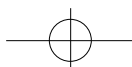
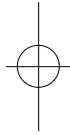
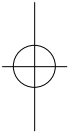
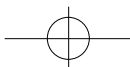
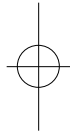
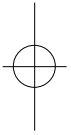




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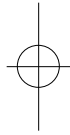
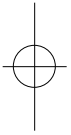
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## Therapeutic Jurisprudence and the Courts

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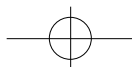
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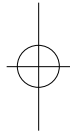
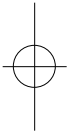
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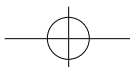
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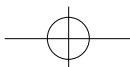
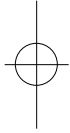
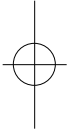
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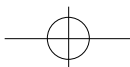
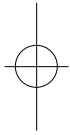
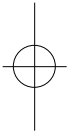
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To Judges Bill Schma, Peggy Hora, and Randy  
Fritzler, who started us off on this journey.





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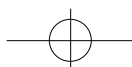
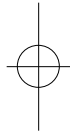
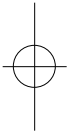
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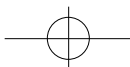
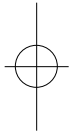
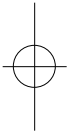
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## FOREWORD

By Judge (rtr.) William F. Dressel  
President, The National Judicial College, Reno, Nevada

This work brings together scholarly analysis and examples of practical application to an evolving judicial role and concept of justice. The Introduction succinctly describes the history and nature of problem-solving courts, including the integral role of therapeutic jurisprudence to the effectiveness of these courts. The text describes specific approaches and the therapeutic principles, which are the foundation for this jurisprudence.

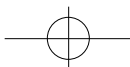
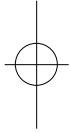
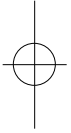
Every generation has had Judges who believed there had to be a better way to dispense justice. I have heard it said many times that there had to be more to judging than finding the truth and deciding between two positions, especially in certain cases. “Offenders” kept coming back on revocation or new charges taking more and more court time and services. Thus, judges began to look to the social sciences and to direct court officers to use the expertise of mental health, medical, and other professionals. These judges wanted solutions that would make an impact on the causes of behavior so they could do more than just punish the act. Thus, you have seen judges take a different approach in juvenile cases as they sought to fashion orders to change behavior, living conditions, or care received. In criminal cases conditions were imposed and jurisdiction maintained to enforce compliance. The relevance of therapeutic jurisprudence became apparent when judges started asking if the conditions or programs required made any difference. Judges were becoming “problem solvers” and that role increased as courts began to receive more cases arising out of recurring behavior that while legally defined as criminal was symptomatic of societal problems (i.e., homelessness, mental illness, substance abuse, etc.). This is a different role, and one can understand why jurists would be more comfortable in turning over the “why” of behavior to someone else. It is time, however, for judges of all courts to challenge their comfort level and seek solutions within the parameters of their jurisdiction to address the causes of behavior which brought the person before the court, time for judges to be problem solvers.

This publication is important and timely since the appropriateness of creating or maintaining problem-solving courts is being questioned. Responsible members of the judicial system raise the concern that resources are being



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diverted away from traditional adjudication responsibilities in a time of scarce resources. They also question whether judges should expand their jurisdictions beyond resolving disputes framed by pleadings. Understanding the value of judicial problem solving to address a court's business and the impact of therapeutic jurisprudence will be invaluable in addressing those concerns. Whatever may be the fate of these courts, an important lesson to be gleaned from this work is that the principles of therapeutic jurisprudence can be applied by judges whenever they engage in addressing societal problems, no matter how framed on a docket.



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