

## **Practicing Therapeutic Jurisprudence: Law as a Helping Profession**

Reviewed by Elizabeth F. Schwartz

9-11 was aptly-dated. It was an urgent wake-up call to all of us. Many of us made grave promises to overhaul our lives and talked about perspective, "what really matters," and honoring our fellow man.

But how many of us can say that we have truly reexamined our priorities and stuck with our plans to be peacemakers? For most, in the months since 9-11, our American flags have begun to sag and tatter, along with the post-attack resolutions and revelations made.

To paraphrase Dan Rather during the marathon coverage just after the tragedy, we must redefine normal. In doing so, we have sat down to meet with our clients in the weeks since, thinking about how we can be better advocates and counselors. We thought about helping to heal and solve their problems without exacerbating them. Sadly, because we went to law school and not lawyer school, we probably did not have the tools to change our approach.

Fortunately for us all, a lifesaver has arrived in the form of a manual that will guide us toward a more fulfilling and client-centered practice.

*Practicing Therapeutic Jurisprudence: Law as a Helping Profession* has come to help us stick to those resolutions and make our lives and the lives of our clients immeasurably better. Edited by two law professors and a lawyer, this tome is not just heady theory, but a practical tour through an emerging way to conduct the everyday practice. Whether you are a law student or a judge, in a firm or solo, practicing family or transactional, criminal or litigation, junior or senior counsel, this is a book that you absolutely must read.

The doctrines espoused in the 525-page book are not new — they

are instinctive and part of a quarter-century-old effort to reform the practice of law. The novelty lies in the accessible articulation of principle and application.

*Practicing Therapeutic Jurisprudence* is the coming-together of the practice of preventive law and the theory of therapeutic jurisprudence. Preventive law emphasizes the importance of being proactive in helping the client get and keep his or her affairs in order to manifest the client's intentions and avoid high costs, such as those associated with litigation. Therapeutic jurisprudence uses an interdisciplinary approach to evaluate how the law can be used to achieve healthful and emotionally satisfying objectives — it's "the study of law's healing potential."

Lao Tzu writes in the *Tao Te Ching* that we would be wise to "prevent trouble before it arises. Put things in order before they exist." This is the essential tenet of preventive law, which calls for legal check-ups with our clients in order to stay in touch with changing circumstances. The book refers to the legal check-up as "a structured opportunity for the client to reevaluate his or her current life situation relative to his or her goals, and to think about and plan for the immediate and distant future."

The book is not afraid to address its critics as it examines the ethical implications of what might appear to some as devising ways to run up a bill.

*Practicing Therapeutic Jurisprudence* provides readers with the collective expertise of twelve contributors and three editors who cover everything from planning for gay and lesbian couples to relapse prevention planning for criminal offenders. The three editors are Dennis P. Stolle, David B. Wexler, and Bruce J. Winick. Stolle is a litigator with Barnes & Thornburg in Indianapolis, Indiana who also holds a Ph.D.

in social psychology. Professor Wexler teaches law at both the Universities of Puerto Rico and of Arizona. Professor Winick teaches law at the University of Miami. Professors Wexler and Winick have co-authored/edited several books on therapeutic jurisprudence.

This stuff isn't just for divorce anymore, though there are three excellent chapters devoted to this emotional and contentious practice area. Nor do these concepts apply only in the area of estate planning. There are helpful tips for all of us, including those in the litigation practice. Suggestions such as role-playing, increased client participation, displaying empathy, and *really* listening are likely to lead to fewer clients being dissatisfied with fewer lawyers and with the outcome of their interaction with the justice system.

This book could not have arrived at a better time — when the burn-out rate for lawyers is at an all-time high and when the glimmer of the 9-11 promises to be loving and peaceful has faded. *Practicing Therapeutic Jurisprudence* should be required reading before law school graduation. And, our malpractice insurers should quiz us on its principles before binding our policies.

*Practicing Therapeutic Jurisprudence* is published by Carolina Academic Press and can be purchased for \$50 by visiting [www.cap-press.com](http://www.cap-press.com) or by calling 919/489-7486.

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## **Courtroom Evidence**

Anderson Publishing has published its annual *Florida Courtroom Evidence Manual*. The 2001 manual contains up-to-date rules of evidence through the 2000 regular session of the Florida Legislature and volume 757, Southern Reporter, second series with expert commentary explaining the rules.