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CLBB News

A newsletter from the Center for Law, Brain & Behavior

April 9, 2021

CLBB Highlights

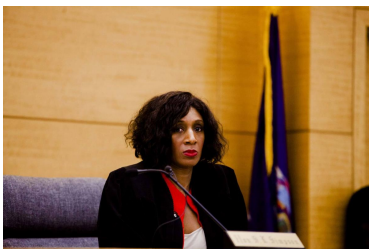


[Chauvin Jury: A Range of Views on Race and Policing](#)

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.

Highlight: "'I think what the defense has found is that, you know, race isn't as useful a proxy — especially whiteness in this case isn't as useful a proxy as it is in some other cases in which police officers are accused,' said Paul Butler, a former prosecutor and professor at Georgetown Law."



[Ruling on Murder Case by Judge Suffering From Dementia Will Stand, Court Says](#)

ProPublica | March 5, 2021

CLBB Executive Director Francis Shen was featured in this article about Nelson Cruz, whose request for a hearing to determine if the judge handling his case had been impaired was rejected.

Highlight: "'It would be difficult to determine after the fact the ways in which gradual but real cognitive decline might affect courtroom decision-making and rulings,' Francis Shen, a lawyer and professor who has studied America's aging judiciary, told ProPublica in an interview late last year. 'Just because rulings are not 'irrational' does not mean they are not potentially problematic.'"



[Supreme Court to Consider Death Sentence in Boston Marathon Bombing Case](#)

The New York Times | March 22, 2021

CLBB Managing Director Nancy Gertner was quoted in this article discussing whether to reconsider the death sentence imposed on Dzhokhar Tsarnaev.

Highlight: "Nancy Gertner, a retired federal judge who now teaches at Harvard Law School, said the Biden administration should consider whether it wants to pursue the appeal. 'Given that Mr. Tsarnaev will never leave prison,' she said in a statement, 'the government should

consider whether continuing to pursue a death sentence for him is unnecessarily traumatizing for the victims' families and the city of Boston."



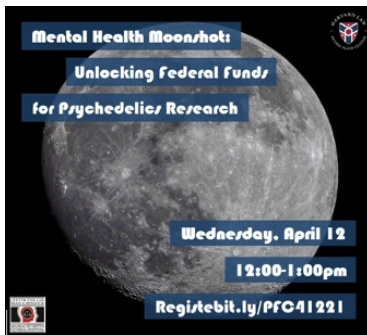
Jury Selection Begins Ahead of Trial of Death of George Floyd

ABC News | March 10, 2021

CLBB Managing Director Nancy Gertner was featured in this episode on whether an impartial jury can be assembled for the George Floyd case, which sparked protests around the globe.

Highlight: "Former judge Nancy Gertner says it is difficult in an era of media saturation but the judge in the trial is conducting a thorough process allowing individual questioning of potential jurors by lawyers. She also says cases featuring substantial pre-trial publicity have been successfully conducted before. The case of the Boston marathon bomber was an example. She says there is apprehension as the case looms, wondering what the reaction might be if a conviction is not secured."

Upcoming Events



Mental Health Moonshot: Federal Funding for Psychedelics Research

April 12, 2021, 12:00pm-1:00pm ET | The Petrie-Flom Center at Harvard Law School

Please register [here](#). A link to the livestream of the event will be sent to all registrants the day before and day of the event.

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 will discuss the need for an ambitious federally-funded mental health moonshot built around psychedelics and analyze the obstacles to achieving it.

Introduction: **Carmel Shachar**, Executive Director, The Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School

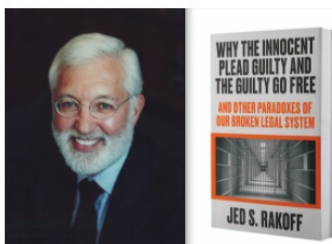
Mason Marks, Assistant Professor of Law, Gonzaga University; Fellow in Ethics of Technological and Biomedical Innovation, Edmond J. Safra and Petrie-Flom Centers, Harvard University

Dr. Jerrold F. Rosenbaum, Advisory Board Member, Center for Law, Brain & Behavior (CLBB); Psychiatrist-in-Chief Emeritus and Director, Center for Anxiety and Traumatic Stress Disorders; and Director, Center for Neuroscience of Psychedelics, Massachusetts General Hospital

Melissa Lavasani, Founder and Executive Director, Plant Medicine Coalition

Dr. Franklin King, Psychiatrist, Massachusetts General Hospital
Moderator: Elyssa Spitzer, JD, Senior Fellow in Law and Applied Neuroscience, CLBB and the Petrie-Flom Center

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.



