

SERIALIZATION: NADCP AND THE DRUG COURT MOVEMENT: A FIRST PERSON ACCOUNT, 1990-2001 (Judge Jeff Tauber ret.)

EXCERPT NO. 6: CREATING A SCIENCE-BASED INSTITUTE; 1998

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Being the best advocacy organization and lobbying outfit in town takes you just so far. In late 1997, I began to advocate for the creation of the NATIONAL DRUG COURT INSTITUTE (NDCI), that would move NADCP towards a more science and research based approach.



Ceremony at Roosevelt Room of White House Announcing Establishment of the NADCP National Drug Court Institute (NDCI). In photo, Drug Czar General Barry McCaffrey, Assistant Attorney General Laurie Robinson, Former Chair of NADCP, (now U.S. Senator) Claire McCaskill, and NADCP Founder Judge Jeffrey Tauber; Dec. 10, 1997

AN INTRODUCTION TO AN "OH SO FAMILIAR" STRANGER

I was to be introduced to Martin Sheen, who was scheduled to be our celebrity speaker at the close of the D.C. Conference of 98'. I found him sitting over coffee with another man, before Martin was to go on stage. The man looked familiar. I thought him a D.A. or Probation officer from back home, in Oakland, California. His name was Tom Gorham and he was an associate of Dr. Davida Coady, an epidemiologist who ran the Options, Inc., treatment program in Berkeley.

Tom cheerfully introduced himself as a frequent flyer on Alameda County Courts' Drug and Alcohol Merry-Go-Round. It was only then that I realized that this impressive well-dressed person was the same man who had appeared slovenly and unkempt in court on drug and/or alcohol charges on dozens of occasions over the years. He had only recently found sobriety through Judge Carol Brosnahan's Berkeley Rehabilitation Program run through Options, Inc. He had graduated from Options, Inc. and was currently a counselor, under the direction of Dr. Davida Coady.

The truly remarkable part of this story, is that Tom went on to become the CEO of Options, received his Doctorate in Rehabilitation Counseling, and was married to his mentor, Dr. Davida Coady, by then Drug Court Judge Carol Brosnahan at her home in Berkeley.

Though an extraordinary tale, it made me think of the tens of thousands of offenders (if not hundreds of thousands) that are misdiagnosed by judges, district attorneys, defense counsel, probation officers and treatment providers. It reminded me that I, nor my brethren were seers, and that I often made serious errors of judgment about an offender's potential for successful rehabilitation.

Finally, it reinforced my commitment to involve NADCP in developing scientific approaches to our courts. So they could do a better job at diagnosing the levels of drug abuse and criminality of drug court participants, and provide for their rehabilitation. It was in an odd way, a wake up call, reminding me that the courts needed to be science-based, and systems-oriented (or what is now called evidence-based) in their sentencing decisions, relying on scientific tools and analysis to assist in doing this critical work.

PLANNING A SCIENCE-BASED NATIONAL DRUG COURT INSTITUTE

From almost the beginning of NADCP, I had pictured some arm of the organization dedicated to academic endeavors, evaluations, and research projects. It was a side of NADCP that was clearly missing.

After our '97 Conference in D.C., I took stock of what had been accomplished. NADCP was clearly on the map in D.C. It had supporters both in the leadership of

both democratic and republican parties. We had more than doubled federal drug court funding over the previous year; we were increasing the number of drug courts exponentially; we were creating partnerships with state organizations and judicial and executive agencies, our conferences and mentor site trainings were breaking new ground and pulling the field together, and now we had our own offices and an expanded staff.

The one area where we had not made much headway was in establishing NADCP as a source for credible research and scientific information. We also weren't doing the sophisticated training and education in the field that we needed to. To some extent, research, education, and information resources were flowing to American University's Justice Program, because it had a university's imprimatur. We needed to somehow create our own certificate of approval.

SOME STAFF PUSHBACK ON NDCI PROJECT

For the first time, I found staff reluctant to move forward on a major project. I was surprised at first, but aware that we were both understaffed and overworked. It was hard to accept that Drug Court was not necessarily a life mission for others on staff. This was the first time I can recall that we had a serious debate among senior staff as to how far and how big an organization NADCP was to be.

