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Exporting Drug-Court Concepts to Traditional Courts:

A Roadmap to an Effective Therapeutic Court

Jamey Hueston & Kevin Burke

On any given day, in courtrooms across the country, judges witness the unfortunate consequences of drug abuse reflected by some offenders who are in court “nodding out” from a “heroin high” while waiting for their cases to be called. A steady stream of people with untreated mental-health issues also enter courtrooms, often displaying oppositional attitudes, disruptive behavior, and cognitive disabilities. Judges are understandably frustrated with the justice system’s revolving door in which these offenders continuously rotate and with a system that cannot adequately address the numerous complex issues, insufficient life skills, and collateral problems that contribute to drug abuse or help users navigate to recovery. These individuals and problems are not the sole domain of the criminal-justice system and, unfortunately, are represented equally in civil and other non-criminal matters—just in another context.

The lessons we have learned and skills we have developed serving as drug-court judges are powerful, and they provide cogent strategies for dealing with traditional court litigants in the variety of criminal and civil matters that “full service” trial judges handle. This article describes drug-court-employed options and strategies used effectively over the last two decades to address drug use and associated mental-health conditions—approaches that promote healing and rehabilitation with substantially better results than those achieved by traditional punitive methods. This article also offers a roadmap for applying successful drug-court techniques, available to all judges in traditional court settings—techniques that will widen a judge’s repertoire of judicial skills.

THE CONTRAST BETWEEN COURTS

Drug courts encourage behavioral changes in offenders by imposing a regime of immediate behavioral management, known as sanctions and incentives; intense community supervision; frequent drug testing; appropriately matched treatment; and a range of support services under the vigilant monitoring of the judge. As Judge Brian MacKenzie’s white paper in this issue¹ so compellingly demonstrates, although each drug court is different, the dynamic and continuous interaction of the judge with each defendant is a critical factor. Someone once said, “They may forget what you said, but they will never for-

get how you made them feel.”² The quality, length, frequency, and content of communications with a judge are meaningful and purposeful. A judge becomes familiar with the participant’s personal life and triggers to aid in recovery. In contrast, the role of the judge in most traditional courtrooms is that of an impartial arbiter who has limited interaction with the defendant, even at the sentencing phase.

Let’s start by considering how a case would traditionally proceed in court. John, a 20-year heroin abuser, ingests “as much as I can get every day.” As a result of his abuse, he has numerous arrests and convictions and has failed several treatment attempts. Continuous drug usage has altered his brain chemistry, which overwhelms his self-control and compels continuous drug-seeking behaviors. A probation order issued by the sentencing judge—who emphasized his order by wagging his finger and demanding John to immediately stop using drugs—will not trump John’s compulsion to use. John will tell the judge whatever he believes will gain his release and propel him to his next “fix” on the streets. Once John is back in the community, the sentencing judge will play no role in John’s post-sentence probation. Rather, John’s probation officer or community-service supervisor, juggling an exhaustive caseload of other offenders, will try to provide adequate supervision. John’s drug-testing regime will likely be inconsistent and sporadic. His treatment program may also be insufficient to meet his needs.

Only when John fails to comply with the court’s orders will he find himself before the judge for a probation-revocation or adjustment hearing—a negatively driven process, often in custody and where the tension is often palpable. The judge supervising John’s case, as with most traditional court judges who are exposed to a steady diet of probation violators, is frustrated by the persistent failure of those under her supervision and by the repeat violations of her sentencing orders. Business as usual is particularly unsatisfying.

If John were in drug court, however, both he and the judge would find a very different view of probation, the justice system, and his potential future. The atmosphere during drug-court hearings is dramatically different; it is often didactic, motivating, and healing. While in court, the judge is engaging and instructive, and the defense and prosecuting attorneys are collaborative, not adversarial. The approach is therapeutic;

Footnotes

1. Brian MacKenzie, *The Judge Is The Key Component: The Importance of Procedural Fairness in Drug-Treatment Courts*, 52 CT. REV. 8 (2016).
2. Although a similar quote is often attributed to Maya Angelou, it

appears that the statement originated with a man named Carl W. Bueher. See Garson O’Toole, *They May Forget What You Said, But They Will Never Forget How You Made Them Feel*, QUOTE INVESTIGATOR, <http://quoteinvestigator.com/2014/04/06/they-feel>.

built on praise, not punishment; and built on treatment, not threats.

