

## ELIZABETH S. SCOTT

Columbia University  
School of Law  
New York, NY 10027  
(212) 854-9758

### PROFESSIONAL EXPERIENCE

Columbia Law School  
New York, NY

2018-	<i>Vice Dean for Curriculum</i>
2007-2009	<i>Vice Dean</i>
2006-	<i>Harold R. Medina Professor of Law</i>
Fall 2005	<i>Visiting Professor of Law</i>
Fall 2003	<i>Visiting Professor of Law</i>
2001-02	<i>Visiting Professor of Law</i>
1987-88	<i>Visiting Professor of Law</i>

University of Virginia School of Law  
Charlottesville, VA

1992-2006	<i>University Professor</i>
2000-2006	<i>Class of 1962 Professor of Law</i>
2003-2006	<i>Joseph Carter Research Professor</i>
1991-92	<i>Professor of Law</i>
1988-91	<i>Associate Professor of Law</i>

Courses Taught: Family Law; Property; Criminal Law; Children in the Legal System;  
Children and the Law: The Restatement Process; Psychology and Law.

- 1980-87      Institute of Law, Psychiatry and Public Policy  
University of Virginia School of Law  
Charlottesville, Virginia  
*Director, Forensic Psychiatry Clinic*
- 1978-80      Institute of Law, Psychiatry and Public Policy  
University of Virginia School of Law  
Charlottesville, Virginia  
*Director, Forensic Psychiatry Training Program*
- 1977-78      Michie, Hamlett, Donato & Lowry  
Charlottesville, Virginia  
*Associate*
- 1976          McGuire, Woods & Battle  
Charlottesville, Virginia  
*Summer Associate*
- 1975          Charlottesville-Albemarle Legal Aid Society  
Charlottesville, Virginia  
*Law Clerk*

## EDUCATION

- Legal          University of Virginia School of Law, J.D. 1977  
(College of William and Mary School of Law, 1973-74)
- Order of the Coif, University of Virginia School of Law  
Election to William and Mary Law Review  
Comment, Section 8(b)(1)(B) as a Bar to the Pursuit of  
*Self-Help Remedies by Supervisors*, WM. & MARY L. REV. 135 (1974)  
West Law Publishing Co. Award to Top-Ranking First-Year Law Student  
American Jurisprudence Awards in Constitutional Law and Torts
- Under- graduate College of William and Mary, B.A. 1967  
(Oberlin College, 1963-65)

## PUBLICATIONS

### *Articles*

C. Huntington & E. Scott, *Reconceptualizing Legal Childhood: A New Progressive Framework for the Twenty First Century*, MICHIGAN L. REV. (forthcoming 2019).

E. Scott & L. Steinberg, *In Defense of Developmental Science in Juvenile Sentencing*, L. & SOCIAL INQUIRY (in press, 2019).

E. Scott, N. Duell, & L. Steinberg, *Brain Development, Social Context and Justice Policy*, 57 WASH. U. J. L. & POL. 'Y 13 (2018).

E. Scott, R. Bonnie, Laurence Steinberg, *Young Adulthood as a Transitional Legal Category: Social Change and Justice Policy*, 85 FORDHAM L. REV. 641(2016).

E. Scott, T. Grisso, M. Levick & L. Steinberg, *Juvenile Sentencing Reform in a Constitutional Framework*, 88 TEMPLE L. REV. 675 (2016).

A Cohen, K. Breiner, L. Steinberg, R. Bonnie, E. Scott, K. Taylor-Thompson, M. Rudolph, J. Chein, J. Richeson, A. Heller, M. Silverman, D. Dellarco, D. Fair, A. Galván, and B. J. Casey, *When is an Adolescent an Adult? Assessing Cognitive Control in Emotional and Non-Emotional Contexts*, PSYCHOLOGICAL SCIENCE, MARCH 2016.

E. Scott and R. Scott, *From Contract to Status: Collaboration and the Evolution of Novel Family Relationships*, 115 COLUMBIA L REV 293 (2015), reviewed by Douglas NeJaime in Jotwell (2015).

