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Overview

CFCC Celebrates 20 Years as an Instrumental Force in Family Justice Reform

BY BARBARA A. BABB



The University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) has celebrated its 20th Anniversary Year during the 2020–2021 academic year.

CFCC opened its doors on August 21, 2000. It was a heady time for family justice reform. The American Bar Association (ABA) Section of Family Law’s Committee on Unified Family Courts was advocating vigorously for the creation of unified family courts nationwide, and there was keen interest among jurisdictions across the country. CFCC established itself as a leader in this movement and continues to advance the concept today.

In addition, CFCC’s work over the years expanded to include our Truancy Court Program, significant contributions to the field of substance use education for family courts, court reform technical assistance projects, innovative family law education for law students and practicing attorneys through the creation of the CFCC Student Fellows Program class and the Post-J.D. Certificate in Family Law as well as influential conferences, symposia and publications.

Each of the authors writing in this commemorative issue has played a pivotal role in CFCC’s growth and development and writes from a unique perspective. I am grateful to have had the support of former Dean John Sebert, who encouraged the creation of a UB School of Law entity focused on family justice system reform and legal policy work, and the ongoing enthusiasm of his successors, especially Dean Ronald Weich.



Barbara Babb is CFCC founder and director and an associate professor at the University of Baltimore School of Law.

Honoring the 20th Anniversary of CFCC: A Crown Jewel

BY RONALD WEICH

The Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) is one of the crown jewels of the University of Baltimore School of Law. For more than two decades, CFCC has distinguished the law school nationally and internationally through its passionate, cutting-edge advocacy for family justice system reform.

CFCC has led the way toward unified family courts, therapeutic jurisprudence and the ecology of human development as central tenets of policy and practice in family law.

FAMILY JUSTICE REFORM LEADERSHIP

The driving force behind the Center has been the leadership of CFCC’s Founder and Director, Professor Barbara A. Babb. Her early recognition of the importance of approaching family law issues through a therapeutic jurisprudence lens led to her to embrace the concept of unified family courts in the 1990s. She was co-chair of the American Bar Association (ABA) Section of Family Law’s Committee on Unified

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A Celebration for a Center Making A Difference in the Lives of Many

BY SAYRA MEYERHOFF

After graduating from the University of Baltimore (UB) School of Law during the 1970s, and practicing in the area of family law, I was intrigued when the opportunity arose to make a naming gift to the school’s Center for Families, Children and the Courts (CFCC) in 2013.

In conversations with President Robert Bogomolny and Professor Barbara Babb, they elaborated upon CFCC’s goal to improve the practice of family law and the family justice system.

While practicing family law at the Maryland Legal Aid Bureau, I learned firsthand of the role and responsibilities of individuals and organizations involved in providing safety permanency, and well-being for children. I found this area of

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Sayra Meyerhoff is a member of UB's President's Council and UB Law School's Dean's Circle. She serves on the Enoch Pratt

Library Board, Shriver Hall Concert Series at Hopkins, and until the pandemic, a pro-bono attorney for Maryland Legal Aid. She attended Sophie Newcomb College, has a B. A. from University of Kentucky, an M.A. from George Washington University, a J.D. from UB and an M.S. from UB in negotiation and conflict management.

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the law compelling due to the impact professionals can make in each case and in the lives of others.

CFCC fills a societal need in working to improve the practice of family law by accelerating reform to benefit the children and families involved.

CFCC has promoted the implementation of unified family courts throughout the country by educating attorneys, advocating for reform and advising family justice systems. Specifically, CFCC provides excellent resources and training for professionals within the system, such as the Urban Child Symposium, the Post-J.D. Certificate in Family Law and the Truancy Court Program. The Truancy Court Program is a voluntary, holistic program to identify and address causes of truancy for particular children and improve behavior to encourage academic success. CFCC also provides publications and studies of unified courts throughout the United States and around the world.

My husband and I contribute to many worthwhile causes, but none gives us more pleasure than our support of CFCC. Not only does it help to train lawyers in this critical sphere, but it also improves family courts throughout the country. This approach can truly make a difference in the lives of all the children and families involved.

