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CLBB News

A newsletter from the Center for Law, Brain & Behavior

January 18, 2022

A Year in Review: 2021 Highlights

Dear Friends,

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.

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.

In gratitude,

A handwritten signature in black ink that reads "Robert Kinscherff, PhD, JD".

Robert T. Kinscherff
CLBB Executive Director

CLBB Highlights, 2020-2021

Expanded program capacity through multiple grants,
including a renewed grant from the Dana Foundation,



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.



Published 28 scholarly publications and news media publications and produced 59 professional talks. Affiliated faculty published 387 articles related to CLBB priorities.



Joined other organizations belonging to the American Brain Coalition to endorse proposed federal legislation to establish a Neuroscience Center of Excellence at the FDA, and other legislation to establish an office within the White House to focus upon security, equity and meeting the needs of 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.

CLBB Events, 2020-2021

In 2020-2021, with partnership and support from so many of you, CLBB hosted events that promoted the sound translation of neuroscience into the legal arena with total attendance across all talks of over 430 participants.



[Policing and the Brain: How Neuroscience Can Contribute to Police Reform](#)

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

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.



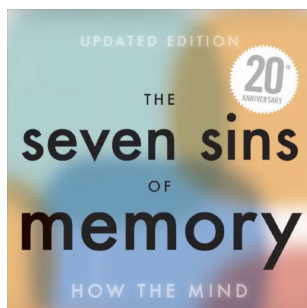
[**Mental Health Moonshot: Federal Funding for Psychedelics Research**](#)

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.



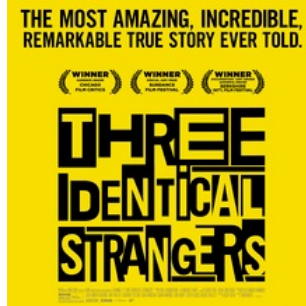
[**Book Talk: The Seven Sins of Memory Updated Edition: How the Mind Forgets and Remembers**](#)

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.

[**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.



[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.

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.

Noteworthy Research and News, 2020-2021

CLBB published many scholarly publications and news media publications, and participated in a number of other ventures relating to neuroscience and its application to the law.



[A Historic Opportunity to Update Asylum Law's Outdated Assumptions About Trauma and Memory](#)

Annals of Internal Medicine | June 8, 2021

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.

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."

[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.



[ABA House Addresses Treatment of Children and Youths in Pair of Resolutions](#)

ABA Journal | August 10, 2021

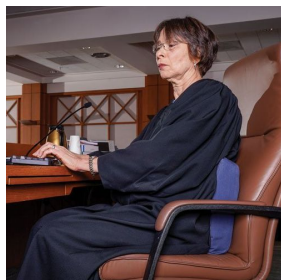
On August 4, 2021 the ABA House of Delegates adopted Resolution 505 from the Criminal Section urging states to raise the minimum age of juvenile court jurisdiction to 14. Previously, the issue of raising the maximum age of court jurisdiction beyond 18 to address late teens and emerging adults had been 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 Blitzman.



[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.



[Scanning For Justice through Neurolaw: Complex Trauma - To - Prison Pipeline](#)

BeProximate Center for People | May 21, 2021

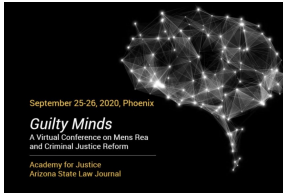
This panel discussion, presented through the Returning Citizens program of the Boston Mayor's Office, illuminated the debilitating effects of adverse childhood experiences (ACEs), the symbiotic relationship between complex trauma and imprisonment, and the emerging intersection of neuroscience and law 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.



[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.



[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.



[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.



[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.

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