

# THE ROLE OF THE JUDGE IN COMMUNITY-COURT

NOV. 2, 2009

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## INTRODUCTION

About a dozen years ago, I described the role of the Drug Court Judge in a judge's manual (J. Tauber, *Drug Courts: A Judicial Manual*, CJER; 1994). I wrote, "A drug Court provides direction and focus through the leadership of a single judge". A statement writ large, and in retrospect, an overstatement of the importance of the drug court judge. For while, the drug court judge is an important reason for the success of the drug court, he or she acts more an enabler than director. The major actor is "community" itself.

In effect, the drug court judge creates an environment in which successful drug court "communities" can thrive; where a "drug court team" comes together to institutionalize community-based structures for long-term success, and where a "community" of drug court practitioners and participants exert systemic control over substantial numbers of serious drug offenders. So I suppose, if I were to write a definition of a Drug Court Judge today, it might simply read, "a judge is the first among equals in a "drug court community". [Note: the Drug Court Judge is generally described as a drug court practitioner and a member of the "Drug Court Team", unless otherwise indicated.]

Over the past twelve years much has happened in the drug court field. Over 2500 drug courts and other problem solving courts have been established. Both NADCP and NDCI now serve the field. And while I presided over my first Drug Court in 1990, I've learned a great deal over the years watching, listening and talking to thousands of drug court practitioners and participants across the country and around the globe. The world of the Drug Court, as well as the drug court practitioner and participant have changed irrevocably and continue to evolve.

I believe that The Community-Based Drug Court described in this paper is already in place to a substantial extent in every Drug Court and Problem-Solving Court in this country. We don't always recognize the characteristics that define these court programs as community-involved, institutionalized, or systemic, but they are there. And while not all have moved rapidly towards this Community-Based model, I am convinced that most successful are doing so. [Note: The principles described in this paper relating to the drug court, are generally equally appropriate when applied to other problem-solving courts]

### On "Going to Scale"

While this monograph describes how and why a Community-Based Court works, its ultimate purpose is to show you the reality and science-based solution to the problem of drug abusers overcrowding our jails and prisons. If Drug court can reach out to serious drug users everywhere, we can change the lives of millions of Americans, their families and the communities in which they live. We already are changing the culture in the criminal justice system; along with its "conventional wisdom" that incarceration is the answer to almost every problem. We understand what needs to be done. We are doing it successfully all over America. We can be the catalyst for the most extraordinary change in American culture in two hundred years. We need human and financial resources. More importantly, we need the courage to "Go To Scale".

## ***THE ROLE OF THE JUDGE IN A COMMUNITY-BASED DRUG COURT***

This paper is designed to give you a candid insider's analysis of the role of the Drug Court Judge [DCJ] in the Community-Based Drug Court. In it, I will attempt to discuss the political, emotional, psychological and personal issues that many drug court judges face. I will provide straightforward text and ***then one judge's perspective(found in bold)***

### **SELECTING THE DRUG COURT JUDGE: WHO SHOULD DO THIS WORK**

In the beginning, it was assumed that one needed charisma to be a good drug court judge. And there was reason for that belief, as some of the original judges were larger than life figures. In retrospect, we know that a good drug court judge has a passion for fixing broken lives and broken court systems, and the ability to help create drug court communities that support the participant's sobriety.

Above all else, drug court judges need to want to do this work. While many judges pushed into drug court make the transition, those that don't can drag down their programs. So drug court judges should be self-selecting to a degree not found in most conventional courts. To some extent, a drug court judge succeeds because those attracted to the job have the characteristics that make the job work for them and their community.

Because the selection of the drug court judge is so important, we're going to provide a list of qualities that a drug court judge should have. Keep in mind, I've never met anyone with all these qualities and don't believe I ever shall. But they are a means to measure one's Drug Court Judge aptitude; useful both for those who are considering the position for themselves or others, and for those presently filling the position that want to gauge their performance. For organizational purposes, these qualities will be broken down into four primary roles that a drug court judge can be said to fill; The Judge as Communicator, The Judge as Problem-Solver, The Judge as Community Leader, and The Judge as Institution Builder.

