

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

EXCERPT NO. 5: CONSOLIDATING OUR GAINS; 1997

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1997 proved to be a critical year for NADCP, a year to consolidate the gains of the previous activist years, focusing on establishing a standardized drug court model and institutionalizing the Drug Court on local, state, and national levels



Denver Drug Court Judge Bill Meyer, here reviewing a document along with NADCP Founder Judge Jeffrey Tauber, chaired the 1997 Drug Court Standards Committee, and should be credited (along with writer, Jody Foreman) for much of the success of NADCP's outstanding publication; "Defining Drug Court: The Key Components"

THE DECISION TO REMAIN AT NADCP

As I approached my second year (January 1997) as President of the D.C.-based non-profit, NADCP, I had a decision to make. I had been granted a single year's leave of absence, in order to go to Washington, and build an 'education and training organization'. That was my charge and I had done better than I could have imagined. But the year was almost over. I had to decide whether to stay or go home.

Beyond the finality of resigning from my judgeship at the age of fifty. There were the financial penalties I would suffer if I stayed in D.C. My pension would be frozen at eight years, rather than the potential 20-year pension that I would otherwise receive at retirement. On top of that, I would remain a municipal court judge, while all municipal court judges in California were to be uniformly elevated to the Superior court. [In '96, the legislature had put Proposition 220 on the ballot, the "Trial Court Consolidation Act", which created a single Superior Court Bench in California.]

Against those penalties, I weighed the possibility of building an organization that could be the base for widespread reform of the criminal justice system. NADCP was sitting at the table along with other organizations, (respected and even feared a bit), putting on major conferences, working the hill as extremely effective lobbyists, the subject of admiration and approval of politicians on both sides of the aisles, training drug court practitioners across the nation through JMI training conferences and NADCP Mentor Sites, and continuing to make astonishing progress, by expanding the number of courts in the field, as well as their scope and reach across the nation.

It was a painful decision, though one that was never really much in doubt. I wrote the Oakland Presiding Judge, at the time, Carlos Ynoztroza, and AOC Director Bill Vickrey, letters of resignation from the California Bench.

PLANNING FOR A DRUG COURT STANDARDS COMMITTEE

Conceptually, national standards were at the very heart of NADCP. By the end of 1996, there was a growing acceptance of drug courts in the criminal justice system. It was clear to some that we ran the risk of having the field hijacked by other organizations. The greater danger was always that the concept would be subverted and co-opted by existing court bureaucracies and structures. Most courts are rigid institutions, full of functionaries who are reluctant to make changes.

There was no question, that Drug Court would be a major challenge for the courts. For too many, the way to implement a reform was to do as little as possible. In the case of Drug Courts, it could simply be adding drug court signage in front of a court department, and continue on as before. It has happened over and over throughout the history of reform. The existing conventional approach usurps and swallows reform whole, leaving little more than superficial change.

Developing field wide standards was critical to maintaining the integrity of the Drug Court Model and an important way to move Drug Court reform forward. Laurie Robinson wanted NADCP to promulgate standards, and so did I. Standards could be used to enlighten the field as to how a Drug Court optimally works, and inform potential mentor court sites of the parameters required for their model (and be part of the requirements for future drug court grant applications.)

THE ADOPTION OF UNIVERSAL DRUG COURT STANDARDS

By 1996, the concept of “Drug Court Principles” had come to be accepted by the field. No drug court could credibly advocate for its particular model, without providing scientific evaluations to back them up. The writing in the field now often reflected general or universal principles that could be applied across the drug court field.

After NADCP’s '96 D.C. Conference, I began to make plans to develop a Standards Publication that could be distributed at our '97 L.A. conference. From the very beginning I was convinced that this publication had to be the product of a democratic process (meaning not dominated by the traditional power brokers, judges and D.A.s).

When developing the bylaws of our non-profit corporation, I had placed in it a provision that all practitioner fields were to be represented, but that multiple representatives from a single field were to be discouraged. I made the same effort to create diversity for our Standards Committee, with greater success. I selected one representative from each practitioner group. I chose twelve representatives, diverse in profession, ethnicity, geography, gender, and background. I knew that many wanted to be on the committee, but was cognizant that we needed a limited number of participants who had expertise, experience in the field, and the ability to do committee work.

