this question through a discussion of recent neuroscience research into emotions and the brain, and the significance of this research for police reform efforts.

Panelists included **Carmel Shachar**, Executive Director, The Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, **Lisa Feldman Barrett, PhD**, University Distinguished Professor, Northeastern University, **Judge Andre M. Davis, JD**, Circuit Judge, the United States Court of Appeals for the Fourth Circuit; and City Solicitor, Baltimore City Department of Law, **Altaf Saadi, MD, MSc**, Neurologist, Massachusetts General Hospital and Instructor of Neurology, Harvard Medical School, and **Elyssa Spitzer, JD**, Senior Fellow in Law and Applied Neuroscience, CLBB and the Petrie-Flom Center.



"The disparity in the treatment of crack and cocaine really was backed up by anecdote and stereotype, not by data. There was no data suggesting that crack was infinitely more dangerous than cocaine. It was the young Black predator narrative."

-Nancy Gertner, JD, The Harvard Gazette

Solving Racial Disparities in Policing

The Harvard Gazette | February 23, 2021

Nancy Gertner was featured in "Unequal," a multipart series highlighting the work of Harvard faculty, staff, students, alumni, and researchers on issues of race and inequality across the U.S. This first part explores the experience of people of color with the criminal justice legal system.



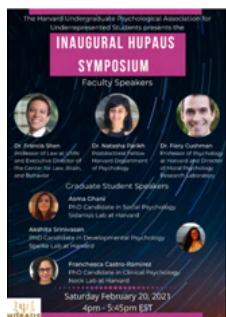
"U.S. officers kill about 1,000 people every year. The vast majority of those killings are ruled justified. When officers are charged, they're usually found not guilty or the charges are dismissed. The law is set up in a way that makes it very difficult to convict police officers of misconduct."

-Paul Butler, JD, PBS News Hour

Derek Chauvin's Murder Trial Raises Questions About Police Accountability Nationwide

PBS News Hour | March 10, 2021

One of the central questions in the jury selection for the murder trial of former police officer Derek Chauvin, who was charged with the killing of George Floyd: whether a police officer will be convicted on murder charges? **Paul Butler**, a professor at Georgetown University's Law Center, and Chuck Wexler, of the Police Executive Research Forum, joined Yamiche Alcindor to discuss.



Harvard Undergraduate Psychological Association for Underrepresented Students Symposium

Harvard College | February 20, 2021

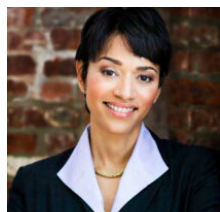
Francis Shen presented at the Harvard Undergraduate Psychological Association for Underrepresented Students Symposium along with Dr. Natasha Parikh, Dr. Fiery Cushman, Asma Ghani, Akshita Srinivasan, and Franchesca Castro-Ramirez. This symposium featured faculty and students in psychology; the first portion of the Symposium featured speaker talks on a topic of the speaker's choice, while the second portion featured undergraduate students presenting their own work and research in psychology.



Scientific Oppression, Biological Reductionism, and the Future of Neurotechnology

The International Neuroethics Society | February 25, 2021

Technologies that record and stimulate the brain are set to transform medical treatment, interpersonal life, and even what it means to be human. But these neurotechnologies may, if we're not careful, continue legacies of harm against people of color, women, LGBTQIA-identifying persons, and people with disabilities. How can we keep neurotechnology from becoming oppressive? What would 'anti-oppressive' brain technology look like? This stimulating 90-minute panel discussion featured three scholars –Francis Shen, Dr. Olivia Matshabane, and Jasmine Kwasa – who shared their unique perspectives on the future of neurotechnology and social justice. This online event was organized by the INS Diversity & Inclusion Task Force.



Jennifer Jones-Austin to Chair New York City Racial Justice Commission to Dismantle Structural Racism

Jennifer Jones Austin | The New York Times | March 23, 2021

racism.

New York City Mayor Bill de Blasio appointed CLBB Advisory Board Member Jennifer Jones Austin to chair a new Racial Justice Commission tasked with the creation of policy recommendations designed to dismantle structural



Chauvin Jury: A Range of Views on Race and Policing

Paul Butler | The New York Times | April 1, 2021

CLBB Advisory Board Member Paul Butler was quoted in this article about jurors' views towards race and policing in the Derek Chauvin trial.