### **CHARACTERISTICS OF THE DRUG COURT JUDGE**

So what makes the Drug Court Judge special and what characteristics do they have, and roles do they assume that help make the drug court a success.

## I. THE JUDGE AS COMMUNICATOR:

### *1. Enjoys interacting with people*

On many levels the drug court judge needs to be comfortable working with people. From dealing with program staff, to talking with participants from the Bench, the DCJ should be a person who enjoys people and finds satisfaction in interacting with them.

***For a true DCJ, this is the most fun you can have in a courtroom, outside of the occasional wedding or Christmas party. You get to work in a team with dedicated professionals, engage drugged out, unhealthy substance abusers in treatment, work together as a "community" to change lives, and be there as they are transformed to healthy productive citizens. What's not to like.***

### *2. Knows how to motivate others*

If you let people know what is expected of them, express your belief in their ability to succeed, and show your appreciation for their efforts, they will surprise you with their successes. ***Don't be afraid to congratulate participants for a job well done. In some instances that may include leading applause for the successful participant; on other occasions ask the participant to come to the bench for a brief conversation and handshake. But don't overdo the cheerleading. Remember the participants are not a TV Quiz Show audience responding to applause cues. Keep the applause and physical contacts to a meaningful level, and they won't seem staged or lifeless.***

### *3. Brings energy and enthusiasm to the bench*

Successful drug court sessions are substantially about generating energy. Do you have energy (read: interest) for these people and are you willing to work with them through hard times. We're so used to seeing hardened, somber (bored and nodding) faces in the audience that we forget that these same people are capable of a friendly self-assured countenance. ***Believe it or not, a sense of humor, a willingness to smile, and a friendly attitude can transform the drug court into a place where many may come to feel comfortable (including yourself). Participants working the program are often proud of their progress and even eager to tell you and the drug court "community" about it. This sharing in a "community" setting can be positively uplifting as well as encouraging to others new to the program.***

#### ***4. Cares about the people who come before the court***

Caring is expressed from the bench as empathy for the individual, as well as firmness when the participant does not meet agreed upon expectations. The DCJ takes great personal satisfaction from the success of the participant, in their program, and in their lives. ***Genuine caring can't be faked. It's about believing in people and their capacity to change. It's letting them know that you're not going to give up on them, even when others would. It's about offering hope and a path to a new life, no matter how messed up their old life was. Finally, it's about being willing to show you care.***

#### ***5. Talks to participants as human beings***

It can be hard to turn off the formal judicial visage, but it's worth the effort. The DCJ has the opportunity for a face-to-face talk with every participant that appears before him or her. ***Start the dialogue. You are the central figure, along with the participant. At the same time don't exclude team members. Ask for their input. Include the audience by talking to them or asking them a question from time to time. This keeps them engaged and at the very least awake. The more people participating, the more energy in the courtroom, the better the environment for developing "community" learning and growth (see the DCJ as Community Leader). Check out Letterman or Leno to see how they involve staff, band members, the audience and special guests, creating a sense of energy and temporary "community".***

#### ***6. Knows how to listen well***

The DCJ takes the time to listen to the participant and responds in a meaningful way. In a crowded courtroom, this may mean just a few words of acknowledgement or encouragement for a successful participant or a longer admonition to a participant out of compliance. ***Most conventional courtrooms aren't set up for dialogue. They're too big, have lousy acoustics, and people talking in the background (mostly lawyers). Also, be aware that there is a rhythm or tempo to a successful Drug Court session. Breaking up a session with unrelated cases or bench conferences can disturb that rhythm and disengage your audience. Get a microphone for the participants and tell the lawyers in the back of the courtroom to sit down.***

