

THE WILLIAM & MARY LAW REVIEW PRESENTS

# THE FUTURE OF LAW AND NEUROSCIENCE

The logo of the William & Mary Law School, featuring a stylized 'W' and 'M' intertwined, with a crest above the 'W'.

William & Mary Law School  
February 19 & 20, 2021

The William & Mary Law Review would like to thank the Symposium participants for presenting and submitting papers for publication. We also extend a special thanks to William & Mary Law Professor Peter Alces for devising the theme of this year's Symposium and for inviting our panelists to take part in this event. Further, we thank the Institute of Bill of Rights Law for their continued support and co-sponsorship of the Symposium.

The papers presented at this Symposium will be published in Volume 63 of the *William & Mary Law Review*.

# AGENDA

## FRIDAY, FEBRUARY 19TH

### OPENING REMARKS 1:00PM

DEAN A. BENJAMIN SPENCER, WILLIAM & MARY LAW SCHOOL

MEGAN MCCARTHY, EDITOR IN CHIEF, WILLIAM & MARY LAW REVIEW VOL. 62

### PANEL DISCUSSION 1:15PM-3:15PM

**Moderator:** Peter Alces, *William & Mary Law School*

**Paul Davies**, *Philosophy, College of William & Mary*

“Cultural Evolution, Norm Psychology, and Punishment”

**Owen Jones**, *Law, Vanderbilt University*

*Predicting future developments in light of recent research into judicial decisionmaking, addiction, and other legal issues.*

**Emily Murphy**, *Law, University of California Hastings*

“Collective Cognitive Capital”

**BREAK**

### PANEL DISCUSSION 3:25PM-5:25PM

**Moderator:** Paul Davies, *Philosophy, College of William & Mary*

**Peter Alces**, *William & Mary Law School*, & **Robert Sapolsky**, *Neurology - Stanford University*

“Nohwere,” *exploring the role of intent in the legal system.*

**Deborah Denno**, *Law, Fordham University*

“How the Plummeting Use of the Insanity Defense Helps Predict the Future of Law and Neuroscience”

**Kent Kiehl**, *Psychology, University of New Mexico*

*Brain imaging, predicting criminal behavior, and constitutional ramifications.*

## FRIDAY FORUM DISCUSSIONS 7:00PM-8:30PM

THESE FORUM DISCUSSIONS WILL OCCUR SIMULTANEOUSLY AND WILL PROVIDE A SMALLER GROUP SETTING IN WHICH SYMPOSIUM PARTICIPANTS AND ATTENDEES WILL BE ABLE TO ENGAGE IN CONVERSATION SURROUNDING TOPICS DISCUSSED DURING THE PANELS IN GREATER DEPTH AND BROADER CONTEXT.

### FORUM 1: NEUROSCIENCE, SOCIOECONOMIC STATUS, AND LAW

Moderated by **Martha Farah**, *Psychology – University of Pennsylvania*

### FORUM 2: NEUROSCIENCE, UTILITARIANISM, AND LAW

Moderated by **Joshua Greene**, *Psychology – Harvard University*

## SATURDAY, FEBRUARY 20TH

### PANEL DISCUSSION 9:00AM-11:00AM

**Moderator:** Paul Davies, *Philosophy, William & Mary*

**Elizabeth Shaw**, *Law, University of Aberdeen*

*Neuroscience, criminal sentencing, and human rights.*

**Farah Focquaert**, *Philosophical Anthropology, Ghent University*

“The Future of Criminal Law and Punishment”

**Bruce Waller**, *Philosophy, Youngstown State University*

“Cultural Context, Neuroscience, and Criminal Justice”

**BREAK**

### PANEL DISCUSSION 11:10AM-1:10PM

**Moderator:** Peter Alces, *William & Mary Law School*

**David Faigman**, *Law, University of California Hastings*

“Using Burdens of Proof to Allocate the Risk of Error When Assessing Developmental Maturity of Young Offenders”

**John Callender**, *Psychiatrist and Lecturer, University of Aberdeen*

“Brain Disorders and Criminal Behavior”

**Burkhard Schafer**, *Legal Theory, Edinburgh Law School*

*Technological data as human memory.*

## CLOSING REMARKS 1:10PM

HELEN BREWER, SYMPOSIUM EDITOR, WILLIAM & MARY LAW REVIEW VOL. 62

ASHLEY HAMILTON, EDITOR IN CHIEF, WILLIAM & MARY LAW REVIEW VOL. 63

## PARTICIPANTS

*Click on the name of each of our distinguished panelists to learn more about their current research and academic work.*

### ROBERT SAPOLSKY

Professor of Neurology and of Neurosurgery, Stanford University

### BRUCE WALLER

Professor Emeritus of Philosophy, Youngstown State University

### KENT A. KIEHL

Professor of Psychology, University of New Mexico

### DEBORAH DENNO

McGivney Professor of Law, Founding Director, Neuroscience and Law Center, Fordham Law

### OWEN JONES

Weaver Chair in Law, Brain, and Behavior, Vanderbilt Law

### ELIZABETH SHAW

Senior Lecturer, University of Aberdeen School of Law

### FARAH FOCQUAERT

Professor of Philosophical Anthropology, Ghent University

BURKHARD SCHAFER

Professor of Computational Legal Theory, Edinburgh Law

JOHN CALLENDER

Consultant Psychiatrist/ Associate Medical Director, Honorary Senior Lecturer,  
University of Aberdeen

PAUL DAVIES

Professor of Philosophy, William & Mary

EMILY MURPHY

Associate Professor of Law, University of California Hastings College of the Law

DAVID FAIGMAN

Chancellor & Dean, University of California Hastings College of the Law

PETER A. ALCES

Rita Anne Rollins Professor of Law, William & Mary Law School

**FORA FACILITATORS**

EMILY MURPHY

Associate Professor of Law, University of California Hastings College of the Law

JOSHUA GREENE

Professor of Psychology, Harvard University