

35th Anniversary of APSAC Special Issue of the Advisor: An Interview with John E. B. Myers, JD

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The American Professional Society on the Abuse of Children (APSAC) began in 1986 as a hub for social workers, psychologists, and other professionals dedicated to serving children and families. APSAC offers a space for service providers to gather as a community and learn best practices. One early member of APSAC who facilitated the growth of APSAC's subject areas is John E. B. Myers, JD, a prolific scholar and committed advocate for children in the courtroom.

Professor Myers began his career as a medic in the U.S. Navy, where he aided the dead and dying in Vietnam during the war. His early interest in working with children further developed as a student at the University of Utah, initially manifesting in the preschool lab program before he switched to sociology. Throughout his undergraduate career, he drew from his experience as a medic in Vietnam and was employed throughout his education as an ambulance driver. After contemplating a career in social work, he chose to pursue a career in law and attended the University of Utah College of Law. Upon graduating from law school in 1977, Professor Myers moved to Washington, D.C., to work at the United States Department of Justice. He then returned to Utah, where he provided legal services to all of eastern Utah. It was in this position that he first became interested in representing children experiencing abuse. Throughout law school, Professor Myers had been given only limited exposure to the area of children's rights; he first represented children and youth in Utah when judges would occasionally request a lawyer in juvenile court. Following his experience serving as a rural poverty lawyer, he served as the director of the Legal

Center for the Handicapped in Salt Lake City, before moving to the University of Wyoming and running the poverty law clinic there. Chased away by the cold Wyoming winters, Professor Myers moved to California in 1984, where he served as a professor at the University of the Pacific for 35 years. In 2017, Professor Myers moved to the University of California, Hastings, where he currently teaches criminal law, criminal procedure, evidence, family law, and community property.

In addition to his work as a professor of law, he provides direct legal representation. Professor Myers represents children entangled in California's family regulation system in juvenile court, serving as minor's counsel by appointment for Colusa County, a small, rural county in northern California. He has represented all the dependent children in Colusa County for the past twenty years. In Yolo County, where Professor Myers lives, he represents children in high conflict custody cases. He also works as a volunteer lawyer for a domestic violence nonprofit in his county that provides shelter and legal assistance to women in need.

Professor Myers' most recent appointment is by the California Judicial Council's Center for Families, Children & the Courts. With the Judicial Council, Professor Myers is in the process of contacting all the law schools in California to determine whether schools are offering a course on the juvenile court. As there are no case books or standardized materials on juvenile court dependency, he is also preparing a curriculum to provide to California schools interested in offering such a course.

Interview with John E. B. Myers

APSAC and Legal Expertise

When Professor Myers first began his career in academia, he noticed a substantial gap in the literature surrounding child abuse. Few lawyers were discussing the complexity of issues children faced, motivating him to engage in scholarship around child abuse, child witnesses, and techniques to interview children. Soon after he published his book *Child Witness: Law and Practice*, his scholarship caught the attention of Dr. David Corwin. Dr. Corwin was practicing psychiatry in Orinda, California, at the time and invited Professor Myers to attend a meeting of CAPSAC, the California Professional Society on the Abuse of Children, which Dr. Corwin had been involved in starting. Like Professor Myers, Dr. Corwin noted that there were few lawyers involved in the field and brought Professor Myers in as a legal expert. Professor Myers joined APSAC when it first began and presented on legal issues at meetings. He continued to work closely with Dr. Corwin, admiring his enthusiasm and skills as a community organizer. The two collaborated in creating APSAC's practice-oriented journal, the *Advisor*, which Professor Myers served as managing editor of for several years. Professor Myers speaks fondly of his time with APSAC and his work with the organization's doctors, psychologists, and social workers.

Insights Into the Field and Looking Forward

Professor Myers reflected upon the great advancements within the field; however, he expressed concern over the limited number of lawyers pursuing a career advocating for children and families. Just as he was not initially exposed to juvenile court, many law students similarly lack opportunities to learn about issues affecting children or develop the skills necessary to properly advocate for them. He indicated that few schools offer a course on juvenile court. Furthermore, few career development offices focus on careers related to

children and families, failing to connect new lawyers with available placements or offer guidance toward potential career paths.

Although there may be few lawyers in this area of law, Professor Myers commended the field for the enormous advancements within the topic of child sexual abuse. First, he acknowledged the practice of suppressing discussion related to sexual abuse in the 20th century and the benefits of us now acknowledging and discussing the issue with increasing openness. Despite this greater visibility, he emphasized the continued deficiencies in the court's response to child sexual abuse allegations. The court's reliance on objective evidence often results in a harsh reality of removing children from their parent's custody.

Professor Myers detailed a common situation in which parents will explain their suspicion that the other parent has molested their child. Oftentimes, lawyers will rush to court before there is any evidence to substantiate the parent's allegation. Although this situation arises for parents generally, it is especially prevalent for mothers. A judge's unconscious biases may result in a mother's branding of "crazy" or a "parent alienator." This situation is a minefield for parents, and they are often presented with a Catch-22 scenario: if they rush to court seeking to cut off the father's visitation rights, they are labeled a false accuser and the father is perceived as the innocent victim; however, if they do not go to court immediately, mothers are reprimanded for failing to protect their children and are at risk of losing their parental rights. These harmful realities can create deep distrust of the system. Professor Myers reflected on his most important book, *A Mother's Nightmare—Incest: A Practical Legal Guide for Parents and Professionals*, which describes the pitfalls of rushing to family court and offers strategies to maintain parental rights.

The complex dynamics surrounding gender are often accompanied by and compounded with unconscious racial biases judges may not have addressed.

Professor Myers discussed the discrimination embedded in the system, noting that nearly all the clients he represents in juvenile court enter the system due to allegations of neglect stemming from conditions of poverty. He elaborated that his clients are predominantly families of color, while he and most of the court representatives are nearly always white.

Reflections From an Aspiring Lawyer

Professor Myers' reflections highlight the need for compassionate, strategic lawyering when representing children and families. As an emerging practitioner, it is essential that I effectively utilize the legal system in advocating for a child's best interests. However, I must also recognize the limitations of the legal system. Lawyers must learn to critically assess when to rely on the legal system and when to connect clients with other service providers. To represent clients to the best of my abilities, I must be prepared to navigate and delicately address judges' potential biases.

These observations emphasize the importance of diverse voices and lived experience among judges and legal practitioners.

Professor Myers noted that lawyers should expect to apply trauma-informed practices in their daily work. His literacy in child psychology informs his

practices as a lawyer, and he urges emerging lawyers in this discipline to have a similar foundation in child development. Lawyers must remain apprised of developments in case law as well as those in the psychological and medical literature. Multi-disciplinary collaboration is an important facet of this work, and Professor Myers shared that one of his favorite elements of the job is his ability to collaborate with individuals from a variety of professional backgrounds.

Professor Myers imparted upon me the great power and potential for change that lawyers possess. Despite the emotional turbulence inherent in his job, he expressed immense pride working as a pediatric lawyer. He remarked that the greatest satisfaction is successfully advocating for a child: "If I have an 8-year-old who sends a letter that says, 'Thank you for saving my life,' then that's all the reward I need." Thank you, Professor Myers, for your contributions to the field and for sharing your eternal optimism with me.

About the Author

Naomi Rothenberg is a law student at Seattle University School of Law. She is pursuing a career advocating for children and families affected by the family regulation system, incarceration, and immigration.