

**LOIS A. WEITHORN**  
**Professor of Law**  
**Harry & Lillian Hastings Research Chair**  
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## EDUCATION

- 1989     **J.D., Stanford Law School**
- Editor-in-Chief, *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) College**

## EMPLOYMENT

- 2006-present   **Professor of Law**, University of California—Hastings College of the Law
- Harry & Lillian Hastings Research Chair (2017- ); Rutter Award for Teaching Excellence (2007)
- 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
- UC Hastings Foundation Faculty Scholarship Award (2002)
- 1997-01       **Adjunct Assistant Professor of Law**, University of California--Hastings College of the Law
- 1999-00       **Consultant**, 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 Court 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**, National Mental Health Association

## **PUBLICATIONS**

*Physician Aid in Dying and Assessment of Patient Decisionmaking Capacity*, JUDGES' BOOK, Volume 5 (2021).

*When Does A Minor's Legal Competence to Make Health Care Decisions Matter?* 146 (Supp 1.) PEDIATRICS (Special Issue on *Defining Cases in Pediatric Bioethics*) S25-S52 (2020), available at [https://pediatrics.aappublications.org/content/146/Supplement\\_1/S25](https://pediatrics.aappublications.org/content/146/Supplement_1/S25)

*Providing Adolescents with Independent and Confidential Access to Childhood Vaccines: A Proposal to Lower the Age of Consent* (with D. Rubinstein Reiss), 52 Conn. L. Rev. 771 (2020), available at [https://9dbe8151-9304-4a03-b9a5-21e2dff85422.filesusr.com/ugd/c3e54a\\_e1c980fb53dd48a2bfd5ef98b833ff02.pdf](https://9dbe8151-9304-4a03-b9a5-21e2dff85422.filesusr.com/ugd/c3e54a_e1c980fb53dd48a2bfd5ef98b833ff02.pdf)

CHILDREN IN THE LEGAL SYSTEM: CASES AND MATERIALS (6<sup>TH</sup> ED.) (with S.M. Davis, E.S. Scott & W. Wadlington) (2020).

*Psychological Distress, Mental Disorder, and Assessment of Decisionmaking Capacity Under U.S. Physician Aid in Dying Statutes*, 71 HASTINGS L.J. 637 (2020). Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3579178](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3579178).

*Constitutional Decisionmaking and the "Peculiar Vulnerability of Children,"* JUDGES' BOOK, Volume 2 (2018). Available online at <https://repository.uchastings.edu/judgesbook/vol2/iss1/4>.

*Legal Approaches to Promoting Parental Compliance with Childhood Immunization Recommendations*, 14 HUMAN VACCINES & IMMUNOTHERAPEUTICS 1610 (2018). Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6067842/pdf/khvi-14-07-1423929.pdf>.

*A Constitutional Jurisprudence of Children's Vulnerability*, 69 HASTINGS LAW JOURNAL 179 (2017). Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3168955](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3168955).

*Responding to the Childhood Vaccination Crisis: Legal Frameworks and Tools in the Context of Parental Vaccine Refusal*, 63 BUFFALO L. REV. 881 (2015) (with D. Rubinstein Reiss). Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2574001](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2574001).

FAMILY LAW: CASES, TEXT, PROBLEMS (ABRIDGED 5<sup>TH</sup> ED.) (with I. Ellman, P. Kurtz, B. Bix, K. Czapansky & M. Eichner) (2014).

CHILDREN IN THE LEGAL SYSTEM: CASES AND MATERIALS (5<sup>TH</sup> ED.) (with S.M. Davis, E.S. Scott & W. Wadlington) (2013).

*Developmental Neuroscience, Children's Relationships with Primary Caregivers, and Child Protection Policy Reform, and Child Protection Policy Reform*, 63 HASTINGS LAW JOURNAL 1487 (2012).

*Lost in Translation: The Unintended Consequences of Advance Directive Law on Clinical Care* (with L. Castillo, B. Williams, S. Hooper, C. Sabatino, & R. Sudore), 154 ANNALS OF INTERNAL MEDICINE 121-128 (2011).