Happy Anniversary CFCC!

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Family Courts and was a key consultant for a two-year ABA project establishing unified family court pilot programs in six jurisdictions, including Baltimore. The success of the Baltimore project served as a model for the creation of Maryland's Family Divisions in 1998 and led to the launch of CFCC in August 2000.

In CFCC's first two years, Professor Babb and her staff served as strategic planning consultants to the Maryland Judiciary's Ad Hoc Committee on the Implementation of the Family Divisions. The committee's planning resulted in the publication of *Performance Standards and Measures for Maryland's Family Divisions*, which remain a model for family justice system assessment. Over the years, CFCC has been consulted dozens of times by the Administrative Office of the Courts on matters such as parent education programs, child custody evaluations, supervised visitation and collaborative family law. CFCC's work with the Maryland Judiciary is a cornerstone of the Center's expertise and a real point of pride.

The Center's work in Maryland has inspired projects on the creation of unified family courts in many other jurisdictions, including California, Florida, Michigan, Indiana, New Mexico, Pennsylvania, Tennessee, Nebraska, Toronto and Singapore. In addition, CFCC has convened leaders from around the world to address issues related to family justice reform. CFCC partnered with the American Bar Association to host a national summit on unified family courts in 2007 and an interdisciplinary symposium in 2010 that resulted in the publication of *Families Matter: Recommendations to Improve Outcomes for Children and Families in Court*.

Since 2003, CFCC has partnered with the Association of Family and Conciliation Courts to sponsor annual trainings for family law attorneys, judges, and services providers. Since 2009, Professor Babb and her team have hosted an annual Urban Child Symposium, a cross-disciplinary conference addressing significant challenges facing urban children.

Recently, Professor Babb began a two-year appointment to the Singapore Family Justice Courts' Advisory and Research Council on Therapeutic Justice (ARC). This endeavor involves working with the Singapore Family Justice Courts to incorporate therapeutic jurisprudence as the overarching framework of the Singapore family justice system.

FAMILY LAW EDUCATION AND COMMUNITY CONNECTION

In addition to advancing family law policy and practice, CFCC is an important component of family law education at our law school. As a tenured faculty member, Professor Babb has taught substantive family law and family law practice to thousands of law students throughout her 32 years at the UB School of Law. These students started their legal careers with a solid grounding in therapeutic jurisprudence. In 2005, CFCC elevated the family law curriculum by launching the CFCC

Student Fellows Program, a two-semester, experiential course further inspiring students to consider how therapeutic jurisprudence and the ecology of human development can apply to any area of law they pursue.

CFCC student fellows work on many of CFCC's initiatives, including CFCC's Truancy Court Program (TCP), a nationally recognized project to improve attendance and foster success among students in Baltimore City and other Maryland communities. The TCP, one of the longest-running truancy prevention programs in Maryland, is a voluntary, non-punitive, data



Ron Weich, appointed dean of the University of Baltimore School of Law in May 2012, serves as CEO and chief

academic officer of the school.

Previously, he was an assistant attorney general in the U.S. Department of Justice, chief counsel to U.S.

Senators Harry Reid and Edward Kennedy, a partner at Zuckerman Spaeder LLP, and an assistant district attorney in New York City. Weich is a graduate of Columbia University and Yale Law School.

driven program to identify and address the root causes of each child's truancy. The TCP Team works closely with local schools, elementary through high school, to improve attendance, academic performance, and attitudes toward school among participating students and their families. More than 25 Maryland judges and magistrates have volunteered their time to serve as TCP judges. To date, the TCP has served more than 2,600 public school students and their families in four counties and in 51 schools, 41 of which are in Baltimore City.

CFCC student fellows who participate in the TCP come away with a keen understanding of the challenges facing young people, primarily minorities, growing up in an urban environment. This exposure further prepares them to serve all of their future clients with an extraordinary depth of care and dedication. In this way, the program contributes meaningfully to the education of UB students, while serving as a key component of the law school's commitment to help address the urgent needs of Baltimore City.