As illustrated by Judge MacKenzie's white paper, the efficiency of the typical drug-court techniques is supported by extensive research, which reveals significant improvement in the lives of participants, often dramatic reduction in recidivism, and substantial cost savings to the criminal-justice system and society.³ Not surprisingly, drug-court judges who have witnessed the extraordinary transformation of their most difficult participants routinely employ drug-court techniques when sitting in traditional judicial assignments.

THE ROADMAP

BEGIN YOUR JOURNEY TOGETHER: DEVELOP A RELATIONSHIP

The hallmark of drug court is the unique relationship between the judge and the defendant. Although their styles may differ, drug-court judges uniformly step beyond the traditionally distant and formal judicial persona and adopt a variety of roles to motivate positive behaviors and admonish negative ones. It is not unusual for drug-court participants to credit their improvement and success in the program to the judge's encouragement and enthusiasm: "for caring about me when I did not care about myself." This noteworthy rapport that defendants establish with the judge is, for many offenders, the first time a person of stature has taken the time to engage with them, demonstrate concern, and offer constructive assistance.

Case volume in traditional courts is frequently offered as the reason preventing the judge from spending more than a perfunctory amount of time with each defendant. Yet research has shown a significant reduction in recidivism when the judge spends "adequate" time with each participant to demonstrate interest in their lives, build trust, and create a bond. The critical question that remains is whether judges are ready to invest the necessary time, maybe only minutes, to influence offenders' lives and encourage them to finally exit through the revolving door.

Signpost: Build a Relationship

Courts can be intimidating and overwhelming, which can interfere with a person's capacity to understand what is happening in the court. Employing the principles of procedural fairness—ensuring people are treated fairly in court—helps create a more positive atmosphere and improves perceptions of the court. Social-science research overwhelmingly supports the notion of affording parties sufficient opportunity to express themselves—having a voice in the matter before a neutral

arbitrator—and is a key component of procedural fairness. Getting the rule or law "right" is profoundly important for judges, but, although counterintuitive, litigants confirm that case outcomes are not as important to them as the perceived procedural fairness of the litigation.⁴

People naturally want to win their case, but they are also willing to accept loss or punishment if they feel that the court procedures were fair, they had the opportunity to present their side of the case, and their case was considered by the court.⁵ Parties need to trust the process and feel that they have received respect from the judge. Spending a bit of time to learn about the defendant initiates a rapport, reduces barriers to listening, and creates an environment for improvement. Additionally, acceptance and compliance with orders is significantly increased when the reasoning for decisions is explained and expectations and requirements are adequately described.

MAPPING THE ROUTE: OBTAIN BACKGROUND INFORMATION

The crushing volume of cases in many courts can intensify the challenge of assuring adequate time to provide individualized justice at all stages of court proceedings. The focus of many courts sadly becomes disposing of the docket, not listening to the cases. Time limitations can also easily be used to rationalize a court's failure to obtain necessary information for fashioning meaningful sentences or probation plans. As in the trial stage, where the court requires evidence to make informed decisions, the sentencing phase also demands that the court obtains relevant information regarding a defendant's background to craft an appropriate and meaningful sentence that will have a chance of success—one that will shape the defendant's future as well as protect the public.

Even the most conscientious and mindful judges may render decisions at times that are less than precise. Faulty decision making can be affected by a variety of factors, including depleted physical resources, multitasking, mood, and fluency (*i.e.*, ease of processing information).⁶ Judges also fall victim to "decision fatigue" as reflected in a study that demonstrated that sentencing decisions varied depending on the sequence in which criminal cases were presented during the day.⁷ However, a judicial officer's decisions can have substantial direct and con-

Courts can be intimidating and overwhelming, which can interfere with a person's capacity to understand what is happening in the court.

3. MacKenzie, *supra* note 1; SHELLI B. ROSSMAN & JANINE M. ZWEIG, NAT'L ASS'N OF DRUG COURT PROFESSIONALS, WHAT HAVE WE LEARNED FROM THE MULTISITE ADULT DRUG COURT EVALUATION? IMPLICATIONS FOR PRACTICE AND POLICY: THE MULTISITE ADULT DRUG COURT EVALUATION (2012).
4. Kevin Burke & Steve Leben, *Procedural Fairness: A Key Ingredient in Public Satisfaction*, 44 CT. REV. 4 (2007).
5. Rebecca Hollander-Blumoff & Tom R. Tyler, *Procedural Justice in Negotiation: Procedural Fairness, Outcome Acceptance, and Integra-*

tive Potential, 33 LAW & SOC. INQUIRY 473 (2008).

