

Court Review

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EDITOR'S NOTE

For more than a decade, legal scholars, psychologists, and academics have been writing about something they call "therapeutic jurisprudence," a new way of looking at many of the cases and proceedings that judges deal with daily. Despite the existence of several books and more than 200 articles on therapeutic jurisprudence, a LEXIS search shows only one published state or federal court decision even mentioning the term—and that was only because it cited to statistics from an article that had "therapeutic jurisprudence" in its title.

The American Judges Association has recognized the potential value of therapeutic jurisprudence (TJ for short) for our work. The AJA has a committee on TJ issues and has arranged for a special TJ educational conference for its May 2000 midyear meeting. To coincide with that conference, we are devoting this issue of *Court Review* to an exploration of TJ and its potential applications. With the help of David Rottman, who assisted with the editing for this special issue, we have food for thought for judges who have never heard of TJ principles, for judges wondering what TJ might be about, and for judges already familiar with the basic TJ philosophy.

Judge William Schma leads off the issue with an overview of TJ and its relation to traditional notions of judging. Judge Peggy Hora and researcher Deborah Chase provide a further reason for judges to study TJ concepts—preliminary data seem to indicate that judges who get to use TJ concepts in their daily work are happier and more satisfied with their work than those who do not. David Rottman discusses how TJ fits into a growing use of specialized courts, contrary trends in the overall court reform movement, and changing roles played by judges in recent years. Judge Thomas Merrigan reviews the leading book on therapeutic jurisprudence.

After those articles, which focus on TJ broadly, we consider its application in more specific situations. Judge Randal Fritzler and Professor Leonore Simon describe its application to a domestic violence court, while also providing practical advice for setting up such a court. Kate Paradine offers a closer look at some of the emotional issues involved in domestic violence cases and ways to deal with them therapeutically. Nicola Ferencz and James McGuire discuss application of TJ concepts to the Mental Health Review Tribunals of England and Wales, which handle civil and criminal mental commitment proceedings there.

We also consider TJ's application to the appellate courts—a topic that, to our knowledge, has not previously been discussed even in the academic world. Nathalie Des Rossiers discusses an intriguing application of TJ concepts in an appellate court in the handling by the Supreme Court of Canada of the issue of Quebec secession. Amy Ronner discusses the issue generally as well as its application in criminal cases.

Last, we close with our normal Resource Page feature, including an overview of therapeutic jurisprudence books, articles, and Web sites. We hope you'll find the issue of interest. — SL



Court Review, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work. Guidelines for the submission of manuscripts for *Court Review* are set forth on page 66. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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Letters to the Editor, intended for publication, are welcome. Please send such letters to *Court Review's* editor: Judge Steve Leben, 100 North Kansas Avenue, Olathe, Kansas 66061, e-mail address: sleben@ix.netcom.com. Comments and suggestions for the publication, not intended for publication, also are welcome.

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