

JAN C. COSTELLO

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EDUCATION

Yale Law School (Sept. 1972 - May 1976, 4 year J.D.-M.A. program)

J.D. received May 1976

Director, Yale Moot Court of Appeals Program, 1974-75

Finalist, Thurman Arnold Moot Court Competition, Fall 1973

Yale Law Journal (3 semesters)

Intensive Semester Fall 1975 – Bazelon Center for Mental Health Law, Washington, D.C.

Yale Graduate School (Sept. 1973 - May 1975)

M.A. received in American Studies, May 1975

Appointed Teaching Fellow in Yale College Department of History, 1974-75, 1975-76

Yale College (Sept. 1969 - June 1972)

B.A. received June 1972, summa cum laude, Honors with Exceptional Distinction in American Studies (Intensive Major)

Elected to Phi Beta Kappa

Organized and directed (3 years) Volunteers for the Elderly

Officer, Varsity Debate Squad

Washington University, St. Louis, Missouri (Sept. 1968 - June 1969)

Dean's List; Freshman Women's Honor Society; Forensics Union

PROFESSIONAL STATUS

Admissions to Practice:

- State Bar of Massachusetts (January 11, 1977)
- United States District Court for District of Massachusetts (January 19, 1977)
- United States Court of Appeals, Tenth Circuit (May 24, 1979)
- State Bar of California (January 17, 1980)
- United States District Court for Northern District of California (January 24, 1980)

COMMUNITY SERVICE

Volunteer Consultant or Attorney (ongoing):

- Disability Rights Legal Center [formerly Western Law Center for Disability Rights], Los Angeles, CA
- UCLA Center on Child Welfare, Los Angeles, CA
- Western Center on Law and Poverty, Los Angeles, CA

Boards of Directors:

- Disability Rights Legal Center [formerly Western Law Center for Disability Rights], Los Angeles, CA (1984 - 1999)
- Earl Johnson Community Lawyer Fellowship Program (1990 - 2000)
- Mental Health Advocacy Services, Inc., Los Angeles, CA (1987 - 2002, Chair, 2000 - 2002)

Other:

- Yale Alumni Schools Committee (interview applicants) (1984 to present)
- St. Paul the Apostle Parish (Eucharistic minister and sacristan, 1990 to 2004)

OTHER TEACHING/CONSULTING

Faculty, UCLA Forensic Psychiatry Fellowship Program (1991 to present)

Assist in development of curriculum and periodic review of program.

Forensic fellows audit my courses in Children and the Law and Mental Disability Law.

Editorial Board, Juvenile Correctional Mental Health Report (2000 – 2005)

Faculty, Training for Clinical Social Workers, Los Angeles Superior Court (Dependency Court);

sponsored by Inter-University Consortium on Child Welfare, University of Southern California and California State University at Long Beach Schools of Social Work (January – June 2000). Presented three workshops on “Due Process Rights of Children and Parents.”

(January - March 1996) Developed training materials on Court Report Writing.

Conducted initial training session used as faculty model.

Consultant, Mental Health Advocacy Services Pilot External Advocacy Project at Metropolitan State Hospital (October 1, 1987-December 31, 1988).

Prepared analytical report on project providing legal services to patients.

Member, Los Angeles City Council Task Force on Family Diversity, (July 1986 - Oct. 1987).

Co-authored with Celia Mata report and recommendations on homeless youth.

Consultant, NASA-Hastings Research Project (NASA-Ames/University Consortium for Astrolaw Research and Hastings College of the Law), San Francisco, California (March - July 1983)

Identified family law issues occasioned by space missions of long duration, and recommended modified or innovative legal principles and procedures to address them.

PRIOR EMPLOYMENT - TEACHING

Adjunct Assistant Professor, Univ. of California - Hastings College of the Law, San Francisco, CA
(1981-82, 1982-83)
Course: Domestic Relations

Adjunct Assistant Professor, Legal Studies Department, University of Massachusetts, Amherst, MA
(September 1976 - December 1978)
Courses: Mental Health Law/Legal Research and Writing, Fall 1978
Advanced Issues in Mental Health Law, Spring 1978 (team-taught)
Sex Roles, Law and Society, Spring 1977 (team-taught)
Rights of Students/Legal Research and Writing, Fall 1976

Teaching Fellow, History Department, Yale College, New Haven, CT (1974-75, 1975-76)
Course: The Antebellum South and the Civil War

PRIOR EMPLOYMENT - LAW PRACTICE

Staff Attorney, Youth Law Center, San Francisco, CA 94103 (November 1978 to January 1983)
Legal advocacy on behalf of children in juvenile justice, adult jails and mental health institutions, including major federal court class action litigation, legislative assistance, and public education. Involved in projects in states of Alabama, Arizona, California, New Mexico, Oregon, Utah and Washington.