6. Pamela Casey, Kevin Burke & Steve Leben, *Minding the Court: Enhancing the Decision-Making Process*, 49 CT. REV. 76 (2013). For an abridged version of the same article, see Pamela Casey, Kevin Burke & Steve Leben, *Minding the Court: Enhancing the Decision-Making Process*, INT'L J. CT. ADMIN., Feb. 2013, at 1.
7. Shai Danziger, Jonathan Levav & Liora Avnaim-Pesso, *Extraneous Factors in Judicial Decisions*, 108 PROC. NAT'L ACAD. SCI. 6889 (2011).

The court system is perfectly positioned to intervene in the lives of drug offenders and to facilitate treatment even before trial

sequential impact on the lives and freedom of those before them. We expect our doctors to offer their most thoughtful and well-researched recommendations regarding our treatment after reviewing our history, administering necessary tests, and making a thorough case evaluation; so too should individuals under our supervision—and tangentially, the public—expect nothing less from us.

Judicial imperfection is inherent in judicial decision making and impossible to eliminate, but it can be reduced with information produced from appropriate risk-and-needs assessments.

Signpost: Assess First, Sentence Last

Drug courts consistently require initial risk-and-needs assessments before program entry, as well as ongoing evaluations throughout the program to monitor progress and to ensure that proper treatment and services are provided. An assessment provides a comprehensive criminogenic examination of psychosocial problems; measures criminal risk factors; and measures other issues contributing to an individual's substance-abuse issues that, if addressed, will reduce the likelihood of recidivism or failure on community supervision.

Too often defendants are plagued with co-occurring issues or cognitive brain injuries, which can hinder their ability to navigate even life's daily obligations, much less court orders. Therefore, it is critical for a judge to be informed of the nature and extent of these problems to fashion a meaningful sentence that ensures the appropriate treatment is ordered and that proper probationary conditions are imposed—a sentence that will positively shape the defendant's future as well as protect the public. Good assessments before sentencing can mean the difference between success and failure. For example, one particular drug-court risk-and-needs assessment revealed that an offender, before the court for prostitution and drug usage, had been sexually abused by her father. Armed with that information, the court ensured that the probationer received trauma treatment.

Not every case requires special attention from the judge, but for those offenders who would benefit from more concentrated efforts, assessments can significantly enhance a judge's ability to make informed decisions, especially where drug and mental-health issues are extant. Good information and sound assessments are possible and, indeed, just as important in traditional courts. "Garbage in, garbage out" is sadly applicable without assessments, and obtaining sufficient information at the front end will decrease future probation-violation hearings and jail consequences and will avoid setting defendants up for most certain failure. Time constraints are a challenge, but, with sound case management, they are a challenge that can be overcome.

Signpost: Assess—The Sooner the Better

Drug-court research indicates that offenders should be enrolled in drug-treatment services "promptly"—that is, as quickly as possible—after a crisis or a triggering event when motivation to engage in treatment is strongest and before resolve diminishes.⁸ For many chemically dependent individuals, an arrest for drugs or related crimes is a crisis, an attention-capturing event that may motivate, at least momentarily, an offender's desire for help. Many traditional criminal courts lack the ability or willingness to address treatment issues until the merits of the case are resolved and the offender is definitively placed under a posttrial supervision order of the judge. However, failing to intervene with treatment during this critical early window of opportunity delays the offender's recovery and promotes the likelihood that the drug behavior will continue, affecting the offender, family, and community.

The court system is perfectly positioned to intervene in the lives of drug offenders and to facilitate treatment even before trial, leaving the lawyers to haggle over legal outcomes. For years, the Baltimore City judiciary recognized that the failure of the justice system to install identification and placement mechanisms immediately after arrest led to lost opportunities to engage drug offenders in early treatment while negative behaviors continued awaiting trial. After prodigious and concerted efforts and negotiations with health-department officials, however, certified assessors were assigned to each courthouse, and judges now routinely obtain same-day assessments and treatment placements before defendants leave the courts at any stage in the proceedings. Baltimore City's success is not unique but is regrettably far from standard. Early assessments and engagement in treatment is a best practice, and our citizens deserve nothing less.