#### ***7. Has a sense of balance and a respectful demeanor***

The DCJ is perceived as being fair in his dealings with everyone; a person of integrity who respects all those he or she comes into contact with; a person who participants respect and seek approval from as they work their way through the program. ***That means, among other things, respecting the participant's individuality, working with the participant rather than on them (after all, they are not your patients), and making it understood that they are in control of their rehabilitation as they are ultimately of their lives.***

### ***8. Enjoys being an educator***

The DCJ can be likened to a teacher before a classroom of participants. What they learn depends in part on how good a teacher you are, but also on how well you prepare your teaching materials. By putting the arraignment of an in-custody warranted participant on the calendar first, all get the message that there are consequences for failing to appear. By putting successful participants on early in the proceeding, the message is that you will be rewarded for success. You could also compare the DCJ's role to that of a performer; in turn a task master, cheerleader, skeptic, and mentor; exhorting, threatening, encouraging, and congratulating the participant for his or her progress or lack thereof. ***In any case, don't preach or lecture participants. People have been doing that to them all their lives, with poor results. Talk clearly and directly, and for the most part briefly. Let them know that you appreciate how hard what they're doing is and let it go.***

### ***9. Engages the participant***

The DCJ will attempt to engage even the most disinterested participant; looking for ways to get their attention, and challenge them to be present in the moment. ***Initially participants don't want to be in court and especially don't want to talk to you. Their perception is that you are a danger to them and their drug habit. They want to get this thing over with and get back to their drugs. Challenge them to respond to you. Commend them for program compliance (as well as their healthful appearance, the cut of their clothes, their smile). Call them to account for failures to appear at counseling or positive drug tests. In either case, follow up with real consequence every time. Don't let them sleepwalk through their court appearance.***

### ***10. Does not intrude into the participant's personal life***

The DCJ must show great sensitivity and restraint when dealing with the circumstances surrounding the offender's substance abuse. There is an opportunity to develop a supportive relationship through direct conversation, but also the danger of being seen as invasive by the participant and others present. For example, if you have learned that the participant has recently lost a family member, it would be appropriate to express condolences for the participant's loss. Asking for details would be invasive and inappropriate. You may open up a sensitive subject in a general way, but allow the participant to decide whether he or she wishes to discuss it further. ***It's important to understand what kinds of questions are appropriate. Ask about program compliance, drug test results, jobs, cars, family, and newborn babies, but stay away from matters of a more personal nature. Remember, you're not a psychologist and have no business prying into the lives of participants. If you're perceived as prying, you definitely lose points within the drug court "community". If there's any question in your mind as to the propriety of an area of inquiry, leave it alone or check it out with the team before the court hearing.***

## II THE JUDGE AS PROBLEM-SOLVER

### 1. *Provides leadership for and commitment to the program*

The DCJ is the natural leader of the program and doesn't shirk from that responsibility or the work that goes with it. When others see the judge's commitment and dedication, they are more likely to work toward program success. ***Program staff has been waiting a long time for something to come along and make their work meaningful. For too many, work has been reduced to going through the motions and moving paper (similar to how many a conventional judge feels). If you show them that you mean business, are committed to the process, and will stand up for the program, they will respond in kind. Of course for those who are used to doing it their way or are waiting for retirement, you are a royal pain....***

### 2. *Is a critical thinker.*

The DCJ is skeptical of conventional wisdom; always testing existing protocol and structures to see if they are rational, effective, and serve the ultimate goals of the Drug Court. For example, the DCJ is aware that for decades the conventional wisdom has been that serious drug abusers should be incarcerated for a substantial period. He or she weighs that strategy against the facts and concludes that this strategy has failed miserably, resulting in a ten-fold increase in incarceration over the past twenty years. The DCJ concludes that it isn't smart or useful to think of punishment or incarceration as a goal in itself. It is a means to a goal, and should be used sparingly. Instead the DCJ looks to a plethora of alternative solutions that are available to move the serious drug abuser towards a sober and crime free life style. ***One of my favorite sayings is, "if all you have is a Hammer, everything starts to look like a Nail". The DCJ rejects the "Hammer of Incarceration" for a toolbox full of innovative responses that may include intensive supervision, counseling, educational services, residential treatment, acupuncture, medical interventions, drug testing and program incentives, as well as limited incarceration.***

