PROBLEMATIZING THE PROMISE OF FORENSIC PAIN NEUROIMAGING

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COI DISCLOSURES: NONE || GRATEFUL ACKNOWLEDGEMENTS: BELOW & MANY MORE
PAIN NEUROIMAGING’S PERCEIVED LEGAL PROMISE

Accurate and reliable methods of separating real chronic pain from exaggerated or faked chronic pain would revolutionize both [tort and disability] law.

Not only would false claims be detected early on, but eventually fakers would not even bring them ... this development would have a more beneficial impact on the tort system than all past tort reforms put together.

ADDRESSING ONE SIDE DOES NOT ADDRESS THE OTHER

Making pain neuroimaging safer for legal systems

(regulating tech to promote accuracy & efficiency)

involves:
• rigorous validation studies on techniques
• dedicated forensic regulatory structures
• specialized rules for algorithmic evidence
• investing in fairness of existing systems

Making legal systems safer for pain neuroimaging

(reforming institutional structure to promote justice)

involves:
• limiting systemic demand for fraud detection
• ensuring a balanced adversarial playing field
• preferring open court vs private adjudication
• asking if fairer systems produce more justice

thematic focus on democratic values in neurolaw helps foreground these trickier considerations
Questions warmly welcomed live or by written correspondence!

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