TURN ON GUIDANCE SYSTEM: ENHANCE PROBATION

Many probation offices, inundated by large caseloads, often focus their limited resources on violent, higher-risk, younger defendants and place drug-addicted criminals on minimal supervision. Judges lament the ineffectiveness of probation and are frustrated by their inability to adequately help individuals under their supervision. By default, many defendants do not receive intensive support services and the stricter community supervision they need; regrettably, many of these individuals violate probation and are returned to the sentencing judge to address their failures. By that time, the persistent dysfunctional and damaging behavior has continued, if not compounded, their problems. The probationers have frequently committed new offenses, families and communities have been disrupted, and the negative cycle of despair and destruction has continued.

A judge's relationship with the defendant does not have to end after imposition of the original sentence. Drug courts provide the model for maintaining continuous contact with each participant through ongoing judicial interaction. At periodic status hearings or progress conferences, the court conducts meaningful exchanges with each participant to learn about the

8. SHANNON M. CAREY, MICHAEL W. FINIGAN & KIMBERLY PUKSTAS, EXPLORING THE KEY COMPONENTS OF DRUG COURTS: A COMPARATIVE

STUDY OF 18 ADULT DRUG COURTS ON PRACTICES, OUTCOMES, AND COSTS (2008).

participant's challenges and successes. Defendants are encouraged to express themselves to the judge, who monitors defendants' behavior and develops significant relationships with them that are critical to defendants' improvement and achievement of goals.

Signpost: Personalizing Probation

Certain defendants clearly warrant closer monitoring of their probationary conditions and will benefit from additional personalized support and attention from the court. Instituting periodic status reviews fills the gap between what traditional probation supervision can realistically provide and what offenders may actually need. Status reviews telegraph care and concern to neglected defendants who have received little attention or nurturing in their lives.

Additionally, the court is able to hold service providers accountable for their supervision and delivery of services and to encourage greater vigilance of the offender. As a result, judges have a front row seat to watch the positive changes and advances of their probationers—typically seen in drug-court settings but rarely in traditional courts. Hearings can also be structured to showcase these probationers before an audience, whose members are waiting their turn before the court, which also adds a therapeutic and didactic quality to the hearing.

Demands on judicial schedules warrant that only the most appropriate candidates are chosen to ensure that dockets are manageable and will be based on criteria determined by the individual judge (e.g., younger defendants, mental-health issues, poor motivation, depression, lack of family or community support). Additionally, the judge can regulate the frequency of these reviews to accommodate crowded court calendars and defendant needs (e.g., every two weeks, bimonthly, quarterly).

The positive impact that one caring judge can have upon defendants under his or her supervision is remarkable and is well worth the effort to justify the added work.

**PERSONALIZED PROBATION:
A SUCCESS STORY**

Joe, a 19-year-old African-American defendant who appeared before a court for drug distribution had a sordid history of delinquency. In foster care since age 2, he was suspended from school numerous times and was expelled for fighting by the 10th grade. His inauspicious career in the juvenile system began as a car thief at age 13. By age 14, he smoked marijuana daily and soon graduated to pills and heroin. In addition to standard probation, the judge placed him on "personal probation," which required his periodic return to court for status conferences to monitor achievement of his probationary conditions that included obtaining a GED, a job, and life-skills training. His public defender, in an unusual gesture, also agreed to be his mentor and scheduled routine visits. Through periodic reviews, the court conveyed to Joe that his life mattered and that he would not be abandoned again. Joe thrived and successfully completed probation.

**SHARE THE DRIVING
EXPERIENCE: CREATE A
PARTNERSHIP**

There is often an inherent distrust of the police among the criminal population, which too frequently generalizes to the entire criminal-justice system. Previous justice-system experience also teaches offenders that it is unsafe to admit failures, confess drug relapses, or ask for help—especially to probation officers. However, these are exactly the disclosures that should be reinforced and rewarded to aid recovery. Drug-court judges embrace this behavior-management technique and regularly encourage—if not order—participants to inform their community supervisors, treatment providers, and drug-court team members of obstacles and of when they fear relapse, are in crises, or are in need of assistance. At drug-court hearings, participants will hear the persistent mantra "we cannot help what we do not know." The goal is to encourage defendants to seek help and to take responsibility for their recovery and success.

