

Specialty area: Brain Imaging & the Law

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Highlights

- Various MRI, fMRI, DTI and EEG methods are being introduced in civil and criminal courts for a variety of purposes (to reduce guilt, as lie detection, to prove brain injury, or to demonstrate eligibility for disability benefits)
- While the existing rules of evidence are capable of dealing with many questions raised by these techniques, often the rules are misapplied due to misunderstandings of brain imaging methodologies or to unacknowledged gaps between research, clinical, and their ultimate legal applications.
- This talk will give a brief overview of how brain imaging is currently being used in criminal and civil litigation.

Title: MRI in the Courtroom

Target audience: – Imaging experts who are interested in non-clinical uses of imaging technologies.

OUTCOME/Objectives: To be aware of how research methodologies are being applied in legal contexts

PURPOSE: – – To learn how courts are already being asked to determine the validity and reliability of these methods, often without the time or expertise to fully grasp the complexity of image construction.

METHODS: – A review of case law and evidentiary rules

RESULTS: – n/a

DISCUSSION: - n/a

CONCLUSION: – Neuroimaging provides great promise to many areas of the law. But to the areas that receive the most media attention (namely, mitigating criminal sentences based on the defendant's mental state) it will be some time before neuroimaging research has enough ecological validity to be useful to courts.

REFERENCES: – ER Murphy & TR Brown, Through a Scanner Darkly: Functional Neuroimaging as Evidence of a Criminal Defendant's Past Mental States, Stanford Law Review 62(4): 1119 (2010), available online at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1405371