

CLBB News

A newsletter from the Center for Law, Brain & Behavior

March 12, 2021

CLBB Highlights

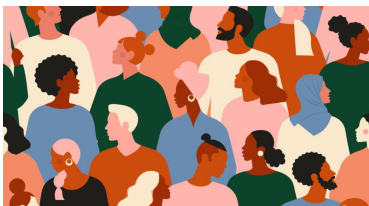


['Why'd You Pick Me?': Eyewitness Reforms Offer Limited Help To Those Convicted Decades Ago](#)

WBUR | February 27, 2021

A 2015 Massachusetts court case *Commonwealth v. Gomes* ruled that the judge must instruct the jury on scientific principles relating to eyewitness identification and flawed memory. This article features a discussion on the potential of making the *Gomes* decision retroactive. The **Center for Law, Brain and Behavior** [filed an amicus brief](#) in the 2015 *Gomes* case, outlining the modern neuroscientific understanding of how episodic memories are constructed and recalled.

Highlight: "Today, after a 2015 court ruling in Massachusetts called *Commonwealth vs. Gomes*, the judge must instruct the jury on these scientific principles. But that didn't help people like Tommy Rosa. 'The court said, you know, we're saying that every case going forward is going to have the benefit of this, but we're not applying this to cases going backwards,' Natarajan said. That was frustrating to people in prison who felt if the rules had been different during their trials, they wouldn't have been convicted. But Steven Gagne, a prosecutor for the Northwestern District Attorney's Office, said it's unrealistic to make the rules retroactive."

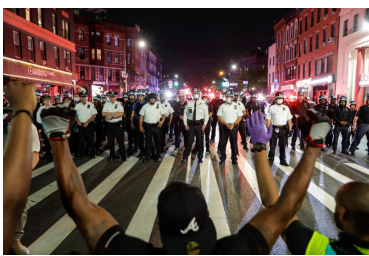


[Ethical, Legal, and Social Implications of Deep Phenotyping](#)

The Petrie-Flom Center at Harvard Law School | January 20, 2021

This digital symposium through the Petrie-Flom Center at Harvard Law School's the *Bill of Health* explores the ethical, legal, and social implications of advances in deep phenotyping in psychiatry research. In the [symposium introduction](#), **CLBB Executive Director Francis Shen** highlights that deep phenotyping in psychiatric research and practice is a term used to describe the collection and analysis of multiple streams of behavioral and biological data, some of this data collected around the clock, to identify and intervene in critical health events.

For more related resources, please consult the [Ethics of Deep Phenotyping](#) website, and the video recording from the October 2019 public event, [Computational Justice: How Artificial Intelligence and Digital Phenotyping Can Advance Social Good](#), co-sponsored by the MGH Center for Law, Brain, and Behavior and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics.



[Solving Racial Disparities in Policing](#)

The Harvard Gazette | February 23, 2021

CLBB Managing Director Nancy Gertner was featured in "Unequal," a multipart series highlighting the work of Harvard faculty, staff, students, alumni, and researchers on issues of race and inequality across the U.S. This first part explores the experience of people of color with the criminal justice legal system in America.

Highlight: "Retired U.S. Judge Nancy Gertner also notes the need to reform federal sentencing guidelines, arguing that all too often they have been proven to be biased and to result in packing the nation's jails and prisons. She points to the way the 1994 Crime Bill (legislation sponsored by then-Sen. Joe Biden of Delaware) ushered in much harsher drug penalties for crack than for powder cocaine. This tied the hands of judges issuing sentences and disproportionately punished people of color in the process. 'The disparity in the treatment of crack and cocaine really was backed up by anecdote and stereotype, not by data,' said Gertner, a lecturer at HLS. 'There was no data suggesting that crack was infinitely more dangerous than cocaine. It was the young Black predator narrative.'"

Upcoming Events

TEACHING LAW & NEUROSCIENCE

Law and Neuroscience Casebook

In 2014 the first *Law and Neuroscience* casebook was co-authored by Owen Jones, Jeffrey Schall, and Francis Shen. Publication of the casebook and momentum in the field of neurolaw have contributed to the emergence of law and neuroscience courses in schools across the country. This year marks the publication of the second edition of the *Law and Neuroscience* casebook. Reflecting the speed at which the field is developing, 45% of cases and publications in the second edition were published since the first edition in 2014. The new edition includes over 600 new references and citations to recent developments, with 260 new readings, including 27 new case selections. This event will serve as a book launch for the new edition, and will feature a dialogue between the co-authors of the casebook and two professors who are currently teaching from the new materials: Judge (Ret.) Nancy Gertner, who introduced the first Law & Neuroscience course at Harvard Law School, and neuroscientist Dr. Sally Bernardina Seraphin, who created the first Law and Neuroscience course at Trinity College in Hartford, CT.