I have only managed to touch on some of the extraordinary accomplishments of CFCC and its leader, Professor Babb. The establishment and management of a prominent, financially self-sufficient, substantive center within the law school while teaching full-time is a tribute to Professor Babb's hard work and effectiveness.

On this 20th anniversary of CFCC, I commend and honor Barbara Babb and her CFCC team for the outstanding contributions they have made to UB Law and to the family justice movement in Maryland and beyond.

Recognizing the Center for Families, Children and the Courts

RICHARD ABBOTT

The greatest contribution of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) is how it laid the foundation and helped transform family law, especially in Maryland.

Over the past 20 years, Professor Barbara Babb and the CFCC staff also have educated law students in their Student Fellows Program on the realities of practicing family law, have helped over 2600 Baltimore City public school students and their families through its Truancy Court Program, and have collaborated to provide technical assistance to judges and the Maryland Administrative Office of the Courts.

I was drawn to CFCC's principles of applying therapeutic justice in a holistic, systemic and interdisciplinary manner to family law cases when I was family law administrator in the Baltimore County Circuit Court. Those who spend time working with family law issues today understand that the traditional, adversarial court process is ill-suited for family disputes because all too often it escalates the conflict and trauma for families, especially for children. This stance, however, was only recently accepted.

Professors David Wexler and Bruce Winick first created the concept of therapeutic justice for mental health and disability law in the late 1980s. Their approach focused on the behaviors, emotions and well-being of individuals involved in these types of cases. They actively sought to prevent legal problems through problem-solving approaches. Professor Babb was among the first to apply the therapeutic jurisprudence approach to family law. Professor Babb's perseverance and the research and analysis of CFCC helped family law attorneys, judges and court administrators begin to accept this new approach to handling family cases.

The Maryland judiciary created Circuit Court Family Divisions and family services programs in 1998, and the

Maryland Court of Appeals enacted Maryland Rule 16-204 to implement this reform. Rule 16-204 (now Rule 16-307) requires courts, subject to the availability of funds, to provide a variety of family services, including assistance to self-represented litigants, parenting seminars and alternative dispute resolution services such as mediation, parent coordination, home studies, custody evaluations and mental health evaluations. This interdisciplinary services approach was greatly influenced by Professor Babb's advocacy, her participation in the rule-making process and her efforts to fund the initiative.

As each Maryland court began to develop its family division, it was provided more guidance and structure for following this new approach from *The Performance Standards and Measures for Maryland's Family Divisions* ("The Standards"), published in 2002. CFCC helped the Judiciary Committee that developed this "articulation of more specific system values and intended outcomes of the Family Division." Following the *Trial Court Performance Standards*, published in 1997 by a national commission of judges and court administrators chaired by former Maryland Court of Appeals Chief Judge Robert C. Murphy, *The Standards* developed measures for court performance around the core court principles of (1) access to justice; (2) expedition and timeliness; (3) equality, fairness and integrity; (4) accountability and independence; and (5) public trust and confidence.

I followed these principles and used the measurement tools to determine the effectiveness of each family program and service when I was family law administrator in Baltimore County. I continue to follow and use *The Standards* as the director of juvenile and family services for the Maryland judiciary. Going forward, I am hopeful that we can collaborate with CFCC to review *The Standards* to (1) determine whether anything needs to be revised or added; and (2) ensure that all family court programs and services in every jurisdiction have the necessary resources to effectively meet the needs of Maryland families.

The partnership between CFCC and the Maryland judiciary has provided Maryland families with many benefits. The Maryland judiciary continues to provide grant funding to CFCC's Truancy Court Program, which fills a necessary gap in services to Baltimore City schools and families. I look forward to CFCC's accomplishments in the years to come.



Richard Abbott is the director of juvenile and family services for the Maryland Judiciary Administrative Office of the

Courts. He previously worked 23 years for the Circuit Court for Baltimore County as deputy court administrator, family law administrator and DCM coordinator, as well as three years as court administrator for the Carbon County Court of Common Pleas in Pennsylvania.

