

*The National Academies of*  
SCIENCES • ENGINEERING • MEDICINE  
**Committee on Science, Technology, and Law**

**Why the Innocent Plead Guilty and the Guilty Go Free**  
**The Inaugural Science and Law Lecture**

March 31, 2021

**VIRTUAL AGENDA**

1:00 PM EDT

**Welcome**

Committee Co-Chairs:

**David Baltimore**, California Institute of Technology  
**David S. Tatel**, U.S. Court of Appeals for the District of Columbia  
Circuit

1:05 PM EDT

**Why the Innocent Plead Guilty and the Guilty Go Free**

Moderator: **Erwin Chemerinsky**,\* University of California, Berkeley

Speaker: **Jed S. Rakoff**, United States District Court for the Southern District  
of New York

Commentators: **Martha Minow**,\* Harvard Law School  
**Thomas D. Albright**, Salk Institute for Biological Studies

2:00 PM EDT

**Discussion with Committee and Audience**

2:30 PM EDT

**Adjourn**

\*Member of the Committee on Science, Technology, and Law

## PANELIST BIOGRAPHIES

**Thomas D. Albright**, Ph.D., is Professor and Conrad T. Prebys Chair at the Salk Institute for Biological Studies, where he joined the faculty in 1986. He is also Director of the Salk Institute Center for the Neurobiology of Vision and Adjunct Professor of Psychology and Neurosciences at the University of California, San Diego. Albright is an authority on the neural basis of visual perception, memory and visually guided behavior. His laboratory seeks to understand how visual perception is affected by attention, behavioral goals, and memories of previous experiences. An important goal of this work is the development of therapies for blindness and perceptual impairments resulting from disease, trauma or developmental disorders of the brain. A second aim of Dr. Albright's work is to use our growing knowledge of brain, perception and memory to inform design in architecture and the arts, to leverage societal decisions and public policy, and to advise on matters of law and justice. Albright received a Ph.D. in psychology and neuroscience from Princeton University. He is a member of the U.S. National Academy of Sciences, a fellow of the American Academy of Arts and Sciences, a fellow of the American Association for the Advancement of Science, and an associate of the Neuroscience Research Program. He is past-president of the Academy of Neuroscience for Architecture, a former member of the National Academy of Sciences Committee on Science, Technology, and Law, and a former member of the U.S. National Commission on Forensic Science. Albright is currently a member of the Human Factors Resource Committee of the NIST Organization of Scientific Area Committees for Forensic Science. Albright served as co-chair of the National Academy of Sciences Committee on Scientific Approaches to Eyewitness Identification, which produced the 2014 report *Identifying the Culprit: Assessing Eyewitness Identification*.

**Erwin Chemerinsky** is Dean of Berkeley Law. Prior to assuming this position, from 2008-2017, he was the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at University of California, Irvine School of Law, with a joint appointment in Political Science. Before that he was the Alston and Bird Professor of Law and Political Science at Duke University from 2004-2008, and from 1983-2004 was a professor at the University of Southern California Law School, including as the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science. He also has taught at DePaul College of Law and UCLA Law School. He earned his B.S. from Northwestern University (1975) and his J.D. from Harvard Law School (1978).

**Martha Minow** is 300th Anniversary University Professor of Law at Harvard Law School. Martha Minow has taught at Harvard Law School since 1981, where her courses include civil procedure, constitutional law, family law, fairness and privacy, international criminal justice, jurisprudence, law and education, nonprofit organizations, and the public law workshop. An expert in human rights and advocacy for members of racial and religious minorities and for women, children, and persons with disabilities, she also writes and teaches about AI and about design thinking. Minow served as Dean of Harvard Law School between 2009 and 2017, as the inaugural Morgan and Helen Chu Dean and Professor. She current co-chairs the advisory group for MIT's new Schwartzman College of Computing. Minow completed her undergraduate studies at the University of Michigan, then earned an M.A. from Harvard and a J.D. from Yale.

**Jed S. Rakoff** has served since March 1996 as a U.S. District Judge for the Southern District of New York. He frequently sits by designation on the 2<sup>nd</sup> and 9<sup>th</sup> Circuit Courts of Appeals. His most noteworthy decisions have been in the areas of securities law and criminal law. He is an Adjunct Professor at both Columbia Law School and NYU Law School, and also teaches at Berkeley Law School and the University of Virginia Law School. He has written over 170 published articles, 750 speeches, and 1800 judicial opinions, and has co-authored 5 books. He is a regular contributor to the New York Review of Books, and the author of *Why The Innocent Plead Guilty and the Guilty Go Free, and Other Paradoxes of Our Broken Legal System* (Farrar Straus & Giroux, 2021).

Judge Rakoff holds a B.A. degree from Swarthmore College (1964), an M.Phil. degree from Oxford University (Balliol, 1966), and a J.D. degree from Harvard Law School (1969). He clerked for Hon. Abraham L. Freedman, US Court of Appeals, 3d Circuit. From 1973-80, he served as an Assistant United States Attorney in the Southern District of New York, the last two years as Chief of Business Fraud Prosecutions. From 1980-95, he was a litigation partner at two large law firms in New York.

Judge Rakoff served on the National Commission on Forensic Science (2013-17) and as co-chair of the National Academy of Science's Committee on Eyewitness Identification. He served on the New York City Bar Association's Executive Committee and was chair of the Association's Nomination, Honors and Criminal Law Committees. He was Chair of the Second Circuit's Bankruptcy Committee, and of the Southern District of New York's Grievance Committee and Criminal Justice Advisory Board. He served on Swarthmore College's Board of Managers, on the Governance Board of the MacArthur Foundation's Project on Law and Neuroscience, and on the Committee on the Development of the 3<sup>rd</sup> Edition of the Manual on Scientific Evidence. He assisted the U.S. Government in the training of foreign judges in Azerbaijan, Bahrain, Bosnia, Dubai, Egypt, Iraq, Kuwait, Maldives, Morocco, Saudi Arabia, Tunisia, and Turkey. He is a Member of the American Academy of Arts and Sciences and the American Law Institute. He is a Judicial Fellow of the American College of Trial Lawyers and the American Board of Criminal Lawyers. He is a member of the board of the Touro Synagogue Foundation and of the William Nelson Cromwell Foundation. Among other awards, he received in 2018 the Federal Bar Council's Learned Hand Medal for Excellence in Federal Jurisprudence. In 2014, Judge Rakoff was listed by Fortune Magazine as one of the World's 50 Greatest Leaders.