Co-authors

- Owen Jones, JD, Professor of Law and Behavioral Professor of Law and Professor of Behavioral Science at Northwestern University, Director of the MacArthur Foundation Research Network on Law and Neuroscience
- Jeffrey Schall, PhD, Scientific Director of the New York State Psychiatric Institute, Professor of Psychology, Faculty of Science, New York University
- Francis Shen, JD, PhD, Executive Director, Center for Law, Brain & Behavior, Professor of Law and Neuroscience, University of Minnesota Law School

A book launch for the second edition of the *Law and Neuroscience* casebook

Monday, March 15, 2021 12-1 pm ET

A discussion featuring the authors and special guests:

- Judge (Ret.) Nancy Gertner, JD, Senior Lecturer of Law, Harvard Law School
- Sally Bernardina Seraphin, PhD, Teaching Assistant Professor in Neuroscience, Trinity College (CT)

All are welcome to learn more about the field of neurolaw and to win a free copy of the book. Registration is required and for more information see the event web page.

Click here to register

[Teaching Law and Neuroscience: A Book Launch for the 2nd Edition of the *Law and Neuroscience* Casebook](#)

March 15, 2021, 12:00pm-1:00pm ET

Center for Law, Brain and Behavior

Registration is free, but required at this [link](#).

In 2014 the first *Law and Neuroscience* casebook was co-authored by Owen Jones, Jeffrey Schall, and CLBB Executive Director Francis Shen. Publication of the casebook and momentum in the field of neurolaw have contributed to the emergence of law and neuroscience courses in schools across the country. This year marks the publication of the second edition of the *Law and Neuroscience* casebook. Reflecting the speed at which the field is developing, 45% of cases and publications in the second edition were published since the first edition in 2014. The new edition includes over 600 new references and citations to recent developments, with 260 new readings, including 27 new case selections. This event will serve as a book launch for the new edition, and will feature a dialogue between the co-authors of the casebook and two professors who are currently teaching from the new materials: **CLBB Managing Director Judge (Ret.) Nancy Gertner**, who introduced the first Law & Neuroscience course at Harvard Law School, and neuroscientist **Dr. Sally Bernardina Seraphin**, who created the first Law and Neuroscience course at Trinity College in Hartford, CT. All are welcome to learn more about the field of neurolaw, and **everyone in attendance will have a chance to win a free copy of the book**.

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

March 29, 2021 5:00pm-6:00pm ET | Harvard Mind Brain Behavior

Interfaculty Initiative

Click [here](#) for the event zoom link. Email HarvardMBB@gmail.com for any questions.

Does the 'nature-nurture' question still merit discussion? Come hear three experts talk about a quasi-experimental and questionably ethical study conducted several decades ago designed to examine the nature-nurture question. Watch the film on your own and join for the panel discussion.



This event will be moderated by **CLBB Faculty Member Charles Nelson, PhD**, with panelists **CLBB Co-Founder and Co-Director Judith Edersheim, JD, MD** and **Steven Pinker, PhD**.



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

March 31, 2021, 12:00pm-1:00pm ET | The Petrie-Flom Center at Harvard Law School

Please register [here](#), and for more information please [visit the website](#).

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?

Join us on March 31st as we explore 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 include **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.



Mental Health Moonshot: Federal Funding for Psychedelics Research

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

Panelists include:

Dr. Mason Marks, Assistant Professor at Gonzaga University School of Law and the Edmond J. Safra/Petrie-Flom Center Joint Fellow-in-Residence at Harvard University

CLBB Advisory Board Member Dr. Jerrold F. Rosenbaum, Psychiatrist-in-Chief Emeritus and Director of the Center for Anxiety and Traumatic Stress Disorders and Director of the Center for Neuroscience of Psychedelics at the Massachusetts General Hospital

Melissa Lavasani, Founder and Executive Director at Plant Medicine Coalition

Dr. Franklin King, Psychiatrist at Massachusetts General Hospital

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.

Past Events



[Harvard Undergraduate Psychological Association for Underrepresented Students Symposium](#)

Harvard College | February 20, 2021

CLBB Executive Director Francis Shen presented at the Harvard Undergraduate Psychological Association for Underrepresented Students Symposium along with Dr. Natasha Parikh, Dr. Fiery Cushman, Asma Ghani, Akshita Srinivasan, and Franchesca Castro-Ramirez.

This symposium featured faculty and students in psychology; the first portion of the Symposium featured speaker talks on a topic of the speaker's choice, while the second portion featured undergraduate students presenting their own work/research in psychology.

Faculty Research and News



[Larry Farwell Claims His Lie Detector System Can Read Your Mind. Is He a Scam Artist, or a Genius?](#)

OneZero Medium | January 6, 2021

CLBB Executive Director Francis Shen was featured in an article discussing Brain Fingerprinting, a new technology that measures tiny bursts of electricity that can allegedly reveal if a person recognizes the vivid details of an event.