C. Huntington & E. Scott, *Children's Health in a Legal Framework*, THE FUTURE OF CHILDREN (J. CURRY AND N. REISMAN EDS.) (SPRING 2015).

J. Skeem, E. Scott, and E. Mulvey, *Justice Policy Reform for High-Risk Youth: Using Science to Achieve Large-Scale Crime Reduction* (January 28, 2014). 10 ANNUAL REVIEW OF CLINICAL PSYCHOLOGY 709 (MARCH 2014); <http://ssrn.com/abstract=2386959>

*Gender Politics and Child Custody*, L. & CONTEMPORARY PROBLEMS (2014); <http://ssrn.com/abstract=2275581>

*Planning for Children and Resolving Custodial Disputes: A Comment on the Think Tank Report*, J. FAM. CONCILIATION CTS. (2014).

R. Bonnie & E. Scott, *Adolescent Brain Research and the Law*, CURRENT DIRECTIONS IN PSYCHOLOGICAL SCIENCE (2013).

"Children are Different:" *Constitutional Values and Justice Policy*, 11 OHIO STATE J. CRIM. L. (2013); <http://ssrn.com/abstract=2191711>

Keynote Address: *Miller v. Alabama and the (Past and) Future of Juvenile Crime Regulation*, J. L. & INEQUALITY (2013); <http://ssrn.com/abstract=2218734>

E. Scott & L. Steinberg, *Social Welfare and Fairness in Juvenile Crime Regulation*, 71

LOUISIANA L. REV. 35 (2010); <http://ssrn.com/abstract=1662579>

*Surrogacy and the Politics of Commodification*, 72(3) L. & CONTEMPORARY PROBS. 109 (2009), reprinted in *SURROGACY AND LAW*, M.N. Bhavani (ed.) AMICUS books, Hyderabad, India. <http://ssrn.com/abstract=1282330>

E. Scott & L. Steinberg, *Adolescence and the Regulation of Youth Crime*, 18:2 THE FUTURE OF CHILDREN: JUVENILE JUSTICE (L. STEINBERG, ED.)(2008).

*A World without Marriage*, 41:3 FAM. L. Q. 537 (2007).

Keynote Address: *Adolescence and the Regulation of Youth Crime*, 79 TEMPLE L. REV. 337 (2006); Reprinted in V. Kumar (ed.) *The Doctrine of Proportionality*, Amicus books (India, 2009). <http://ssrn.com/abstract=959630>

D. Nagin, A. Piquero, E. Scott & L. Steinberg, *Public Preference for Rehabilitation versus Incarceration of Juvenile Offenders: Evidence from A Contingent Valuation Study*, CRIMINOLOGY & PUB. POLICY (NOVEMBER 2006).

E. Scott, N. D. Reppucci & J. Antonishak, *Public Attitudes about the Culpability and Punishment of Young Offenders*, 24 BEHAVIORAL SCIENCE & L. 815 (2006). <http://ssrn.com/abstract=959635>

E. Scott & T. Grisso, *Developmental Competence and Juvenile Justice Reform*, 83 N.C. L. REV. 793 (2005)

*Marriage, Cohabitation and Collective Responsibility for Dependency*, 2004 U. OF CHI. L. FORUM. <http://ssrn.com/abstract=529045>

L. Steinberg & E. Scott, *Less Guilty By Reason of Adolescence: Developmental Immaturity, Diminished Responsibility and the Juvenile Death Penalty*, 58 AMERICAN PSYCHOLOGIST 1009 (Dec. 2003); reprinted in part in Gale Group, *At Issue: Should Juveniles Be Tried as Adults?* (2004); Martin Gardner & Anne Dupre, *CHILDREN AND THE LAW: CASES AND MATERIALS*; Thomas Bernard, *SERIOUS DELINQUENCY: AN ANTHOLOGY* (2006).

