

Arsht Research on Ethics and Community Grant

Therapeutic Jurisprudence Judges' Advisory Board – Study of Applied Judicial Ethics in Problem-solving Courts and Factors that Predict Successful Outcomes

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Faculty: Anthony Castro, M.S., Psy.D., Ph.D., Richard Wiener, J.D., P.h.D., and Bruce Winick, J.D.

Students: Aryn Emert, Erika Dudley, Diana McGloughlin, Leah Skovran, and Evian White

School of Law

Abstract

Funds are sought to conduct research on problem-solving courts in South Florida. These courts – drug treatment court, domestic violence court, mental health court, dependency court drug treatment court, and unified family court – involve judges who play an active role in the rehabilitation of court participants. This casts judges in a new role not contemplated by existing canons of judicial ethics. We will form a Judges' Advisory Board of the Therapeutic Jurisprudence Center to function as a vehicle for exploring issues in applied judicial ethics that these new court models raise. The professor and student researchers will hold periodic meetings with the Judges' Advisory Board to discuss ethical dilemmas that have arisen in these judicial contexts and to consider how the judges have dealt with them. It is contemplated that the sessions will lead to the development of questionnaires to be administered to problem-solving courts more generally concerning these ethical issues. One or more published articles will be prepared concerning these issues that will contain a discussion of ethical dilemmas and recommendations for how they should be dealt with.

In addition, future research is planned concerning the factors in these courts that contribute to successful outcomes. Our focus will be on the impact of motivational factors and a variety of therapeutic jurisprudence techniques applied by the judges in these courts. The Judges' Advisory Board will assist in the preparation of preliminary data collection instruments. It is anticipated that this preliminary work will lead to future grant applications for government and/or private foundation funding to conduct empirical research in these courts on factors that contribute to successful outcomes.

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