FAMILY LAW: CASES, TEXT, PROBLEMS (5<sup>TH</sup> ED.) (with I. Ellman, P. Kurtz, B. Bix, K. Czapanskiy & M. Eichner) (2010).

*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 1063-1127 (2009).

*Consent to Medical Care and Procedures for Children and Adolescents*, CHICAGO COMPANION TO THE CHILD, U. CHICAGO PRESS (2009).

*Conceptual Hurdles in the Application of Atkins v. Virginia*, 59 HASTINGS LAW JOURNAL 1203-1234 (2008).

*The Legal Contexts of Forensic Assessment of Children and Families*, in FORENSIC ASSESSMENT OF CHILDREN AND ADOLESCENTS: ISSUES AND APPLICATIONS 11-29 (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 1305-1506 (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 1-156 (2001).

*Domestic Violence and Children: Analysis and Recommendations*, 9 FUTURE OF CHILDREN 4-20 (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 6-9 (1998).

*Children's Involvement in Research Participation Decisions*, in CHILDREN AS RESEARCH SUBJECTS 133-180 (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 773-838 (1988) [*Excerpted in* several casebooks, including BARRY C. FELD, CASES AND MATERIALS ON JUVENILE JUSTICE ADMINISTRATION 992-1001 (2<sup>nd</sup> ed. 2000); SAMUEL M. DAVIS ET AL, CHILDREN IN THE LEGAL SYSTEM: CASES & MATERIALS 194-197 (4<sup>th</sup> ed. 2009)].

*Legal and Ethical Issues in Pediatric Psychology*, In HANDBOOK OF PEDIATRIC PSYCHOLOGY 567-606 (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 226-242 (1987).

*Professional Responsibility in the Dissemination of Psychological Research in Legal Contexts*, in REFORMING THE LAW: IMPACT OF CHILD DEVELOPMENT RESEARCH 253-279 (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 22-36 (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 25-55 (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 1-5 (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* 1281-1283 (4<sup>th</sup> ed. 1999)].

*Developmental Factors and Competence to Make Informed Treatment Decisions*, 5 CHILD AND YOUTH SERVICES 85-100 (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 1589-1598 (1982) (with S. Campbell).

*Drug Therapy - Children's Rights*, in DRUGS AND THE SPECIAL CHILD 203-237 (M. Cohen, ed. 1979).

*A Comparison of Extreme Groups of Good and Poor Foster Placements*, 6 SOCIAL WELFARE 49-60 (1979) (with S. Campbell, R. Simon, D. Krikston & K. Connolly).

*Child Abuse Training: A Community-Based Interdisciplinary Program*, 14 COMMUNITY MENTAL HEALTH JOURNAL 179-189 (1978) (with E. Elmer, H. Bennett, N. Harway, E. Meyerson & D. Sankey).

## **TEACHING**

*Courses Taught in Law Schools*: Bioethics, Law, and Health Care Decisionmaking; Child Maltreatment in Context; Children and the Law; Community Property Law; Criminal Law; Family Law; Law & Health Sciences Concentration Seminar; Mental Health Law & Policy.

*Courses Taught in Psychology Departments*: Behavior Disorders in Children (undergraduate); Personality Theory and Research (undergraduate); Psychology and Law (undergraduate); Scientific and Professional Ethics in Psychology (graduate).

## **SELECTED PROFESSIONAL ACTIVITIES**

## Committee Work & Consultation

- 2018- **Member**, American Law Institute.
- 2016- **Adviser**, American Law Institute Project on Restatement of the Law, Children and the Law
- 2015-17 **Consultant**, Ethics and Policy Core, Center for AIDS Prevention, University of California-San Francisco Medical Center
- 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)

