

Court cases increasingly decided with neuroscientific evidence

The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion and analysis.

A study of 1,600 court cases, by Nita Farahany at Duke University, has found that the number of judicial opinions that mention neuroscientific evidence [more than doubled](#) between 2005 and 2012.

“There are good reasons to believe that the increase in published opinions involving neurobiology are just the tip of the iceberg,” says Owen Jones, a law professor at Vanderbilt who directs the MacArthur Foundation Research Network on Law and Neuroscience. The vast majority of criminal cases never go to trial, Jones says, and only a small fraction of those that do result in written opinions. The rest are virtually impossible to track.

It’s a trend that makes some neuroscientists uneasy, as they see the potential for their findings to be misused in court. But like it or not, Farahany’s findings suggest, neuroscience is already entrenched in the U.S. legal system.

A handful of cases have made headlines in recent years, as lawyers representing convicted murderers have introduced brain scans and other tests of brain function to try [to spare their client the death penalty](#). It [didn’t always work](#), but Farahany’s analysis suggests that neuroscientific evidence—which she broadly defines as anything from brain scans to neuropsychological exams to bald assertions about the condition of a person’s brain—is being used in a wider variety of cases, and in the service of more diverse legal strategies, than the headlines would suggest. In fact, 60 percent of the cases in her sample involved non-capital offenses, including robbery, fraud, and drug trafficking.

Read full, original post: [The Brain Gets Its Day in Court](#)