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CLBB News

A newsletter from the Center for Law, Brain & Behavior

July 16, 2021

Special Edition: Recent Cases in Law & Neuroscience

This special edition of the CLBB News is part of an ongoing Center for Law Brain & Behavior series tracking the latest law and neuroscience cases. [Click here](#) to see previous posts about recent cases. To see updates on legal scholarship, see the [Neurolaw News](#), hosted by the MacArthur Foundation Research Network on Law and Neuroscience. This project is made possible through support of the [Dana Foundation](#).

Follow [this link](#) to read each of the cases in more detail.



[Washington Court of Appeals Affirms Dismissal of Guardianship Order for Woman Suffering from Schizophrenia and a Neurocognitive Disorder](#)

On December 22, 2020, a Washington Court of Appeals affirmed the dismissal of a guardianship petition for Dorothy Helm O'Dell. O'Dell asserted that her power of attorney had been in bad faith, in part because the attorney incorrectly stated that O'Dell suffers from dementia, but the court disagreed.



[Immigrant Claims that Mental Health Institutionalization in Mexico Would Constitute Torture](#)

The United States Court of Appeals for the Tenth Circuit denied the petition of Efen Medina-Moreno on December 22, 2020. Medina had petitioned for review of the dismissal of his appeal, asserting that his removal from the United States to Mexico should be delayed because the mental health treatment he would receive in Mexico would constitute torture.



[Washington Court of Appeals Reverses 19-Year Sentence for Defendant Who Committed Offenses at Age 20](#)

A Washington Court of Appeals reversed and remanded the sentence of Charles Nick Mallis on December 22, 2020, finding his trial counsel was ineffective for failing to argue that his youth at the time of his offense was a mitigating factor.

[Fourth Circuit Finds Death Row Inmate's Trial Counsel Ineffective for Failing to Present Evidence of Brain Injury or](#)



[Mental Health](#)

The United States Court of Appeals for the Fourth Circuit vacated the dismissal of David Anthony Runyon’s claim of ineffective assistance of counsel on December 23, 2020 and remanded the issue for an evidentiary hearing. Runyon’s counsel had not presented the mitigating evidence of his brain injury and mental health at trial.



[New York Court Denies Motion of Nursing Home Claiming Former Resident Did Not Experience Suffering Before Death Because He Was Unconscious](#)

On September 3, 2020, a New York County trial court denied Northern Manhattan Nursing Home’s motion to set aside a jury’s verdict of \$2.5 million in damages for the widow of their former resident Frederick Smith, who died due to the nursing home’s negligence. The nursing home had contended that because Smith was unconscious, he did not feel pain, and thus the damages awarded for his pain were excessive.

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