### 3. *Has an interest in how systems work or not.*

A DCJ is curious by nature and a tinkerer by avocation. A DCJ will want to know how the offender gets from the street to the courthouse and from the court to the program and how the program works with the offender in the community. ***From the first day (whether starting a new program or transitioning in), observe how the process works and who is responsible for various tasks. You don't want to make changes just for the sake of change. You need to understand the system before changing it. Once you've had sufficient opportunity to identify areas of concern you can address them. For example, if your program does not have a incentives program in place, consider creating a "contingency contract" that lays out reductions in fines, fees, community service, probation and other substantial program requirements that a participant can earn through program compliance.***

#### ***4. Is both realistic and pragmatic***

A DCJ understands the importance of dealing with the realities of the drug user's life. Unfortunately, we often set up participants for failure by not recognizing the difficulties they face. A drug user is not a normal individual, but a person with an illness (see Appendix; People vs. Robinson). You can't expect them to respond to directives as you would. ***The last thing participants need is someone making unreasonable demands that they can't comply with. For example, if you order participants to attend five counseling sessions, test three times, attend three AA or NA sessions, and report to court, at different locations, all within one week, you're asking for a lot. If the participant has no vehicle, you've got a failure before you begin. Recognize that it is your failure and the program's failure because if the program is too difficult to comply with, the participant and ultimately the program will fail.***

#### ***5. Knows when to be innovative (see no.4 above)***

Shape your program so that it will work for the participant rather than you or your staff. Remember this is the participant's program, and its purpose is to deal with their problems, not yours. All structures and procedures ought to be measured by whether they move the participant towards the program goal; being crime free and sober. If a significant number of participants work during the day, consider setting up a hearing in the evening or modifying their treatment schedule (remember these folks have lives and families outside of Drug Court). If yours is a large rural county with non-driver participants scattered along miles of roadway, consider putting your treatment staff on the road so they are within reach of your participant population. ***A DCJ is nothing if not flexible and ready to respond to new problems. For example, when one program's procedures called for new participants to contact the probation office to set up an interview six to eight weeks later, more than a third of participants failed to appear for that interview. When the drug court team moved the P.O. interview to immediately after the initial court hearing, failures to appear were reduced to less than one percent. The moral: It doesn't matter how fair the judge, how capable the probation officer, or how excellent the treatment staff, if the program isn't designed to work for the substance abuser, it won't succeed.***

#### ***6. Learns from others***

The DCJ is open to new ideas and willing to learn from others. That includes “the drug court team”, local practitioners, other drug courts and their practitioners, local, state and national agencies and organizations, and anyone else who has “relevant” information to offer. ***A DCJ goes on vacation and checks in with the local court to see if he or she can sit in on a drug court session. Before starting the Drug Court assignment, the DCJ subbed for the previous DCJ, sat in and watched their court sessions and staffings, and became familiar with existing Drug Court procedures, protocol, and personnel. They take their “team” on “day visits” to drug court within driving distance and understand that there is as much to learn from observing problem drug courts as a model program.***

### **7. Understands the importance of reaching out to all in need**

The DCJ understands that the best drug court systems work with a substantial percentage of the serious drug abusers in their jurisdiction. The DCJ understands that it makes little sense to use Drug court resources on those with the least need. ***Here's the tricky part. If you define your goals too narrowly, you may succeed in achieving them, but fail to sustain your program. For example, if your program is successful in working with 5% of those charged with drug offenses or those with relatively minor drug problems you may win the battle but lose the war. If you cannot show that your program is reaching a substantial percentage of serious drug abusers, it will be vulnerable to charges of being "irrelevant to the larger substance abuse problem facing your community."***