CFCC Changes Lives Daily: My 16-Year Sojourn at the Center

BY GLORIA DANZIGER

The scene was unforgettable. Longtime Baltimore City Circuit Court Judge David Young jumped up on a desk in front of administrators, service providers and a group of students in a middle school classroom and began dancing to the beat of a popular hip-hop song.

The performance was, in fact, a typical day in the life of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) Truancy Court Program (TCP).

Judge Young, who is currently retired but was a sitting judge during the years he volunteered for TCP, had promised a TCP student that he would bust a move if that student would come back to school, attend regularly and on time, and improve his grades. Over the course of the ten-week TCP session, the student accomplished these goals and more, turning his life around. Judge Young lived up to his word at the TCP graduation, surrounded by cheering TCP staff, school administrators and teachers and the TCP students who, bolstered by the TCP's support and guidance, overcame insurmountable odds to improve their attendance, behavior and grades.

CFCC changes lives. It is as simply straightforward and as deeply complex as that. The TCP, for instance, uses the credibility and stature of District and Circuit Court judges to intervene early into the lives of truant children and their families, before these students have lost all connection to their schools and education and before they have entered the school-to-prison pipeline.

The TCP is the tip of the iceberg. CFCC shatters the barrier between theory and practice by weaving family justice system reform, therapeutic jurisprudence (TJ) and the ecology of human development into its work, ranging from theoretical and scholarly publications to hands-on community-based initiatives like the TCP.

Based on the foundational work of Professor Barbara Babb, CFCC's founder and director, CFCC has developed strategies, programs, initiatives and publications that have transformed the traditional adversarial family court approach. Instead of a system that decides who wins and who loses, the family justice system is designed to address the complex issues that so often underlie the problems that bring these families into the system.

Hearing about Professor Babb and CFCC's work, judicial leaders called upon CFCC to help them with their own family justice system reform initiatives. Often facing fierce resistance from within their own ranks, these brilliant members of judicial and legal communities around the country understood the compelling power of TJ and the unified family court (UFC) model to improve the lives of vulnerable and fractured families in the family court system. In collaboration with CFCC, they tackled the challenges of changing family court systems in order to best address the legal and non-legal problems of families and children. Today, there are dozens of jurisdictions around the country where the impact of CFCC's groundbreaking work is realized on a daily basis as families in crisis interact with problem-solving and caring judges and staff.

Given this framework, it is not surprising that many law students who participated as TCP volunteers and then enrolled in the CFCC Student Fellows Program found their views of the practice of law profoundly changed. Asked during the first class of the semester why they decided to go to law school, nearly all of the CFCC student fellows responded that they had wanted to help people, but that goal had often been overwhelmed and subjugated by the pressure of law school and its accompanying stress.

During their time at CFCC — often stretching to several semesters or even years as they volunteered for the TCP and then as CFCC student fellows — they returned to their original reasons for entering the legal profession. They came to see the practice of law as a profession based on the values of therapeutic jurisprudence and informed by compassion, interpersonal skills and the importance of a client's psychological and emotional well-being. CFCC student fellows have gone on to distinguished positions as bar leaders, respected attorneys, elected and appointed officials and public servants, to name a few.

CFCC's accomplishments are remarkable in their depth and breadth and in their impact on the lives of so many, beginning close to home in the most underserved communities of Baltimore and extending to countries on the other side of the world. In my experience over the course of 16 years at CFCC, throughout the changes in the scope and location of CFCC's work, the one constant has been its gifted staff and leadership. CFCC's exceptional staff members have devoted their considerable talent and energy to improve the lives of families and children in the family justice system and to address the injustices with which these families struggle on a daily basis.

Finally, at the very heart of CFCC's vision and mission, there is the indomitable Professor Barbara Babb, whose unwavering commitment to improve the lives of families and children has driven the center to far exceed my ambitious expectations when I first set foot in CFCC offices so many years ago.



Gloria Danziger, Esq., served as CFCC's Senior Fellow from 2002 to 2018.