The members of the NADCP Standards Committee were: Bill Meyer, (Judge, Denver), Ed Brekke (Court Administrator, L.A.), Jay Carver (Director, D.C. Pretrial Services Agency), Caroline Cooper (Director, Drug Court Clearinghouse, American U.), Jane Kennedy, Executive Director, TASC), Barry Mahoney, President, Justice Management Institute), John Marr (CEO, Choices Unlimited, Las Vegas), Carlos Martinez (Assistant Public Defender, Miami), Molly Merrigan (Assistant Prosecutor, Kansas City MO), Ana Oliveira (Director, Samaritan Village, Briarwood NY), Roger Peters (Associate Professor, Florida Mental Health Institute, USF, Tampa), Frank Tapia (Probation Officer, Oakland).

[Also a part of the writing process, were Marilyn Roberts, Director of the Drug Courts Program Office, DOJ and myself, an Ex Officio member of the committee, as NADCP President.]

My most important task was choosing the Chairperson. Bill Meyer, Denver's Drug Court Judge, who had been so important in the writing of NADCP '94 Bylaws, was my first choice for chair. He agreed to be our Standards Project Chair.

Bill was an ex- assistant U.S. Attorney, and a drug court judge in Denver Colorado. He was bright, hardworking and conscientious, an excellent mediator and a good taskmaster. [The work of the standard's Committee was split into two sub-committees; Bill was to lead the Standard's Committee's sub-committee on Criminal justice issues; John Marr, treatment provider for Choices, Unlimited Inc., of the Las Vegas Drug Court, chaired the Standard's Committee's Treatment sub-committee]

I had met a DOJ employee during funding talks at the Bureau of Justice Assistance (during the Bush years) who had impressed me. Her name was Jodie Foreman. She was no longer at DOJ, but had opted for a one woman consulting firm, called Dogwood Institute, out of Charlottesville VA. I contacted her and convinced her that we needed the assistance of a first rate writer to pull the standards together, and that this could be an important opportunity to move her consulting business forward. She somewhat reluctantly accepted this long-distance assignment, and turned out to be superb selection; hardworking and very out-spoken about her view of the standards process. With the three most important players on board, we were ready to begin.

BUILDING THE TEN KEY COMPONENTS

Our first meeting was in Alexandria and we had a full house. Ideas flew around the room. It was decided to keep the document simple. We were all too familiar with standards documents made up of hundreds of pages of small type, that were almost impossible to navigate and were too often tossed aside. This document would be different. Statements of principal followed by examples of those principles at work. No small print. A document you could read and absorb in an hour. Nothing fancy or complicated, the ten commandments of drug court that could be easily understood and followed.

Even so, it took more than one general meeting, and several executive sessions of Bill, Jody, John and myself before the document approached its final form. I was on a tight schedule and was pushing to complete the document by early spring. Our 97' national conference was in May, and I wanted to make Standards the focus of the entire conference. To do that, it would need to be peer reviewed, approved by the DOJ, and

published, all before May of 1997. Bill and Jody did a terrific job putting the document together in so short a period of time.

I injected myself into the process to their consternation. My greatest concern was that there be a clear statement on the singularity of the judge's position (one judge per court), and that the judge be committed for a minimum term of two years. During my travels, I had observed several hybrid drug courts that were a concern; judges rotating every three months or multiple drug court judges at a single site. To my way of thinking these were the sorts of bastardized drug courts that the standards process needed to address. I must admit that I was continually prodding for edits, but didn't always get my way.

TURNING A STANDARD INTO A FIELD-WIDE BIBLE



NADCP uses "Defining Drug Courts: The Key Components" to create drug court parameters

The document, "[Defining Drug Courts: The Key Components](#)", was reviewed, approved, and published before our third NADCP Conference in Los Angeles. I had a very special plan for the theme of the conference. Instructions were sent out to presenters well ahead of the Conference (Draft Publications were also distributed early to all presenters and panelists), informing them that whatever the topic, they were to relate the presentation or panel to the Ten Key Components that were distributed at the Conference. I had conversations with moderators and panelists, both individually and in meetings at the Conference. The theme of the conference was very clearly "Drug Court Standards: The Ten Key Components".

It's hard to say what makes one document successful, and another not so much. But whatever it was, the Ten Key Component's had it. It became the drug court bible; found in virtually every drug court across the nation, referred to and relied on in discussions and arguments as to how to set up a drug court, and as a continuing source of guidance to existing programs (and importantly used as eligibility criteria for federal and later state drug court funding grants across the nation). We had created a path that provided incentives, rather than sanctions, to follow the path set out by NADCP's "Drug Court Standards".

And it was followed, particularly since NADCP had engendered so much good will from its members, the practitioners. By acknowledging their expertise and experience, by involving them, by the hundreds in our panel discussions and presentations, by involving their courts as Mentor sites (a status to which many other sites aspired to), we were able to create a sense that we were all in this together, an environment and a community in which the Ten Key Components could take root in and thrive.