Staff Attorney, Center for Public Representation (then Mental Patients Advocacy Project, Western Massachusetts Legal Services) Northampton, MA (July 1976 - November 1978)
Had primary responsibility for representing individual clients in court proceedings, including civil commitment hearings, guardianship proceedings and criminal matters related to hospitalization. Conducted year-long training, through courses offered at University of Massachusetts at Amherst, and daily clinical supervision, of paralegal advocates.

PRESENTATIONS AND PUBLIC SPEAKING

“Always in Custody: Mechanical Restraints and Children,” at Conference on Mechanical Restraints: Law, Ethics and Policy, The Saks Institute and Gould School of Law, University of Southern California, Los Angeles, CA (April 22-23, 2011)

Co-Presenter, (with Carole Bender, LLS’87 and Director, UCLA Center on Public Welfare) Workshop on Law and Mental Health System, UCLA School of Social Work, Los Angeles, CA (2008, 2009, 2010, 2011)

Child and Family Law Workshop, Journalism Law School, Loyola Law School (2007, 2008, 2009, 2010, 2011)

Co-Presenter (with Carly Munson of the DRLC) Workshop on Ethics: Who Is The Client”? National Disability Rights Network Conference, Los Angeles, CA (June 10, 2010).

“What’s In A Name? Legal, Ethical and Therapeutic Aspects of Regulation of Juvenile Residential Treatment Facilities.” *XXXI International Congress on Law and Mental Health*, Panel on Therapeutic Jurisprudence and Juvenile Law, New York University Law School, New York City, NY (June 29-July3, 2009)

“Children and Adolescents’ Involvement in Mental Health Care Decision-Making: Legal, Ethical and Clinical Issues,” Annual Conference of National Association on Rights Protection and Advocacy (NARPA), Los Angeles, CA (November 16, 2007)

“Family Law and Child Custody in the United States – An Overview,” Workshop for Visiting Judges from Indonesia, Southwestern Law School, Los Angeles, CA (September 19, 2006)

“Teaching by Stealth,” Panelist, *Teaching Mental Disability Across The Curriculum*, Section on Law and Mental Disability, Association of American Law Schools Annual Meeting, San Francisco, CA (January 2005)

Discussant, “Capacity to Appoint a Proxy for Health Care Decisions,” *Conference on Capacity to Consent to Treatment and/or Research: Legal and Psychiatric Dimensions*, University of Southern California Law Center, Los Angeles, CA (April 17, 2004)

“Same Sex Marriage: Contract and Status in Civil Law,” Seminar on Law and Catholic Tradition, Loyola Law School (March 24, 2004)

“The Trouble Is They’re Growing, the Trouble Is They’re Grown”: Therapeutic Jurisprudence and Adolescents’ Participation in Mental Health Care Decisions, *Symposium on The Law of Mental Health*, Ohio Northern University Law Review, Ada, Ohio (March 21, 2003)

“International Law Agreements Affecting the Legal Rights of Women and Children,” Presentation at *RSHM Symposium on Building Global Solidarity: The Social, Political and Economic Impact of Globalization on Women and Children*, Loyola Marymount University (Feb.22, 2003)

“Children and Mental Disability Law: Emerging Law and Policy Issues,” Workshop for Mental Health Court Hearing Officers, Los Angeles Superior Court, Los Angeles, CA (Dec. 12, 2002)

“Legal and Ethical Issues in Representing Child Clients Identified as Mentally Disabled,” Workshop (Sole Presenter), and “Legal Challenges to Commitment and Involuntary Treatment of Minors in Private Programs,” (Panelist) Workshop on Lesbian, Gay, Bisexual and Transgender Youth, National Association of Rights Protection and Advocacy Services (NARPA) Conference, Portland, OR (Nov. 20-21, 2002)

