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Present

Employment: Ferdinand Wakeman Hubbell Professor of Law
University of Pennsylvania Law School
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Professor of Psychology and Law in Psychiatry University of Pennsylvania School of
Medicine

Education: Tufts University
A.B., 1966, Cum Laude (History, Philosophy)

Harvard Law School
J.D., 1970, Cum Laude

Harvard Graduate School of Education
Ed.M., 1970

Harvard Graduate School of Arts and Sciences
Psychology and Social Relations Department
Ph.D., 1973 (Personality and Developmental Studies)

Field Training: Massachusetts General Hospital Psychiatry Outpatient
Department, 1969-1970;
McLean Hospital Outpatient Clinic, 1970-1973

Professional

Qualifications: Admitted to Bar, Commonwealth of Massachusetts,
1972

Licensed Psychologist, Commonwealth of Massachusetts, 1975

Professional

Qualifications:
(continued)

Registered Psychologist, National Register for (Health Service Providers in Psychology), 1978

Diplomate, American Board of Forensic Psychology, Inc., 1981

Diplomate, American Board of Professional Psychology (Forensic Psychology), 1986

Previous
Experience:

Visiting Professor, Interdisciplinary Center,
Herzliya, Israel, 2005

Solow Visiting Professor of Law, Cardozo School
of Law, 2002

William Minor Lile Visiting Professor of Law,
University of Virginia, 1998, 1999

Visiting Professor of Law,
Georgetown University Law Center, 1995, 1997

Associate Dean for Academic Affairs, University of Pennsylvania Law School, 1990-
1992

Orrin B. Evans Professor of Law, University of Southern California Law Center, 1982-
1988

Professor of Psychiatry and the Behavioral Sciences, University of Southern California
School of Medicine, 1979-1988

Professor of Psychology, University of Southern California, 1982-1988

Visiting Professor of Law and Social Science, California Institute of Technology, 1983

Professor of Law, University of Southern California Law Center, 1979-1982
Associate Dean for Academic Affairs, University of Southern California Law Center,
1979-1980

Associate Professor of Law, University of Southern California Law Center, 1976-1979

Associate Professor of Psychiatry and the Behavioral Sciences, University of Southern
California School of Medicine, 1977-1979

Consultant, Center for Law and Health Sciences, Boston University School of Law,
1974-1977

Assistant Professor of Law, University of
Southern California Law Center, 1974-1976

Visiting Assistant Professor of Psychology,
Boston University, 1973-1974

Principal Investigator, Center for Law and Health Sciences, Boston University School of Law, Project to study "Rights of Adolescents Receiving Mental Health Services" under N.I.M.H. grant, 1973-1974

Professional Memberships:

American Bar Association
American Psychological Association

Professional Activities & Awards:

American Psychological Association Task Force on Legal Action, 1976-1977

Board of Directors, American Psychology-Law Society, 1977-1981

Visiting Psychologist, American Psychological Association Visiting Psychologist Program, Alaska Psychiatric Institute, Anchorage, Alaska, 1979

Advisory Committee to California Legislature Joint Committee on Revision of the Penal Code, 1980-81

California State Psychological Association Committee on Legal and Social Issues Concerning the Mental Health of Children and Families, 1980-1981

Book Review Editor, Law and Human Behavior, 1980-87

President, American Psychology-Law Society, 1981-1982

Director (ex officio), American Board of Forensic Psychology, Inc., 1981-1982

Editorial Advisory Board, International Journal of Law and Psychiatry, 1982- Consulting Editor, Professional Psychology, 1983-1993

USC University Associates Award for Excellence in Teaching, 1984

President, Division 41/American Psychology-Law Society, American Psychological Association, 1986-87

Editorial Board, Perspectives in Law and Psychology (book series of Division 41 of the American Psychological Association), 1986-1995

John D. and Catherine T. MacArthur Foundation Research Network on Mental Health and the Law, 1988-1996

Editorial Board, Law and Human Behavior, 1988-91 Distinguished Contribution to Forensic Psychology Award, American Academy of Forensic Psychology, 1989

Fellow, American Psychological Association, 1991

Trustee, Bazelon Center for Mental Health Law, 1995-2007

Professional

Activities
& Awards:
(continued)

Criminal Law Advisory Board, The Journal of Criminal Law and Criminology, 1995-

Lindback Award for Teaching Excellence [University-wide], University of Pennsylvania, 1997