Wishing a Happy 20th Anniversary and Many More to CFCC

BY PETER SALEM

The University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) has contributed to the family justice field in a myriad of ways over the past two decades.

From both a personal and professional perspective, I am honored to celebrate the 20th anniversary of CFCC. On a personal level, I could not be more pleased that the vision of CFCC Director and Founder Professor Barbara Babb has come to fruition. A dear friend and colleague, Barbara also is a true innovator, a thoughtful and prolific scholar, and a

tireless worker. Over the years, Barbara and I have served together on numerous advisory committees, included one another in our respective organization's family justice reform initiatives, and presented at conferences that each of us has organized. Without fail, Barbara always has placed CFCC front and center.

From a professional perspective, Barbara and her CFCC colleagues have been an important and reliable organizational partner of the Association of Family and Conciliation Courts. CFCC has led family law initiatives, notably, the *Families Matter* project that produced a comprehensive set of recommendations to improve outcomes for children and families in court. The project was cosponsored by the American Bar Association. CFCC was also represented in AFCC initiatives, including the *Family Law Education Reform Project*, and the AFCC Court Services Task Force (chaired by Barbara), which produced a publication of "Exemplary Family Court Programs and Practices."

CFCC has been a force in providing training and education, not only for students at the University of Baltimore (UB) School of Law, but for professionals. I was privileged to present at the Unified Family Court Summit in 2007, a national conference hosted by CFCC and cosponsored by the ABA Section of Family Law. CFCC and AFCC have partnered for nearly 20 years on an annual training program held at UB, designed for parenting coordinators, child custody evaluators, mediators, lawyers, judges and other family court professionals. These programs have educated nearly 2,000 professionals worldwide. In addition, Barbara and her CFCC colleagues have been frequent presenters at AFCC conferences, sharing their expertise on topics such as unified family courts and therapeutic jurisprudence.

CFCC has produced impressive publications and scholarship, including important surveys on unified family courts, much of which has been published in AFCC's journal, *Family Court Review*. Barbara and former CFCC Senior Fellow Gloria Danziger have together coedited special issues of *FCR* and contributed many articles. In 2016, Barbara, who was a longstanding member of the *FCR* Editorial Board, became *Family Court Review* editor-in-chief, creating an editorial home in Baltimore. More recently, CFCC Deputy Director Rebecca Stahl also served as co-editor of a recent special issue of *FCR* on dependency courts.

Amazingly, family law is only one area in which CFCC is immersed. Most notably, CFCC's Truancy Court Program, launched in 2005, helps students build a foundation for long-term academic success and has been honored by the Ash Center for Democratic Governance at the John F. Kennedy School of Government at Harvard University.

Developing and maintaining any family law-related program is an uphill climb. The work is challenging, funding is sparse, and the conflict is real. That makes it especially impressive that CFCC has become such an impactful program over twenty years. Based on its work in family justice reform, education and publications, CFCC is a true triple threat. AFCC has appreciated the partnership, and it is clear that is only a small portion of CFCC's overall contributions. Here's to the next 20 years!



Peter Salem is executive director of the Association of Family and Conciliation Courts. He

taught mediation as an adjunct professor at Marquette Law School for ten years and was director and mediator of Mediation and Family Court Services in Rock County, Wisconsin.

Douglas County Unified Family Court Pilot: A Dream Deferred

BY DOUGLAS F. JOHNSON

As a judge, I admittedly have envied other jurisdictions that have a Unified Family Court (UFC). During my 26 years on the bench for the Separate Juvenile Court of Douglas County, NE, there were various discussions about such a court, but to no avail.

In 2015, the Nebraska Supreme Court approved a committee to study and make recommendations regarding a pilot UFC in my jurisdiction. To help us with this endeavor, we received a generous Sherwood Foundation grant in 2017 to partner with the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC), which is comprised of experts in this field. As co-chair of the committee, I and other like-minded stakeholders remain grateful to the CFCC attorneys—Professor Barbara Babb, Diane Nunn, and Gloria Danziger—for their collaboration, knowledge, experience, assistance and guidance.

