

## ELIZABETH S. SCOTT

Columbia University  
School of Law  
New York, NY 10027

### PROFESSIONAL EXPERIENCE

Columbia Law School  
New York, NY

2022- *Harold R. Medina Professor of Law. Emerita*

2018-2021 *Vice Dean for Curriculum*

2007-2009 *Vice Dean*

2006-2021 *Harold R. Medina Professor of Law*

Fall 2005 *Visiting Professor of Law*

Fall 2003 *Visiting Professor of Law*

2001-02 *Visiting Professor of Law*

1987-88 *Visiting Professor of Law*

University of Virginia School of Law  
Charlottesville, VA

1992-2006 *University Professor*

2000- 2006 *Class of 1962 Professor of Law*

2003- 2006 *Joseph Carter Research Professor*

1991-2 *Professor of Law*

1988-91 *Associate Professor of 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*

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

#### 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*

T. Krichelli-Katz & E. Scott, *Public Perceptions of Family Caregiving of Children Versus Older Adults*, *Fam. L. Q.* 329 (2025-2026)

*The Restatement of Children and the Law: Modern Regulation in a Developmental Framework*, 47 *Family Advocate* 20 (Spring 2025).

*Restating the Law in a Child Wellbeing Framework*, 91 *U. Chi. L. Rev.* 279 (2024).

N. Cahn, C. Huntington & E. Scott, *Family Law for the One-Hundred-Year Life*, 132 *Yale L. J.* 1691 (2023).

C. Huntington & E. Scott, *The Enduring Importance of Parental Rights*, 90 *Fordham L. Rev.* 2529 (2022).

C. Huntington & E. Scott, *The New Restatement of Children and the Law: Legal Childhood in the Twenty-First Century*, 54 *Fam. L. Q.* 91 (2020).

C. Huntington & E. Scott, *Conceptualizing Legal Childhood in the Twenty First Century*, 118 *MICHIGAN L. REV.* (2020).

*Defending Empiricism in Family Law*, *NOTRE DAME L. REV.* (2020).

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.* 13 (2018).

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

E. Scott, T. Grisso, M. Levick & L. Steinberg, *Juvenile Sentencing Reform in a Constitutional Framework*, *TEMPLE L. REV.* (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>; Yale Global Constitutional Readings (2020)

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, 7TH. ED. (West Academic Press, Forthcoming 2026).

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*

N. Cahn, C. Huntington, & E. Scott, *The 100 Year Life and the New Family Law*, in A. Alstott, A. Gluck, & E. Rusyn, *Law and the 100 Year Life: Transforming Our Institutions for a Longer Lifespan* (2025).

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.

## HONORS & PROFESSIONAL ACTIVITIES

- 2026 Election to the American Academy of Arts and Sciences.
- 2024 Leadership Prize, Juvenile Law Center.
- 2023 American Association of Law Schools Section on Family and Juvenile Law, Section Award for outstanding contributions and achievements in the field of family and juvenile law.
- 2015- 2024 Chief Reporter, American Law Institute Restatement of Children and the Law.
- 2011-2017 John D. & Catherine T. MacArthur Foundation, Neuroscience and Law Research Network, Neuroscience and Adolescence, Working Group
- 2011-2018 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
- 1996-2006 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; Yale Law journal; Harvard University Press; New York University Press