My position was that this was a once in a lifetime opportunity, to be a part of a historic reform of the criminal justice system, and that we had to push it as far as it would go. I tried to motivate staff by reminding them that being there at the genesis of the drug court movement was an honor and a privilege that few would know. Of course, some disagreed but didn't necessarily say it out loud.

I gave everyone who came on staff the same speech; that this was more than a job, and that if they wanted to work 9 to 5, there were jobs to be had at other organizations. More than a few took my advice to heart and declined to join NADCP.

We were an organization with a mission. We moved ahead with the NDCI Project. I didn't understand until then, just how important having staff fully committed to your organization's goals were. It turned out a few reluctant senior staff were both a distraction and a hindrance. I found that the best I could do to build momentum when staff wanted to slow it down, was to lead by example, working long hours and making sure that I was the one to turn the lights off at the end of the day.

NDCI'S CALLINGCARD: A NAME AND A SYMBOL



The Greek Goddess of Wine Represents NDCI

I came up with the name, National Drug Court Institute (NDCI). That was the easy part. It was pretty conventional, but that was just the sort of thing we needed: a conventional science based institute. Before I did anything else, I created a brochure establishing NDCI as the science, evaluation, and educational arm of NADCP. I couched the brochure in terms of NDCI being an independent organization affiliated with NADCP, because practitioner based organizations didn't get a lot of respect when it came to science based research and education. The plan was to put an NDCI sign on the door of an empty room at NADCP, and get to work.

The organization's symbol proved to be more of a headache than I anticipated. NADCP's enormously successful symbol had been gifted to me by Nelson Cooney of CADCA, after the "Founders Meeting" in Alexandria (1994). So we hired the same graphic artist to design the NDCI insignia. But this time we had a much harder time finding the right symbol. Marc Pearce, (by then, Director of NADCP), and I literally looked at hundreds of possibilities, but none spoke of honesty, integrity and science the way we needed it to.

Desperate for some resolution, late one night I sat in my office looking over a text on Greek statuary; and there she was, the statue of a Greek Goddess, holding a goblet in one hand and wine grapes in the other. I can't say that I exactly remember which Greek Goddess, but it worked for me. It was a simple edit to substitute a book and the Caduceus (the Greek symbol for the healing arts) for goblet and grapes. The result was a stunning symbol, with the propriety and integrity hoped for. If delivered by a rehabilitated Goddess. So be it.

I had plans to make NADCP's June 98' Conference a special event for NDCI' (as 97' had been for the "Key Components" and the "Congress of Drug Court Associations"). But I needed an Institute in place as soon as possible (or at least the facade of one), to attract funding for initial projects I hoped to trumpet at the 98' Conference.

NDCI FOUNDING CEREMONY AT WHITE HOUSE IN DECEMBER 1997

The federal government's Office of National Drug Control Policy (ONDCP) was an independent agency, under the jurisdiction of the White House. Its Director was popularly known as the "Drug Czar". At the time, its Director was retired four star General Barry McCaffrey.

I had met General McCaffrey early on, in 1996, when we had both arrived in D.C., and he had promised to look over the drug court model. As he explored and studied our model and visited Drug Courts, he became a committed supporter, and to my mind, a potential funder for the envisioned National Drug Court Institute. General McCaffrey would often speak at our conferences and on more than one occasion described Drug Courts as "one of the most monumental changes in social justice in this country since World War II" (a message that I would carry with me to audiences near and far).

To be frank, General McCaffrey was the first general I ever had any dealings with, and I was a bit intimidated. His staff considered him brilliant, but eccentric. I visited with the general and his staff on a regular basis, and I broached the idea of a committed congressional funding source for NDCI through congressional allocation. General McCaffrey liked the idea and assigned two of ONDCP's senior administrators, John Carnavale (then Planning Budget and Research Director at ONDCP) and Ross Deck, his colleague, to examine its feasibility. They were thorough, enthusiastic, and helpful.

General McCaffrey suggested that we announce an ONDCP/NADCP Partnership in founding NDCI at the White House. We couldn't have been more pleased. We were given a date when the Roosevelt Room would be available. We hoped the President would be available for the inaugural event. As it turned out, the President, Vice President, and Attorney General were not, but we were well served by the Drug Czar, General Barry McCaffrey and Assistant Attorney General Laurie Robinson.

