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CLBB News

A newsletter from the Center for Law, Brain & Behavior

March 3, 2023

[The Neuroscience of Capital Punishment: Using Neuroscientific Evidence in the Creation of a Severe Mental Illness Exemption from the Death Penalty](#)

TODAY, March 3, 2023 | Hybrid Presentation 4-5 p.m. ET

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

At present, the US Supreme Court has no categorical exemption from the death penalty for the severely mentally ill. Many have argued in favor of creating one, given that such defendants arguably suffer from at least the same degree of impaired adaptive functioning and understanding of the law as intellectually disabled or juvenile defendants – who are exempted for these very reasons. Yet existing protections for the severely mentally ill in the form of competency tests and the extremely narrow insanity defense are insufficient due to the stigma and misconceptions of mental illnesses impacting juries and legislators alike.

Recently, there have been renewed attempts to pass bills creating such an exemption in some states that retain use of the death penalty. This has met with varying -- mostly limited -- degrees of success. And while there has been significant in-principle support in the academic community, the legal literature often glosses over potential problems that might arise from its actual implementation – in particular, with regards to evidence admitted in support of such claims and the roles of neuroscience and forensic psychiatry.

This event invites three panelists with expertise in the relevant fields of law, psychiatry, psychology and neuroscience to weigh in on interdisciplinary questions that may prove key to the success of reforms in the area. These include the potential of neuroscientific evidence in aiding in the definition of the types and severity of conditions covered by such an exemption during legislation and its application at trial, its interaction with expert testimony and evidentiary issues, and the broader implications of its use on risk assessment and crime control.

The in-person events are intended only for HMS faculty, staff, MBE students, and Fellows.
The Zoom webinar option is open to the public.

Panelists:

[Judge Nancy Gertner, JD, MA](#)



Senior Lecturer of Law, Harvard Law School
Managing Director, MGH Center for Law, Brain and Behavior
Former Federal Judge

Judith G. Edersheim, JD, MD

Assistant Clinical Professor of Psychiatry, HMS
Attending Psychiatrist, Department of Psychiatry, MGH
Co-Founder and Co-Director, MGH Center for Law, Brain and Behavior



Arielle Baskin-Sommers, PhD

Licensed Clinical Psychologist
Associate Professor of Psychology, Yale Child Study Center, Yale
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