

**LOIS A. WEITHORN**  
University of California-Hastings College of the Law  
200 McAllister Street  
San Francisco, California 94102-4978  
(415) 565-4660  
email: [weithorn@uchastings.edu](mailto:weithorn@uchastings.edu)

## EDUCATION

- 1989      **J.D., Stanford Law School**  
President, *Stanford Law Review* (1987-88)  
Member, Order of the Coif  
Hilmer Oehlmann, Jr. Prize for Outstanding Legal Research and Writing
- 1980      **Ph.D., Psychology, University of Pittsburgh**  
Social Issues Dissertation Award (2nd place) (1981), Society for the Psychological Study of Social Issues, American Psychological Association
- 1974      **B.S., Psychology, Hamilton & Kirkland Colleges**

## EMPLOYMENT & CONSULTING

- 2006-      **Professor of Law**, University of California—Hastings College of the Law
- 2004-06      **Associate Professor of Law**, University of California—Hastings College of the Law
- 2001-04      **Assistant Professor of Law**, University of California--Hastings College of the Law
- 1997-01      **Adjunct Assistant Professor of Law**, University of California--Hastings College of the Law
- 1999-00      **Consultant**, The David and Lucile Packard Foundation
- 1998-99      **Lecturer in Law**, Stanford Law School
- 1996-97      **Fellow**, Center for Advanced Study in the Behavioral Sciences and **Visiting Scholar**, Stanford University
- 1990-96      **Consultant**, Family Courts Services, Administrative Office of the Courts, Judicial Council of California
- 1989-90      **Law Clerk**, Chambers of the Honorable Joseph T. Sneed III, United States Court of Appeals (Ninth Circuit)
- 1983-85      **Assistant Professor of Psychology**, University of Virginia
- 1981-83      **Director of Research**, Institute of Law, Psychiatry, and Public Policy, and **Assistant Professor of Law, General Faculty**, University of Virginia

1980-81      **National Research Coordinator and Director, Legal Rights and Advocacy Section,**  
National Mental Health Association

## **PUBLICATIONS**

FAMILY LAW: CASES, TEXT, PROBLEMS (5<sup>TH</sup> ED.) (with I. Ellman, P. Kurtz, B. Bix, K. Czapanskiy & M. Eichner) (forthcoming).

*Can a Subsequent Change in Law Void a Marriage that Was Valid at its Inception? Considering the Legal Effect of Proposition 8 on California's Existing Same-Sex Marriages*, 60 HASTINGS LAW JOURNAL \_\_\_\_ (2009).

*Conceptual Hurdles in the Application of Atkins v. Virginia*, 59 HASTINGS LAW JOURNAL 1203 (2008).

*American Law and Consent to Health Care for Children and Adolescents*, CHICAGO COMPANION TO THE CHILD, U. CHICAGO PRESS (forthcoming).

*The Legal Contexts of Forensic Assessment of Children and Families*, in FORENSIC ASSESSMENT OF CHILDREN AND ADOLESCENTS: ISSUES AND APPLICATIONS 11 (S.N. Sparta & G.P. Koocher, eds.) (2006).

*Envisioning Second-Order Change in America's Responses to Troubled and Troublesome Youth*, 33 HOFSTRA LAW REVIEW 1305 (2005).

FAMILY LAW: CASES, TEXT, PROBLEMS (4<sup>TH</sup> ED.) (2004) (with I. Ellman, P. Kurtz, E. Scott & B. Bix).

*Protecting Children from Exposure to Domestic Violence: The Use and Abuse of Child Maltreatment Statutes*, 53 HASTINGS LAW JOURNAL 1 (2001).

*Domestic Violence and Children: Analysis and Recommendations*, 9 FUTURE OF CHILDREN 4 (2000) (with L.S. Carter & R.E. Behrman).

*Informed Consent*. ENCYCLOPEDIA OF PSYCHOLOGY (A. Kazdin, ed. 2000).

*Youth Participation in Family and Community Decision Making*, 2 FAMILY FUTURES 6 (1998).

*Children's Involvement in Research Participation Decisions*, in CHILDREN AS RESEARCH SUBJECTS 133 (A. Grodin & L.H. Glantz, eds. 1994) (with D.G. Scherer).

*Mental Hospitalization of Troublesome Youth: An Analysis of Skyrocketing Admission Rates*, 40 STANFORD LAW REVIEW 773 (1988) (note) [**Excerpted in** several casebooks, including BARRY C. FELD, CASES AND MATERIALS ON JUVENILE JUSTICE ADMINISTRATION 992-1001 (2<sup>nd</sup> ed. 2000)].

*Legal and Ethical Issues in Pediatric Psychology*, In HANDBOOK OF PEDIATRIC PSYCHOLOGY 567 (D.K. Routh, ed. 1988) (with M.A. McCabe).