Through no fault of CFCC, our UFC pilot was not realized. I am left with the hope that we planted meaningful seeds that one day may sprout. Nonetheless, CFCC helped us. I am confident that CFCC can help other jurisdictions interested in better serving children and families through a UFC.

Courts are a means to serve the public. Specialty areas of family law, child welfare law, juvenile justice and probate all intersect. But, are the courts responsible for these areas of the law actually serving children and families as well as possible? Not in my jurisdiction. We have been and remain bifurcated and trifurcated. Several courts and thus several judges hear and decide parts of what should be a single venue of all of one family's issues. That means multiple hearings on multiple dates with multiple attorneys and multiple decision makers. How does this make any sense from a business model of efficiency, let alone child advocacy? Taxpayers pay more for less justice.

More importantly, children and families suffer inconvenience, delays, inefficiencies and chaos from inconsistent judicial decisions. Children languish in foster care awaiting permanency. Paternity, child support, dissolution and custody decisions lag. Victims of domestic violence are passed between courts and left at further risk of harm. The remedy? The UFC model: One judge for one family. In a UFC, one judge has jurisdiction to hear and decide all family related issues. It is efficient, consistent and timely in the resolution of children's cases. Judges must be trained properly in children and family issues, therapeutic jurisprudence and trauma. They also must be adequately supported and want to serve in a UFC.

CFCC carefully studied our court system during the grant period. Their team conducted several training sessions, completed and published a survey, observed court, offered private listening posts, and problem-solved with stakeholders. CFCC hosted a local stakeholder team to observe several courts in Maryland and have discussions with their leaders, including Maryland Court of Appeals Chief Judge Mary Ellen Barbera. After a final wrap-up training and special meeting with judges, CFCC recommended a sweeping family court restructure over a period of years. A UFC pilot was the way to begin. We would start small and have a university study and measure its efficacy. We would adapt as appropriate and give it a chance.

Those of us who favored a UFC pilot were surprised at the resistance to even begin a pilot. Try as we may we could not overcome the lack of buy-in. Perhaps it is the human condition. People are most comfortable with what they know. Apparently, the old adage still applies: the only person who really appreciates a change is a toddler with a soiled diaper.

CFCC could not have been more helpful in our jurisdiction's consideration of a UFC pilot. We are indebted to them. But given certain stakeholders' refusal to attend training, respond to the survey or take time to voice any concern at a private listening post, we can draw at least one conclusion: under our present jurisdictional makeup, the only way to implement a UFC pilot may be through legislative action.

As everyone knows, judges and lawyers must follow the law. A UFC could be "grandfathered" in. That is, a decision could be made to run the court 'as is' until a judge runs for reelection or retention. Then the judge must follow the law or leave the bench. This may seem harsh, but not when one understands that the court structure must be malleable to meet the needs of those served. It is not about the judges or the lawyers. It is about the children and families.

I sincerely had hoped a judge's or lawyer's sense of duty and service would stoke excitement about a better means of putting children and family issues first and promoting docket efficiency. The first family court dates back to Rhode Island in 1962. So, this concept is not a new idea. Many states have family courts and jurisdictions around the country are considering modifying their family courts to be more unified. Unfortunately, the majority of our stakeholders were not ready to implement the UFC pilot. Still, there are ongoing positive developments in that discussions are underway to allow inter-court communication regarding a family of common interest. That is significant progress that may lead to further developments in the future.

I encourage those interested to collaborate with CFCC. I thank CFCC for its support, insight, patience and for helping us to see that our future remains hopeful. Congratulations to CFCC on its 20th anniversary. CFCC has raised our bar to better serve children and families through a coordinated and single access UFC and offers significant opportunities for collaboration.



The Hon. Douglas F. Johnson (Ret.) served as a juvenile judge for almost 26 years. He is a past President of the

National Council of Juvenile and Family Court Judges and currently serves as a consultant, facilitator and teacher for them and others.

