

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

EXCERPT NO. 4: ESTABLISHING NADCP's PRESENCE; 1996

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Our most challenging project for '96 was survival. We had four months to start up a functioning national organization, establish a new untested education and training program across the nation, and put on a first class national conference in Washington, D.C.



Applause for Attorney General Janet Reno after her Plenary Speech to the seminal 1996 NADCP Conference in D.C.; (clockwise around the table): Assistant Attorney General Laurie Robinson; Marc Pearce, NADCP Vice-President; Nelson Cooney, CADCA Vice-President; Judge Frank Hoover, pioneering Drug Court Judge from Bakersfield, CA;

Presiding Judge Eugene Hamilton of the D.C. Superior Court; Chief Public Defender Michael Judge of Los Angeles County; myself shaking hands with the Attorney General.

1995: PREPARING TO OPEN SHOP

As I flew east in October of 1995, to finalize preparations for the grand opening of NADCP, I had one overriding goal: we needed to show the flag and convince the governmental and organizational elites that we were for real, were capable of providing the services and programs that we had been touting for the past two years, and could stand toe-to-toe with existing NGOs.

[If there was one thing I was pretty sure of, it was that we weren't welcome at the dinner table. Organizations would test the loyalty of our practitioner members (read: judges), the soundness of our programs, and the capabilities of our staff. From time to time, those organizations would offer to partner with us (read: take us over) but their clear preference was that we would quietly go away; there just wasn't enough room at the table.

Actually, their assumptions about NADCP weren't far off. NADCP was built with smoke and mirrors. I would make claims as to our accomplishments and capabilities that were often (to be kind to myself) exaggerations. Then we would go out and accomplish whatever we said we would. That went for our publications, trainings, organizational innovations, programming, and conferences. While my exaggerations were not something that I was particularly proud of, I am proud of the fact that we almost always came through on our promises.

I had intentionally chosen an ambitious agenda for the first several months to establish our credibility in D.C. It called for me to assume the role of political leader, educator, administrator, presenter, writer, propagandist, organizer, and conference planner. My ability to rise to the occasion would clearly be tested, and soon. I found myself working 12/7 and more, and there was always some unexpected emergency that needed to be dealt with immediately. I was, as they say, "under the gun".

MARC PEARCE: A CHIEF OF STAFF (SANS STAFF)

It was Columbus Day weekend, early October 1995, and I had interviewed fifteen applicants or so for the position of Chief of Staff (although given the circumstances, the title may have been a bit grandiose). One applicant stood out: Marc Pearce. He had the right degrees (including a master's in Business Administration), an engaging personality, a keen intellect, and he was a pragmatist (reality had never been one of my strengths).

Marc handled our finances, was a wonderful sounding board and, unfortunately for him, an excellent editor (at the time, my computer skills amounted to placing stick-its on computer monitors). NADCP's staff was complete (all two of us) as we approached January 2006.

I leased a ground floor garden apartment with a bricked in terrace (facing east for morning sun; critical for a Californian). It was on Polk Street in Alexandria, just two blocks from our incubator organization, CADCA, and one block from the Potomac River. I rented furniture and a car for the year. I was set.

CADCA: INCUBATOR ANGST

Community Anti-Drug Coalitions of America (CADCA) was to play a central role in the development of NADCP, from our founding conference in 1994 until we left their umbrella (and offices) in 1997. We had been taken under the wings of CADCA and its foundation sponsor, the Robert Wood Johnson Foundation (RWJ). CADCA provided two cubicles, clerical and financial assistance, and other resources through a special grant from RWJ. In so many ways it proved a blessing, and my appreciation goes out to both organizations for their critical assistance at NADCP's inception.

From 1994-97 (our incubator period), CADCA was led by its President, Jim Copple, and his Vice-President, Nelson Cooney. I took care to deal with Jim as little as possible, as he tended to be intense and mercurial. Nelson was conservative by my lights (he had been on William Bennett's staff at ONDCP), but we agreed on more things than not and he was an important advisor and a good friend (his calm and sense of humor eased many a tense moment).

One early incident demonstrated the pressures we were all under. During my first week on the job, Jim Copple called me into his office (never a good sign). He opened by quietly telling me about his hopes for NADCP, and then began screaming at me. Words to the effect of, "You better not screw this up", "You're not getting a second chance", and "You and Mark better make sure you can deliver". I was speechless.

Apparently Marc and I weren't the only ones feeling the pressure for NADCP to succeed. I was a bit confused and shaken. We hadn't done anything for him to complain about. (In fact, we hadn't really done anything at all up to that point.) I left Jim's office mystified about his anger, and wondering whether his outburst might have something to do with our competitors (I understood that some bad-mouthing of Marc and myself had been going the rounds).