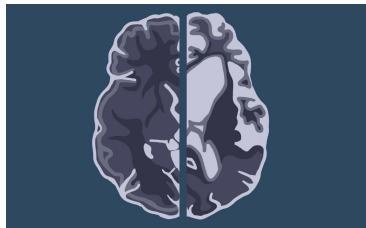
Highlight: "Some experts have argued that memory is too plastic - that it can be contaminated too easily - to make P300-based systems useful forensic tools. But **Director Francis Shen**, executive director of the Massachusetts General Hospital Center for Law, Brain, and Behavior at Harvard, said that technology like Farwell's could improve outcomes in the legal system, especially in cases where there are competing stories or evidence that hinges on eyewitness memory."

[Too Narrow a View of the Neuroimmune Landscape](#)

The American Journal of Psychiatry | January 1, 2021

CLBB Faculty Member Steven E. Hyman discusses Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections (PANDAS) in this editorial published in *The American Journal of Psychiatry*.

Highlight: "Autoantibodies play pathogenic roles in some neuropsychiatric syndromes, but so could complement factors, cytokines, and other immune mediators. The better conclusion is that the nexus of infection, immunology, and mental illness has been inadequately



described and inadequately explored. It warrants significantly more scientific investment than it has received."

[Neuroethics in Law, Science Influences Autonomy and Crime](#)

Bearing News | February 25, 2021

This article featuring **CLBB Director Judith Edersheim** and **CLBB Project Manager Emily Rehmet** discusses the Center for Law, Brain and Behavior in the emerging field of neurolaw.

Highlight: "Dr. Edersheim's unique education offered her perspectives, specifically in the realm of criminal law and forensic science, that allowed her to see the potential of neuroscience to explain cases like FK's. She started the CLBB in an effort to offer more research and knowledge into the growing field. 'My legal training and background made it evident to me that in certain ways, the law was misunderstanding how to apply brain science in its existing frameworks, and neuroscientists were misunderstanding their roles in the larger legal system,' Dr. Edersheim said. 'It was this dysjunction that was leading to palpable injustices, and I wanted to remedy that.'"

Opportunities



[McLean Hospital's Institute for Trauma-Informed Systems Change](#)

The American Journal of Psychiatry | January 1, 2021

McLean Hospital's Institute for Trauma-Informed Systems Change, part of the Center of Excellence in Depression and Anxiety Disorders, is searching for MDs, PhDs, PsyDs, JD's, RNs, SWs, post-doctoral fellows, post-baccalaureate fellows, graduate students, and undergraduate students to become trainers after participating in 15 hours of online training with **Alisha Moreland, MD**, director of the institute, in trauma-informed approaches, practices, and systems change. The goals are to train and coach systems and the workforce in culturally responsive, trauma-informed practices and approaches to create safety (emotional, physical, psychological) and to improve system outcomes while evaluating and standardizing trauma-informed systems change. Target audiences include systems, such as criminal justice, education, and health care; NGOs; not-for-profit and community-based organizations; and Fortune 500 companies.

Interested? Because this opportunity will require engagement with systems like government, education, and international health care, and we will be gathering large amounts of data, participants must be comfortable with public speaking, teaching, data analysis, and statistical analysis. If you are interested in this professional development opportunity and can make a one-year commitment at a minimum, please forward a cover letter and resume to Alisha Moreland-Capua, MD,

In the News

General

[Police Use of Neck Restraint Never Medically Appropriate, Neurologists Say](#) | HealthDay | January 4, 2021

[Free Will Skepticism and Its Role in Criminal Justice Reform](#) | Medium APU | February 25, 2021

[#BlackInNeuro: How a Hashtag Forged Community for Black Scientists](#) | Med Page Today | February 25, 2021

[She Was Imprisoned for Killing Her 4 Children. But Was It Their Genes All Along?](#) | The New York Times | March 8, 2021

Juvenile Justice

[State Supreme Court Ruling Upholds Juvenile Protections](#) | Santa Cruz Sentinel | February 25, 2021

[Parole Board Grants Commutation Hearing to Man Convicted in 1994 Murder](#) | Boston Globe | March 5, 2021

[New York Youth Need Attorney Before Interrogation, Coalition Tells State Lawmakers](#) | Juvenile Justice Information Exchange | March 5, 2021

[Adriana Galván: How Does The Teenage Brain Make Decisions?](#) | National Public Radio | March 5, 2021

[HC: Juvenile Offenders Can Be Jailed for Max 10 Years](#) | The Daily Star | March 6, 2021

[Of Nazis, Crimes and Punishment](#) | The New York Times | March 8, 2021

Elder Justice

[New Legislation Is a Positive Step Toward Preventing Elder Abuse](#) | Alzheimer's News Today | February 1, 2021

[House to Vote Today on Gottheimer's Bipartisan Bill to Fight Back Against Senior Financial Scams](#) | Insider NJ | March 8, 2021

[2 Providence Men Indicted in 'Grandparent Scam,' Accused of Targeting Older People in RI, Mass.](#) | The Providence Journal | March 8, 2021

[Alzheimer Europe Identifies Key Recommendations on Legal Capacity and Decision Making](#) | Alzheimer Europe | March 9, 2021

[Jason Karlawish on the Science and History of Alzheimer's](#) | Penn Today | March 9, 2021

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