Faculty, American Academy Forensic Psychology
1999-

Referee (Criminal Law), Stanford-Yale Junior
Faculty Forum, 2000, 2002, 2004, 2006

P. Browning Hoffman Memorial Lecture in Law and
Psychiatry, University of Virginia School of Law and Institute for Law, Psychiatry and
Public Policy, 2003

Board of Advisors, Ohio State Journal of
Criminal Law, 2003-

Expert Consultant, President's Council on
Bioethics, 2004

Editorial Board, Criminal Law and Philosophy,
2005-

Founding Director, Neuroethics Society, 2006-

Deinard Memorial Lecture in Law and Medicine, Professional University of
Minnesota, 2007

Legislative
Testimony:

"The Role of the Mental Health Expert," in Hearings on the Role of Psychiatry in
Determining Criminal Responsibility 47-61. California Joint Committee on Revision
of the Penal Code (1979)

"Diminished Capacity," in Hearings on The Defenses of Diminished Capacity and
Insanity 51-71. California Joint Committee on Revision of the Penal Code (1979)

"The Morality and Practicality of the Insanity Defense," in Insanity Defense in Federal
Courts 208-43. Subcommittee on Criminal Justice of the Committee on the Judiciary,
United States House of Representatives (97th Cong., 2d Sess.) (July-September, 1982)

"Reforming the Insanity Defense," in Reform of the Federal Insanity Defense 296-358.
Subcommittee on Criminal Justice of the Committee on the Judiciary, United States
House of Representatives (98th Cong., 1st Sess.) (March-May 1983)

Publications:

Books &
Book Chapters:

Psychotherapies: A Comparative Casebook. New York: Holt, Rinehart & Winston,
1977 (co-edited with Robert I. Watson, Jr.)

"A General Introduction to Psychotherapy," in Morse & Watson, pp. 1-14 (with Robert

I. Watson, Jr.)

"An Introduction to Dynamic Psychotherapy," in Morse & Watson, pp. 16-43

"An Introduction to Behavior Therapy," in Morse & Watson, pp. 272-292 (with Robert I. Watson, Jr.)

"Psychological and Psychiatric Issues [pertaining to the rights of adolescents in the mental health system]," in J. Wilson, The Rights of Adolescents in the Mental Health System 81-122. Lexington, Mass: Lexington Books, 1978

"Family Law in Transition: From Traditional Families to Individual Liberty," in V. Tufté & B. Myerhoff, eds., Changing Images of the Family 319-360. New Haven: Yale University Press, 1979

"Malpractice Liability for Psychosurgery," in E. Valenstein, ed., The Psychosurgery Debate: Scientific, Legal, and Ethical Perspectives 397-421. San Francisco: W.H. Freeman and Company, 1980

"Understanding Adversary Process and Conflict in The American Criminal Justice System," in M.W. Klein and K.S. Teilmann, eds. Handbook of Criminal Justice Evaluation 331-356. Beverly Hills, CA: Sage Publications, 1980

"Mental Health Implications of the Juvenile Justice Standards" (with Charles H. Whitebread, II), in G. Melton, ed., Legal Reforms Affecting Child and Youth Services 5-27. New York: Haworth, 1983

"Mental Health Law: Governmental Regulation of Disordered Persons and the Role of the Psychologist," in B.D. Sales, ed., The Professional Psychologist's Handbook 339-422. New York: Plenum Press, 1983

"The Role of the Mental Health Expert," in S. Kadish et al., eds., 3 The Encyclopedia of Crime and Justice 1041-1046. New York: The Free Press, 1983

"The Mentally Disordered Offender," in S. Kadish et al., eds., 3 The Encyclopedia of Crime and Justice 1046-1051. New York: The Free Press, 1983

"Mental Disorder and the Law," in N. Endler & J. McV. Hunt, eds., Personality and the Behavioral Disorders, 2d ed., 1183-1217. New York: J. Wiley & Sons, 1984

"Psychology, Determinism and Legal Responsibility," in G.B. Melton, ed., 33 Nebraska Symposium on Motivation, 1985: The Law as a Behavioral Instrument 35-85. Lincoln, NB: University of Nebraska Press, 1986

"The Legal Concept of Normality" (with L. Roth & R. Wettstein), in D. Offer & M. Sabshin, eds., The Diversity of Normal Behavior 275-301. New York: Basic Books, 1991

