



A Year in Review: 2020 Highlights

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CLBB Highlights, 2019-2020

Consulted on individual cases, including high profile cases such as that of *Billy Joe Wardlow v. State of Texas*, and a clemency petition for Brendan Dassey. CLBB provided scientific support for the clemency petition and was a signatory to an amicus brief in the Wardlow case, providing the most up-to-date data from adolescent and emerging adult neuroscience. For more information, see [here](#).



Expanded program capacity through multiple grants, including [a grant from the Dana Foundation](#), funding a new repository on updated law and neuroscience cases, and a grant from the Harvard, Mind, Brain, and Behavior Interfaculty Initiative, to support work in juvenile and emerging adult justice during the 2020-21 academic year. See the Recent Cases in Law and Neuroscience Repository funded by the Dana Foundation [here](#).



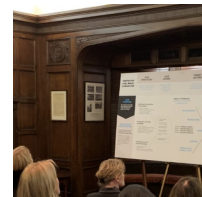
Continued significant educational outreach, training over 350 judges and attorneys, including further development of programs with the [Federal Judicial Center \(FJC\)](#) and the creation of a new partnership with the [Flaschner Judicial Institute \(FJI\)](#) to produce an ongoing learning series for Massachusetts judges.



Strengthened 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. Learn more about this project [here](#).



Recruited seven highly qualified Advisory Board Members, adding to CLBB's substantive expertise and expanding our geographic, racial and professional diversity. Learn more about our Advisory Board Members [here](#).



Published 19 scholarly publications, 15 [news media publications](#) and produced 57 [professional talks](#). [Core and affiliated faculty](#) published an additional 428 articles related to CLBB priorities.



CLBB Events, 2019-2020

In 2019-2020, with partnership and support from so many of you, CLBB hosted events that promoted the sound translation of neuroscience into the legal arena.

[Detecting Dementia Technology, Access, and the Law](#)

Harvard Law School | November 16, 2020

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

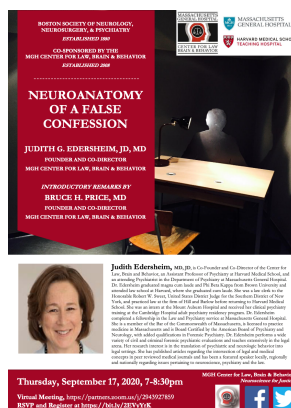


technologies, who will have access to them, and how should the law respond when litigants proffer novel evidence of their brain states? This panel explored technological innovations in dementia detection, and their ethical, social, and legal implications.

Panelists included **Bruce Price, CLBB Co-Founder and Co-Director**, Jonathan Jackson, Founding Director, Community Access, Recruitment, and Engagement (CARE) Research Center at Massachusetts General Hospital and Harvard Medical School, Ipsit Vahia, Medical Director, Geriatric Psychiatry Outpatient Services at McLean Hospital and the McLean Institute for Technology in Psychiatry, and moderator Carmel Shachar, Executive Director, The Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School.

To view a recording of the event, please see [here](#).

This event is 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.



Neuroanatomy of a False Confession

The Boston Society of Neurology, Neurosurgery, & Psychiatry and CLBB | September 17, 2020

On Thursday, September 17, 2020 **CLBB Co-Founder and Co-Director Judith Edersheim** presented "Neuroanatomy of a False Confession," sponsored by the Boston Society of Neurology, Neurosurgery, & Psychiatry and co-sponsored by the Center for Law, Brain and Behavior. Introductory remarks were made by **CLBB Co-Founder and Co-Director Bruce Price**.



Justice and the Developing Brain: A Learning Series

May 26-July 21, 2020

Emerging adults are more likely to be arrested, be incarcerated, and to recidivate after release. The Juvenile Unit/Juvenile Alternative Resolution Program (JAR) at the Office of Suffolk County District Attorney Rachael Rollins, the Committee for Public Counsel Services, the brain-science experts at the MGH Center for Law, Brain & Behavior, and the staff and youth at More Than Words joined together in this summer series to discuss how we can reverse this trend.

This learning series with lead trainer and **CLBB Associate Managing Director Robert Kinschaff** included five sessions: "Framing the Issue and Overview of Adolescent Neurodevelopment," "The Developing Brain in Social Environments: Adverse Childhood Experience and Positive Youth Development Assets," "Behavioral Health in Delinquency: Substance Use and Mental Health Disorders," "Implications for Juvenile Justice Practices: Research-Based Responses Along the Sequential Intercept," and "The 'Heuristic Brain': Implicit Bias in Responding to Challenging Youth."

To watch the archives of video and slides for the trainings, please see [here](#).

The Next Frontier of Juvenile Justice

Harvard Law School | Feb. 26, 2020

In the fifteen years since the United States Supreme Court referred to developmental science in ruling the death penalty unconstitutional for juveniles in *Roper v. Simmons*, state and federal courts have seen a wave of neuroscience-informed juvenile justice litigation. Advocates have come to see neuroscience as a powerful tool, and the Supreme Court has cited to neuroscience research in subsequent cases further



restricting harsh punishments for juveniles in *Graham v. Florida* and *Miller v. Alabama*.

But the full potential of neuroscience in juvenile justice has yet to be reached. Advances in neuroscientific understanding of the developing brain, including development in emerging adulthood from ages 18 to 25, are only beginning to enter legal cases. Moreover, advocates are recognizing that to make a more direct and profound impact, group-averaged neuroscience evidence must be complemented by individualized clinical assessments. This panel discussed scientific and legal developments, and the new innovations they suggest at the intersection of neuroscience and juvenile justice.

Panelists included Marsha Levick, Chief Legal Officer and Co-Founder of Juvenile Law Center, **CLBB Faculty Member Leah Somerville**, and moderator **CLBB Associate Managing Director Robert Kinscherff**.