E. Scott & L. Steinberg, *Blaming Youth*, 81 TEX. L. REV 799 (2003); <http://ssrn.com/abstract=332080>

*Parental Autonomy and Children's Welfare*, 11 WM & MARY BILL OF RTS. J. 1071 (2003). <http://ssrn.com/abstract=345700>

T Grisso, L. Steinberg, J. Woolard, E. Cauffman, E. Scott, S. Graham, F. Lexcen, N.D. Reppucci, R. Schwartz, *Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants*, 27 LAW & HUMAN BEHAVIOR

333 (2003).

L. Steinberg, T. Grisso, J. Woolard, E. Cauffman, E., Scott, S. Graham, F. Lexcen, N. Reppucci, R. Schwartz, *Juveniles' Competence to Stand Trial as Adults*, *SRCD Policy Report*, 17 (4) (2003).

*Divorce, Children and the Culture Wars*, 9 VA. J. SOC. POL. & LAW 95 (2001), excerpted in L. HARRIS, *FAMILY LAW* (2005).

*Social Norms and the Legal Regulation of Marriage*, 86 VA. L. REV. 1901 (2000); <http://ssrn.com/abstract=224972>

*The Legal Construction of Childhood*, 29 HOFSTRA U. L. REV. 541 (2000); <http://ssrn.com/abstract=244666>

*Forward: Symposium on Youth Violence and Juvenile Justice Reform*, 6 VA. J. SOC. POLICY & L. 383 (1999)

E. Scott & R. Scott, *Marriage as Relational Contract*, 84 VA L. REV. 1225 (1998)

E. Scott and T. Grisso, *The Evolution of Adolescence: A Developmental Perspective on Juvenile Justice Reform* 88 J. CRIM. L. & CRIMINOLOGY 137 (Fall 1997)

E. Scott & R. Scott, *Parents as Fiduciaries*, 81 VA. L. Rev. 2401 (1995), reprinted in part in C. Schneider & M. Brinig, *AN INVITATION TO FAMILY LAW: PRINCIPLES, PROCESS AND PERSPECTIVES* (3<sup>RD</sup> ED. 2006).

E. Scott, N.D. Reppucci, and J. Woolard, *Evaluating Adolescent Decisionmaking in Legal Contexts*, 19 (3) LAW & HUMAN BEHAVIOR 221 (1995)

*Defending Liberalism in Modern Divorce Law*, 1994 UTAH L. REV. 687

*Pluralism, Parental Preference and Child Custody*, 80 CAL. L. REV. 615 (1992); excerpt reprinted in I. ELLMAN, P. KURTZ, L. WEITHORN, B. BIX, K. CZAPANSKIY & M. EICHNER, *FAMILY LAW: CASES, TEXT, PROBLEMS* 5<sup>TH</sup> ED. 2010)

*Judgment and Reasoning in Adolescent Decisionmaking*, 37 VILLANOVA L. REV. 160 (1992)

*Rational Decisionmaking About Marriage and Divorce*, 75 VA. L. REV. 9 (1990), reprinted in part in C. Schneider & M. Brinig, *AN INVITATION TO FAMILY LAW: PRINCIPLES, PROCESS AND PERSPECTIVES* (3<sup>RD</sup> ED. 2006).

E. Scott, N. D. Reppucci and M. Aber, *Children's Preference in Adjudicated Custody Decisions*, 22 GA L. REV. 1035 (1988)

*Sterilization of Mentally Retarded Persons: Reproductive Rights and Family Privacy*, 86 DUKE.L. J. (1986)

E. Scott & A. Derdeyn, *Rethinking Joint Custody*, 45 OHIO.ST. L.J. 455 (1984)

A. Derdeyn & E. Scott, *Joint Custody: A Critical Analysis and Review*, 54 AM..J. OF ORTHOPSYCHIATRY 99 (1984)

G. Melton & E. Scott, *Evaluation of Mentally Retarded Persons for Sterilization: Contributions and Limits of Psychological Consultation*, 1 PROF. PSYCHOLOGY 34 (1984)