“Due Process as Dance Therapy: Therapeutic Jurisprudence,” Faculty Workshop, Loyola Law School, Los Angeles, CA (March 8, 2002)

“Why Have These Hearings If You’re Not Going to Listen?: A TJ Approach to Mature Minors’ Involvement in Mental Health Care Decisions,” *Second International Conference on Therapeutic Jurisprudence*, University of Cincinnati, Cincinnati, Ohio (May 4, 2001)

“Mental Disability Proceedings for Children: Can They Be More Therapeutic?” Annual CALPSHO (hearing officers in mental disability proceedings) Conference, San Diego, CA (April 28, 2001)

“The Trouble Is They’re Growing; The Trouble Is They’re Grown”: Adolescents’ Right to Participate in Mental Health Care Decision-Making, *Symposium on The End of Adolescence*, De Paul University Law School, Chicago, Illinois (February 24, 2001)

“Legal and Ethical Issues in Representing Minors With Mental Disabilities,” *the XXVth Anniversary Congress on Law and Mental Health*, Siena, Italy (July 12-14, 2000).

“Minors’ Right to Give or Withhold Consent to Mental Health Care,” Training for Office of Patients’ Rights, Department of Mental Health, Los Angeles, CA (May 8, 2000)

“Same-Sex Marriage, Here and Abroad,” Loyola Law School, Los Angeles, CA (April 17, 2000)

“Making Kids Take Their Medicine: The Privacy and Due Process Rights of De Facto Competent Minors,” *Conference on Mental Disability Law*, Loyola Law School (Nov. 18, 1997)

“Barriers to Children’s Access to Health Care,” Directors of Litigation Training, Legal Services Regional Conference, San Francisco, CA (February 21, 1997)

“Children’s Rights to Give or Withhold Consent to Health Care,” CAMPHRA Statewide Training for Patients Rights Advocates, Los Angeles, CA (January 31, 1997)

Presentation, "If I Can Say Yes, Why Can't I Say No?" Adolescents and the Right to Give or Withhold Consent to Health Care, *International Society Of Family Law Conference On Parent And Child* Quebec City, Quebec CANADA (June 13, 1996)

"Legal Issues In Counseling Gay and Lesbian Youth," Gay Lesbian and Straight Teachers Network (GLSTN) First Annual West Coast Conference, Santa Monica, CA (January 28, 1995)

"They just don't get it.' What is it that `they' don't get?," Moderator and Presenter, Beyond Respect: Toward True Gender Equality in the Workplace, First Friday Forum, Loyola Law School, Los Angeles, CA (October 1993)

"Riese v. St. Mary's Hospital, the Patient's Right to Due Process and the Role of the Courts in Medical Practice," Colloquium at University of California, San Francisco School of Medicine, Medical Education Program, Atascadero Forensic Center (September 1991)

"Child Victims of Rape and Sexual Assault: Their Right to Consent to/Refuse Treatment," Presentation at Santa Monica Hospital Rape Treatment Center, Santa Monica, CA (October 1990)

Panelist, "Ethical Issues in Representing Mentally Disabled Clients," National Association of Protection and Advocacy Services (NARPA) Conference, Washington, DC (June 7-9, 1990)

"First Amendment Rights of Children", Panel Discussion on Today's Religion KCSB Television, Los Angeles, CA (April 11, 1990)

Commentator, "Ethics and Advocacy in Forecasting for Public Policy", Conference on Moral Problems in the Professions: Advocacy, Institutional Ethics, and Role Responsibilities, University of Nebraska at Lincoln, School of Law (March 29-31, 1990)

"Autonomy and the Homeless Mentally Ill: Rethinking Civil Commitment in the Aftermath of Deinstitutionalization," Panel, Section on Law and Psychiatry [now Law and Mental Disability], Association of American Law Schools Annual Meeting, San Francisco, CA (January 1990)

"Authority for the Admission of Minors to Mental Health Facilities" Presentation at Patients Rights Advocacy Conference, Milbrae, CA (September 1989)

"Gender Differences in Family Law: Families As They Are Or As They Should Be?" Conference on Women and the Constitution, Carter Center of Emory University, Atlanta, GA (February 1988)