Therapeutic Jurisprudence (TJ): The Importance of Continuing Education and a TJ Community

BY DAVID B. WEXLER

As a speaker at the launch of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) two decades ago, I have watched this center grow from a new start-up to a highly respected one with a significant international presence.

From its inception, CFCC has been guided by two interrelated and synergistic conceptual strands: therapeutic jurisprudence (TJ) and the ecology of human development.

I am honored to contribute to this well-deserved 20th anniversary tribute to CFCC—a center that I have followed with great respect and keen interest in its development and contributions to the field of TJ.

My focus is on therapeutic jurisprudence, the need for ongoing development and education, and the benefits of belonging to the TJ community.

TJ originated in the field of mental health law, an area in which I worked beginning in 1970 when my students and I conducted an analysis of the mental health legal system in Arizona—including an empirical component of interviews, observations of mental health hospitals, and of commitment hearings.

One incident seared in my memory was when I learned that “some indigent patients, clinically judged to be suitable for ‘voluntary’ state hospital admission, were nonetheless committed ‘involuntarily,’” leading to increased stigma and security. Why? Because the relevant statute authorized transportation at public expense *only* for those patients entering under court order. The *law*, in other words, was in this case an antitherapeutic force leading to unnecessary commitment.” (David B. Wexler, *The DNA of Therapeutic Jurisprudence*, pp3-4, in N. Stobbs, L. Bartels, & M. Vols, eds, *The Methodology and Practice of Therapeutic Jurisprudence*.)

That incident and others led to the establishment of TJ as a conceptual framework at a 1987 law and mental health conference where I was asked to present on the overall area of “law and therapy.” It was then I realized my true enduring interest was not so much in “law AND therapy” but rather in “law AS therapy.” That was to me the TJ lightbulb.

In short, “TJ is an approach that regards the law itself as a potential therapeutic (or antitherapeutic) agent. It looks at the law in action, not simply at the law in books, and it views the law as consisting of rules of *law*, *legal procedures*, and the *roles of legal actors* (lawyers, judges, mental health, and other professionals working in a legal context). TJ is interested in examining the therapeutic and antitherapeutic consequences of the law and in proposing ways that the law may be made or administered in a more therapeutic (or less antitherapeutic) way but without privileging therapeutic results over due process or other constitutional and related values.” (David B Wexler, *Mental Health Law and the Seeds of Therapeutic Jurisprudence*, pp 79-80, in T. Grisso & S. Brodsky, eds, ***The Roots of Modern Psychology and Law: A Narrative History*** (Oxford 2018). <https://ssrn.com/abstract=3731574>

The TJ approach found interest among law professors in various specialty areas, such as criminal procedure, torts, immigration law, health and disability law, and, of course, family law. The leading article tying TJ to family law is Barbara Babb’s seminal piece, *An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspective*, 72 *Indiana Law Journal* 775 (1997). It was Professor Babb who spearheaded the conversation about TJ and family law, resulting on ongoing TJ family law scholarship worldwide. <https://ssrn.com/abstract=1307790>

My main point is that TJ is not a static body of knowledge merely to learn and apply. It is a dynamic discipline always searching for ways to improve the law itself (the **Therapeutic Design of the Law or TDL**) and the preferred implementation of the law (the **Therapeutic Application of the Law or TAL**) by judges, court personnel and others working within the legal ambit. TJ provides a framework, but the knowledge should and will grow with research and experience. CFCC has been a leader in helping the next generation of law students learn to apply TJ principles into family law and beyond.



David B. Wexler is honorary president of the International Society for Therapeutic Jurisprudence, a professor of law

at the University of Puerto Rico, and a distinguished research professor of law emeritus at the University of Arizona.

One matter that is increasingly clear is that more needs to be done to facilitate the sustainability of the therapeutic application of the law. The law itself is written, public and accessible; but the application of the law—for example the way judges steeped in TJ engage with the parties, address and interact with social workers, etc.—is very vulnerable. A judge may retire and be replaced by a judge well versed in the operative law but unaware of the preferred therapeutic practices for administering the law.

