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THERAPEUTIC JURISPRUDENCE IN PUERTO RICO: AN INTRODUCTION TO THE SPECIAL ISSUE

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The International Network on Therapeutic Jurisprudence (INTJ), established more than a decade ago, is centered at the University of Puerto Rico School of Law. In addition, the *Revista Juridica* (law review) of the University of Puerto Rico has, over the same period of time, published the Therapeutic Jurisprudence Forum, an occasional section of relevant TJ pieces in English and Spanish. Now and then, the *Revista* even dedicates an entire number—or the lion’s share of the same—to the TJ Forum. I am delighted that the present issue is one of those numbers. As this issue attests, the scope of the INTJ’s activities is indisputably international. Before speaking more specifically about the special issue, however, I would like to detail some of the important TJ activities occurring at the UPR law school and, indeed, elsewhere in Puerto Rico as well.

The basic TJ course has long been taught at UPR. But during the 2008-2009 academic year, for the first time, the law school has offered the basic course, a more specialized course on TJ criminal law practice, a university-wide seminar on *Interdisciplinary Collaboration in Therapeutic Jurisprudence*, and a *Sentencing and Corrections* seminar with a distinctly TJ twist. Moreover, TJ is being introduced in some of the clinical programs, such as the legal clinic dealing with discrimination based on sexual orientation, a clinic directed by Professor Josefina Gonzalez. Other faculty members are also interested in introducing it in legal profession, family law, and alternative dispute resolution offerings.

Beyond the UPR campus, Drug Court Judge Wanda Cruz is now offering a TJ course at the Interamerican University Law School in San Juan. And the Judicial Academy, directed by Lic. Mildred Negron, has a clear mission to bring TJ to the attention of the judicial branch. Working with Academy legal advisor Lic. Anibal Toledo, Hon. Carlos Rivera Martinez, and myself, the Academy has arranged a number of TJ programs for staff, for Drug Court judges, and even hopes to hold a

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conference relating to TJ in Latin America, drawing authorities from Chile, Argentina, Brazil, and Panama. Many Latin American nations have been moving from an inquisitorial to an adversarial criminal justice system, doing so because of the apparent advantages of the latter system in terms of openness, transparency, and increased public trust and confidence. But interestingly, in the US, TJ and related emerging perspectives have developed largely in response to some of the disadvantages of the adversarial system: contentiousness, a view of the legal system as a zero sum game with a winner and a loser, a notion that *litigation is war*, and a system operating largely without an ethic of care. Perhaps a change toward the adversarial, if coupled with a TJ approach, can achieve the advantages and, at the same time, minimize the disadvantages of the accusatorial system.

Back at the UPR, a Continuing Education Program now offers a Certificate Program in Thanatology--the study of death and dying--with the goal of establishing counselors to deal with the many and multifaceted issues that arise in the context of death. Directed by Shirley Silva, the first nationally certified thanatologist in Puerto Rico, the program attracts a diverse group of professionals: social workers, nurses, lawyers, ministers, and more. The program recognizes the many legal issues involved, and the need to approach those legal issues with psychological insight and sensitivity. Accordingly, it includes a TJ unit, and the growing TJ literature on issues such as wills, advance directives, physician-assisted suicide, right to die, health insurance and last-chance therapies are discussed. In the future, other TJ components can and should be added, such as the death penalty, the rights and participation in criminal proceedings of the family of homicide victims, coroners' issues, and more. One can imagine a near future with thanatology constituting a TJ law practice specialty, and with Puerto Rico being a pioneer in the development of that specialty.

The above should, I hope, give the reader at least a taste of the considerable TJ activity occurring in Puerto Rico. That brings us to this particular number of the Revista. The INTJ had long been interested in sponsoring or co-sponsoring a TJ conference on the island. The opportunity arose--and was promptly seized--when the John Jay College of Criminal Justice, a branch of the City University of New York, selected Puerto Rico as the venue of its June 2008 international conference.

The UPR and INTJ arranged with John Jay to sponsor 10 or so TJ panels and to, in essence, hold a TJ mini-conference as part of the overall, and larger, John Jay conference. The TJ portion attracted 60 speakers from Puerto Rico, the United States, Canada, Brazil, Argentina, Chile, Pakistan, Israel, Australia, the Netherlands, and New Zealand. And underscoring the interdisciplinary nature of TJ, those speakers represented the disciplines of law (including the judiciary), psychology, psychiatry, social work, criminology, education, medicine and public health, and others. In this special issue, the Revista is pleased to publish a special number of the presented papers. These are representative of the diversity of the overall conference. One paper is in Spanish--an article on drug courts developing client self-control skills--by Dr. Ana López Beltrán of Puerto Rico, a social worker and former director of social services at the Office of Court Administra-

tion of Puerto Rico. Social work is again represented in the article by Susan Brooks and Robert Madden, both of whom have degrees in law and in social work; their article draws on social science theory to reform law practice. Australian forensic psychologist Dr. Astrid Birgden—who ten years ago spent a semester studying TJ at the UPR law school and who now directs a correctional institution for drug addicted offenders in Sydney—links TJ to offender rights. Moving from Australia to New Zealand, law professor Valmaine Toki, who has written major works on TJ and the Maori, concentrates in her current writing on issues of domestic violence. Roslyn Myers, a lawyer who offers courses in law and criminal justice in New York, focuses on how the teachings of Truth and Reconciliation Commissions can improve justice in the United States.

Several pieces deal with aspects of pedagogy—in legal education and in the education of the judiciary. Leadership education expert Patricia Murrell—who has consulted with the judicial branch in Puerto Rico—and her colleague Philip Gould write about educating for therapeutic judging. Touro law professor Marjorie Silver, who herself organized a major TJ-related conference at her law school a year ago, breaks new ground by concentrating on the skills of supervising attorneys. And Joshua Perry writes on a ‘therapeutic pedagogy’ for instilling professional formation.

The Revista, the INTJ, and the UPR School of Law are delighted that these exciting cutting edge ideas were presented in Puerto Rico and that they are published in the pages that follow. We encourage readers to continue the TJ dialogue and to submit future TJ scholarship to the Revista for its consideration. Readers may also stay abreast on TJ developments by visiting the INTJ website at <http://www.therapeuticjurisprudence.org> and by joining its listserv or mailing list.