"Mens Rea: The 'Guilty Mind'," in D. Kagehiro & W. Laufer, eds., Handbook on Psychology and Law 207-229. New York: Springer-Verlag, 1991

Book Chapters:
(continued)

"Diminished Capacity," in S. Shute, J. Gardner & J. Horder, eds., Action and Value in Criminal Law 239-278. Oxford: Clarendon Press, 1993

"Diminished Capacity," in R. Audi et al., eds., The Cambridge Dictionary of Philosophy 204. Cambridge: Cambridge University Press, 1995

"Insanity, Legal Concept Of," in R. Chadwick, ed., 3 Encyclopedia of Applied Ethics 699-710. San Diego: Academic Press, 1998

"Excusing and The New Excuse Defenses: A Legal and Conceptual Review", in, M. Tonry, ed., 23 Crime and Justice 329-406. Chicago: University of Chicago Press, 1998

Foundations of Criminal Law. New York: Oxford University Press, 1999; Foundation Press, 2000 (co-edited with L. Katz & M.S. Moore)

"Deprivation and Desert," in W. Hefferman & J. Kleinig, eds., From Social Justice to Criminal Justice 114-160. New York: Oxford University Press, 2000

"Criminal Responsibility and Legal Insanity," in Alan E. Kazdin, ed., Encyclopedia of Psychology 351-353. New York: Oxford University Press, 2000

"From 'Sikora' to 'Hendricks': Mental Disorder and Responsibility", in L.E. Frost & R.J. Bonnie, eds., Mental Health Law in Evolution 129-166. Washington: American Psychological Association Press, 2001

"The Mentally Disordered Offender," in J. Dressler et al, eds., Encyclopedia of Crime and Justice (2d Ed.) New York: Macmillan, 2001

"Psychopathy," in J. Dressler et al, eds., Encyclopedia of Crime and Justice(2d Ed.). New York: Macmillan, 2001

"Diminished Capacity," in J. Dressler et al, eds., Encyclopedia of Crime and Justice (2d Ed.). New York: Macmillan, 2001

"Drugs, Decriminalization of," in N.J. Smelser & P.B. Baltes, Eds., International Encyclopedia of the Social & Behavioral Sciences. Amsterdam: Pergamon, 2001

"Mad or Bad? Sex Offenders and Social Control," in B. Winick & J.Q. LaFond, eds., Protecting Society From Sexually Dangerous Offenders: Law, Justice, and Therapy 165-182. Washington: American Psychological Association Press, 2003

"New Neuroscience, Old Problems," in B. Garland, ed., Neuroscience and the Law: Brain, Mind and the Scales of Justice 157-198, New York: Dana Press, 2004

"The Jurisprudence of Crazy," in Francesco Parisi & V.L. Smith, eds. The Law and Economics of Irrational Behavior 225-267. Stanford, CA: Stanford University Press, 2005

"Moral and Legal Responsibility and the New Neuroscience," in J. Illes, ed., Neuroethics in

the 21st Century: Defining the Issues in Theory, Practice and Policy 33-50. Oxford: Oxford University Press, 2006

"Affirmative Defenses," forthcoming, Encyclopedia of Social Problems (Sage)

"Insanity Defense Reform Act of 1984," forthcoming, Encyclopedia of Psychology and Law (Sage)

"Diminished Capacity," forthcoming, Encyclopedia of Psychology and Law (Sage)

Articles:

"Structure and Reconstruction: A Critical Comparison of Michael Balint and D.W. Winnicott," 54 International Journal of Psycho-Analysis 487-500 (1972)

"The Psychological Theory of Michael Balint," 3 Psychiatry in Medicine 407-416 (1972)

"Perfecting the Parents: A Family Romance Resistance," 17 American Journal of Psychotherapy 410-420 (1973)

"The After-Pleasure of Suicide," 46 British Journal of Medical Psychology 227-238 (1973)

"The Twilight of Welfare Criminology: A Reply to Judge Bazelon," 49 Southern California Law Review 1246-1268 (1976). Reprinted in revised form: 49 New York State Bar Journal 11 (1977)

"The Twilight of Welfare Criminology: A Final Word," 49 Southern California Law Review 1275-1276 (1976)

"Crazy Behavior, Morals, and Science: An Analysis of Mental Health Law," 51 Southern California Law Review 527-654 (1978)

"Law and Mental Health Professionals: The Limits of Expertise," 9 Professional Psychology 389-399 (1978)