"ABA Criminal Justice Mental Health Standards: Ethical Issues," Moderator, Law & Psychiatry Panel, Association of American Law Schools Annual Meeting, Miami, FL (January 1988)

"Rights of Seriously Emotionally Disturbed Children," Training for Los Angeles County Dependency Court Judges, Attorneys and Staff, sponsored by Public Counsel and Child Advocates Office of Los Angeles, CA (June 1987)

"Legal Issues in Consent to Aversive Therapy: Is Or Should Parental Consent Be Sufficient?" American Association on Mental Deficiency Conference, Los Angeles, CA (May 1987)

"Problems in Consent to Medical Treatment," and "Supreme Court Roundup--An Overview of Decisions in 1985-86 Which Will Affect the Rights of Disabled Persons," Legal Process Panels, American Association on Mental Deficiency Conference, Denver, CO (May 1986)

"Least Restrictive Alternative Post-Youngberg v. Romeo: Is It A Right, A Slogan, or Wishful Thinking?" Panel, Section on Law and Psychiatry [now Law and Mental Disability], Association of American Law Schools Annual Meeting, New Orleans, LA (January 1986)

"My Agenda, How It Has Changed, How I Disclose It, and How I Measure Its Success or Failure," Teaching Methods Panel, Association of American Law Schools Annual Meeting, New Orleans, LA (January 1986)

"The Supreme Court and Special Education Cases," Legal Process Panel, American Association on Mental Deficiency Conference, Philadelphia, PA (May 1985)

"Reproductive Technology and the Law," Panelist, Joint Meeting of Women Lawyers' and Women Doctors' Associations of Los Angeles, CA (February 1985)

"Paternalism, Autonomy and Community Interests: Choosing or Combining Standards," Conference on Recent Developments in Mental Health Law, American Society of Law & Medicine, Los Angeles, CA (October 1984)

"Serving California's Chronically Mentally Disabled People Through State Court Litigation: Mental Health Association v. Deukmejian," National Association for Rights Protection and Advocacy Conference, San Francisco, CA (September 1984)

PUBLICATIONS

“The Law Professor As Student, or National Velvet I’m Not,” my article (on teaching academic support) that previously appeared in The Law Teacher, republished in *Techniques for Teaching Law II* (co-eds. Steve Friedland, Gerry Hess, Michael Schwartz, and Sophie Sparrow)(2011)

“Parental Rights and Prerogatives,” contribution to WILEY ENCYCLOPEDIA OF FORENSIC SCIENCE (2008).

Can or Should CAP be Applied to Child Research Subjects? A Comment on Kim and Appelbaum, in *Capacity to Consent: A Snapshot of Contemporary Legal and Clinical Issues*, 24 Behavioral Sciences and the Law 479 (2006)

“The Trouble Is They’re Growing, the Trouble Is They’re Grown”: Therapeutic Jurisprudence and Adolescents’ Participation in Mental Health Care Decisions, *Symposium on The Law of Mental Health*, 29 Ohio Northern University Law Review 607 (2003)

“Wayward and Noncompliant” People With Mental Disabilities: What Advocates of Involuntary Outpatient Commitment Can Learn From the Juvenile Court Experience With Status Offense Jurisdiction, 9 Psychology, Public Policy & Law 233 (2003)

“Why Have Hearings for Kids If You’re Not Going to Listen?”: A Therapeutic Jurisprudence Approach to Mental Disability Proceedings for Minors, *Symposium from the Second International Conference on Therapeutic Jurisprudence*, 71 University of Cincinnati Law Review 19 (2002)

“And Who is My Neighbor?”: Autonomy-Value, the Ethic of Care and Full Inclusion for People with Mental Disabilities, in M.K. McCullough (Ed.), *THE JUST ONE JUSTICES: The Role of Justice At the Heart of Catholic Higher Education* (University of Scranton Press 2000).

“A Lawyer Means They Can’t Push Me Around”: the Lawyer/Advocate’s Role in Representing Individuals With Mental Disabilities, 11 The Journal of National Alliance for the Mentally Ill - California 56 (2000), republished in Loyola Lawyer 4 (Spring 2000).

The Law Professor as Student, or National Velvet, I’m Not, The Law Teacher (Spring 2000)

Representing Children in Mental Disability Proceedings, 1 Journal of the Center for Children and the Courts 101 (1999).