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Signpost: Develop Trust

Traditional courts can create similar opportunities through "partnerships" or verbal or written contracts with defendants that encourage them to contact their attorney or probation agent or to return to court and seek assistance. To achieve success, defendants must broaden their support network, which includes the court, and pursue help before disaster strikes. The court must create a place of safety that encourages offenders to seek help when they are struggling with their treatment or when barriers thwart their recovery. Judges must ensure that probation officers will not threaten arrest of probationers who admit to drug use—otherwise, the probationers will refuse to share their mistakes. This does not convey a license to use drugs; rather, it establishes an environment where honesty is rewarded and help-seeking behavior is promoted. Research suggests that, on average, highly addicted offenders submit to multiple treatment episodes before reaching sustained recovery. One probationer did exactly as instructed and reminded the judge of "our partnership" when he appeared in court requesting help obtaining additional job services. The judge's staff, in turn, connected the probationer to the appropriate agency.

These "partnerships" are indeed possible in traditional courts, and defendants can be encouraged to take advantage of the judge's offer to intercede.

**ENJOY THE SCENERY AND AVOID THE HAZARDS:
SHAPE BEHAVIOR**

The concept of sanctions and incentives is not part of the typical curriculum for new judges—or perhaps even envisioned as necessary during one's judicial career—but when employed correctly, it can greatly improve the judge's success with offenders. Behavioral management is based upon numerous scientific studies that support the use of contingency-management strategies of rewards to encourage positive behavior

Behavioral research indicates that changes most consistently occur when individuals are rewarded for positive behavior.

and sanctions when necessary to reform behavior.

Behavioral research indicates that changes most consistently occur when individuals are rewarded for positive behavior. Drug courts consistently recognize and structure rewards for defendant progress by using a variety of tangible motivational devices, such as award of trinkets, gift cards or certificates, and bus passes. Intangible

responses, such as applause, praise, marking accomplishments in open court, and decreasing program requirements, are equally effective and powerful. Drug-court graduation ceremonies are standard events to celebrate achievement.

Noncompliant behaviors are handled through an array of graduated sanctions, which range from verbal reprimands; essays (write 25 things you will do the next time you are tempted to use drugs); courtroom or jury-box detentions; community service; and short periods of jail confinement.

Signpost: Using Incentives and Sanctions

Not every judge has either the temperament or desire to sit in drug court, and there is a range of motivational behaviors that even some drug-court judges will not engage. However, there are many alternatives to standard drug-court incentives and sanctions that can enhance the effectiveness of an offender's experience and improve case outcomes and that are remarkably effective in traditional court settings.

Research has garnered the following seminal principles that guide drug courts and can be adapted in other court settings:

Specificity. Clearly and unambiguously defining the behaviors that are expected will reduce confusion. Concrete words should be employed, such as "appear at all treatment appointments" and "complete community service within two months." In contrast, "do not engage inappropriate behavior" is not specific and is open to interpretation.⁹

Fairness. Participants are more likely to comply with court orders when they believe they are being treated fairly and with respect and that they are capable of completing the required behavior. Procedural fairness dictates that they should also be afforded an opportunity to explain their situation and understand the basis for the court's decision.¹⁰

Certainty. The judge should consistently monitor accomplishment of probationary conditions and specific goals and consistently respond by reward or punishment as appropriate.

Immediacy. Speed is essential. Incentives and sanctions should be imposed as soon after the behavior as possible to have the greatest influence on transforming behavior. Admon-

ishing a negative behavior days after its commission dilutes its effect or even renders the response fruitless.¹¹ Consider the ineffectiveness of admonishing a child for negative behavior weeks after the event.

Magnitude. The strength or severity of the incentive or sanction should be commensurate with what is realistically achievable by the defendant at the time of its imposition. One would not expect a novice jogger to win a 25K race without sufficient training. In the same vein, it would be unrealistic to demand abstinence before a chronic drug user has significantly engaged in treatment and developed skills to comply. Imposing severe sanctions too early can lead to frustration and a feeling of helplessness and may cause participants to abandon their efforts.¹²

Setting incremental and achievable benchmarks to note accomplishments is an excellent technique for encouraging behavioral change. Success can also be highlighted in open court. Linking completion of goals and positive behavior with incentives or rewards is another hallmark and standard in all drug courts. By example, a defendant on "personal probation" was praised by the court during a status hearing for presenting documentation that she had attended daily self-help meetings and acquired a sponsor. The judge subsequently reduced her probationary period upon proof that she completed treatment.