To view a recording of the event, please see [here](#).

This event is 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.



[Memory, Trauma, and Asylum Law: A Role for Neuroscience?](#)

Harvard Law School | December 6, 2019

CLBB Executive Director Francis Shen provided an update on the Center's work around trauma, memory, and immigration justice on the "Immigration and Health Concerns" panel as part of the [Petrie-Flom Center's eighth annual Health Law Year in P/Review](#).

To view a recording of this panel, please see [here](#).

This event was sponsored by the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School and the Center for Bioethics at Harvard Medical School, with support from the Oswald DeN. Cammann Fund at Harvard University.



[Computational Justice: How Artificial Intelligence and Digital Phenotyping Can Advance Social Good](#)

Harvard Law School | October 23, 2019

In this event, leading experts in artificial intelligence, computational psychiatry, and the law discussed questions regarding the computational future of law and neuroscience by exploring how AI and digital technologies can advance social good through improved social, psychiatric, and legal interventions. Presentation slides and media coverage of the event are available [here](#).

Panelists included **CLBB Executive Director Francis Shen**, Rediet Abebe, Junior Fellow, Harvard Society of Fellows and PhD candidate, Cornell University, and **CLBB Faculty Member Justin T. Baker**.

This event is 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.

Noteworthy Research and News, 2019-2020

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.

[Why Are Young People So Bad at Coronavirus Social Distancing? Blame Their Brains](#)

Judith Edersheim | USA Today | May 2020



This op-ed by **CLBB Co-Founder and Co-Director Dr. Judith Edersheim** offers a neurobiological view of young people's lack of social distancing.

Highlight: "Adolescents are programmed to seek independence. Pushing limits and taking risks are the evolutionary way in which they master these challenges. Blaming teenagers for their illicit socializing is like faulting a bird for leaving the nest - it runs counter to a basic biological imperative. But ignoring this risky behavior poses a grave threat to themselves and the rest of us."



[TED MED Talk: Every Story Is a Brain Story](#)

Francis Shen | March 2020

CLBB Executive Director Francis Shen spoke at TED MED 2020 in Boston. Dr. Shen's session, Every Story is a Brain Story, explored how neuroscience might transform the law. TED MED 2020's theme is "Make Way for Wonder." Dr. Shen's talk reflected his view that: When I make way for wonder, I see the law and the legal system not as they are, but as they can become.



[Dementia and the Law: The Neurologist's Dilemmas](#)

Bruce Price and Francis Shen | Massachusetts General Hospital and Brigham and Women's Hospital | November 2019

CLBB Co-Founder and Co-Director Bruce Price and CLBB Executive Director Francis Shen presented at the Massachusetts General Hospital and Brigham and Women's Hospital Neurology Residency Pilot Neuroethics Seminars.

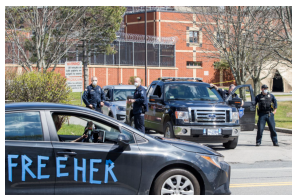


[Implications of Neuroscience in Juvenile and Young Adult Justice](#)

Robert Kinscherff & Jay Blitzman | Harvard Law School Alumni Association | February 2020

At this presentation organized by the Harvard Law School Alumni Association and held at the Foley Hoag LLC law firm in Boston, **CLBB Associate Managing Director Robert Kinscherff** summarized the state of developmental neuroscience and its influence in landmark US Supreme Court decisions on adolescent criminal culpability and punishment.

CLBB Faculty Member Judge Jay Blitzman (ret.) offered a "view from the bench" on issues of developmentally aligned accountability for adolescents and young adults, the importance of both perceived and actual fundamental fairness when youth are prosecuted, and the value of a positive youth development framework. Judge Blitzman (ret.) and Dr. Kinscherff then engaged with participants in discussion of the implications of this information for law and juvenile/criminal justice policy and practice.



[Coronavirus Can Mean a Death Sentence for Prisoners](#)

Nancy Gertner | The Boston Globe | May 2020

In this op-ed, **CLBB Managing Director Judge Nancy Gertner (Ret.)** explores how COVID-19 disproportionately affects the prison population.

Highlight: "Now we face a crisis unlike any other. Now we must look hard at who we lock up and why. Now imprisonment risks death for prisoners who cannot socially distance, who suffer from chronic illnesses associated with poverty: asthma, heart disease, and diabetes - all on the CDC COVID-19 risk list. Now we must concede that prison health care, substandard in the best of times, is unprepared for this."

[Why the Teenage Brain Pushes Young People to Ignore Virus Restrictions](#)

The Wall Street Journal | May 2020

CLBB Co-Founder and Co-Director Judith Edersheim was quoted in *The Wall Street Journal* about the neurobiological factors underlying



young people's need to interact with peers, even to the point of skirting public health mandates.

Highlight: "'Exploring is a neurobiological mandate,' says Judith G. Edersheim, founding co-director of the Massachusetts General Hospital Center for Law, Brain & Behavior and an assistant professor in psychiatry at Harvard Medical School. She says the questionable behavior that correspondingly occurs is a necessary part of growing up. 'In most instances, they don't set out to do risky things. It's that they're programmed to do these things.'"



[Elder Financial Fraud Roundtable](#)

Francis Shen | U.S. Securities and Exchange Commission | October 2019

CLBB Executive Director Francis Shen joined other experts in government, law, and finance to discuss contributing factors to elder exploitation, including cognitive decline, capacity issues, social isolation and institutional vulnerabilities that create entry points for fraudsters and other unscrupulous actors. The panelists also discussed strategies for proactively providing investors with safeguards and educational tools from regulatory and industry standpoints.

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