On December 10th 1997, chairs were set up in the Roosevelt Room of the White House and close to a hundred people were at the inaugural Ceremony. [See: [C-SPAN video of Dec. 10, 1997 founding of the "Drug Court Institute."](#)] The Robert Wood Johnson Foundation (RWJ) was represented by its CEO, Steven Schroeder and CADCA by acting President, Nelson Cooney. NDCI was represented by NADCP

Chair Pat Morris, past chair Claire McCaskill and myself, as well as NADCP's new Director Marc Pearce. The speeches were thankfully short (especially my own) and there was a brief media press conference outside the White House at which most of the principles spoke.

PLANNING FOR AN NDCI REVIEW

I had decided that NDCI's first project would be a relatively simple one that broke few conventional rules and had an easily recognizable format. It also needed to be a physical product that we could hand out at our 98' Conference in D.C. The option that I believed to be most acceptable to the field was that of a respectable legal journal (though this journal's focus would be science-based). I called it "the National Drug Court Institute Review". I wanted the Review to resemble publications judges and lawyers were generally familiar with. So it had footnotes, head notes, and a cumulative index. Hopefully, this would give NDCI articles a look of seriousness, respectability, and importance.

Unlike most reviews, documents, and publications I came across at conferences, Volume 1 would be found inside a handsome green loose-leaf binder (intended for the first four volumes). The Review's name and insignia on the volume were to be in gold leaf; a handsome addition to any legal bookcase. In that way, I hoped to avoid the fate of 90% of conference literature; dumped into the circular file, unread and unloved.

RWJ COMES TO OUR RESCUE, AGAIN

I was casting about for funding to implement my plans for an NDCI Review. I had few accessible sources for unrestricted funds. The one that had the most potential was the Robert Woods Johnson Foundation. They had sent a representative to our 97' conference the previous year who had been seemingly impressed by the energy, excitement, and substance of what we were doing.

I got back in touch with the RWJ rep., explained our emergency situation and our need for \$50,000 to print and publish what was to be our first NDCI project, the NDCI Review. Someone at Johnson said yes and we were on our way.

STARTING UP A SCHOLARLY JOURNAL

I convened an Editorial Meeting of writers and researchers on relatively short notice in early 1998, to help create an agenda for the review. They included Dr. Steven Belenko, Dr. Kenneth D. Robinson, Dr. Sally L. Satel, Susan P. Weinstein (NADCP's attorney), and myself. Initially, there was little peer review. I was trying to get out a

publication and I had precious little time to do it. That first volume would need to be special.

After our Editorial Meeting, we had our agenda, but the Review still had to be written and published. The writing was done by Dr. Steven Belenko, Dr. Kenneth Robinson, Dr. Sally Satel, Michelle Shaw, and myself. I contributed an article on drug court systems of the future, "[The Future of Drug Courts: Comprehensive Drug Court Systems](#)", and edited an article submitted by Dr. Sally Satel on the psychological effect of the drug court environment on the participant and judge, "[Observational Study of Courtroom Dynamics in Selected Drug Courts](#)" ((ghost writing a section on environment and drug court).

The most critical writing done for Volume 1 of the NDCI Review, by far, was a comprehensive meta-analysis on the effectiveness of Drug Courts while offenders were in the program. It was an important issue for the drug court field and one that I had been focusing on for some years.

Too often, I would meet with congressional, court, or other government authorities skeptical of Drug Courts who insisted on seeing the research. When I provided actual research documents supporting Drug Courts, my impression was that they were rarely read. With the NDCI Review coming on line, we had the opportunity to put out a special publication; easily read, brief, and understandable.

NDCI PUBLISHES COLUMBIA UNIVERSITY RESEARCH (CASA)

The challenge was finding the right writer and organization to produce the NDCI Review. I asked Steven Belenko, a highly respected researcher, who was working for Columbia University's National Center on Addiction and Substance Abuse (CASA) if he would be interested in having his research showcased in the layman's format envisioned for the NDCI Review's first Volume.