I stopped by Nelson's cubicle and told him what had just happened. He said that was just Jim's way and not to take it personally. Thinking back on that incident, Nelson

was probably right; it was something like a preemptive strike. Jim, expecting the worst, (and how it might reflect on CADCA) prepared us for adversity by trying to frighten us out of our wits.

To give Jim his due, we all had a lot to be worried about. We had four months to start up a functioning national organization, provide innovative education and training across the nation, and put on a major conference. That we consistently came up with effective and innovative initiatives, and completed our projects on time, was something Jim had no way of knowing, and I suppose, neither did we.

Even with Jim Cople spreading fear and woe, CADCP turned out to be a terrific workplace (I had a corner cubicle next to Nelson and Mark). It was mostly open space within a building that had a large atrium at its center. It was two blocks from the Potomac River, on the north end of Alexandria and about 15 minutes from the White House (there was wonderful path that ran along the Potomac to Mount Vernon that I jogged frequently).

LEARNING TRAINING FROM A PRO

My own progress as a trainer, presenter, and educator in the drug court field owed much to Barry Mahoney and his organization, the Justice Management Institute (JMI). Barry had an excellent understanding of the training process, I watched him closely and took notes. [Barry was also one the smartest, and most experienced judicial educators in the country. He was also undoubtedly the fastest talker]

During NADCP's first years, I was an integral part of JMI's team-based Drug Court Trainings, which were sited at NADCP Mentor Courts. The program typically consisted of two days of team-based training and a half-day visit to the mentor court (to observe the court in action and hold practitioner-based roundtable discussions). Typically, JMI would run the training, while I would assist JMI and supervise the half-day Mentor Court program.

After my initial experience with JMI, I was pleased with my progress as both trainer and moderator. I was able to lead a discussion involving a number of speakers and ideas. For me, that was the most exciting part of the trainings. I was to use the skills I learned from JMI when setting up our NDCI Team and Practitioner Based Trainings in 1998.

1996: VISITING DRUG COURTS AND IDENTIFYING LEADERS

My first self-assigned task was to visit as many new and prospective drug courts as possible, introducing myself and NADCP to the field. Over the first several months I

visited as many as twenty drug courts. I remember early on, going it alone, carrying signage and educational materials (often mailed to the sites). At one point I visited a half dozen sites over a two-week period. I would watch the court in action and then consult with the judge, and provide a half-day training for potential drug courts and their practitioners, before moving on to the next drug court (like many a serial traveler, I would sometimes forget the city I was in, and on occasion, the audience I was addressing).

[One of my most difficult tasks was critiquing the judge. Many seemed to feel they were doing a terrific job, but weren't. I learned to start the consultation with positive comments, and then ease into a discussion of the court's problems. I was often confronted with judges who would brush aside criticism, or act as though they didn't hear them. A problem, unfortunately, that is not exclusively the province of judges]

CREATING A MUTUAL ADMIRATION SOCIETY

I stubbornly resisted attempts to water down the regionally-based, practitioner-centric focus of NADCP. I was convinced that it was one of our greatest strengths. A mutual admiration society was developing, with NADCP extolling the virtues of its drug courts and their leaders. At the same time, those local drug court leaders advocated for NADCP and its agenda on the state and national levels. [Something that made our drug court judges particularly effective was the fact that more than half (by my calculations) were former prosecutors; the combination of judge and former prosecutor proved to make an extremely effective advocate.]

Extraordinary practitioners (mostly judges) were taking the lead in their communities and across their states. People like Eugene Hamilton and Jay Carver of Washington, D.C.; Ron Reinstein of Phoenix; John Creuzot and Joel Bennett of Dallas and Austin; Jack Lehman and John Marr of Las Vegas; Steven Manley, Steven Marcus, Pat Morris and Frank Hoover of San Jose, Los Angeles, San Bernardino and Bakersfield; Claire McCaskill of Kansas City; John Schwartz and Robert Russell of Rochester and Buffalo; Jamey Weitzman of Baltimore; Bob Zimien of Boston; Bill Meyer of Denver and so many others.

[Relying on local drug court leaders could also pose a danger to a new field that had its share of flakes; Paul Anderson was an enormously popular District Attorney and Mentor Court leader in Stillwater, OK. He was a great talker, a wonderful advocate for drug courts, and a terrific traveling companion. He also was forced to resign as District Attorney of Payne County, OK in June of 1996, convicted of embezzling \$84,000 from the county and sentenced to serve two-years in state prison. We never attempted to de-certify Stillwater, OK as a Mentor Site. Mostly, we held our collective breath as the media, for the most part, ignored Paul's connection with Drug Court.]