ESTABLISHMENT OF STATE DRUG COURT ORGANIZATIONS

One of the decisions made pre-conference that had enormous ramifications, was to directly take on the issue of emerging state drug court organizations and state agencies responsible for drug court administration.

The focus of attention of NADCP to this point, was on national projects (i.e., Ten Key Components, Mentor Drug Court Sites), but drug courts were in the end, state structures, and the states needed to become involved as principle partners. It was already happening in California, New York and a few other states, that were taking steps to recognize, regulate and even fund drug courts.

It was my sense that we could very easily end up in a tug of war with those state judicial agencies and emerging drug court associations, if we didn't act preemptively. Others at NADCP didn't see it the same way. But it was clear to me that the states had to be recognized, respected and involved in the drug court movement. To me, now was the time and L.A. was the place.

We established the Congress of State Drug Court Associations at the '97 L.A. Conference. At the end of the Conference, we had our first and only state-based organizational meeting. We ended the regular conference sessions early Saturday morning. I took the podium to encourage and hector attendees to meet with their fellow state attendees in areas set aside for each state's participants. Preliminary organizational meetings for these nascent drug court associations were held over a two hour period (tables in a ballroom were specially set up with state name plates).

Back in the closing plenary, I offered all state organizations, membership in the newly minted “Congress of State Drug Court Associations”. It was my intention to convene the Congress twice a year (initially, once a year in New Orleans, expenses paid; and the second at the National Conference). I only made one request of the state organizations. That their State Association have two representatives, one from criminal justice and one from Treatment or Public Health. As it turned out, the state organizations took whatever form they chose. Some were run entirely by their state judicial agencies, others offered two representatives from Criminal Justice. I learned early on that you could exert just so much influence over others.

When we reassembled after that initial Saturday morning organizational meeting, there were something in the neighborhood of 30 states that claimed to be committed to forming state associations and being part of NADCP’s Congress of State Drug Court Associations (actually very close to the number of state associations were to meet in New Orleans for the first Congress in 1998)

THE '97 LOS ANGELES CONFERENCE; A FABULOUS SETTING

The '97 California conference was a critical to the future of NADCP, with new programs, organizations, and ventures started that were to bear fruit for a decade and more.

Once again, our National Conference proved to be a huge success (our only problem was that the session rooms were too small and too few for the number of participants; some 1400 attendees). We had distributed and focused on standards (“Key Components”) that would live on as a testament to the organization’s mission, fifteen years after they were written. We had begun a critical process of decentralization, with the purpose of sharing power with state organizations, through the Congress of State Drug Court Associations; and our prime keynote speaker, Andrew Welles, of the United Nations, began the process of introducing drug court to an international audience.

We were at the Biltmore Hotel, which had recently been updated and was the most fabulous site we were to occupy over our 20-year Conference history. [I was staying in the presidential suite, with six bedrooms (and an elevator operating between its two floors). VIPs who dropped in and judges without hotel rooms, stayed with me in the suite.]

Finally, we had the most amazing heart-stopping Banquet I have ever been to, as host or invitee. It was an extraordinary event held at the Grand Union Station in L.A. The letters, N-A-D-C-P, were projected on the station’s walls using laser projectors. Hors d'oeuvres and dinner was served outside in fabulous gardens. Composer/Actor Paul

Williams graciously hosted the festivities, and live music (by some of L.A.'s finest musicians) and dancing were found inside the Station along with amazing dessert tables.

CELEBRITY CLOSING STRATEGY: KEEPING THEM SMILING

It was in Las Vegas, 1995, at our first NADCP Drug Court Conference, that we learned just how sobering a conference closing could be (beyond gambling loses). Though it was clear that the Conference was a success; by the third and last day, attendees had largely departed for more attractive venues (this was Las Vegas, after all). Just a few die-hards were left to close the show at noon of the third day.

My plan was to change our closing session in a major way. I planned to put more participants in their seats at the end of the Conference than there had been at its beginning. We had a mission that would appeal to many celebrities (who often had substance abuse problems of their own), and we would invite celebrities to close out the Conference with their personal stories.

While in L.A., preparing for the 97' conference, I had the good fortune to be introduced to Bob Timmons, drug counselor to the stars. Bob was to become a great friend of drug courts and NADCP. He, in turn, introduced me to MAD, Musicians Against Drugs. Through these new friends, I was able to reach out to engage Paul Williams, Robert Downey Jr. and a coterie of previously drug dependent celebrities and musicians who came to know and support NADCP through the years.

