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Introduction

UNIFIED FAMILY COURTS: A MANDATE FROM HEAVEN

THE HONORABLE SHEILA M. MURPHY*

The University of Maryland School of Health this spring joined with the University of Maryland School of Law and the University of Baltimore School of Law in a historic conference. The subject matter was not “the war on drugs,” but rather, how together we can bring peace to our people.

It is none too soon. In my opinion, not since the Civil War have so many Americans been held prisoner by other Americans. At the rate we are going, soon half of the country’s citizens may be guarding the other half.

The health of our nation is withering from within. Addiction to alcohol and other drugs and co-occurring mental health disorders largely has gone unaddressed. Occasionally, judges who are recovering alcoholics or addicts, and those with compassion, have led others to Alcoholics Anonymous and Narcotics Anonymous. They have known that “we” is the first word of the first step of Alcoholics Anonymous¹ and that addiction cannot be shamed out of people. Instead, these judges have led hopeless people to hope and redeemed their lives. But this is the exception. Law schools have no courses in alco-

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This introduction is dedicated to Professor Barbara Babb of the University of Baltimore School of Law. Judges like myself who fight for therapeutic justice are sometimes ignored or ridiculed. Without support and scholarship of legal scholars, such as Barbara Babb, David Wexler, and Bruce Winnick, our courthouses would still be little more than a step on the way to the penitentiary. Because of the teachings of Professor Babb and others, judges have been able to set sail into waters already chartered by significant legal scholarship.

Thank you, Professor Babb, for coming to the Markham Courthouse and bringing the light that still guides our way.

1. See *The Twelve Steps of Alcoholics Anonymous* (visited Oct. 18, 1999) <<http://www.aa.org/em24doc6.html>>. Alcoholics Anonymous was started in Akron, Ohio in 1935. See *Historical Data: The Birth of A.A. and its Growth in U.S./Canada* <<http://www.aa.org/em24dc14.html>>.

holism or addiction. Health professionals do not teach our lawyers or law students. Most continuing education seminars for lawyers and judges ignore addiction and mental health disorders. Richard Yoast, Director of the AMA Office of Alcohol and Other Drug Abuse, said recently at the ABA's Standing Committee on Substance Abuse, ". . . not to address alcohol and tobacco is like swatting flies when the elephant is standing on our toes."²

Clearly, the greatest predictor for a child's future is the conduct of the parent. If parents abuse alcohol, and other drugs, the children can be expected to follow in their footsteps, often by the time they are adolescents. Living with an alcoholic/addict robs the family of mental and sometimes physical health. Frank McCourt's *Angela's Ashes*³ was written about Ireland, but it could be Chicago, Baltimore, or Los Angeles. It is a reality that children do not thrive if their parents are depressed and/or addicted to alcohol and drugs. They can't. The drink or the drug takes first place. Alcohol escalates domestic violence and sometimes leaves children orphans. Children and other victims frequently sedate themselves with alcohol and other drugs to withstand the violence at home and on our streets.

Health care professionals are now telling lawyers and judges that if we continue to sentence alcoholics and addicts to prison, we will imperil our society. Locking up alcoholics and addicts with offenders who suffer from anti-social personality disorders and other disorders is sure to make them worse. What happens when they return to our communities? And what happens to the children of the thousands of parents who are incarcerated?

Health educators teach us to treat the cause, not the symptoms. People can and do recover if placed in treatment. This treatment should include substance abuse treatment and mental health treatment. HIV and TB are diseases that need immediate attention as well.

Women need specific help to recover because they do not come in alone. Very often they come to the system burdened with their children's needs as well as their own. To ignore the gender-specific needs of women is to turn our backs on children. If we open our hearts to women in need, their children will grow into strong adults for our country.

The only way to win the war on drugs is to bring peace to our people. Lawyers and judges cannot do it alone. Health educators and

2. Richard Yoast, Remarks at the Meeting of the American Bar Association Standing Committee on Substance Abuse (Oct. 1999).

3. FRANK MCCOURT, *ANGELA'S ASHES* (1996).

professionals are needed to educate and develop protocols to follow. This spring, led by enlightened professors, the legal and judicial community met with university health educators. We learned that treating addiction without treating the underlying mental health disorder is like a doctor treating a cardiac problem and ignoring a kidney disorder. We learned that therapeutic jurisprudence must be administered in a unified way by a court system. Families need to address problems like truancy, domestic violence, marriage dissolution, and delinquency in the court, before one judge. In addition, that judge needs the resources to help the family. Courthouses can then become places of peace where victims can sit at a table and address their restorative needs. Defendants can recover as they amend their ways and make restitution to the victims. In all twelve-step recovery programs, "making amends" is part of the recovery process. For example, Judge Michael Town in Honolulu, Hawaii brings in all family members so they can witness and support defendants who amend their ways.

So, joining hands with health professionals, we can turn away from carnage and violence. We can stop the killings if we begin craving for peace and justice instead of alcohol and cocaine.

Was it a coincidence that this historic conference took place next door to the tomb of Edgar Allan Poe at Westminster Church Cemetery in Baltimore? Did Poe, like so many Americans today, use alcohol to sedate or camouflage a deep-seated mental health disorder? In *The Raven*, Poe tells us of his hopelessness, ". . . And my soul from out that shadow that lies floating on the floor shall be lifted—nevermore."⁴

Health educators can lead us, with the legal and medical scholars, those who practice before the bench, and those enrobed on the bench, we can all turn toward recovery for America, turn away from blame, shame, and condemnation. The evidence of hope is here. Now we need the courage to change the judicial system. A drug treatment court here and there is a start, but it is not enough. We need lawyers and judges who understand that addiction and mental health needs should be addressed with professional help in every court from probate to paternity.

Instead of judges placing people in the revolving doors of our penitentiaries, judges can be the lighthouses of our society. We can cast the light of compassion and bring resources to those who otherwise would be human casualties on our shores. So, with gratitude to

4. EDGAR ALLAN POE, COMPLETE TALES AND POEMS OF EDGAR ALLAN POE 943 (Vintage Books 1975).

all who hosted the recent Baltimore conference, we now look to each other for inspiration.

Alone we fail. Together we can lift up our people so that hope and health will be restored, individually and collectively. It is time that this “civil war” ends. We have more important things to do. We need to cherish and educate our children because they are the future of America. They deserve it. So do each of us, young and old, rich and poor.

Katherine Bates was a visiting professor at Colorado College when she went to the top of Pikes Peak. She was overcome at the beauty of what she saw and wrote *America the Beautiful*, “America! America! God shed his grace on thee.”⁵ Like Professor Bates, that is how I felt at the conference’s end. This is a beautiful country, filled with goodness and grace.

May God’s grace be on us all as we go about our work. In saving others, surely we save ourselves. Therapeutic justice, at this time in America’s history, may well be a mandate from heaven.

5. KATHERINE BATES, *America the Beautiful* 11. 5-6 (1913).