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

April 12, 2021, 4:00pm-5:30pm ET | University of Minnesota Law School
Please register for this event [here](#).

Join Judge **Jed S. Rakoff**, of the United States District Court for the Southern District of New York, for a discussion of his newly released book, *Why the Innocent Plead Guilty and the Guilty Go Free: And Other Paradoxes of Our Broken Legal System*. The highly anticipated book explores some of the paradoxes that define the judiciary today, including why innocent people plead guilty, why high-level executives aren't prosecuted, why people don't get their day in court, and why the judiciary is curtailing its own constitutionally mandated power.

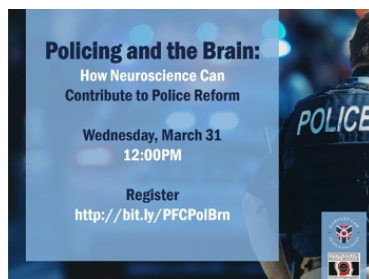
Through the book, Judge Rakoff illuminates some of our most urgent legal, social, and political issues: the evil of mass incarceration, plea deals and class-action lawsuits, corporate impunity and the death penalty, the perils of eyewitness testimony and forensic science, the war on terror, and the expanding reach of the executive branch. Like few others, Judge Rakoff understands the values that animate the best aspects of our legal system—and has a close-up view of our failure to live up to these ideals.

This discussion will include opening remarks from Garry W. Jenkins, and **CLBB Executive Director Francis Shen** will be moderating the event.

Speaker Bio: Jed S. Rakoff is a senior judge of the United States District Court for the Southern District of New York and an adjunct professor at both Columbia University Law School and New York University Law School.

The program will be recorded and a link will be available to registrants after the event. Questions? Contact Nubia Esparza at espa0014@umn.edu.

Past Events



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

March 31, 2021 | The Petrie-Flom Center at Harvard Law School
To watch the recording of the event, please see [here](#).

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, **CLBB Chief Scientific Officer Dr. Lisa Feldman Barrett**, PhD, University Distinguished Professor, Northeastern University, **CLBB Advisory Board Member Judge (Ret.) Andre M. Davis**, JD, Circuit Judge (ret.), the United States Court of Appeals for the Fourth Circuit; and City Solicitor (ret.), Baltimore City Department of Law, **Dr. 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.

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.



[Three Identical Strangers: Virtual Panel Discussion](#)

March 29, 2021 | Harvard Mind Brain Behavior Interfaculty Initiative

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 **CLBB Faculty Member Charles Nelson**, PhD, with panelists **CLBB Co-Founder and Co-Director Judith Edersheim**, JD, MD and **Steven Pinker**, PhD.

Faculty Research and News

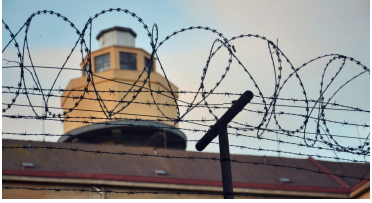


[Derek Chauvin's Murder Trial Raises Questions About Police Accountability Nationwide](#)

PBS News Hour | March 10, 2021

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

Highlight: Paul Butler: "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. The Supreme Court says that jurors should evaluate the evidence from the perspective of the police officer. Cops are not required to use deadly force as a last resort. So, even if they can resolve the situation without killing someone, they're allowed to shoot to kill if they reasonably believe that their life is at risk. And then, when cops are prosecuted, they usually testify that they fear for their safety. So, even when they kill people who are unarmed and didn't seem to pose a threat, often that defense, 'I fear for my safety,' is successful."



[Government Report Finds Care Deficits for Pregnant People in Federal Custody](#)

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

Current Senior Fellow in Law and Applied Neuroscience Elyssa Spitzer discusses a report recently issued by the Government Accountability Office (GAO).

Highlight: "This is tragic, inexcusable, but not altogether surprising, given the general architecture of maternal care in the United States, particularly for pregnant people of color; the deficiencies in medical care provided to people who are incarcerated; and the intersection of those populations due to racialized enforcement, among other inequities."



[Progressive Judges Wish List Heavy on ACLU, Light on Big Law](#)

Bloomberg Law | March 2, 2021

CLBB Managing Director Nancy Gertner was featured in this article about diversifying judges' backgrounds, which could make a difference in the outcomes of cases.