There was one fly in the L.A. ointment. Robert Downey Jr. had promised to be our closing speaker, but his manager had written a letter of regret (the rumor was that he was holed up somewhere using drugs). James Caan gracefully accepted our last minute invitation and spoke brilliantly, holding the attendees spellbound until the last minutes of the Conference. I still remember his parting words; that he had done harm to so many, and this talk was just a small attempt at righting the wrongs he had done. AMEN.

MARTIN SHEEN: NADCP'S FOREMOST CELEBRITY ACTIVIST

The following spring of 1998, I was in the middle of preparing for our conference at the Renaissance Hotel in D.C., and had not found our celebrity-closing speaker yet. [Saying you'll close out a conference with a celebrity speaker and doing so, are two very different things; just ask any Conference planner.]

It was suggested that actor Martin Sheen might be willing to speak to our Conference as a reformed drug abuser. Davida Cody was the key to Martin Sheen's involvement.

Davida was an epidemiologist and an anti-war activist who met Martin during the Sandinista Revolution. She had become good friends with and a close advisor to Martin Sheen. She had also begun a drug treatment program in Berkeley, California, called "Options, Inc.", which is to my mind, one of the best in the nation. And she was a friend.

Martin Sheen is an extraordinary man. He describes himself as an actor/activist and insisted he be described that way in our program. He was one of the friendliest and most talkative individuals I have met. If we were in an elevator, he would be in conversation with fellow travelers within thirty seconds. And he was not being "celebrity nice"; he really enjoyed getting to know people (he actually had to be pulled away from fans as he approached the D.C. podium).

He turned out to be a terrific speaker at the '98 D.C. Conference. He had experienced the positive impact of the courts directly. Though he had given up alcohol and other intoxicants some 15 years before, his son, Charlie Sheen, had an addiction to cocaine.

On more than one occasion, Charlie had been taken to the hospital because of an overdose. When it happened a third time, Charlie refused to allow his father to visit him in the hospital. Martin grabbed the opportunity to reel Charlie in. He contacted his attorney and through him, the District Attorney and probation officer that were supervising Charlie on a domestic violence offense. Charlie was arraigned in court the next day before a judge, violated on his probation, and put in a drug program as a condition of modified terms of probation.

Charlie did much better in rehab than anyone thought, and his father became a powerful advocate for drug courts, and a frequent "Celebrity Closing Speaker", which was now an integral part of every NADCP National Conference (he also helped us make substantial inroads in the celebrity community, in making contact with future "closing celebrity speakers").

ADDENDUM: THE SITUATION AT CADCA.

We were in our second year under CADCA's financial control. I was having a hard time getting budget numbers from them. When I did, I understood that we were being charged for everything from telephone service to rent, to staff assistance. That was disturbing, yet understandable, but not nearly as shocking as the financials from the L.A. conference. The costs were high but reasonable for L.A. and a hotel like the Biltmore. But the spending on our Banquet at LA's Grand Central Station was astonishing. CADCA's conference director had spent \$75,000 of our conference profits on a banquet. I was shattered. We were trying to build an effective reform organization, and instead, spent our profits from our very successful conferences on

parties. I confronted him about it, and his response was something to the effect that he didn't need prior approval as CADCA was financially responsible for NADCP, and that the costs were justified by the profits. At that point, I decided that we would be leaving CADCA.

There was an office just one flight down and across the hall in the very same building that was available. We took it. It had room for six or eight staff. Over the next several years, we broke out a wall and expanded for an ever increasing staff (20+ were on staff by 2001).

I loved that office. It was spacious, with lots of room, and offices and cubicles set at intervals along the walls. It seemed open and inviting and friendly. Of course staff may have seen it differently. I did have the corner office, which was reasonably large and had a view of the Potomac.

I would stop into a furniture store, located down the street, looking for bargains on Saturdays, after my run and work out. Within a year my office was finished with a large desk, and meeting table, and mahogany chairs (an inlaid tile staff meeting table for twenty was purchased for our meeting room; practically stolen at a Furniture Warehouse sale).

Our parting from CADCP was amiable. Both Jim Copple and Nelson Cooney had already left CADCA. James Copple had financial issues, and he and the board had gone their separate ways. He was one of those people who always landed on his feet and he was soon working for another non-profit. Nelson Cooney who had been a great friend to NADCP and myself, was to leave CADCA shortly thereafter.

While NADCP was going great guns, my personal life was another story. My saving grace was getting out and playing tenor saxophone at various venues. One of my greatest pleasures was played solo sax on the Alexandria Pier (where musicians and other artists performed). I lived close by, and would go down to the pier late at night, and play solo to the sea and sky. There were days that I felt the irony and duality in a life, at times spent during the day at the White House and in the evening under the stars playing my sax for tourists.

Judge Jeffrey Tauber (Ret.)