### **8. Develops new skills**

Far from being the sinecure that some may think it to be, the DCJ works as long and hard as the conventional judge, but with greater satisfaction. The staffing, committee work, agency communications, and participant hearings will test the DCJ in ways never imagined. ***It's not necessary to become expert in the many facets of drug court; in fact, doing so would be virtually impossible. But develop sufficient familiarity with areas such as drug testing, drug treatment, and program evaluations to effectively work with the experts in your drug court community. For example make the effort to learn what the characteristics, symptoms, and appropriate treatment is for your participants' favorite drugs (i.e., methamphetamine, cocaine, heroin). Consider visiting a detox center, an NA meeting, and your local treatment program to determine the extent and adequacy of your community's treatment resources.***

### **9. Knows how to share**

A DCJ is willing to share the responsibilities as well as the credit for the program with the team. The DCJ knows how to motivate by taking the lead, how to lead without pushing, and when to back off and let others assume leadership roles. ***The DCJ needs to be a good delegator of power and responsibility. You can't do it alone and you'd be crazy to try. You need a full team (a "Community") to make this work, and they have to be full partners in the program. You also need to weigh the credibility of those who would provide services. Learn about their educational background, experience level, and work history. Make discrete inquiries about the quality of their work and check out references. It may even require learning something about their area of expertise or talking to experts in the field. In short, learn who you can trust and rely on to do their jobs well.***

### ***10. Watches over the program***

The DCJ does not so much coordinate the drug court's day-to-day operations, as oversees them. The program should have a program coordinator to see that program and process work smoothly. ***Once you have an established team, don't micro-manage. Let the team do their work. At the same time, set up mechanisms to check on program and staff effectiveness. Watch which treatment providers and/or counselors have the most successful participants (or set up a simple table chart to measure staff effectiveness). Meet with the team at least once a month (brown bag lunches are an option) to review the program for effectiveness and possible modification. Remember to keep your eyes and ears open for information on how the program is doing.***

## **III THE JUDGE AS COMMUNITY LEADER**

### ***1. Is a community convener***

The DCJ is a "community" builder, both for the Drug Court Team and among the participants. The DCJ understands that it is through a sense of "community" that staff and participants are able to make the sacrifices and do the hard work necessary to be successful. In a world where "community" has largely broken down, a drug court judge can have a profound impact. Your perceived fairness, impartiality, and moral authority makes you a natural convener of "community". ***The DCJ creates an environment in which program staff as well as participants form "communities" that otherwise would never exist. If you look around you, you'll notice that the most successful substance abuse programs are based on the notion of "community". Check out NA/AA, halfway houses, Delancey Street, etc. These "communities" support positive behaviors with smiles, friendship, encouragement, advancement in group status and other rewards. Similarly these "communities" controls participants' anti-social behavior through admonitions, shaming, work and threats of banishment. And so should you.***

### ***2. Brings together a drug court team***

The DCJ brings staff together from a number of very different agencies and service organizations into a "community" like structure called the "drug court team". The "drug court team" gives all stakeholders a sense of personal ownership and pride in their program. ***"Community" is a hard to define entity. It implies belonging to a group and sharing common ideas, customs, and goals. The drug court team seems to be such a structure. Staff that have long been hostile or indifferent to one another in other contexts find common ground and shared goals in the drug court program. Team members often lose their agency orientation and take up the "community's" goals as their own, melding a potpourri of career professionals into a "community" of purpose.***

### ***3. Helps create community in Drug Court sessions. (See 1; DCJ as Communicator)***

The DCJ brings together program staff and program participants into a larger court "community" that supports participants while controlling anti-social behaviors. The DCJ convenes the community, leads the team, involves the audience, and engages each participant individually; without dominating the proceeding. ***Unfortunately, some drug courts minimize the Drug Court's impact by waiving the appearance of successful participants or those otherwise occupied (i.e. in residential programs, working, in school). While doing so may sometimes be in the interests of the participant, allowing the participant audience to diminish below its "critical mass" (the number of participants necessary for effective community learning) negates much of the impact of the drug court model.***