On the road, I would be on the look-out for judges and others who had that special quality that makes for an exceptional drug court judge or practitioner. As an example, I was invited to visit Dallas/Fort Worth to talk about Drug Court. I met a number of judges and other practitioners at my presentations in the Dallas/Fort Worth area.

Judge John Creuzot of Dallas, a droll and seemingly humble charmer (who for the past eighteen years has insisted on calling me “Judge”) was a perfect example. He was interested in the concept but not sold on the idea of becoming a drug court judge. I made special efforts to meet with him privately to convince him to start a drug court in Dallas and to take a leadership role in the state.

[John became a highly successful and innovative drug court judge (and Dallas, a Mentor Site); later, John applied his charm to the legislative and executive branches of government, successfully advocating for drug court expansion and prison reform.]

MENTOR COURTS: REGIONALLY-BASED, PRACTITIONER-FOCUSED EDUCATION

While I was traveling across the nation, I was also identifying potential Mentor Court Sites; looking for geographic, offender, staff, and demographic diversity, as well as judicial and program effectiveness. Of the sites I visited in those early months, I believe eight were found appropriate as mentor sites: San Jose, CA; Pensacola, FL; Louisville, KY; Kalamazoo, MI; Las Vegas, NV; Rochester, NY; Stillwater, OK; and Washington, D.C.

We put out a special monograph at the ‘96 Conference, “NADCP Mentor Drug Court Network: A Regional Approach to Technical Assistance” (DOJ, 1996) and made sure that everyone at the Conference was on board with the program. The monograph described the available Mentor Courts and encouraged all interested parties to contact nearby mentor courts through our offices, visit them, meet with their drug court practitioners, and establish a mentoring relationship with that court. [American U. informed us that hundreds of visits and thousands of visitors to those Mentor Sites were to follow.]

The Mentor site model made Mentor Drug Courts and their practitioners the regional arms of NADCP's education and training program. There emerged a friendly competition among drug courts to become a Mentor Site, as it had become something of an honor over time [it also subtly encouraged loyalty to NADCP among competing sites and adherence to our national standards and best practices guides].

As mentioned earlier, the Mentor Drug Courts were used as training sites for the six to ten JMI Team-Based Trainings each year. Practitioners would go out of their way to

accommodate the ten to twelve drug court teams visiting their courts (typically six to eight trainees per team). Local practitioners would volunteer to be team leaders and spend extra time with their professional colleagues. The mentor court judge was almost always a gracious host. Most importantly, the Mentor Court and its practitioners turned out to be extraordinarily effective advocates for drug court among their fellow prospective practitioners.

Finally, Mentor Courts turned out to be an effective education alternative to the typical federal training pattern then in vogue where consulting organizations with no expertise or experience in a field (sometimes derisively called “Beltway Bandits”), would apply for federal grants, receive funding, and hire practitioners to send into the field to provide minimal short-term assistance.

[By 1998, The DOJ Drug Court Office had funded the expansion of the Mentor Court Network to fifteen Drug Courts (so described in a monograph published for the ‘98 National Conference). In fact, the Mentor Court System was so successful that Laurie Robinson, Assistant Attorney General and Director of the Office of Justice Programs (OJP), used NADCP’s Mentor Courts as a model for other DOJ projects.]

LOOKING AHEAD TO THE D.C. DRUG COURT CONFERENCE

Planning and implementing for the D.C. National Conference turned out to be more than a full time job. I was lucky to have Marc as collaborator. We spent many hours reviewing the conference agenda and presentations, knowing that this one event could make or break NADCP. He brought a temp on board to help with the increased clerical workload. (We also relied on the CADCP’s Conference Planner to help us with conference logistics).

While traveling across the country, introducing NADCP and scoping out drug courts and potential mentor sites, I was also writing articles, reviewing literature from the field, putting out a monthly newsletter, and corresponding with a wide circle of interested parties.

A good deal of my time was also spent in planning the conference, getting out the word to the field, and organizing both training sessions and the conference agenda while searching for prospective conference presenters. Our conference plan called for seven tracks made up of five workshops each, a total of 35 workshops that would require approximately 200 presenters. It was important that we find presenters across the practitioner spectrum with a level of experience, competence, loquacity, and diversity (geographic, gender, racial, and cultural). I took full control and responsibility for those choices.

