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CLBB News

A newsletter from the Center for Law, Brain & Behavior

December 9, 2021

CLBB Highlights



[Raise the Age Advocates Eye Controversial New Goal - 20 - But are Met with Stiff Resistance](#)

Fulcrum | May 15, 2020

Legislation was introduced in Massachusetts in 2017 to raise the age of criminal jurisdiction from age 18 to age 20. This "raise the age" effort failed. A Commission was established to study the question but failed to agree on a recommendation in its February 2021 report.

"Raise the age" legislation is again before the legislature. On October 12, 2021 **CLBB Executive Director Dr. Robert Kinscherff** provided testimony to the Joint Committee for the Judiciary on the developmental neuroscience of adolescence and emerging adulthood (ages 18 – 21). Dr. Kinscherff's testimony described the scientific underpinnings of research showing that young persons have lower recidivism rates, more positive life outcomes, and pose less risks to their communities when their criminal misconduct is addressed by more developmentally aligned and empirically-informed responses than are currently available in the criminal justice system.



[America Should Not Tolerate Vigilante Behavior](#)

Chicago Sun Times | November 8, 2021

In this article, **CLBB Managing Director Judge Nancy Gertner** and Dean Strang discuss the broad use of self defense in the trials of Kyle Rittenhouse in Wisconsin and the men who killed Ahmaud Arbery in Georgia. The claim of self defense is being expanded "into a pass to use deadly force against someone the defendant simply suspects of doing something unlawful."

Highlight: "As a country, we have been rightly concerned about police use of deadly force and the role race plays in determining whom they suspect of crimes, and who police harm or kill. But the police at least are trained. To suggest that the right to use deadly force extends to private citizens who suspect a crime and who then provoke violence is to lurch in the wrong direction."

[ACLU Files Suit Over Tent Encampment Removal](#)

WBUR | November 05, 2021

The American Civil Liberties Union of Massachusetts (ACLU) filed a



lawsuit against the city of Boston, claiming that the city unlawfully removed tents without making sure people had adequate housing options. **CLBB Advisory Board Member Atty. Kevin Prussia** with the law firm WilmerHale who helped file this lawsuit, was quoted in this article. He states that disability laws require that the city have a process to individually evaluate persons to determine whether "the shelter space that is available is suitable for that affected person."

Highlight: "We can't use threats of criminal arrest and prosecution to tell people to leave who literally have nowhere else to go that day,' Atty. Prussia said. 'That's against the law. And more importantly, that's doesn't reflect who we are as a society. I think all of us are heartbroken by what has occurred at 'Mass. and Cass,' and we want to do something about it. But we have to do it the right way."



[The Consequences of Hacking our Dreams](#)

National Public Radio | November 27, 2021

CLBB Advisory Board Member Adam Haar Horowitz was featured in this NPR piece exploring the potential consequences of marketing products while we sleep, and how this technology could be used to treat addiction.

Highlight: "Adam Haar, a Ph.D. student at MIT and co-author of the recent article, agrees. During dreams, he says, our brains form associations, and advertisers love that... Recent studies have shown that making associations while asleep could help treat things like addiction. In one study, scientists took adult smokers and delivered targeted smells while they slept - cigarettes combined with rotten fish. And when they woke up, the smokers exposed to these nasty smells showed a 30% reduction in smoking the following week."



[The Lawlessness of the Supreme Court](#)

WBUR | September 15, 2021

CLBB Managing Director Judge Nancy Gertner discusses the departure of the Supreme Court from legal precedent as seen with the new Texas abortion ban.

Highlight: "That the law is blatantly unconstitutional is clear. While the Supreme Court can reconsider precedent, it is rare and troubling when it does — especially without careful briefing and argument. All the pablum that Justices Neil Gorsuch, Brett Kavanaugh and Coney Barrett spewed about respecting precedent during their confirmation hearings, pale before their unholy desire to affect this result. Even if there were procedural complexities in this case, and in my judgment, they were minor, they were supposed to be balanced against real harm to women in Texas, against the clear unconstitutionality of the law. To Justice Alito and the four others who went along with him, none of this mattered. No, this isn't about abortion, or the constitution, or even law; it is about power."

Advisory Board Member News



[De Blasio Issues Emergency Order Lifting Restrictions on Solitary Confinement, Enraging NYC Jails Watchdog](#)

New York Daily News | November 02, 2021

Atty. Jennifer Jones-Austin was quoted in this article about Mayor de Blasio's policy reversal on solitary confinement, reinstating this practice in Rikers Island jails. In June 2021, Mayor de Blasio approved a policy banning solitary confinement and prohibited practices such as locking people in their cells, preventing visits with lawyers and the use of "restraint desks" for detainees.

Highlight: "Reform advocates say the jails crisis doesn't justify the return of solitary confinement. Jennifer Jones Austin, chair of the Board of Correction, said Tuesday that she was 'deeply troubled' by de Blasio's executive order. 'While we understand that the Department of Correction is grappling with many challenges in the jails, ending solitary confinement is no less an urgent matter,' she said in a statement."



[Talent is Equally Distributed; Opportunity is Not](#)

Harvard Law Today | November 30, 2021

This article features **Atty. Leslie Cornfield** and her nonprofit, the National Education Equity Lab.

Highlight: "**Cornfield's** organization is dedicated to fostering talent and building opportunities for young students from across the country, particularly those from historically underrepresented groups and lower-income backgrounds. Through partnerships with a rapidly growing number of leading universities — including Stanford, Princeton, Brown, Howard, Cornell, and others — the National Education Equity Lab makes available free online college courses for college credit for students in teacher-led high school classrooms across the nation. The model empowers students to advance and demonstrate college-readiness to admissions offices — and themselves. It started in 2019 with a Harvard humanities course, and in just over two years has expanded to 32 states, 90 cities, and will have served over 10,000 students by the end of next year."