“Making Kids Take Their Medicine”: The Privacy and Due Process Rights of De Facto Competent Minors, *Symposium on Mental Disability Law*, 31 Loyola of Los Angeles Law Review 907 (1998).

Book Review of *THE RIGHT TO REFUSE MENTAL HEALTH TREATMENT* by Bruce Winick, 49 Psychiatric Services 1098 (August 1998)

"Why Would I Need A Lawyer?": Legal Counsel and Advocacy for People with Mental Disabilities, in Sales and Shuman, (Eds.), *LAW, MENTAL HEALTH AND MENTAL DISORDER* (Brooks/Cole 1996)

L.A. Law School: (Prof. Costello Advises Dr. Palmer, or Tinkering with *Tarasoff*), *Symposium on Executing the Wrong Person*, 29 Loyola of Los Angeles Law Review 1585 (1996).

Becoming Laura's Mother, Los Angeles Times (May 14, 1995)

"If I Can Say Yes, Why Can't I Say No?": Adolescents At Risk and the Right to Give or Withhold Consent to Health Care, in S. Randall Humm et al., (Eds.), *CHILD, PARENT AND STATE: LAW AND POLICY READER* (Temple University Press 1994).

Rejuvenation: How to Reform Juvenile Court, California Lawyer 63 (Oct. 1993)

Financial Empowerment of People with Mental Disabilities through Federally - Funded Government Benefits Programs (co-authored w/ Rob Peters) (Mental Health Advocacy Services, Inc. 1992).

Mental Health Advocacy Services: Advocates of Last Resort, 14 Los Angeles Lawyer 14 (November 1991)

Gender Differences in Family Law: Families As They Are Or As They Should Be? in *WOMEN AND THE CONSTITUTION: A BICENTENNIAL PERSPECTIVE* (Carter Center of Emory University 1990)

1978-88: The Supreme Court's `Year of the Child?'" Youth Law News 1 (National Center for Youth Law, Nov.-Dec. 1988).

Beyond Least Restrictive Alternative: A Constitutional Right to Treatment for Mentally Disabled Persons in the Community, 20 Loyola of Los Angeles Law Review 1527 (1987) (co-authored with James J. Preis)

Legal and Ethical Duties of Health Care Professionals to Incarcerated Children, 8 Journal of Legal Medicine 191 (1987) (co-authored with Elizabeth J. Jameson)

Legal Issues in Counseling Gay Adolescents, (1987) (paper prepared as a resource for various non-profit groups providing mental health services in California)

Training Lawyers for the Powerless: What Law Schools Should Do to Develop Public Interest Lawyers, *Symposium on Transforming Legal Education*, 10 Nova Law Review 431 (1986).

Spacedwelling Families: The Projected Application of Family Law in Artificial Space Living Environments, 15 Seton Hall Law Review 11 (1984)

The Name Game: Alleging Delinquency on Status Offense Facts, Children and the Law (Youth Law Center, Winter 1984)

Representing the Medicated Client, Legal Services Section News (State Bar of California, Spring 1981) reprinted at 7 Mental Disability Law Reporter (January - February 1983)

Bootstrapping: Turning Status Offenders Into Delinquents, Children and the Law (Youth Law

Center, Summer 1982)

Using the Mental Health System to Confine Status Offenders, Children and the Law (Youth Law Center, Winter 1982)

The Legal Status of Children in the U.S.A., LAW AND THE STATUS OF THE CHILD (United Nations Institute for Training and Research 1983) (co-authored with Barbara O'Hearn and Mark Soler), reprinted at 13 Columbia Human Rights Law Review 675 (1981-82)

Incarcerating Status Offenders: Attempts to Circumvent the Juvenile Justice and Delinquency Prevention Act, 16 Harvard Civil Rights Civil Liberties Law Review 40 (1981) (co-authored with Nancy L. Worthington)

Enforcing Children's Rights to Care and Treatment and to Placement in The Least Restrictive Setting, Protecting Children Through the Legal System (American Bar Association/National Association for Counsel for Children, 1981)

Ethical Issues in Representing Juvenile Clients: A Review of the IJA-ABA *Standards on Representing Private Parties*, 10 New Mexico Law Review 255 (1980)