"Diminished Capacity: A Moral and Legal Conundrum," 2 International Journal of Law and Psychiatry 271-298 (1979)

"A Preference for Liberty: The Case Against Involuntary Commitment of the Mentally Disordered," 70 California Law Review 54-106 (1982). Published in modified form in C. Warren, The Court of Last Resort: Mental Illness and the Law 69-109. Chicago: University of Chicago Press, 1982

Failed Explanations and Criminal Responsibility: Experts and the Unconscious," 68 Virginia Law Review 973-1084 (1982)

"Diminishing Diminished Capacity in California" (with Edward R. Cohen), 2 The California Lawyer, June, 1982 at 24-26

"Reforming Expert Testimony: An Open Response from the Tower (and the Trenches)," 6 Law and Human Behavior 45-47 (1982)

Articles:

"Predicting Future Dangerousness," 3 The California Lawyer, December, 1983 at 16-18

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"Save the Insanity Defense," 10 Litigation, Fall 1983 at 3-6, 51

"Undiminished Confusion in Diminished Capacity," 75 The Journal of Criminal Law and Criminology 1-55 (1984)

"Justice, Mercy and Crazy," 36 Stanford Law Review 1485-1515 (1984)

"Retaining a Modified Insanity Defense," 477 The Annals 137-147 (1985)

"Excusing the Crazy: The Insanity Defense Reconsidered," 58 Southern California Law Review 777-836 (1985)

"Why Amnesia and the Law Is Not a Useful Topic," 4 Behavioral Sciences & the Law 99-102 (1986)

"Treating Crazy Persons Less Specially" (Edward G. Donley Memorial Lecture, West Virginia University College of Law), 90 West Virginia Law Review 353-385 (1987-88)

"Introducing Criminal Law," 87 Michigan Law Review 1294-1306 (1989)

"The Misbegotten Marriage of Soft Psychology and Bad Law: Psychological Self-Defense as a Justification for Homicide," 14 Law & Human Behavior 595-618 (1990)

"Culpability and Control," 142 University of Pennsylvania Law Review 1587-1660 (1994)

"Causation, Compulsion and Involuntariness," 22 Bulletin of the American Academy of Psychiatry and the Law 159-180 (1994)

"The 'New Syndrome Excuse Syndrome'," 14 Criminal Justice Ethics 3-15 (Winter/Spring, 1995)

"Blame and Danger: An Essay on Preventive Detention," 76 Boston University Law Review 113-155 (1996)

"Brain and Blame," 84 Georgetown Law Journal 527- 549 (1996); reprinted in 1 Seminars in Clinical Neuropsychiatry 222-235 (1996)

"Immaturity and Irresponsibility," 88 Journal of Criminal Law and Criminology 15-67 (1997)

"Fear of Danger, Flight from Culpability," 4 Psychology, Public Policy and Law, 250-267 (1998)

"Moral Responsibility: A Story, An Argument & A Vision" 4 Graven Images 73-80 (1998)

"Craziness and Criminal Responsibility," 17 Behavioral Sciences & the Law 147-164 (1999)

"Delinquency and Desert," 564 The Annals of The American Academy of Political and Social Science 56-80 (July, 1999)

Articles:
(continued)

"Neither Desert Nor Disease," 5 Legal Theory 265-309 (1999)

"Waiting For Determinism To Happen," www.LegalEssays.com 1-10 (1999)

"Not so Hard (and Not so Special), After All," 6 Virginia Journal of Social Policy & the Law 471-496 (1999)

"Crazy Reasons," 10 Journal of Contemporary Legal Issues 189-226 (1999)

"Hooked on Hype: Addiction and Responsibility," 19 Law and Philosophy 3-49 (2000)

"The Moral Metaphysics of Causation and Results," 88 California Law Review 879-894 (2000)

"Rationality and Responsibility," 74 Southern California Law Review 251-268 (2000)

"Uncontrollable Urges and Irrational People," 88 Virginia Law Review 1025-1078 (2002)

"Involuntary Competence," 21 Behavioral Sciences & the Law 311-328 (2003)

"Diminished Rationality, Diminished Responsibility," 1 Ohio State Journal of Criminal Law 289-308 (2003)

"Inevitable Mens Rea," 27 Harvard Journal of Law & Public Policy 51-64 (2003)

"Reason, Results and Criminal Responsibility," 2004 Illinois Law Review 363-444

Book Review [review of S. A. Bandes, ed., The Passions of the Law], 114 Ethics 601-604 (2004)