In Honor of Chief Justice Gants: Eradicating Racial Disparities in the Criminal Justice System

John Reinstein and Nancy Gertner | HLS Office of Clinical and Pro Bono Programs | October 29, 2020

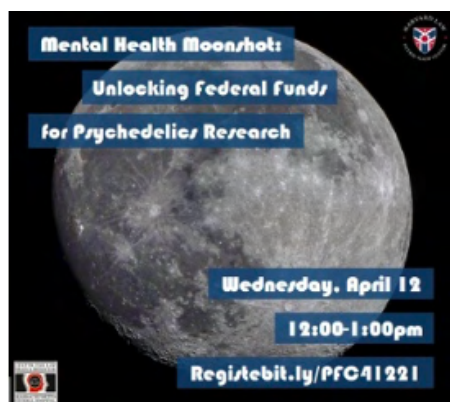
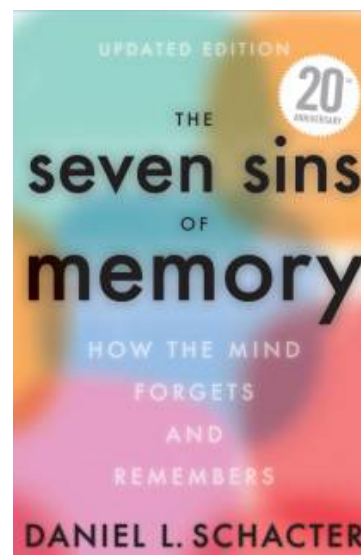
The Office of Clinical and Pro Bono Programs hosted an online event to discuss the critical next steps in eradicating racial disparities in the criminal justice system, particularly the disparity in the rates of imprisonment among Whites, African-Americans and Latinos.

Additional Public Engagement

Book Talk: The Seven Sins of Memory Updated Edition: How the Mind Forgets and Remembers

October 13, 2021 | CLBB & the Petrie-Flom Center at Harvard Law School

This event on the updated edition of *The Seven Sins of Memory: How the Mind Forgets and Remembers* revisited Professor Schacter's groundbreaking research with the twenty-first century's cultural trends and scientific discoveries. This event featured a book talk with Daniel L. Schacter and a moderated Q&A with Elyssa Spitzer.



Mental Health Moonshot: Federal Funding for Psychedelics Research

April 12, 2021 | CLBB & the Petrie-Flom Center at Harvard Law School

The U.S. needs a mental health moonshot.

Inspired by the Apollo moon landing, moonshots are ambitious projects with monumental goals. The U.S. has a history of funding moonshots with federal tax dollars, and the Human Genome Project is one recent example. More recently, in 2016, President Obama and Vice President

Biden announced the national Cancer Moonshot to dramatically improve the prevention, diagnosis, and treatment of cancer. That year, Congress allocated \$1.8 billion to fund the project.

The U.S. needs an equally ambitious moonshot to address worsening mental health and substance use crises, leading causes of death exacerbated by the COVID-19 pandemic. However, there are significant barriers to researching a promising new class of drugs for treating mood, anxiety, and substance use disorders: psychedelic compounds, such as psilocybin and MDMA, which are tightly controlled by the Drug Enforcement Administration. In 2019, Rep. Alexandria Ocasio Cortez introduced a bipartisan bill to ease restrictions, which was rejected by the House of Representatives. This panel discussed the need for an ambitious federally funded mental health moonshot built around psychedelics and analyzed the obstacles to achieving it.

TEACHING LAW & NEUROSCIENCE



In 2014 the first Law and Neuroscience casebook was co-authored by Owen Jones, Jeffrey Schall, and Francis Sheen. Publication of the casebook and momentum in the field of neuroscience have contributed to the emergence of law and neuroscience courses in schools across the country. This year marks the publication of the second edition of the Law and Neuroscience casebook. Reflecting the speed at which the field is developing, 45% of cases and publications in the second edition were published since the first edition in 2014. The new edition includes over 600 new references and citations to recent developments, with 280 new readings, including 27 new case selections. This event will serve as a book launch for the new edition, and will feature a dialogue between the co-authors of the casebook and two professors who are currently teaching from the new materials: Judge (Ret.) Nancy Gertner, who introduced the first Law & Neuroscience course at Harvard Law School, and neuroscientist Dr. Sally Bershadsky Seraphin, who created the first Law and Neuroscience course at Trinity College in Hartford, CT.

