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 <u>would revolutionize</u> both [tort and disability] law.

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

Hoffman, "Nine Neurolaw Predictions" (2018) 21:2 New Crim L Rev 212, 230

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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