IMAGING BRAINS, CHANGING MINDS:
CHRONIC PAIN NEUROIMAGING IN LAW

Thursday, April 24

5:00 pm  The Stuart Rome Lecture  (Ceremonial Moot Court Room, UM Carey Law School, 500 W. Baltimore Street)

“Neuroimaging, Mindreading, and the Courts”

Professor Hank Greely. Professor of Law, Stanford School of Law; Director, Center for Law and the Biosciences; Fmr. Co-Director, MacArthur Foundation Law and Neuroscience Project

Light reception immediately following

Friday, April 25

(T. Sue Gladhill Board Room, Health Sciences and Human Services Library, 5th Floor, 601 W. Lombard Street)

8:30 am  Continental Breakfast and Registration

9:00 am  Welcome

Diane Hoffmann, JD, Professor and Director, Law & Health Care Program, University of Maryland Carey School of Law

Mark S. Frankel, PhD, Director, Scientific Responsibility, Human Rights and Law Program, American Association for the Advancement of Science
9:15 am  Introduction and Roundtable Preview

Amanda C. Pustilnik, JD, Associate Professor, University of Maryland Carey School of Law; Center for Law, Brain & Behavior, Harvard Medical School/MGH

David A. Seminowicz, PhD, Assistant Professor, Department of Neural and Pain Sciences, University of Maryland School of Dentistry

9:30 am  Panel Session 1: Legal and Neuroscientific Perspectives on Chronic Pain

To begin a dialogue between legal actors and scientists, a clear understanding of how each field views chronic pain is necessary. Objectives: introduce legal actors to the neuroimaging-based breakthroughs in chronic pain science; describe to neuroimaging scientists the primary legal areas where chronic pain is at issue; discuss the differences between the models of chronic pain in pain science versus in law; discuss how chronic pain neuroimaging could affect three legal domains: legal doctrine, judicial interpretation, and courtroom practice.

Karen D. Davis, PhD, Professor, Department of Surgery and Institute of Medical Science, University of Toronto; Head, Division of Brain, Imaging and Behaviour-Systems Neuroscience, Toronto Western Research Institute, Toronto Western Hospital

Hank Greely, Director, Center for Law and the Biosciences; Chair, Steering Committee of the Center for Biomedical Ethics; Director, Stanford Interdisciplinary Group on Neuroscience and Society

The Hon. Andre Davis, United States Court of Appeals for the Fourth Circuit; Member, MacArthur Foundation Research Network on Law & Neuroscience

11:00 am  Break

11:15 am  Panel Session 2: “Excess pain”

Disability law struggles with claims of “excess pain” – where the claimant alleges more pain than would be expected for the injury or disease. Objectives: discuss how neuroscience can help us make sense of individual variability in pain; discuss what we are learning about the relationship between chronic pain and anatomical abnormalities; evaluate how policymakers and legal actors can exercise judgment about whether a claimant is credible.

Adam Kolber, Professor of Law, Brooklyn Law School; Founder of Law & Neuroethics blog

The Hon. Morris Hoffman, Denver District Court; Adjunct Professor, University of Colorado at Boulder; Member, MacArthur Foundation Research Network on Law & Neuroscience

Joel D. Greenspan, PhD, Professor and Chair, Department of Neural and Pain Sciences, University of Maryland School of Dentistry; Department of Neurosurgery, Johns Hopkins School of Medicine; Founder and Director,
Emotion and chronic pain are inextricably linked, but not always in the ways represented in law and culture. Whether chronic pain is “physical” or “emotional” can have important legal consequences. Objectives: discuss the current scientific and clinical importance of distinctions between organic and psychogenic pain; discuss when legal doctrines do – and when they should – distinguish between these pain etiologies; discuss the norms in law about the relationship between emotion and chronic pain that may disadvantage pain sufferers or impede accuracy in legal outcomes.

Robert Dinerstein, Professor of Law, American University; Director, Disability Rights Clinic; Fmr. Member, President’s Committee on People with Intellectual Disabilities

Jennifer A. Haythornthwaite, PhD, Professor, Department of Psychiatry & Behavioral Sciences, Johns Hopkins University School of Medicine

Jennifer Chandler, Professor of Law & Neuroethics, University of Ottawa

Tor D. Wager, PhD, Associate Professor, Department of Psychology & Neuroscience, University of Colorado at Boulder

Legal actors often may want to use scientific evidence instrumentally – to make a case or reach a decision. Objectives: explore why attorneys and adjudicators may want to use neuroimaging as evidence of chronic pain in court; address why fMRI can be reliable in aggregate to educate about brain conditions but not (or not currently) as reliable proof of individual conditions.

The Hon. Nancy Gertner, U.S. District Judge, District of Massachusetts (ret.); Faculty member, Center for Law, Brain & Behavior (MGH); Adjunct Professor of Law & Neuroscience, Harvard Law School

Stacey Tovino, PhD, Lincy Professor of Law, Boyd School of Law of the University of Nevada, former Director of the Health Law and Policy Center

Martha J. Farah, PhD, Director, Center for Neuroscience & Society, and Walter H. Annenberg Professor in the Natural Sciences University of Pennsylvania

1:00 pm  Lunch
1:45 pm  Panel Session 3: Chronic pain, “psychogenic” pain, and emotion

3:30 pm  Break
3:45 pm  Panel Session 4: Translational expectations and issues

5:15 pm  Reception