*Informed Consent for Prevention Research Involving Children: Legal and Ethical Issues*, in National Institute of Mental Health Monograph, PREVENTING MENTAL DISORDERS: A RESEARCH PERSPECTIVE 226 (1987).

*Professional Responsibility in the Dissemination of Psychological Research in Legal Contexts*, in REFORMING THE LAW: IMPACT OF CHILD DEVELOPMENT RESEARCH 253 (G.B. Melton, ed. 1987).

PSYCHOLOGY AND CHILD CUSTODY DETERMINATIONS: ROLES, KNOWLEDGE, AND EXPERTISE (1987).

COMMUNITY MENTAL HEALTH CENTERS AND THE COURTS (1987) (with G.B. Melton & C. Slobogin).

*Children's Capacities for Participation in Treatment Decision-Making*, in EMERGING ISSUES IN CHILD PSYCHIATRY AND THE LAW 22 (E.P. Benedek & D. Schetky, eds. 1985).

CHILDREN, MENTAL HEALTH, AND THE LAW (1984) (with N. Reppucci, N.D., E. Mulvey & J. Monahan).

*Children's Capacities In Legal Contexts*, in CHILDREN, MENTAL HEALTH, AND THE LAW 25 (1984) (with N. Reppucci, N.D., E. Mulvey & J. Monahan) [**Excerpted in**: R.H. MNOOKIN & D.K. WEISBERG, CHILD, FAMILY & STATE: PROBLEMS AND MATERIALS ON CHILDREN AND THE LAW 660-62 (4<sup>th</sup> ed. 2000)].

*Children's Capacities To Decide About Participation In Research*, 5 IRB: A REVIEW OF HUMAN SUBJECTS RESEARCH 1 (1983).

*Interpreting the Law for the Mental Health Professional: A Review of LEGAL ISSUES IN THE CARE OF PSYCHIATRIC PATIENTS*, 2 CONTEMPORARY PSYCHIATRY, 198 (1983).

*Involving Children in Decisions Affecting Their Own Welfare*, in CHILDREN'S COMPETENCE TO CONSENT 235 (G.B. Melton, G.P. Koocher & M.J. Saks, eds., 1983) [**Excerpted in**: J. Areen, *Family Law: Cases and Materials* 1281-83 (4<sup>th</sup> ed. 1999)].

*Developmental Factors and Competence to Make Informed Treatment Decisions*, 5 CHILD AND YOUTH SERVICES 85 (1983). Also reprinted in LEGAL REFORMS AFFECTING CHILD AND YOUTH SERVICES (G.B. Melton ed. 1983).

*The Competency of Children and Adolescents to Make Informed Treatment Decision*, 53 CHILD DEVELOPMENT 1589 (1982) (with S. Campbell).

*Drug Therapy - Children's Rights*, in DRUGS AND THE SPECIAL CHILD 203 (M. Cohen, ed. 1979).

*A Comparison of Extreme Groups of Good and Poor Foster Placements*, 6 SOCIAL WELFARE, 49 (1979) (with S. Campbell, R. Simon, D. Krikston & K. Connolly).

*Child Abuse Training: A Community-Based Interdisciplinary Program*, 14 COMMUNITY MENTAL HEALTH JOURNAL 179 (1978) (with E. Elmer, H. Bennett, N. Harway, E. Meyerson & D. Sankey).

## **OTHER PROFESSIONAL EXPERIENCE**

### **Empirical Research**

1978-86      **Principal Investigator** on three research projects on children's capacities to participate in treatment and research decisionmaking: (1) *The Competency of Children and Adolescents to Consent to Mental Hospitalization*, funded by the Herman A. and Amelia S. Ehrmann Foundation (1982-86); (2) *Pediatric Cancer Patients' Capacities to Assent and Consent: Pilot Project*, funded by American Cancer Society (University of Virginia Institutional Grant) (1983-85); (3) *Competency to Render Informed Treatment Decisions*:

*A Comparison of Certain Minors and Adults*, funded by Law and Social Science Program, National Science Foundation (doctoral dissertation grant) (1978-80).

1981-83 **Co-investigator:** *Evaluation of the Effectiveness of a State-Wide Program: Training Community Mental Health Professionals to Provide Clinical Consultation to the Courts*, funded by the Commonwealth of Virginia.

1974-77 **Doctoral and Masters Student:** Completed masters' and doctoral dissertation research and assisted in design, conduct, and analysis of several faculty-sponsored research projects, including evaluation of variables related to successful foster home placements and evaluation of interdisciplinary training program for professionals dealing with child abuse.