## Editorial Consultation

- 1985- present **Member, Editorial Board**, *American Journal of Orthopsychiatry* (2009-2015); *Ethics and Behavior* (1991-2005); *Journal of Clinical Child Psychology* (1985-87); *Law and Human Behavior* (1985-87); *Psychology, Public Policy & Law* (2013-present).
- 1982-present **Ad Hoc Reviewer**, *American Journal of Law & Medicine*, *American Journal of Orthopsychiatry*; *American Psychologist*; *Archives of General Psychiatry*; *Child Development*; *Child Maltreatment*; *Clinical Psychology Review*; *Criminal Justice and Behavior*; *International Journal of Childhood Maltreatment: Research, Policy and Practice*, *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*.
- 1999-2000 **Guest Editor**, *Domestic Violence and Children*, **The Future of Children**, Vol. 9 (1999)
- 1983-87 **Co-editor, monograph series**, *Children and the Law*, University of Nebraska Press (with Gary B. Melton)

## 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; **Law and Social Sciences Program, Visiting Professorships for Women Program, and Ethics and Values in Science and Technology Program**, National Science Foundation

## Clinical Experience (as Psychologist)

- 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

*Strategies for Integrating Equity into the Health Law Syllabus*, American Society of Law, Medicine and Ethics (Virtual) Workshop on Teaching Health Equity, July 30, 2020.

*Adolescent Health Care Decisionmaking and the Law: Challenges, Contrasts, and Continuities*. Invited Guest Lecture, Current Directions in Law and Psychological Science, University of Virginia School of Law, Charlottesville Virginia, March 2, 2020.

*Adolescent Decisionmaking and Refusal of Life-Sustaining Treatment*, Defining Moments in Pediatric Bioethics: Future Insights from Past Controversies, Seattle Children's Hospital, July 2019.

*Health Care Decisions, Life-Sustaining Treatment, and the Mature Minor*, Third Annual BioLaw Conference, Stanford Law School, March 2019.

*Mental Disorder, Capacity, and Physician Aid in Dying in the U.S.*, Second Annual BioLaw Conference, Stanford Law School, March 2018.

*California's End of Life Options Act and Persons Living with HIV: Facts, Debates, and Challenges*. Presentation at Center for Aids Prevention, UCSF Medical Center, August 2016.

*Judicial Constructions of Children's Vulnerability and Constitutional Decisionmaking*, Paper presented at the Workshop on Childhood, Vulnerability and Resilience, Emory University School of Law, Atlanta, Georgia, December 2015.

*Informed Consent and Scientific Uncertainty: Legal, Ethical, and Empirical Issues*, Presentation at Center for Aids Prevention, UCSF Medical Center, April 9, 2015.

*Mandatory Vaccination Policies: Legal Justifications and Challenges*, Presented at Health Law Professors Conference, American Society of Law, Medicine & Ethics, San Francisco, June 6, 2014.

*The Evolution of Legal Policies Governing Vaccination of Children: Controversies and Challenges*, Presented at Conference on Children's Health, Mental Health & the Law, sponsored by HASTINGS LAW JOURNAL, March 28, 2014.

*Children's Mental Health and the Mental Health "Non-System,"* Presented at the Conference on Children's Health, Mental Health & the Law, sponsored by HASTINGS LAW JOURNAL, San Francisco, March 29, 2014.

*Same-Sex Marriage and US Supreme Court: Oral Argument and Panel Discussion*, Panel Member, UCSF-UC Hastings Consortium, April 1, 2013.

*Parental Refusal of Childhood Vaccinations: Trends, Consequences and Legal Policy Responses*, Panel Member, UCSF-UC Hastings Consortium, March 29, 2013.

*Developmental Neuroscience and Child Maltreatment: Implications for Legal Policy*, Moderator and Coordinator, Panel at conference on *Law & Policy of the Developing Brain: Neuroscience from Womb to Death*, sponsored by HASTINGS LAW JOURNAL, February 10, 2012.

*Informed Consent and Medical Uncertainty*, presented at symposium on *Frontiers in Women's Health: The Role of Hormones in Aging and Disease*, sponsored by the HASTINGS WOMEN'S LAW JOURNAL, February 25, 2011.

*Social Science, Stereotypes, Sexual Orientation and Parenting: From Baehr to Perry and Lofton to Adoption of X.X.G.*, UCSF-UC Hastings Consortium Series, (August 9, 2010).

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).