"Preventive Confinement of Dangerous Offenders," 32 Journal of Law, Medicine & Ethics 56-72 (2004)

"Medicine and Morals, Craving and Compulsion," 39 Substance Use and Misuse 437-460 (2004)

"New Neuroscience, Old Problems: Legal Implications of Brain Science," 6 Cerebrum 81-90 (2004)

"Brain Overclaim Syndrome: A Diagnostic Note," 3 Ohio State Journal of Criminal Law 397 (2006)

"Genetics, Addiction and Criminal Responsibility," 69, Law & Contemporary Problems 165-207 (2006)

"Steel Traps and Unattainable Aspirations: A Comment on Kress," 24 Behavioral Sciences & the Law 599-606 (2006)

"The Non-Problem of Free Will in Forensic Psychiatry and Psychology," 25 Behavioral Sciences & The Law 203-220 (2007)

Articles:
(continued)

“Voluntary Control of Behavior and Responsibility,” 7 American Journal of Bioethics 12-13 (2007)

“Thoroughly Modern: Sir James Fitzjames Stephen on Responsibility,” forthcoming, Ohio State Journal of Criminal Law.

“The Uneasy Entente Between Insanity and Mens Rea” (with Morris B. Hoffman), forthcoming, Journal of Criminal Law & Criminology

“Determinism and the Death of Folk Psychology,” forthcoming, Minnesota Journal of Law, Science and Technology

In

Preparation:

Desert and Disease: Responsibility and Social Control (to be published by Oxford University Press)

Miscellaneous:

"How to Read Those Danger Signals from New York ... First, Don't Believe What the Experts Say," Los Angeles Times, July 29, 1977, Part II:7

"Attacking Youth Crime," The New York Times, December 30, 1978, Section I:19

"The Great Non-Murder Mystery," Los Angeles Times, May 28, 1980, Part II:5

Book Review [review of H.J. Steadman, Beating a Rap? Defendants Found Incompetent to Stand Trial], 64 Sociology and Social Research 574-576 (1980)

"Hospital Lockups Serve Neither the Mentally Ill nor their Doctors," 22 Medical World News, November 9, 1981, at 107

"In Defense of the Insanity Defense," Los Angeles Times, June 23, 1982, Part II:7

"'Guilty-but-Insane' Plea: Neither Penalty nor Remedy," Los Angeles Times, April 21, 1983, Part II:7

"Preventive Action on Crazies: A Civil-Liberties Nightmare," Los Angeles Times, March 27, 1984, Part II:7

"Children in Court: A Necessary Risk," Los Angeles Times, May 4, 1984, Part II:7

"California's Post-Twinkies Law Is Both Constitutional and Fair," Los Angeles Times, November 8, 1985, Part II:7

"Biology and Crime," [book review of C.R. Jefferey, Attacks on the Insanity Defense] 31 Contemporary Psychology 373-374 (1986)

"We Can't Win a Drug War: Law Enforcement Won't Cut Supply or Demand," Los Angeles Times, August 14, 1986, Part II:7

Miscellaneous:
(continued)

"Drug War Is Worse Than the Drugs: Criminalization May Threaten Our Morality Safety," Los Angeles Times, September 8, 1986, Part II:5

"Psychiatric Issues Leave Court in a State of Mental Disorder," Los Angeles Times, January 13, 1987, Part II:7

"Self-Defense Law Holds Up, Even in Light of Goetz," Los Angeles Times, June 19, 1987, Part II:5

"Drug Problem Seems to Be Bearable--If It Wasn't We'd Look for Solutions That Might Work," Los Angeles Times, July 1, 1987, Part II:5

"From Mean Streets to Mental Hospital Is No Cure for Homelessness," Los Angeles Times, August 25 1987, Part II:5

Booknote [review of M. Roth & R. Bluglass, eds., Psychiatry, Human Rights, and the Law], 97 Ethics 900 (1987)

"War on Drugs Produces the Crime--Since We're Losing, Why Not Debate the Alternative?" Los Angeles Times, April 8, 1988, Part II:7

"Was Justice Served?" Wall Street Journal, October 4, 1995, Part A:14

"A verdict of guilty but mentally ill doesn't work morally or medically," The Philadelphia Inquirer, February 28, 1997, Part A: 19

"The Insanity Defense Goes Back On Trial," New York Times, July 30, 2006, Section 4:13