DON'T DRIVE UNDER THE INFLUENCE: DRUG TESTING

A robust drug-testing program is the most immediate, objective, and effective method of monitoring drug use and ensuring defendant accountability. However, to be effective, drug testing must be randomly administered, any day of the week. Reinforcing this point, a drug user once quipped, "When you schedule tests, I schedule usage." A vigorous drug-testing protocol is considered so vital that drug-court testing, according to the Best Practice Standards of the National Association of Drug Court Professionals, remains constant throughout the life of the program—certainly at least until the last phase of the program—even as most other requirements are decreased in response to advancement through the program (e.g., reporting to community supervision appointments or court hearings).

Signpost: Require Vigilant Drug Testing

The accuracy of self-disclosure, although encouraged, is inconsistent among the criminal-justice population and, as in drug court, the traditional court judge should maintain oversight by ordering defendants to submit to drug testing throughout probation. Ideally, testing should be random and no less than twice weekly for addicted individuals. A structured testing regime offers the court needed information to hold defendants accountable for their behavior and demonstrates the effectiveness of probation and the court's vigilance.

9. Douglas B. Marlowe, *Applying Incentives and Sanctions*, in THE DRUG COURT JUDICIAL BENCHMARK 139 (Douglas B. Marlowe & William G. Meyer eds., 2011).

10. TOM R. TYLER, *WHY PEOPLE OBEY THE LAW* (2d ed. 2006).

11. James G. Murphy, Rudy E. Vuchinich & Cathy A. Simpson,

Delayed Reward and Cost Discounting, 51 PSYCHOL. REC. 571 (2001).

12. Douglas B. Marlowe & Kimberly C. Kirby, *Effective Use of Sanctions in Drug Courts: Lessons from Behavioral Research*, 2 NAT'L DRUG CT. INST. REV. 11 (1999).

LEARN FROM EXPERIENCED DRIVERS: COURTROOM CONNECTION

Drug-court hearings afford the judge continuous opportunities to instruct, motivate, encourage, or admonish, when necessary, participants in an effort to therapeutically promote positive behavioral changes. Hearings are didactic and educational for the individual standing immediately before the court, as well as for the audience members who await their turn. Drug-court judges also receive training regarding the physiological, cognitive, and behavioral effects of drugs on the system, as well as behavioral-modification and interviewing techniques to facilitate and improve their interactions with participants. The drug-courtroom setting provides a dynamic and continuous forum for participants to learn from both their individual interactions with the judge and from their fellow colleagues.

Signpost: Reach and Teach

Every court occasion, no matter the nature of the docket, provides opportunities for the court to connect with litigants and to help them learn. As the court commends an offender for attending parenting classes and reuniting with her child, the audience listens. As the court offers to find supportive housing and treatment for an addicted youthful offender who was abandoned to the streets at an early age, the offender feels less alone, thanking the judge for caring—and the audience listens. As the court discusses with warring parents alternatives to abusive language and physical fighting in front of their children, the audience listens. As the court reframes conflicts to empower individuals who feel victimized, the audience listens.

Learning how to encourage without preaching, to artfully guide others toward constructive behavior, does not require a psychology degree. But judges who obtain training regarding the physiological effects of drugs on the brain, the dynamics of mental-health issues, or motivational interviewing are better equipped to make a difference they hope to see in those under their charge.

Courtrooms can be arenas for tension, stress, and highly charged emotions. Litigants are often afraid and intimidated by their opponents, the lawyers, the judge, and the court process. Additionally, an increasing number of individuals appearing in court suffer from mental-health challenges and co-occurring disorders. Some litigants yell at opponents and display oppositional or even contemptuous conduct, which may be attributable to these behaviors. Again, a bit of training will aid the judge in considering the genesis of disruptive behavior and addressing these situations calmly and with aplomb and finesse.

MAKE STOPS ALONG THE WAY: PROVIDE SERVICES

After shyly exposing a mouth full of rotten teeth from years of neglect while chasing methamphetamine, one drug-court participant dejectedly admitted to the judge that she could not obtain employment. Other defendants lack education and have limited literacy, much less interview skills or adequate clothing. Many have destroyed relationships with family and friends who distrust them after years of abuse and are ill-equipped to repair the damage. The defendants have neither the necessary life skills nor adequate support networks to achieve success.