We discussed issues that were important to the field and hit upon: "What could we learn from a meta-analysis of drug court research about participants who were in a drug court program, and on probation or otherwise under the supervision of the courts?" Dr. Belenko would have complete independence and control in producing the document, and NDCI would publish the research, in Volume I of the NDCI Review, no matter what the findings.

Published in 1998, the resulting study was, "[Research on Drug Courts: A Critical Review](#)" (hereafter "The CASA Study") by Steven Belenko, Ph.D., the first major academic review and analysis of drug court research up to that time (based upon some thirty drug court evaluations). The finding that I had hoped for was right out front in

the introduction, “drug use and criminal behavior are substantially reduced while offenders are participating in drug court.”

It was published in the first NDCI Review as the lead article, as well as in a 44-page monograph distributed freely at the D.C. Conference (see link above). Beyond that, in the coming years, thirty thousand copies of the 44-page research monograph were widely distributed by NADCP. NADCP/NDCI staff would take the monograph with them for distribution at state drug court conferences, meetings and anywhere else we went.

“The CASA Study” provided easy to understand research and evaluation results that our supporters as well as our skeptics could rely on. In a world of short attention spans it was the right publication for its time. “The CASA Study” was a huge asset for advocates of drug courts. It was the first NADCP publication to go viral in that it had more impact than any other drug court research document before or since.

SELECTING A DEPUTY DIRECTOR FOR NDCI

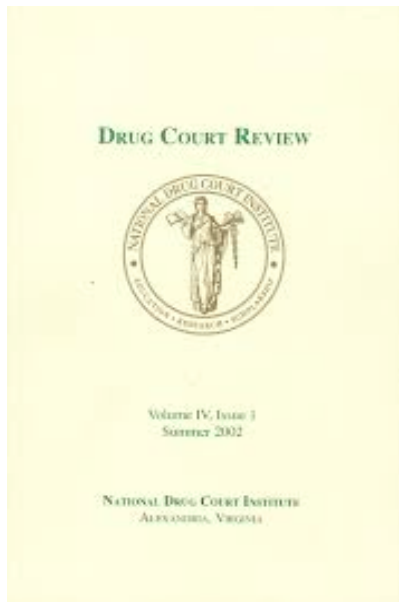
While finishing the editing of our first NDCI Review, I started to search for a managing assistant for NDCI. There were any number of drug court practitioners who were willing to come to D.C., to work for NADCP, in an entry-level management position.

There was one young man in particular who had made a major impression upon me. I was criss-crossing the U.S. in 1996, scoping out drug court mentor sites for trainings and regional stars to showcase in D.C. and elsewhere. Stillwater, Oklahoma was on the list and I arrived in Tulsa’s airport, the closest major city to Stillwater, sometime after midnight. I was wondering how I would get to a hotel in Tulsa when I was approached by a cheerful, polite, deferential young man. West Huddleston was there in the middle of the night to drive me to Tulsa. The next morning West drove me through a desert (for some reason literally filled with brush fires), to Stillwater, Oklahoma, a small town seemingly in the middle of nowhere. It had a drug court that met in the evenings (an innovation worth noting) and other features we needed to diversify the drug court mentor system; it was in a dry, small town, in a rural setting, in a middle American conservative state and in a part of the country without many mentor sites or drug courts.

West and I hit it off and became good friends. He was a good traveling companion. I would see him at trainings and conferences from time to time (we often started the day with a run, which at first was a somewhat trying experience for him), and I began to find room for him at conferences as part of our training staff. There was something special about him that made me feel that he was a keeper.

In May of 1998, West Huddleston, reported for work as NDCI's first Deputy Director, along with his associate, Michelle Shaw (just weeks before the 98' Conference). At the time we were trying to finish our work on the NDCI Review. There was still an enormous amount of logistic, editorial and detail work to be done before we could go to press. West and Michelle dove in headfirst, and because of their efforts (which included a number of all-nighters), we managed to finish and deliver the Review on time for the 98' Conference.

