I conduct research on legal policy in the domains of crime, torts, and education. For example, I have used statistical and experimental methods, as well as insights from the mind sciences, to examine: how jurors assess guilty minds; how juror assessments of civil damages change in response to elevated victim trauma; and how changes in urban education governance statutes produce changes in student achievement.

The consistent theme, both in my current legal scholarship and in my previous political science and education scholarship, is the generation of original data and analysis to answer legal and policy-relevant questions. A recent illustration is my lead-authored Sorting Guilty Minds article, forthcoming in the NYU Law Review. For the article, I conducted a series of web-based experiments (with over 1,000 subjects) designed to answer the question: Do jurors actually sort and punish guilty minds in the way that the Model Penal Code (MPC) assumes they do? Our data find that when ordinary people assign punishment they readily distinguish among purposeful, negligent, and blameless conduct. But subjects cannot distinguish between knowing and reckless behavior. We discuss in the article why this finding has important implications for the MPC and the criminal justice system.

The Sorting Guilty Minds article, and the legal scholarship trajectory I am now pursuing, are built upon a foundation that combines both my legal and political science training. As a graduate student and post-doctoral fellow, I published extensively in political science, including co-authoring two books. In The Education Mayor, for which I conducted all of the data analysis and drafted the majority of the (co-authored) text, I created a new dataset that addressed previously unanswered questions about the efficacy of particular urban education governance statutes (allowing the mayor to appoint school board members). In The Casualty Gap, which I wrote with a graduate school classmate, we performed the most robust empirical analysis to date of the distribution of U.S. wartime casualties and the consequences of that distribution for American democracy and civic engagement. In these books, and in over ten other published articles and book chapters, I have consistently found and analyzed new data to answer pressing questions.

I published two pieces of legal scholarship in 2010, and have five additional works forthcoming. I also have a contract with Aspen Publishers to publish the first Law and Neuroscience casebook (co-authored with Owen Jones and Jeffrey Schall). Additional information on the book is available here: www.vanderbilt.edu/lawbrain (and I can provide access to our registered students’ materials section on request).

In addition, I plan to write a series of law review articles that empirically explore the implications of brain science for criminal and tort law. To illustrate, I am actively developing an article preliminarily entitled Bodily Injury, Brains, and the Law. The article greatly expands on a book chapter, forthcoming in the Oxford University Press edited volume Memory and the Law, which was motivated by the 2008 Michigan Supreme Court case Allen v. Bloomfield Hills. The plaintiff in Allen mustered neuroscientific evidence to argue that Post-Traumatic Stress Disorder (PTSD) constitutes “bodily injury” because PTSD is injury to the brain and the brain is a part of
the body. Although *Allen* settled out of court, a ruling upholding the Court of Appeals decision (in favor of the plaintiff) would have marked the dawn of a new era of PTSD litigation.

The *Bodily Injury, Brains, and the Law* article greatly expands on the book chapter’s argument, starting with the recognition that the bodily injury distinction is pervasive and fundamental in law. Three familiar examples are: state criminal codes, which regularly distinguish the severity of crimes based on whether the offender intended to commit “serious bodily injury”; the criminal defense of duress, which typically requires that the victim is threatened by death or “serious bodily injury”; and comprehensive general liability policies, in which “bodily injury” is often a requisite for receiving benefits.

Given the significant ramifications that bodily/non-bodily line-drawing has on criminal penalties, insurance coverage, and plaintiff recovery, one might think that the term “bodily injury” is well defined. But this is not the case. Definitions of “bodily injury” are inconsistent and vague. And as brain imaging technology increasingly allows for visualizing the precise biochemical underpinnings of changes in mental functioning, these definitions are likely to be further challenged in both civil and criminal contexts.

The article presents the results of a new experiment that assesses the effect of neuroscientific evidence on lay conceptions of bodily injury. Subjects – some exposed to neuroscience evidence and some not – were asked to categorize PTSD and other such injuries as “mental” or “bodily”. Even at baseline, and especially when exposed to neuroscientific evidence on mental trauma, lay subjects hold a much more expansive definition of bodily injury than do courts. The implications of this discrepancy between lay and legal understandings of bodily injury are discussed. The article then develops a definition of bodily injury that is scientifically sound and legally practical. The final part of the article will delineate guidelines for statutory and contractual interpretation of existing bodily injury language, as well as model language that can be employed in criminal codes, civil codes, and insurance contracts.

In future work, I also aim to more explicitly integrate a neuroscience perspective with my established interest in the human costs of war. My co-authored book *The Casualty Gap* did not address the legal issues facing wounded veterans, but future scholarship will. I am preparing materials on the statutorily defined rating scale of PTSD used by the Veterans Administration to evaluate disability compensation levels. I will also assess the effectiveness of the Veterans Courts that some states have recently created to provide sentencing for returning combat soldiers.

The final component of my research agenda, which builds on my previous education research, is an article addressing the efficacy of state statutory changes (now increasingly common) that alter the governance and accountability systems of big city school districts. The issue is ripe because many states, encouraged by the Obama administration, are considering such statutory changes. Yet the complexity of the proposed statutory provisions, and their effect on student outcomes, has not been explored. My scholarship will begin to fill this gap.

To date, I have conducted empirical research in each of the three legal policy domains that I plan to pursue: crime, torts, and education. These cornerstones provide the necessary foundation for generating productive empirical legal scholarship in the years to come.