#### *Books*

S. DAVIS, E. SCOTT, W. WADLINGTON, L. WEITHORN, CHILDREN IN THE LEGAL SYSTEM, 5TH. ED. (Foundation Press, 2014).

M. GARRISON & E. SCOTT (EDS.), MARRIAGE AT THE CROSSROADS: LAW, POLICY AND THE BRAVE NEW WORLD OF TWENTY-FIRST CENTURY FAMILIES (Cambridge University Press, 2012); <http://ssrn.com/abstract=2172979>

E. SCOTT & L. STEINBERG, RETHINKING JUVENILE JUSTICE, (Harvard University Press, 2008) (paperback 2010) (recipient of the 2010 Society for Research in Adolescence Social Policy Best Authored Book Award). <http://ssrn.com/abstract=1315359>

I. ELLMAN, P. KURTZ, E. SCOTT, L. WEITHORN & B. BIX, FAMILY LAW: CASES, TEXT, PROBLEMS (4TH. ED.) (Lexis Publishers, 2004).

#### *Commissioned Report*

E. SCOTT, T. GRISSO, M. LEVICK, & L. STEINBERG, THE SUPREME COURT AND THE TRANSFORMATION OF JUVENILE SENTENCING, John D. and Catherine T. MacArthur Foundation (2015).

#### *Chapters in Books and Comments*

E. Scott & L. Steinberg, In Defense of Developmental Science in Juvenile Sentencing: A Response to Christopher Berk, L. & SOCIAL INQUIRY (2019).

E. Scott & B. Chen, *Fiduciaries in Family Law*, in OXFORD HANDBOOK OF FIDUCIARY LAW, Robert Sitkoff & Paul Miller, eds. (2019)

H. Dagan and E. Scott, *Reinterpreting the Contract-Status Divide: The Case of Fiduciaries*, in Paul B. Miller & Andrew S. Gold (eds.), Contract, Status, and Fiduciary Law, Oxford (2016).

M. Garrison & E. Scott, *Legal Regulation of Twenty-First Century Families* M. GARRISON & E. SCOTT (EDS.), *MARRIAGE AT THE CROSSROADS: LAW, POLICY AND THE BRAVE NEW WORLD OF TWENTY-FIRST CENTURY FAMILIES* (Cambridge University Press, 2012)

J. Woolard & E. Scott, *The Legal Regulation of Adolescence*, in *HANDBOOK OF ADOLESCENT PSYCHOLOGY*, R. LERNER & L. STEINBERG, EDS.) (3D ED. 2009)

L. Steinberg & E. Scott, *Legal Perspectives on Adolescent Decisionmaking*, in *CHICAGO COMPANION TO THE CHILD*, U. CHICAGO PRESS (2006).

*Domestic Partnerships, Implied Contracts and Law Reform*, in *RECONCEIVING THE FAMILY: CRITICAL REFLECTIONS ON THE AMERICAN LAW INSTITUTE'S PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION*, R. Wilson, ed. (Cambridge U. Press 2006).

E. Scott & J. Woolard, *The Legal Regulation of Adolescence*, in *HANDBOOK OF ADOLESCENT PSYCHOLOGY*, R. Lerner & L. Steinberg, eds. (2d ed. 2003)

*Marital Commitment and the Legal Regulation of Divorce*, in *THE LAW AND ECONOMICS OF MARRIAGE*, R. Rowthorn, ed. (Cambridge U. Press, 2002)

*Childhood in American Law*, in *A CENTURY OF JUVENILE JUSTICE*, F. Zimring & M. Rosenheim, eds. (U.Chicago Press, 2002)

*Marriage as a Precommitment*, in *MARRIAGE IN AMERICA: A COMMUNITARIAN PERSPECTIVE*, M. Whyte, ed. Routledge Press (2000)

*Criminal Responsibility in Adolescence: Lessons from Developmental Psychology*, in *YOUTH ON TRIAL*, T. Grisso & R. Schwartz, eds., U. Chi. Press (2000).

E. Scott & R. Scott, *A Contract Theory of Marriage* in *THE RISE AND FALL OF FREEDOM OF CONTRACT*, F. Buckley, ed., Duke U. Press (1999).