A NEW CONFERENCE FORMAT: THE “OPRAH”

I had been experimenting with a new format based on shows like “Oprah”. I had good reason to try a new format. First of all, nearly everyone was bored with existing drug court presentations. Judges dominated as presenters, and their presentations tended to be judge-centric and somewhat duplicative. I felt that a more active moderator-focused format could work for an organization like ours: just starting out, with relatively inexperienced presenters, without a lot of research, science, or technical expertise to present in a formal presentation.

The “Oprah” format consisted of four or five experienced (and diverse) practitioners sitting at a table with stationary microphones, and a moderator with a cordless mic. The moderator was instructed to allow each panelist five minutes to speak to the session topic. Beyond that, the moderator was to take charge, asking probing questions, keeping answers focused and rejoinders short, so that some heat and hopefully light would emerge.

At that point, the discussion would be opened up and the moderator would include the audience in the general discussion. Above all, the moderator was to block any panelist move to the Dais, which in most cases was the kiss of death to lively discussion. [The audience was often filled with drug court practitioners with useful information they were eager to share; it wasn’t unusual to discover new talent, future presenters in the audience].

We had used this format with mixed results at a very successful (opening out of town) Las Vegas NADCP National Conference in January of 1995. We had something like 500 attendees and perhaps a total of 20 workshops over the course of the three-day conference. It was at the Golden Nugget Hotel in the heart of downtown Las Vegas. The workshop rooms were small and crowded (with many audience members sitting on the floor, against the walls). This turned out to be a very good thing, if getting to know and engage one another was a goal (which it was). The one problem was that moderators had difficulty with the format. They tended to be judges, who monopolized the discussion, focusing on their own experience, or allowing presenters to give prepared presentations.

That wasn’t going to happen in D.C. I had separate meetings with moderators and panelists. I made sure everyone understood the ground rules. Direct questions, short answers, no long introductions or presentations by the moderator. The idea was to keep it a discussion, and not a series of lectures.

We threw the conference open to sessions with the potential for discussion and controversy. Even our least articulate panelists had opinions on sanctions and

incentives, program eligibility, and treatment alternatives. We urged panelists to leave their presentations at home, and show up without pre-planned comments. Non-practitioners were passed over for practitioners when practicable (acknowledging that there were specialties that would be dealt with through an expert's formal presentation, i.e., evaluations, data, drug testing, and research, among others).

THE NATIONAL CONFERENCE AS COMMUNITY

We worked at embedding “community” into the very fabric of the Conference. In the early days of the Drug Court movement, I was able to cobble together a small coalition of activist drug court leaders from a number of courts nationwide. But engaging almost 200 practitioners as presenters at a single conference was an extraordinarily effective way to recognize the contributions of the many and build a sense of drug court community, and loyalty to NADCP.

In many or even most jurisdictions, judges (and other criminal justice leaders), had numerous obstacles and opponents to overcome in order to get a drug court off the ground. We needed a conference that would provide common ground for all; encouraging the sharing of information and ideas, while creating a support network for a very geographically and culturally disparate group.

During my tenure there were typically two formal luncheons and a sumptuous dinner (mostly subsidized by sponsors) on the last night of the Conference, featuring live music and dancing (one of my perks as NADCP President was that I got to choose the band and briefly play tenor sax in it).

By industry standards we were spending too much on our conferences and not realizing enough profit. To an extent that was true, but it was also part of the plan; to create a dedicated core of followers in a sometimes hostile world; put on great conferences (involving as many practitioners as possible), and provide a sense of belonging and community for everyone.

[Complete contact information was provided to all in a document, based upon last minute registration data, and disseminated as participants left the conference].

THE '96 D.C. CONFERENCE: A SUCCESS AND MORE

From the responses we received at the '96 D.C. Conference, it appeared we achieved our goals. We had put on a first class (even a ground-breaking) conference. There were approximately one thousand attendees (double the previous year), enormous enthusiasm and excitement generated, and accolades for the conference generally. We had engaged our audience, excited our practitioners, convinced our detractors, and

expanded our support base. As importantly, we had convinced the Washington elite that we were for real, and that NADCP would be a force to be reckoned with.

[Drug courts were encouraged to come as teams and bring along their skeptics; D.A.s, public defenders, legislators, sheriffs, etc. NADCP Conferences earned a well-deserved reputation as the place where drug court teams coalesced, judges became human beings, and non-believers became converts.]

People were telling me what an outstanding job I was doing at NADCP, and how I was having an impact that no one believed possible. I remember talking to a Brazilian psychologist at the close of the conference. She said I should be enormously proud of what I had accomplished in such a short period of time; that I had provided the leadership and vision that had made the Conference a huge success. At the time, I had a hard time hearing her. It didn't sink in. But looking back, I know now that it was true.

Judge Jeffrey Tauber (Ret.)