Another important development in therapeutic jurisprudence relates to the recent publication of the 3rd edition of the International Framework for Court Excellence, www.courtexcellence.com, a framework prepared, among other important groups, by the National Center for State Courts. It is a voluntary self-assessment instrument that courts may use for self-improvement. The latest version, following a recommendation made in the Journal of Judicial Administration, <https://ssrn.com/abstract=2782162>, has explicitly added therapeutic jurisprudence and problem-solving courts to its major goals for court excellence. It seems a wonderful opportunity for courts in various jurisdictions to take stock of their situation and to consider means of improving it.

In conclusion, to make TJ an ongoing part of your professional life and education, I urge readers to join the TJ community and to partake of its many valuable resources. See the International Society for Therapeutic Jurisprudence, <https://www.intltj.com>.

CFCC Changed My Perception About Law and My Career Path

BY LEIGH DALTON

The general perception of lawyers is that they are combative, defensive, money-seeking ambulance chasers. Yet imagine the impact of an intelligent, resourceful and compassionate attorney who is equipped with the knowledge and understanding of how the practice of law can go beyond ending a dispute and, instead, can upend the basis for the conflict itself; to not just solve the problem at hand but empower the litigant to grow, resolve and evolve because of the dispute itself.

The University of Baltimore School of Law Sayra and Neil Meyherhoff Center for Families, Children and the Courts (CFCC) prepares law students to do just that. CFCC's work builds upon two core principles—therapeutic jurisprudence and the ecology of human development. Integral to its success in meeting its mission is the education, exposure and experience it offers to the numerous law students of the University of Baltimore School of Law.

As one of those students, I can attest that CFCC changed my career path. I entered law school with the perspective that law was a “one person versus the other” and “winner versus loser” profession. The work and education of CFCC broadened my understanding and my horizons due to the introduction of the tenet of therapeutic jurisprudence.

Imagine it: a person's experience with the court and in the legal system actually making that person's life better for it, not worse. As a conflict-adverse law student, I found this perspective so appealing that I immediately embraced it. I went from a law student prepared to settle into a combative and litigious career to one who applied my knowledge immediately by developing an alternative to detention in the Baltimore City school in which I worked while attending law school.

Then, there is the Truancy Court Program, the flagship program of CFCC. If CFCC changed my career path, the Truancy Court Program shed light on the direction in which that path should go. While in law school, I was working in a Baltimore City school as a partnership coordinator and grants writer, observing firsthand the ups and downs of educating our country's youth. The “ups” encompassed the successes, the laughs, the engagement and the “ah ha” moments. And the “downs.” The “downs” were when those students were not engaged, under-nourished, falling behind and not coming to school.

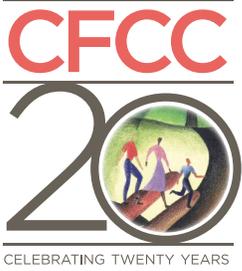


Leigh Dalton lives with her husband, two daughters, and two dogs in York, PA, where she is a school law attorney for Stock and Leader. Serving public school districts, she takes a preventative approach when working with her clients and specializes in advising on policies and laws related to student services, special education, restorative justice and educational equity.

I never expected to encounter a career path that would allow me to utilize the law to build capacity in those most affected by educational, social and economic inequities. Yet, the Truancy Court Program is just that — a program designed to reengage students, work with families, and make them better for having encountered the program in the first place.

The law is powerful — it is a system of rules created and enforced through government and social institutions to regulate behavior. How such regulation is accomplished can be punitive or therapeutic. Therefore, those charged with fighting for the rights of those under the law have an important and impactful choice of how to practice law: by either establishing a winner and leaving behind a loser or resolving a matter so that litigants walk away with their lives improved as a result.

CFCC has allowed me to reshape my thinking and refocus the legacy I want to leave as an attorney.



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“CFCC has been a key partner in promoting family court reform in our state. Its work helps courts and their community partners remain focused on how our work can benefit families.”

Pamela Cardullo Ortiz

Director
 Access to Justice Department
 Administrative Office of the Courts
 Maryland Judicial Center

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