E. Scott & R. Emery, *Custody Dispute Resolution: The Adversarial System and Divorce Mediation*, in *PSYCHOLOGY AND CHILD CUSTODY DETERMINATIONS: KNOWLEDGE, ROLES, AND EXPERTISE*, L. Weithorn ed., (1987)

E. Scott & A. Derdeyn, *Children and the Law: The Psychiatrist as Court Consultant* in *5 BASIC HANDBOOK OF CHILD PSYCHIATRY* (J.D. Noshpitz ed; I.N. Berlin and L.A. Stone, volume eds. 1987)

*Legal and Ethical Issues in Abortion Counseling* in *LEGAL AND PSYCHOLOGICAL ISSUES IN ADOLESCENT ABORTION*, G.B. Melton ed. (1986)

*Adolescents' Reproductive Rights* in CHILDREN, MENTAL HEALTH AND THE LAW. N.D. Reppucci, L. Weithorn, E. Mulvey, & J. Monahan eds., Sage (1984).

*Opinion*

*Don't Treat Young Adults as Teenagers*, op. ed. New York Times, May 1, 2016.

PROFESSIONAL ACTIVITIES

- 2015- Chief Reporter, American Law Institute Restatement of Children and the Law.
- 2011-7 John D. & Catherine T. MacArthur Foundation, Neuroscience and Law Research Network, Neuroscience and Adolescence, Working Group
- 2011- Juvenile Law Center, Philadelphia, PA Board of Directors
- 2010-2012 National Academy of Sciences, Committee on Juvenile Justice; Contributor to REFORMING JUVENILE JUSTICE: A DEVELOPMENTAL APPROACH, National Research Council Report (2012)
- 2009- Advisory Board, Encyclopedia of Adolescence., Springer Publishers.
- 2007- Human Rights Watch, Children's Advisory Committee.
- 2005-17 University of Virginia Law School Foundation, Member, Board of Directors
- 2005- Member, Law and Society Association
- 1997- 2006 Member, MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice
- 1997- Communitarian Network Task Force on Families
- 1996- Co-Director Center for Children, Families and the Law, University of Virginia
- 1996- MacArthur Foundation Juvenile Delinquency Research Group-Competence and Culpability
- 1996 MacArthur Foundation Task Force on Juvenile Justice
- 1995- Advisory Board of Directors, Juvenile Justice Training and Research Program, Institute of Law, Psychiatry and Public Policy, University of Virginia and Virginia Department of Juvenile Corrections.



- 1993 MacArthur Foundation Network on Mental Health and the Law Commissioned Paper "Adolescent Decisionmaking in Legal Contexts" (with N.D. Reppucci)
- 1988-1991 American Psychiatric Association  
Member, *Task Force on Use of Psychiatric Records in Custody Disputes*
- American Psychological Association
- 1983-88 Member, *Committee on Child Custody*
- 1983- Member, *Task Force on Legal Issues*
- 1982-86 Member, *Committee on Adolescent Abortion*
- 1985-86 Member, *Task Force on Economics and Regulation of Children's Services*
- 1985- Virginia Bar Association  
Member, *Family Law Committee*  
Chair, *Subcommittee on Custody Issues*
- 1985-86 Chair, *Subcommittee on Minors' Hospitalization*
- 1986- University of Virginia  
School of Medicine  
Member, *Research Ethics Committee*
- 1983-87 University of Virginia  
School of Medicine  
Member, *Human Investigation Committee*
- 1983-84 Virginia Department of Mental Health and Mental Retardation  
Member, *Task Force on Hospitalization of Minors*
- 1981 American Psychiatric Association  
Co-Author, *Child Custody Consultation: Report of the Task Force on Clinical Assessment in Child Custody*
- 1991-94 Ethics Committee, American Association of Marriage and Family Therapists,  
Member
- 1987- American Psychology/Law Society  
Member
- 1995- Member, American Law and Economics Association

Outside Reviewer– Israel Science Foundation, Journal of Bioethics; Stanford Law Review; Columbia Law Review; Harvard University Press; New York University Press