### ***4. Works closely with a network of agencies and community based organizations***

The DCJ stands in a unique position among participating organizations. Participating agencies and organizations are used to working closely with or under the supervision of the court. ***Such organizations don't always like one another or work easily together. One reason is that they may occupy different ends of a perceived political spectrum (i.e., police and treatment providers; prosecutors and public defenders). The DCJ can build bridges between competing organizations, as well as encourage new "team members" to leave their advocacy outside the Drug Court program. In cases where a team member cannot make a successful transition to the drug court team, the judge can talk to the agency head about an appropriate replacement.***

### ***5. Represents the drug court in the greater Community***

DCJs have the political influence, the ties to government agencies, the moral authority, the perceived fairness and impartiality, and the expertise and focus to bring leadership to the greater community's anti-drug efforts. Your input and contributions will no doubt be welcomed. ***The DCJ is often valued in the community as few other public figures are. The DCJ is welcome to tell the Drug Court story to the Elks, Lions and other service organizations. People recognize the DCJ and for better or worse he or she often becomes a minor celebrity in their town. It's sometimes possible to turn that recognition into drug court resources. For example, community organizations can enlist volunteers, sponsor events (graduations, picnics, banquets), provide mentors for participants, and political support for your program. Their membership can be a valuable source of educational, employment, and housing opportunities for participants.***

## ***6. Shares responsible for funding***

The DCJ is in a unique position to assist in the acquisition of funding. The DCJ has connections to local politicians and agencies, county and state institutions, as well as national Drug Court leadership. Judges can go the governor &/or legislature to request criminal justice funding, enlist the support of charitable organizations, or seek non-profit corporate support. [Note: Direct funding requests may be considered inappropriate judicial conduct in some states] ***It's important to note that the judge must be careful in using this power. Participating agencies are often jealous of their resources and prerogatives. It might be smart for the DCJ to structure a local committee or non-profit corporation that could receive resources that become available. As long as agencies see resources allocated directly to them, they see their interests in a particularly possessive way. By having the program as a whole receive funding, and share resources through a non-profit corporation) the resulting resource distribution may be acceptable to all***

## ***7. Develops a policy level steering committee***

The DCJ reaches out into the jurisdiction for partners in the business, government, and non-profit corporate world. An excellent way of doing this is by engaging them as board members of a non-profit corporation that acts as steering committee to the drug court. ***It's not always easy to get these folks interested. They've got other interests and charity work they're involved in. But if you can make the connections and get them to see a drug court graduation or talk to a graduate you may be able to get them to join. The benefits are obvious. They have access to money, resources, and power. By moving resource acquisition and distribution away from the criminal justice system, there is the added benefit of reducing tension over funding.***

## ***8. Is an important contact for the press***

The media respond to the DCJ in a way that they rarely do to other drug court practitioners. You have the credibility to get through to reporters, editors and TV newsrooms. Use your leverage wisely, but make sure that newspaper and other media personnel know you and your program well. ***Introduce yourself to key media by inviting them to lunch. Set up interviews with program personnel and participants. Make sure the media are invited to drug court events such as graduations, picnics, parties, banquets, etc. Remember, at budget time, there can be no better ally than the media.***

**9. *Maintains connections with the outside world.***

It's easy enough to become isolated and marginalized when you are a conventional judge. But becoming isolated from the world of drug court information and organizations could have serious adverse effects on you and your drug court. Maintain your connections with regional, state and national drug court judges and their organizations. ***Other DCJs are your connection to the outside world. No one, including colleagues, can understand the challenges, frustrations, and ultimately the satisfaction of being a DCJ. There is great solace and relief in knowing that you're not alone. More importantly, there is good advice and assistance everywhere. Make a point of having your team visit regional drug courts for day trips; you can learn something important from every program (what they do right, and perhaps more importantly, what they don't.)***

