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The Resource Page



NEW BOOKS

JUDGING IN A THERAPEUTIC KEY: THERAPEUTIC JURISPRUDENCE AND THE COURTS. BRUCE J. WINICK & DAVID B. WEXLER, EDS. Carolina Academic Press, 2003 (\$45). 352 pp.

Professors David Wexler and Bruce Winick have provided the intellectual framework for problem-solving courts with what they coined “therapeutic jurisprudence.” They have collected a well-balanced set of articles exploring how principles of therapeutic jurisprudence have been applied in the courts in this book.

As Wexler and Winick note, the U.S. Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) adopted a resolution in 2000 endorsing “broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community.” This book helps to set out both the general principles and their application in a variety of contexts.

Separate chapters explore drug courts, domestic-violence courts, mental-health courts, youth courts, and re-entry courts. Articles examine how to use sentencing powers to reduce recidivism, how domestic-violence court judges can be effective as risk managers, and how to apply the principles of therapeutic jurisprudence to the appellate courts.

Wexler and Winick have perhaps been more aggressive in promoting scholarship in the discipline they have created—therapeutic jurisprudence—than anyone else in the history of legal scholarship. Literally hundreds of articles are in print, and many of them were specifically recruited or encouraged by Wexler or Winick or both. In this book, they have collected some of the best, emphasizing those that would be of practical help to

judges trying to explore or apply these principles. They also include some of their own essays, and a thorough listing of other references.

The CCJ/COSCA resolution encouraging the broad use of these principles indicates widespread interest and potential. This book will help that potential to be realized.



E-NEWSLETTER ON PROBLEM-SOLVING COURTS

The National Center for State Courts has a new, quarterly electronic newsletter on problem-solving courts. Called *Problem-Solving Reporter*, the quarterly newsletter tracks how courts are using problem-solving or therapeutic jurisprudence methods.

The first issue of *Problem-Solving Reporter* focuses on DUI courts. A brief summary of a comprehensive study of the effectiveness of the court system in handling hard-core drunk drivers in Colorado indicates several problems, tracking some of those listed in the article in this issue by Robyn Robertson and Herb Simpson (see page 8). There is also a more detailed review of the Anchorage, Alaska, wellness court, which has implemented drug-court principles in the handling of DUI offenders. In an interview, District Judge James Wanamaker of Anchorage provides a detailed review of conditions he places on offenders, including the use of Naltrexone, a drug that reduces cravings for alcohol.

OTHER E-NEWSLETTERS

The National Center for State Courts has seven other e-newsletters which you can sign up for at http://www.ncsconline.org/Newsletters/NCSC_newsletters.htm:

- *Jur-E Bulletin*, a newsletter concerning jury management;
- *The Public Trust*, about initiatives that may help to increase public trust and confidence in the judiciary;
- *Family Violence Forum*, on judicial actions to reduce family violence;

- *Federal Funding Report*, a newsletter with tips and strategies courts can use to obtain federal or private grants;
- *Center Court*, providing general news for the state-courts community;
- *International Program Brief*, which covers international justice issues; and
- *Mark Your Calendar*, which provides information about events and stories of potential interest.



PROPOSED REVISIONS TO CODE OF JUDICIAL CONDUCT

The American Bar Association’s Joint Commission to Evaluate the Model Code of Judicial Conduct has published a preliminary draft of revised Canons 1 and 2 to the Code. Those drafts are available for review at <http://www.abanet.org/judicialethics/drafts.html>.

Judges involved in problem-solving courts may want to review the proposals and provide suggestions to the Commission. A May 11, 2004 memo from Mark Harrison, chair of the Commission, specifically invites public comment in this area:

[M]any persons appearing before the Commission, as well as Commission members, have concerns that the present draft (and the present Model Code) does not address sufficiently certain types of communications that are encouraged or required of a judge in the course of his or her service on “specialized courts,” such as drug courts, domestic abuse courts, etc. Comments on this subject from judges and others who are knowledgeable about the operations of specialized courts will be greatly appreciated.

Comments and suggestions regarding these drafts are being accepted until July 15, 2004. The preferred means of comment is by e-mail to ABA staff member Eileen Gallagher at gallaghe@staff.abanet.org. Comments may also be sent mail to Ms. Gallagher at 321 N. Clark Street, Chicago, Illinois 60610.