A book launch for the second edition of the Law and Neuroscience casebook

Monday March 15, 2021 12-1 pm ET

A discussion featuring the authors and special guests:

Co-authors

Owen D. Jones, JD
Gleen M. Weaver, M.D.
and Mary Ellen Weaver
Chair in Law, Brain, and Behavior, Professor of Law and Professor of Biological Sciences at Vanderbilt University; Director of the MacArthur Foundation Research Network on Law and Neuroscience

Jeffrey Schall, PhD
Scientific Director of the York Visual Neurophysiology Centre, Professor, Department of Biology, Faculty of Science, York University

Francis Sheen, JD, PhD
Executive Director, Center for Law, Brain & Behavior, MGH; Instructor in Psychology, Harvard Medical School; Professor of Law and McKnight Presidential Fellow, University of Minnesota Law School

All are welcome to learn more about the field of law and neuroscience, and everyone in attendance will have a chance to win a free copy of the book. Registration is required.


[Click here to register](#) and for more information see the event web page.




DEPARTMENT OF
OTORHINOLARYNGOLOGY-HEAD AND NECK SURGERY

UNIVERSITY of MARYLAND
SCHOOL OF MEDICINE

Duane A. Sewell, M.D., Annual Lectureship
on Humanism & Professionalism



Judith G. Edersheim, JD, MD
Founding Co-Director
MGH Center for Law, Brain & Behavior
Assistant Professor in Psychiatry
Harvard Medical School

**"Neuroscience for Justice:
Notes from the Field"**

Thursday July 22, 2021
5:00 pm
Via Zoom

<https://umaryland.zoom.us/j/91824282596?pwd=SFVib0tvaIt4dkdHbXdtTjNqNzNpdz09>



Francis Shen, JD, PhD: NeuroLaw - Your Brain and the Legal System Critically Speaking | September 2020

Dr. Francis Shen appeared on the highly rated podcast Critically Speaking to talk about law and neuroscience. Critically Speaking, hosted by geneticist Dr. Therese Markow, aims to inform the public, in everyday language, about issues at the intersection of science and society.



NIH Blueprint for Neuroscience Research: Addressing Neuroimaging Challenges Across Populations and Settings

NIH Blueprint for Neuroscience Research | September 2020

This conference focused on addressing challenges associated with neuroimaging across a range of populations, settings, and approaches to study design and analysis. It brought together neuroimaging experts from both clinical and research backgrounds and technical developers working with multiple neuroimaging modalities. Francis X. Shen moderated a session on *Maximizing Inclusion in Neuroimaging Studies Across Settings*.



Guilty Minds: A Virtual Conference on Mens Rea and Criminal Justice Reform

The Academy for Justice and the Arizona State Law Journal | September 2020

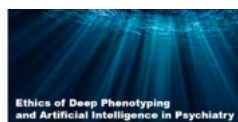
The Academy for Justice and the Arizona State Law Journal convened the nation's leading criminal law professors and practitioners for an extended conversation about mens rea policy and its role within the broader criminal justice reform movement. Dr. Francis Shen and Judge Nancy Gertner both participated.



Technology in Psychiatry Summit (TIPS) 2020

McLean Institute for Technology in Psychiatry | October 28-30, 2020

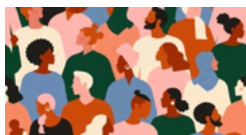
Over 450 attendees joined the 2020 Technology in Psychiatry Summit virtually for 30+ talks, keynotes, and moderated panel discussions on the intersection of technology and psychiatry. This event was sponsored by the McLean Institute for Technology in Psychiatry. Dr. Francis Shen moderated the "Algorithmic Bias and Inclusion in Tech Research" panel, Dr. Justin Baker presented the "DPdash Tech Demo", and Dr. Kerry Ressler moderated a keynote discussion with Dr. Rana el Kaliouby and Dr. Joshua Gordon.



Boundless Data, Artificial Intelligence, and the Future of Deep Phenotyping in Psychiatry: Can Law and Ethics Keep Up?

Yale Law School Information Society Project | Oct 2020

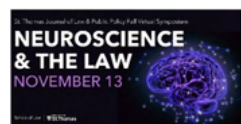
"The deeper you go, the more you know." This headline captures the tantalizing promise of deep phenotyping in psychiatric research. Yet the road to this innovative future is fraught with ethical and legal dilemmas. In this talk, Dr. Francis Shen discussed the ethical, legal, and social implications (ELSI) of deep phenotyping research. Dr. Shen has been working on this project with the support of an NIH Bioethics Administrative Supplement award, and with Benjy Silverman, MD, Justin Baker, MD, PhD, Scott Rauch, MD, and a working group of colleagues based at McLean Hospital and Harvard Medical School.