Successful drug courts fill holes in the lives of participants that years of addiction have created and provide an array of support services to aid recovery. Support services are varied and often include GED training, job training and placement, housing, medical and dental care, nutritional assistance, recovery support groups, meditation, mediation, and conflict-resolution training.

[D]rug-court techniques and concepts . . . are easily exportable to traditional courtrooms.

Signpost: Seek Community Support

Excellent drug treatment alone is insufficient without addressing the issues that contribute to addiction. Judges in all courts should consider the additional problems that can weaken a defendant's resolve and will compromise compliance with probationary requirements. Defendants who lack a place to sleep, for example, or cannot feed or clothe their children will find it difficult to concentrate on recovery and comply with probation requirements. In jurisdictions that are resource poor, judges—by virtue of their leadership status and position in the community—can develop partnerships and links to access services to improve the success of those under their supervision. Religious organizations, educational institutions, community coalitions, medical facilities, and service clubs are but a few examples of resources that can supplement the missing pieces that the court system alone is unable to fill. For example, judges have obtained bikes from police departments to aid participants with transportation, partnered with community organizations to facilitate housing placements, and connected with colleges to provide GED and literacy training. With a bit of ingenuity and outreach, judges can fill gaps in the system and locate needed services to improve probationers' success.

ARRIVE AT YOUR DESTINATION: CONCLUSION

“Behold the turtle. He makes progress only when he sticks his neck out.”

—James B. Conant

The last 25 years of drug-court practice has proven that research-based, non-traditional approaches to judging significantly improve the life condition of defendants, reduce recidivism, and repair fractured lives. Drug-court practitioners are fervent about the ability of these programs to address deep-seated and exceedingly difficult issues of drugs and crime when other methods have failed. It is not surprising that judges routinely proclaim their assignments in drug court to be the most valuable and satisfying of their careers.

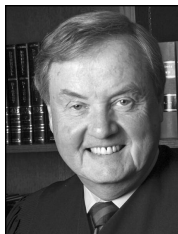
Drug-court judges, not satisfied with the status quo, are willing to implement innovative methods, are guided by new research findings, and make programmatic changes as needed. However, drug-court techniques and concepts are not the exclusive possessions of these programs and are easily exportable to traditional courtrooms. Judges in all assignments can experience the satisfaction and success enjoyed by drug-court practitioners.

For over a decade, the drug-court model has expanded to other specialized courts. Veterans' courts, mental-health courts, prostitution courts, homeless courts, dependency courts, community courts, and even co-parenting courts are founded on many of the same basic therapeutic principles employed in drug courts. Implementing a new specialized court is an option, but the critical components of a drug-court model can be replicated with surprising ease and success in traditional courtrooms without instituting an entire program. The options are many, and judges are limited only by their imaginations. All that judges need to do is to expose their necks a little.



Jamey Hueston is the founding judge of the Baltimore City Drug Treatment Court. She administered the program for over 20 years and has hosted hundreds of national and international visiting judges and others seeking to observe its operations and adapt them to their respective jurisdictions. She also founded and chaired the

Maryland Office of Problem-Solving Courts, one of the first statewide drug-court-oversight offices in the country, for over a decade and is a pioneer founder of the National Association of Drug Court Professionals. Judge Hueston lectures and consults throughout the U.S. and internationally regarding drug courts and court justice.



Kevin Burke has been a Minneapolis trial judge since 1984. He established the first drug court in the state of Minnesota. He served several terms as chief judge of the Hennepin County District Court in Minnesota, a 62-judge court, where he instituted social-science studies examining—and reforms improving—procedural fairness. Burke coauthored the American Judges Association's white paper on procedural fairness in 2007. Since then, he and coauthor Kansas Judge Steve Leben have made invited presentations on procedural fairness to more than 3,000 state and federal judges. He is a recipient of the William Rehnquist Award. In 2004, the magazine *Governing* named him Public Official of the Year.



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How Judges Can
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**Minding the Court:
Enhancing the
Decision-Making
Process**

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<http://goo.gl/F7NxE>



**The Judge Is
the Key Component:
The Importance of
Procedural Fairness
in Drug-Treatment
Courts**

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