Highlight: "The first challenge to getting more diverse judges confirmed to the federal bench is getting people to step forward, said former U.S. district court judge Nancy Gertner, chair of the bipartisan judicial nominations advisory committee for Massachusetts' Democratic Sens. Elizabeth Warren and Ed Markey. 'Our job is oftentimes convincing legal services lawyers, public defenders, environmental lawyers that they should apply,' said Gertner. 'That we meant it when we said they should apply.'"



[Protect Your Brain From Stress](#)

Harvard Health Publishing | February 15, 2021

CLBB Faculty Member Dr. Kerry Ressler was featured in this article about how prolonged stress can affect one's memory. Dr. Ressler gives advice on how one can protect themselves from damaging stress, including techniques such as establishing control over situations and changing attitudes toward stress.

Highlight: "'The basic idea is that the brain is shunting its resources because it's in survival mode, not memory mode,' says Dr. Ressler. This is why you might be more forgetful when you are under stress or may even experience memory lapses during traumatic events."



[Neuroscience Shows How Interconnected We Are – Even in a Time of Isolation](#)

The Guardian | February 10, 2021

In this opinion piece, **CLBB Chief Scientific Officer Dr. Lisa Feldman Barrett** discusses the biology of interconnectedness.

Highlight: "In my research lab, we run experiments to demonstrate this power of words. Our participants lie still in a brain scanner and listen to evocative descriptions of different situations. One is about walking into your childhood home and being smothered in hugs and smiles. Another is about awakening to your buzzing alarm clock and finding a sweet note from your significant other. As they listen, we see increased activity in brain regions that control heart rate, breathing, metabolism and the immune system. Yes, the same brain regions that process language also help to run your body budget. Words have power over your biology – your brain wiring guarantees it."

Opportunities

[NOW HIRING: CLBB Student RA for Web-Related Work](#)

The MGH Center for Law, Brain, and Behavior (CLBB) seeks to hire a student research assistant to work on web site content management and related web site tasks. This research assistant's work on the web site will support the Center's many initiatives, including work on [justice and the developing brain](#) and ensuring [protection for older adults](#) with dementia.

The research assistant will mostly be involved in the front-end management of the CLBB websites, and on occasion, may be required to engage in some back-end work related to database and server management. Prior experience and familiarity with HTML, CSS, and JavaScript is preferred. Experience with PHP and SQL would be useful but is not required.

Exact start/end dates are flexible, though this position is expected to run both for **summer 2021 and for the full 2021-22 academic year. This position is part-time, around 8-15 hrs/week.** All work will be completed remotely, with regular virtual meetings. The RA will report directly to CLBB Executive Director Dr. Francis Shen, JD, PhD.

Applications will be accepted online at <http://clbb.mgh.harvard.edu/apply/>.

All inquiries should be sent to CLBB Program Manager Emily Rehmet at erehmet@mgh.harvard.edu. Applications will be reviewed on a rolling basis, so applicants are encouraged to submit their applications online as soon as possible. Skills and experience in website content management are required, and should be mentioned in the cover letter. To learn more about CLBB, see <http://clbb.mgh.harvard.edu/overview/>.

In the News

General

[Company Uses Cognitive Neuroscience to Help Train Police Officers](#) | Tech Republic | March 17, 2021

[A Bioethicist Warns That Informed Consent Is Endangered](#) | The Washington Post | March 11, 2021

Juvenile Justice

[I Survived 18 Years in Solitary Confinement](#) | The New York Times | March 25, 2021

[Parole Board's Focus on Original Crime Suggests Redemption Has Limits](#) | Times Union | March 21, 2021

[Landmark Rulings Show 'Untapped Potential' of State Courts to Advance Civil Rights](#) | The Appeal | March 17, 2021

[Lawmakers Say 'Deep Dive' Into Juvenile Justice Needed](#) | Wyoming Public Radio | March 9, 2021

[Racial Gap in Juvenile Detention Widens](#) | The Crime Report | March 8, 2021

[Editorial: Return 17 Year Olds Back to the Juvenile Justice System Where They Belong](#) | STL Today | February 7, 2021

[Opinion: Maryland Must Put an End to Juvenile Life Without Parole](#) | The Washington Post | February 5, 2021

[California to Phase Out Division of Juvenile Justice, Creating an Opportunity for Substantial Reform](#) | Cronkite News | January 6, 2021

Elder Justice

[People With Dementia Need More Support for Decision-Making](#) | University of Sydney | March 22, 2021

[Seminar Recordings: Towards a Plasticity of the Mind – New-Ish Ethical Conundrums in Dementia Care,](#)

[Treatment, and Research](#) | University of Oxford Practical Ethics | March 10, 2021

[Bill Would Protect Seniors From Financial Exploitation](#) | The Gainesville Sun | March 4, 2021

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