Ethical, Legal, and Social Implications of Deep Phenotyping

The Petrie-Flom Center at Harvard Law School | January 20, 2021

This digital symposium through the Petrie-Flom Center at Harvard Law School's the *Bill of Health* explores the ethical, legal, and social implications of advances in deep phenotyping in psychiatry research. In the symposium introduction, Dr. Francis Shen highlighted that deep phenotyping in psychiatric research and practice is a term used to describe the collection and analysis of multiple streams of behavioral and biological data, some of this data collected around the clock, to identify and intervene in critical health events.



"How Brain Science Can Transform the Law": Neuroscience and Policy Colloquium

American University Center for Neuroscience and Behavior | March 10, 2021

Dr. Francis Shen presented on recent advances in the use of neuroscience in the law. This Neuroscience and Policy Colloquium was sponsored by American University's Center for Neuroscience and Behavior, in collaboration with the Washington College of Law and the School of Public Affairs.



Three Identical Strangers: Virtual Panel Discussion

Harvard Mind Brain Behavior Interfaculty Initiative | March 29, 2021

Does the 'nature-nurture' question still merit discussion? In this virtual panel, three experts talked about a quasi-experimental and questionably ethical study conducted several decades ago designed to examine the nature-nurture question.

This event was moderated by Charles Nelson, PhD, with panelists Dr. Judith Edersheim, , and Steven Pinker, PhD.



Judith Edersheim, MD, JD Speaks at Depression Clinical and Research Program Weekly Seminar

Massachusetts General Hospital | March 30, 2021

Dr. Judith Edersheim presented at the Massachusetts General Hospital Depression Clinical and Research Program for faculty, staff and trainees on key issues at the intersection between neuroscience research and the law. Dr. Edersheim presented individual cases and answered questions from research assistants about her career trajectory and the applicability of neuroscience research for individuals with psychiatric diagnoses.



Dr. Francis Shen Featured in the Dana Foundation's Podcast: Neuroscience & the Law

Dana Foundation | May 6, 2021

Dr. Francis Shen joined the Dana Foundation on the latest episode of its *Communicating Brain Science* podcast, to discuss how advances in neuroscience can translate to better law and policy. This is the first part of the Dana Foundation's Neuroscience & the Law series, a multi-part exploration of the overlap between brain science and the legal system.

CLBB Education and Training

Fall 2020: Criminal Law and Administration at Yale Law School

Judge Nancy Gertner and Dr. Francis Shen



Description: This section primarily addresses foundational issues in substantive criminal law, including the justifications of punishment, the requisites of criminal responsibility, defenses to liability, and inchoate and group crimes. While the underlying concepts derive from English common law, we seek to view them through a different lens. First, the cases are those that we call "ripped from the headlines," modern cases raising age-old criminal law conundrums. Second, where appropriate, we consider the impact of science on common law folk psychological concepts — principally neuroscience and psychology. Finally, we examine the substantive case law in the context of the institutions

that enforce and shape it, notably, legislatures, prosecutors, defense lawyers, and courts.

Spring 2021: Law and Neuroscience Seminar at Harvard Law School

Judge Nancy Gertner, Dr. Judith Edersheim, Dr. Francis Shen



Law and Neuroscience is CLBB's flagship seminar, open to Harvard Law School students and to students from other schools.

The Seminar is taught by **Judge Nancy Gertner**. And features a world-class roster of CLBB affiliated faculty and guest scientists to help explore core topics in law and neuroscience. **Judith Edersheim, JD, MD** and **Francis Shen, JD, PhD**, were in class each session to provide medical and legal perspectives. **Robert Kinscherff, PhD, JD** presented the class on implications of neuroscience for juvenile justice and for emerging young adults in the criminal justice system.

Description: What's going on inside the minds of criminal defendants? And what about the judges, jurors, and attorneys who adjudicate them? Are addicts responsible? Can violent offenders be rehabilitated? Do we have free will? How can neuroscience inform criminal sentencing?