**10. *Helps insure that community-based supports are available***

The DCJ knows whether NA/AA meetings, residential and non-residential treatment programs, education and training programs, clean and sober housing, and Drug Court Alumni Associations exist to serve Drug Court participants and graduates. ***Substance Abusers like to say they take one day at a time. They can do that if they've built a network of support within the community. Those without money, family, jobs, or education are most in need of community-based support if they are going to stay sober and out of trouble. You have the leverage to help make it happen.***

**IV THE JUDGE AS INSTITUTION BUILDER**

**1. *Oversees the Institutionalization of the Drug Court (see B; Institutionalization)***

Institutionalization involves a level of coordination, sharing of resources and information, and linkages among organizations that only exists within a systemic framework. It suggests the development of stable structures, procedures, and funding. Finally it implies a program that has a real impact on the community's substance abuse problem by involving substantial numbers of offenders. ***Conventional court systems aren't crazy about the idea of permanent institutions within their domain. The fact that it involves the outside community, press scrutiny, and a degree of independence makes it even less appealing. Don't be surprised if they try to contain its growth by denying it adequate resources (especially judicial personnel). Hey, no one said that this would be easy. But the benefits of creating such a system are extraordinary and worth the effort.***

## ***2. Puts structures in place that will be there for the long run***

The only structure you see in most courts begins and ends with the calendar of cases to be heard each day. There's a pretty good reason for that. What one judge puts up, the next judge is likely to tear down. To begin with, the DCJ needs to convince organizational partners to commit quality personnel to the program for substantial periods (a minimum of one year). An established “drug Court team “ will need to be in place to set up permanent structures. ***Remember, you're building for the future and not just a few years or even a decade. Obviously easier said than done. If a drug court fails (and some do) it's generally because it hasn't been institutionalized (read: structured for the future).***

## ***3. Understands that institutionalization has its pitfalls***

Institutionalization is absolutely crucial for the long-term success of the drug court program. But with it often comes bureaucracy and rules and procedures that can calcify the program. ***Bureaucracy will come to the drug court, for better and worse. Rules that make no sense, procedures that don't work, process that moves in a circular fashion are signs of bureaucracy gone wrong. The best way to prevent a problem from developing is to remain in checkout mode; meaning review your rules, regulations, and procedures regularly (at least twice a year) to determine if they meet the reality test: Is there a compelling reason for a process (read: does it further the goals of the participants recovery)***

## ***4. When transferring into the drug court, treads lightly.***

In some jurisdictions the change in Judicial assignments are so frequent (one years or less) that other team members have the historical perspective, institutional history, and in some cases program stewardship. Respect the organizational structures and personal relationships that exist. You're not there to put your imprint on the program, but to run it as effectively as possible. ***Don't do much at first to change the program. Watch and learn. Note who calls meeting to order, who calls cases in court, who speaks first to the participants in court; you'll know pretty quickly if leadership has passed away from the judicial officer. That in itself is not a problem. What is a problem is that in-court sessions that have non-judicial leadership are on the whole unsuccessful. I have sat in on one program where the judge remained in chamber (never meeting the participant) while the probation officer met with participants in open courts.***

### ***5. Relies on former DCJs to show the way***

A judicial policy committee (or just an informal gathering) made up of past DCJs and other interested judges can provide advice, consultation and assistance for maintaining the quality of the program and its judicial focus. ***Once a DCJ, always a DCJ. If you ask former DCJs (and other judicial officers) to be an active presence in your program, some will probably take you up on your offer. Their assistance and advice can be critical in understanding both the structural and organizational history of the program, as well as providing a framework for future restructuring. On top of that, any countywide judicial committee can exert considerable influence on both the court and county's political infrastructure. In general, it's an excellent idea to invite all your colleagues to attend drug court events such as graduations, to sit in on the drug court session or sub for you, and to attend training conferences if they show an interest. Over the long term, the Drug Court is going to need all the judicial support it can get.***