[They Publicized Prosecutors' Misconduct. The Blowback was Swift.](#)

The New York Times | November 10, 2021

Atty. Paul Butler was quoted in this article about concerns over prosecutorial misconduct, after a group of law professors recently publicly shared grievances against 21 Queens prosecutors. This move prompted blowback from New York City, and has led to a lawsuit that raises questions about accountability for prosecutorial misconduct in the justice system.

Highlight: "The dispute comes at a time when the justice system is attempting to reckon with the ingrained power of prosecutors, and the potential for abuse of that power. Concerns about prosecutorial misconduct have risen over the past decade as wrongful convictions have continued to come to light..."

'Prosecutors are notorious for escaping being investigated when there are concerns that they violated legal ethics,' said Paul Butler, a professor at Georgetown University Law Center and a former federal prosecutor. He added that when prosecutors were found to have committed wrongdoing, they were notorious for escaping consequences, too."



[Dr. Anne-Marie Slaughter Selected as Speaker at Forbes 2021 Power Women's Summit](#)

Forbes | November 18, 2021

Dr. Anne-Marie Slaughter, CEO of New America, will be a speaker at the Forbes 2021 Power Women's Summit, taking place virtually on Thursday, December 9, 2021. The gathering will explore how today's most dynamic changemakers are leading a new way forward as we chart a course toward a post-pandemic world.

The 2021 Summit convenes a community of solvers and visionary voices who are addressing today's most pressing issues through the lens of opportunity, while breaking barriers to accelerate progress within their respective arenas. Through lively panels, one-on-one interviews and interactive experiences, the half-day event will unlock new thinking and expand perspectives, while also fostering a dynamic community for women of influence.



[Opinion: The Nearly All-White Jury in the Ahmaud Arbery Trial Is Itself an Injustice](#)

The Washington Post | November 4, 2021

In this article, **Atty. Paul Butler** discusses jury selection in the Ahmaud Arbery trial. He denounces Judge Timothy Walmsley's decision to allow the defense to remove 11 of the 12 Black prospective jurors.

Highlight: "One might have thought that a virtually all-White jury in a trial of White men accused of lynching a Black man was a relic of the Jim Crow past. But in Walmsley's courtroom, everything Old South is new again."

Faculty News



[Embryo Selection, Polygenic Scoring, and Unrealistic Expectations](#)

UCLA Anderson Review | August 11, 2021

This article discusses "polygenic scores [and how they] can assess each embryo's statistical risk of developing, even decades later, diseases and traits that result from the combined effects of hundreds or thousands of DNA variants, as well as environmental factors." **CLBB Faculty Member Steven Hyman's** research is presented.

Highlight: "The researchers call for a nationwide discussion to clarify the ethics and misunderstandings surrounding polygenic scoring, especially in IVF settings, and to consider appropriate limitations and regulations. They find that merely promoting the research, even accurately, is not nearly enough disclosure."



[Facebook's Moral Quandary](#)

The Harvard Gazette | October 07, 2021

Testimony from former Facebook employee Frances Haugen has left many, including **CLBB Faculty Member Joshua Greene**, Harvard professor of psychology, calling for stricter regulation of the social media company. In this interview with the *Harvard Gazette*, Dr. Greene says Facebook executives' moral emotions are not well-tuned to the consequences of their decisions, a common human frailty that can lead to serious social harms.

Highlight: "American democracy is in peril. The mental health of millions of teenagers is in peril. Facebook doesn't want these bad things to happen, but they don't feel compelled to do the heavy pulling that's necessary to prevent them from happening. Facebook isn't actively and intentionally and directly causing these problems. Instead, it's allowing these things to happen as indirect side-effects of it running its business as profitably as possible. And, of course, Facebook is trying to help. But not hard enough. There are things Facebook is not willing to sacrifice."



[Brain Activity Patterns After Trauma May Predict Long-Term Mental Health](#)

Science Daily | October 14, 2021

The way a person's brain responds to stress following a traumatic event, such as a car accident, may help to predict their long-term mental health outcomes, according to new research. The study, co-authored by **CLBB Faculty Member Kerry Ressler**, followed more than 3,000 people for up to a year after exposure to a traumatic event.

Highlight: "Using a variety of neurobiological, behavioral, and self-report measures, the AURORA study researchers hope to develop

In the News

General

[mTBI and Parkinson's Disease](#)

The National Law Review | December 3, 2021

[Does Science Disprove Free Will? A Physicist Says No](#)

Mind Matters | November 22, 2021

Juvenile Justice

[Juvenile Justice System Changes Will Mean Fewer Kids Spending Time in Court](#)

Spectrum News | December 3, 2021

[Michigan Shooting Suspect is Among Thousands of U.S. Minors Charged as Adults Yearly](#)

NPR | December 4, 2021

[Banning Life Sentences Without Parole for Juveniles in Wisconsin](#)

Wisconsin Examiner | December 6, 2021

Elder Justice

[Senior Living: New California Law Eases Aid-in-Dying Process](#)

Daily Breeze | December 6, 2021

[U.S. Law Enforcement Targets Fraud Facilitators, Doubling Last Year's Enforcement](#)

The U.S. Department of Justice | December 3, 2021

[District Attorney General Clark Addresses Elder Abuse Task Force on Legislative Reforms](#)

Oak Ridger | October 31, 2021

[It Is Becoming Easier, Cheaper and Quicker to Diagnose Dementia](#)

The Economist | November 13, 2021

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