This seminar on law and neuroscience explores questions such as these through the innovative lens of modern neuroscience. The seminar features guest lectures by world-leading experts in neuroscience and explores how criminal law's ancient assumptions about human decision-making, emotions, and memory are increasingly being challenged by modern neuroscience through novel evidence and innovative legal arguments. Students will explore the legal implications of the neuroscience of hate, love, memory, lying, trauma, stress, violence, addiction, false confessions, adolescence, juvenile justice, and much more. We will look critically at efforts to use neuroimaging in court, and this will necessarily lead us to consider the relationship between law and science, more generally, and neuroscience in particular. The seminar will develop legal writing skills, as well as prepare students for engagement with expert testimony, criminal law and procedure, and complex litigation involving science and law.

Guest speakers included: **Dr. BJ Casey, PhD**, Professor of Psychology, Yale University; **Dr. Octavio Choi, MD, PhD**, Clinical Associate Professor of Psychiatry, Stanford Medical School; **Professor David Faigman, JD**, Chancellor and Dean, John F. Digardi Distinguished Professor of Law, University of California, Hastings College of the Law; **Dr. Judith Edersheim, JD, MD**, Co-Founder and Co-Director, Center for Law, Brain & Behavior at Massachusetts General Hospital; **Dr. Yasmin Hurd, PhD**, Ward-Coleman Chair of Translational Neuroscience and Director of the Addiction Institute at Mount Sinai; **Professor Owen Jones, JD**, Glenn M. Weaver, M.D. and Mary Ellen Weaver Chair in Law, Brain, and Behavior, Professor of Law Professor of Biological Sciences, Director, MacArthur Foundation Research Network on Law and Neuroscience, Vanderbilt University; **Dr. Robert Kinscherff, JD, PhD**, Faculty in the Doctoral Program in Clinical Psychology and Associate Vice President for Community Engagement, William James College; **Dr. Read Montague, PhD**, Virginia Tech Carilion Research Center Research Professor, Director, Center for Human Neuroscience Research, Virginia Tech; **Dr. Kerry Ressler, MD, PhD**, Professor of Psychiatry, Harvard Medical School; **Dr. Daniel L. Schacter, PhD**, William R. Kenan, Jr. Professor of Psychology, Harvard University; **Dr. Francis Shen, JD, PhD**, co-author of the first casebook on Law and Neuroscience; and **Dr. Gideon Yaffe, PhD**, Wesley Newcomb Hohfeld Professor of Jurisprudence, Yale Law School.

Spring 2021: Bioethics, Bias and Justice at Harvard Medical School

Dr. Francis Shen



In spring 2021, Dr. Francis Shen taught *Bioethics, Bias and Justice* at Harvard Medical School.

Description: Bioethics scholarship and scholarly engagement with practitioners has often overlooked issues of racial bias, economic inequality, and social justice. Through direct engagement with emerging voices in the fields of bioethics and neuroethics, this seminar will provide students an opportunity to critically re-examine theoretical and applied bioethics from multiple disciplinary perspectives.

Spring 2021: Mass Incarceration and Sentencing Law at Harvard Law School

Judge Nancy Gertner

This course, taught by Judge Nancy Gertner, will first put 20th century sentencing law in sociological and historical context. It will examine the history, philosophy, and administration of the criminal sentencing process, the causes of growth in the US penal population, the historical roots of that growth from the mid 20th century to the present, and the impact of those policies on communities of color and the crime rate. We will then examine more closely the legal framework that enabled those policies, including the war on drugs, emphasis on retribution over rehabilitation, the changes in sentencing law and the structure of sentencing decisionmaking.

Spring 2021: The Cradle-to-Prison Pipeline at Boston College Law School

Dr. Robert Kinscherff

It would appear that we are still living in worlds that are separate and unequal. This course explores this terrain by using a contextual and public health lens to examine the issues of geographical and educational segregation, access to mental health services, and the evolution of the juvenile and child welfare systems. We will explore the entrance and exit ramps of the cradle-to-prison pipeline.

Summer 2021: Juvenile Courts at Northeastern University Law School

Judge Jay Blitzman

This course examines the evolution of the juvenile court system and subject matter jurisdiction, including abuse and neglect, delinquency, youthful offender and status offense cases. Related subjects include child development, mental

health, school law and systemic service delivery. Issues affecting children and families will be considered in the context of the larger systems and communities that affect them—utilizing a developmental and public health perspective. We will explore the intersection between juvenile justice and child welfare. This reality is evocatively illustrated in Jill Lepore's narrative in *Baby Doe* (The New Yorker, Feb. 1, 2016), in which she uses a child welfare tragedy to illuminate the realities of the child welfare system. Between 2010-2012, 72% of the youth committed to the Massachusetts Department of Youth Services (D.Y.S.) had been involved with the Department of Children and Families (D.C.F.), and over half of that number had contact with D.C.F. before the age of five as subjects of abuse or neglect. Moreover, the disparate involvement of children and families of color that we witness in juvenile justice is present in the child welfare system. All issues in this course will be examined through a lens promoting racial and ethnic equity.