### ***6. Starts looking for a successor immediately***

Few will make a career of being a DCJ. Therefore, when you begin your term as drug court judge, you should be looking for a worthy replacement. ***While you may want to stay on, consider that your colleagues may have an interest in taking the drug court assignment. Courts that have a coterie of ex DCJs tend to be very drug court friendly and their program's well institutionalized. Avoid suspicions that you are engaged in empire building by stating at the outset how long you will serve (optimally two to four years). In some instances, it may take your active solicitation and encouragement to find the right replacement. Remember not everyone is cut out for this work. And you're the best judge of who is (pun intended).***

### ***7. Makes the workload doable***

It's critical that you receive a fair and equitable work assignment. There needs to be a realistic assessment of your drug court duties in setting up your work schedule. It may take more than one judicial officer (a team of judges) to adequately handle a large Drug Court workload. In other words, don't set yourself up with a workload that will burn you out and discourage anyone else from taking your place. ***Some presiding judges don't see the drug court as "real judge's work" and don't consider the extraordinary amount of work it takes to run a Drug Court when you're off the Bench. They may expect a DCJ to handle a full calendar along with their drug court responsibilities. You may be expected to work irregular hours (pre-court, lunch, evenings) or handle impossibly large caseloads. The Drug Court is sometimes used as a dumping ground for cases other judges would prefer not to handle. Don't let yourself (and your program) be taken advantage of. If necessary, provide your presiding judge with a copy of the Conference of Chief Justices Resolution endorsing drug courts (or your own Chief Justice may have policy directives re drug court***

**8. Makes sure all “legally” permissible participant data is being collected and shared.**

The DCJ and the drug court team need to be fully apprised of all substantial aspects of the participant's compliance; including drug test results, treatment session attendance, and other objective criteria of compliance. (Be aware of both Federal and State Confidentiality laws and how they may impact the sharing of participant information). **Agencies and treatment providers sometimes play "hold the info". That means that you don't get full and complete information on a participant's progress or lack thereof. Or they may provide the info in a narrative form that makes it almost impossible to decipher without a second or third reading. There are many reasons for these deficiencies (some quite innocent); but whatever the reason, make sure you are getting information that is complete and understandable (I prefer preset columns listing the requirements and compliance dates). Remember, Information is power. Everyone on your team needs a full history of the participant's progress (and history) to do their job. Without it you are at a serious disadvantage when trying to carry on a conversation with participants.**

**9. Helps develop a permanent resource stream**

As stated many times in this manual, adequate funding is necessary for the long-term life and institutionalization of the drug court program. Short term funding can be a problem. Grants generally run for two or three years at most. County budgets run on a one or two year basis. The drug court needs to find resources that will be around for the life of the program. That may mean a long-term commitment from county agencies, the mayor, and/or or the Board of Supervisors. **It certainly means that the Drug Court needs to stay "on the front pages" so to speak. You've heard the expression "out of sight, out of mind". If you don't remind agency heads, politicians, and the press of your good work, then who will. Prepare for a long-term effort to maintain and expand drug court funding. Consider: if your program is not reaching a substantial percentage of those with serious drug abuse problems you need to be expanding your resource base.**

**10. Makes sure appropriate data is collected for evaluation purposes**

In order to sustain you drug court, you're going to need the data and evaluations that support your program's efficacy. That means engaging competent professional researchers and making sure that relevant agencies are collecting the appropriate data. **Not every agency collects appropriate data or necessarily wants to know how they're doing. You need the data to support your program at the next county budget meeting. That's means finding competent research professionals who will work with your program and other participating agencies to get the relevant data for their evaluations. Not as easy as it sounds. The Congressional Government Accounting Office (GAO) has criticized the research coming out of the majority of drug courts as inadequate and worse still, irrelevant. Find a good evaluator who will work with you for a reasonable fee (preferably pro bono). Although universities are a place to start your search, you may want to talk to NDCI or other national organizations about references.**