## Teaching

2001- **Bioethics and the Law, Community Property, Criminal Law, Family Law**

2001 **Mental Health Law** (co-taught with Melissa Nelken) (as Adjunct Professor of Law)

1997-2001 **Family Law**, University of California--Hastings College of the Law (as Adjunct Professor of Law) and Stanford Law School (as Lecturer in Law, 1998-99)

1983-85 **Scientific and Professional Ethics in Psychology** (graduate), **Psychology and Law** (undergraduate), **Introduction to Personality Theory and Research** (undergraduate), Department of Psychology, University of Virginia

1981-84 **Children, Psychology, and Law** (co- taught clinical seminar), School of Law, University of Virginia

1976-77 **Behavior Disorders in Children** (undergraduate), Department of Psychology, University of Pittsburgh

## Editorial Work & Consultation

1982-present **Editorial Consultant**, *American Psychologist*, *Archives of General Psychiatry*, *Child Development*, *Clinical Psychology Review*, *Criminal Justice and Behavior*, *Journal of Abnormal Child Psychology*, *Journal of the American Medical Association*, *Journal of Clinical Child Psychology*, *Journal of Pediatric Psychology*, *Law and Human Behavior*, *Law and Psychology Review*, *Psychology of Women Quarterly*, *University of Nebraska Press*

1991-2005 **Member, Editorial Board**, *Ethics and Behavior*

1999-2000 **Guest Editor**, *Domestic Violence and Children*, **The Future of Children**

1985-87 **Member, Editorial Boards**, *Journal of Clinical Child Psychology*, *Law and Human Behavior*

1983-87 **Co-editor, monograph series**, *Children and the Law*, University of Nebraska Press

1980 **Consultant, Office of Technology Assessment**, United States Congress (on report evaluating efficacy and safety of psychotherapy)

## Committee Work & Consultation

- 1997            **Consultant**, MacArthur Foundation Research Program on Adolescent Development and Juvenile Justice (June 1997 meeting)
- 1982-85        **Member, Ethics Committee**, American Psychological Association; also **Member, Ethics Committee**, Virginia Psychological Association (1983-85)
- 1982-85        **Chair, Committee on Child Custody**, Division of Child, Youth, and Family Services, American Psychological Association (1982-85); **Chair, Committee on Professional Responsibility**, Division of Psychology and Law, American Psychological Association (1983-85); **Chair, Committee on Informed Consent**, Division of Child, Youth, and Family Services, American Psychological Association (1982-84)
- 1982-85        **Member, Task Force on Psychiatric Hospitalization of Minors**, Department of Mental Health and Mental Retardation, Commonwealth of Virginia
- 1982-84        **Member, Committee on Adolescent Abortion**, American Psychological Association

## Review Panels

- 1982-85        **Member, ad hoc review panels, Basic Sociocultural Research Review Committee and Criminal and Violent Behavior Review Committee**, National Institute of Mental Health
- 1982-85        **Member, ad hoc review panels, Law and Social Sciences Program, Visiting Professorships for Women Program, and Ethics and Values in Science and Technology Program**, National Science Foundation
- 1982-83        **Program Chair, Division of Child, Youth & Family Services**, American Psychological Association Convention; also **Reviewer, Division of Child, Youth, and Family Services, and Division of Law and Psychology**, American Psychological Association Conventions (1982-85) and **Member, Social and Public Policy Review Panel**, Society for Research in Child Development Conference (1982-83)

## Clinical Experience (in Psychology)

- 1981-85        **Psycholegal Consultation:** As a psychologist, consulted with attorneys, courts, and social service agencies on child custody, abuse and neglect, juvenile delinquency, and adult civil and criminal cases; performed psycholegal assessments and supervised psychology graduate students and interns in a variety of clinical roles. Institute of Law, Psychiatry & Public Policy & Department of Psychology, University of Virginia.
- 1974-80        **Intern & Doctoral Student:** Training and experience in providing: short- and long- term individual, family, and group psychotherapy with inpatient and outpatient populations (adults, adolescents, and children); group counseling with adolescent girls with learning disabilities; milieu therapy on inpatient unit for children and adolescents with psychosomatic disorders; intake, behavioral, psychometric, and family assessments; crisis intervention and emergency room services; intake coordination for outpatient psychology clinic. George Washington University Medical Center & Department of Psychology, University of Pittsburgh.

1975-77      **Consulting Clinician in Correctional Facility:** Co-leader with psychiatrist of inmate therapy group in maximum security correctional facility. Western State Correctional Facility, Pittsburgh, PA.

## CONFERENCES AND PRESENTATIONS

### Intramural Panels and Presentations

Panel Member, Series of three intramural panels at Hastings College of Law addressing the litigation over same-sex marriage in California (March 2008, November 2008, March 2009).

Panel member, *The Faces of Forensics: Behavioral Science*, Conference co-sponsored by University of California -Hastings College of Law and University of California-San Francisco Medical Center (2008).