NDCI REVIEW IS HIT OF 98 D.C. CONFERENCE



The NDCI Review provided credibility to NADCP and the drug court field

Once again, the 98' D.C. Conference exceeded all expectations: Over 1800 participants, 15 tracks, extraordinary speakers, a continuing emphasis on local and regional leadership, a Congress of State Drug Court Associations meeting (as well as individual jurisdiction and state association meetings), and a new emphasis on law enforcement involvement in the Drug Court Movement. (With funding assistance from the DOJ's Community Policing Division, under Joe Brann, we added an NADCP staffer with a law enforcement background and expanded our Mentor Court System to include sites with substantial law enforcement connections).

By that time we had introduced many innovations to the field, but none more important than the National Drug Court Institute. The Washington elite was there, so was the federal government, with ONDCP Director General Barry McCaffrey giving the premiere plenary speech. [I remember running into Jeremy Travis, Director of the National Institute of Justice and taking him on a tour of the Review, excitedly pointing out its features; then again, I may have been a bit over-enthusiastic.]

Though West was new to NADCP, and had not been part of the development of NDCI projects to that point, I wanted to recognize the hard work that he and Michelle had put into finalizing publication of the NDCI Review. I put both West and Michelle on the Editorial Board of the Review.

I also gave West the special opportunity to showcase the NDCI Review (and himself) to the field at the first plenary session of the Conference. At first he was reluctant to speak to the over two thousand present at the opening plenary session, but I urged him to do it. He did a fine job and I was proud of him.

And while it may be delusional, what I remember most about the '98 D.C. conference was eighteen hundred participants heading for home clutching Volume 1 of their NDCI Review with its green binder and gold leaf inscription – held a bit tighter than other reading material.

We needed to roll out the National Drug Court Institute with a bang and apparently had succeeded. [Years later when I had returned to California as an Assigned (or Senior) Judge, I was to find the green NDCI binder in more than a few judge's chambers.]

ONDCP COMES THROUGH WITH FUNDING

Landing substantial ONDCP funding would be a huge deal. It became Senior Staff's number one priority. West Huddleston, Susan Weinstein (NADCP's lawyer), and I spent a great deal of time with ONDCP and congressional leadership in discussing how to access ONDCP Congressional Funding (through what was called a congressional earmark).

I got the news in a phone booth at Reagan airport. We would receive \$2 million in ONDCP funding for NDCI's next two years, and \$1 million a year thereafter, (until we didn't). I made up my mind right then. We would spend the whole \$2 million in our next year, 1999 (and ask for another \$1 million the following year). The mission was too important to ration resources when we needed them the most. NDCI would focus the drug court field on scientific issues that were too often neglected, or ignored. [We were to write and distribute a publication, on average once a month over the next two years.]

NDCI FINISHES OFF 1998 WITH A BURST OF ACTIVITY

I had definite ideas about how we would spend ONDCP's funding. We needed to get the NDCI brand out to the field and make it the focus of scientific and research interest. In our first year, 1998, we had already published Volume 1 of the NDCI

Review, as well as the CASA Drug Court Research Monograph. We needed a separate monograph series, based on focus group findings that could be built into new science-based reform projects at NDCI (i.e., Systemic Sentencing, Reentry Courts, and DWI Courts). Additionally, NDCI's Research Agenda was explored with two "Research Agenda Planning Sessions" held in partnership with the National Institute of Drug Abuse (NIDA) on September 14th and 18th of 1998.

Another important focus of NDCI funding was the creation of more sophisticated, video based, in-house training, both for drug court practitioners and their jurisdictional teams (for the first time, independent of JMI and American University). With West and I putting in long hours, we somehow were able to launch our first ever week long Drug Court Practitioner Training for Judicial Officers at George Mason University, October 18th through 23rd, of 1998 (opening to rave reviews; more in the next chapter).

NDCI SUCCESSES PORTEND CONFLICTS TO COME

Looking back on the accomplishments of 1998, the first full year of NDCI, it's hard to fathom just how many challenges we took on and how much we accomplished in such a short period of time. It was already our trademark and demanded near total dedication and commitment.

I was working 60 to 80 hours a week and expecting the same from my staff. I was delighted that our new NDCI Deputy Director had shown so much promise in his first six months with us. He had my work ethic and commitment to the cause. And that was the beginning of both successes and conflicts to come.

Judge Jeffrey Tauber, (Ret.)