Fall 2021: Children and Families Before the Courts at William James College
Dr. Robert Kinscherff

This course describes the kinds of cases in which children and families most commonly become court-involved and the roles of forensic psychologists in these cases. These include child maltreatment cases, status offenses, delinquency and youthful offender prosecutions, and divorce child custody cases. Each type of case is covered in three classes in which relevant public policy and law is described, core methods of conducting a forensic evaluation are reviewed, and evidence-based case management and interventions discussed. Research in social and behavioral psychology, neurodevelopment, criminology, assessment methods, and other domains is reviewed to place forensic evaluations in a research-based context.

Social Media and Newsletter Year in Review

**12.3k views and
129 engagements**
from top tweets

Over 1k followers
on Twitter

34.4k opens
of our newsletters

Over 53k hits
on our website

**Over 3.5k
subscribers**
to our newsletter list



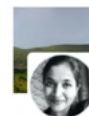
Top mention earned 17 engagements



Altaf Saadi
@AltafSaadiMD · Jun 10

Check out this 📌 @AANMember position statement on use of neck restraints by law enforcement- so many amazing neurologists pushed this through our professional org to say #NotInOurName @LashNolen @uche_blackstock @oni_blackstock @UREssien @RRHDr @aarvweissman @mghclbb @ioanna nm

Top Follower followed by 63.7K people

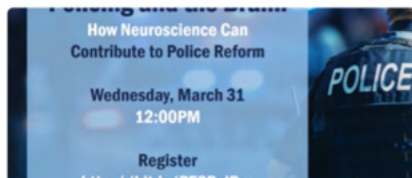


Rema Rajeshwari IPS ✓
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Indian Police Service, Writer
Law|Tech|Data|AI|ML|IO|Security|CTF|CVE|Soc.Innovation|
FakeNews/Misinformation|KDH|assessme

Top Tweet earned 9,661 impressions

Join us on March 31st at 12pm EST for a panel discussion of policing and the brain. Speakers include @LFeldmanBarrett, @AltafSaadiMD, Judge (Ret.) Andre M. Davis, and Elyssa Spitzer. Register here: bit.ly/PFCPolBrn #LawAndNeuro pic.twitter.com/kSykdjlXoa



Top mention earned 13 engagements

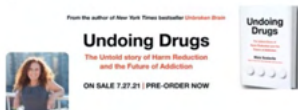


Dana Foundation ♥
@dana_fdn · Jul 26

This week's @mghclbb #neurolaw summary reviews a recent decision by the Ohio Supreme Court to reverse a 33-year sentence for a person who was 17 years old when he committed the crime. clbb.medium.com/?p=174c47309899 #CLBBCases pic.twitter.com/47W5KfTZOo



Top Follower followed by 26.9K people



Maia Szalavitz ✓
@malasz · FOLLOWS YOU

Neuroscience Journalist, <https://t.co/qoHjUwWoMx>, <https://t.co/SMwsd4OHY3>, etc. Author, Unbroken Brain. Next: Undoing Drugs: The Untold Story of Harm Reduction (2021)

Top mention earned 38 engagements



Harvard Catalyst
@HarvardCatalyst · Sep 2

5 Questions with Altaf Saadi @AltafSaadiMD @MGHNeurology @MonganInstitute @mghclbb. Our summer internship program mentor discusses her longstanding commitment to working with refugee, asylum seeker, & immigrant communities: hvrct.me/or4

MGH Center for Law, Brain & Behavior ✓
July 29 ·

CLBB Managing Director and Former Federal Judge Nancy Gertner Makes Two Important Appearances on Radio Boston.

On July 1, Gertner discussed the implications of two rulings made by the Supreme Court on two Arizona laws relating to provisional and absentee ballots.

Listen to the full segment here: <https://www.wbur.org/.../07/01/supreme-court-new-england...> See More





MASSACHUSETTS
GENERAL HOSPITAL



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Center for Law, Brain & Behavior
Department of Psychiatry
Bulfinch 351, 55 Fruit Street
Boston, MA 02114
clbb.org
617-237-0656



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