Panel member, *Psychology and the Courts*, and Family Court Workshop Co-leader, Statewide Judicial Conference, Administrative Office of the Courts, Judicial Council of California, San Diego, CA (2005).

Panel member, Symposium on Minors and the Law, HASTINGS WOMEN'S LAW JOURNAL, San Francisco, CA (2003).

Moderator and panel member, Symposium on Domestic Violence, HASTINGS WOMEN'S LAW JOURNAL, San Francisco, CA (2002).

Moderator and panel member, Symposium on Children and the Constitution. HASTINGS CONSTITUTIONAL LAW QUARTERLY, San Francisco, CA (2001).

Discussant commentary presented in Symposium on Informed Consent and Children's Participation in Clinical Research in Pediatric Settings, at the American Psychological Association Convention in San Francisco, CA (2001).

*Child Custody Law in Perspective.* Discussant commentary presented in Symposium on New Developments in Child Custody Evaluation and Intervention, at the American Psychological Association Convention in San Francisco, CA (1998).

*Judicial Concepts of Childhood: Images and Inconsistencies.* Paper presented at Center for Advanced Study in the Behavioral Sciences, Stanford, CA (1997).

*Professional Responsibility and Dissemination of Empirical Findings in Public Policy Contexts.* Paper presented at the American Psychological Association Convention, San Francisco, CA. (1991).

*Ethical Issues in Child Custody Evaluations.* Paper presented at a symposium sponsored by the Ethics Committee of the American Psychological Association, American Psychological Association Convention, Los Angeles, CA (1985).

*Ethical Issues in the Dissemination of Child Development Research Relevant to the Law.* Paper presented at the Society for Research in Child Development Study Group on the Impact of Developmental Research on the Law, Washington, D.C. (1985).

*Informed Consent and Prevention Research Involving Children.* Paper presented at the American Psychological Association Convention, Los Angeles, CA (1985).

*Legal and Ethical Problems in Research with Pediatric Populations.* Paper presented at the American Psychological Association Convention, Los Angeles, CA (1985).

*Ethical Problems and Dual Relationships.* Paper presented at a symposium sponsored by the Ethics Committee of the American Psychological Association, American Psychological Association Convention., Toronto, Canada (1984).

*Informed Consent for Prevention Research Involving Children: Legal and Ethical Issues.* Invited address under contract with Prevention Research Branch, National Institute of Mental Health. Rockville, MD (1984).

*Involving Children in Health Care Decisions.* Paper presented at the National Symposium on Ethics and Law in the Practice of Pediatric Medicine and Nursing, Boston, MA (1984).

*Responsibilities, Roles, and Clinical Testimony: "Who is the Client?" Revisited.* Paper presented at the American Psychological Association Convention, Toronto, Canada (1984).

*The Assessment of Children's Capacities for Consent and Assent.* Workshop offered at the National Symposium on Ethics and Law in the Practice of Pediatric Medicine and Nursing, Boston, MA (1984).

*Abortion Decisions by Minors: How Mature is "Mature Enough"?* Paper presented at the American Psychological Association Convention, Anaheim, CA (1983).

*Legal Standards and Clinical Assessment in Guardianship Cases.* Paper presented at the Sixth Annual Symposium on Mental Health and the Law, Charlottesville, VA (1983).

Panelist at session on the *Teaching of Ethics*, sponsored by the Ethics Committee of the American Psychological Association, American Psychological Association Convention, Anaheim, CA. (1983).

*Voluntary Admission to Mental Health Facilities: Children's Capacities for Self-Determination.* Paper presented at the American Psychological Association Convention, Anaheim, CA (1983).

*Children's Competence to Decide Regarding Participation in Research.* Paper presented at conference on Research with Special Populations sponsored by Public Responsibility in Medicine and Research, Boston, MA and Pacific Grove, CA (1982/1983).

Weithorn, L.A. *Civil Commitment of Minors.* Paper presented at the Judicial Seminar on Civil commitment, Charlottesville, VA (1982).

*Minors' Consent to Medical and Psychological Treatment and Research.* Paper presented at the American Psychological Association Convention, Washington, D.C. (1982).

*Informed Consent for Treatment: An Empirical Study of Minors' Capacities.* Paper presented at the American Psychological Convention, Los Angeles (also at American Psychiatric Association Convention, Toronto, Canada, and Society for Research in Child Development, Boston, MA). (1981/1982).

*Testing Hypotheses Relevant to the Law: Considerations for Behavioral Scientists.* Paper presented at the American Psychological Association Convention, Los Angeles (1981).

*Children's Competence to Consent to Treatment.* Paper presented at Society for Research in Child Development Study Group on Children's Competence to Consent, Charlottesville, VA (1980).

*Informed Consent for Treatment: Children's Competence.* Paper presented at the American Psychological Association Convention, New York (1979).

