

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

EXCERPT NO. 8: REACHING BEYOND DRUG COURT; 2000

<http://www.reentrycourtsolutions.com/2015/07/27/excerpt-n0-8-2000-reaching-beyond-drug-court/>

By the end of 1999, NADCP/NDCI had become a Washington Institution, and the undisputed leader of the Drug Court World. In 2000, we expanded NADCP/NDCI's influence into other criminal justice reform areas. Most importantly we achieved acceptance and support from all fifty state chief justices in a unanimous resolution that institutionalized drug courts across the nation. At the same time, my tenure as NADCP/NDCI's leader was coming to a close.



Drug Czar General Barry McCaffrey, Director of the Office of National Drug Control Policy (ONDCP) is presented with an award by NADCP Founder Judge Jeffrey Tauber, for his support in starting NDCI, at the 5th Annual NADCP National Conference.

A BANNER YEAR FOR NADCP/NDCI

NADCP and NDCI had an extraordinary year in 2000. I designed and supervised the first Discipline-Based Judicial Officer Trainings which served as a model for other Discipline-Based Trainings to come (receiving a 6.57 on a 1 to 7 rating continuum). With West managing the non-judicial trainings, NDCI delivered twelve discipline-based, video-intensive weeklong drug court training programs in 2000, for over 600 practitioners from 47 states and nations abroad.

Based on the success of the Discipline Based Trainings, the Department of Justice funded nineteen three-part workshops for fifty-seven (57) jurisdictions across the

nation (each jurisdictional team composed of six to eight members), that proved to be nearly as successful.

Publications were being distributed across the nation on an average of one per month. The Research Agenda was moving forward in the development of standardized tools for drug court researchers and practitioners. NADCP's reached out to other fields and their practitioners and achieved a high level of collaboration and cooperation across the nation. Participants at our National Conference totaled 3,300 (a number we were not to repeat for nearly a decade).

In 2012, Professor Kathleen Halle, of Auburn University, devoted her book on exceptional non-profit organizations, "How Information Matters", entirely to the startup of NADCP, the "Champion" of NGOs". She found NADCP "to be the best among extraordinary organizations; "whose structure, initiatives, strategies, and planning define excellence in the non-profit world."

PROBLEM-SOLVING: EVOLVING CRIMINAL JUSTICE REFORM

I believed that we were at the center of a movement with broader parameters than the drug court model. The more I became aware of the realities of the criminal justice system, the more I became convinced that NADCP/NDCI could provide assistance and guidance to other related courts and fields that were beginning to develop. A plethora of specialty courts were being modeled after the drug court that would be in need of assistance (i.e., DUI, Reentry, Domestic Violence, Elder, Homeless, as well as, Family and Juvenile Drug Courts).

It was obvious that drug court models would be most effective if they reached those most in need, many of which were in state and federal prison systems. I was particularly interested in the possibility of the drug court model being used with non-drug offenders. I saw the development of NDCI, our science and research based arm, as a means of shifting gears toward broader national policy goals, as well as trainings with more sophisticated and effective techniques. [Our practitioner based trainings and monograph reflected that perspective.]

REACHING OUT

I understood the importance of working with partners/collaborators in D.C. Most organizations didn't make a move without the approval of a host of other organizations and agencies (something about being inclusive no matter the cost). That hadn't been a possibility when I arrived in D.C. in '96. Most were hostile to what they

perceived as a newly arrived competitor. Yet our initial isolation probably worked for us as it allowed NADCP to move independently, in new directions, creating innovative projects.

Now, we were a respected organization, having proven ourselves in a relatively short period of time. We made substantial efforts to collaborate with the Federal Probation Department and the Federal Department of Prisons, as well as reform organizations such as the “Prison Project”, and the “Drug Policy Institute” (unfortunately with little response). We had contacts at the Department of Transportation, Highway Safety Section, the HHS Mental Health Division, and the OJJP Office of Juvenile Justice Programs. I was constantly looking for new ways to expand the parameters of Drug Courts as a way of reforming existing criminal justice institutions.

At the same time, I was extremely protective of Drug Court’s reform mission, wary of other organizations and government agencies using drug courts and NADCP for their own purposes. Drug Courts were already being misused by some jurisdictions who adopted the name, but not the reform; using the drug court imprimatur to continue punitive responses to drug usage, or simply to disguise their disinterest in reform of any kind.

MERGING THE DRUG COURT WITH THE ESTABLISHMENT

I understood that drug courts would never have a substantial impact on the criminal justice system without their being part of the “System”. I began to focus on a critical new institutionalization project I envisioned under NDCI, which would lead to the Drug Court model’s ultimate integration into state court establishments across the nation. It was clear that institutional models can disappear almost as quickly as they appear unless they are deeply embedded in those institutions. Drug Courts needed to be integrated into the very fabric of state court establishments, so that they couldn’t be eliminated at the whim of bureaucrats during the first economic downturn.

Part of my evolution in awareness came as the result of discussions with an old friend, and mentor, Judge Susan Finlay. She had been the Dean of the California Judges College, was a respected judicial educator, and a former drug court judge. In 1999, she joined NADCP as NDCI’s Director of Education. She was to be an invaluable advisor in the coming years. Out of discussions with her, came the vision of a “Blue Ribbon Institutionalization Project” that would work with state legislative, executive, and judicial leaders to achieve a critical level of drug court integration in state court systems

NCSC AND NADCP COLLABORATE

Susan introduced me to Judge Roger Warren, a former California Judge, and President of the prestigious National Center for State Courts (NCSC). Unfortunately he was a skeptic when it came to Drug Courts. As a matter of fact, NCSC as well as most state court administrations had a long history of skepticism when it came to specialized courts. With me and Susan providing information and research, Roger became a convert, and then a strong advocate who provided critical assistance to the burgeoning drug court field.

Part of Roger's responsibilities as President of NCSC, was to act as coordinator for the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), which included all Chief Justices of State Supreme Courts and their Senior Administrators. Roger turned out to be one of our most important allies, opening the door to the NCSC and the prospect of formal recognition from the nation's Chief Justices and their Court Administrators.

[Roger was to be the Plenary Speaker at our first Discipline based Training, the NDCI Judge Practitioner Trainings held at George Mason University, in Alexandria VA from October 18-23, 1998, and had NCSC partner with NADCP on numerous trainings and educational conferences at their campus in Williamsburg VA.]

CCJ AND COSCA PASS AN HISTORIC DRUG COURT RESOLUTION

The genesis of this drug court resolution went back at least a year prior to its passage. California Chief Justice Ron George was President of CCJ, as was Bill Vickrey, Director of California's Administrative Office of the Courts, President of COSCA. They were clearly instrumental in getting the resolution considered by the two organizations and passed unanimously.

But first, Roger Warren arranged for me to speak on behalf of Drug Courts to both CCJ/COSCO Boards at the California Administrative Office of the Courts Building, at the Civic Center in San Francisco. I remember being nervous, well aware that CCJ, COSCA, as well as NCSC had been strongly opposed to specialty courts in general just a few years earlier. I spoke briefly about the explosive impact of drug courts on the criminal justice system, the importance of state funding, as well as the need for administrative guidance for drug courts from Chief Justices and their staffs. I stressed the importance of CCJ and COSCA getting out in front of this wave of reform and taking leadership in the development of Drug Court systems.

Sometime in the spring of 1999, I ended up spending a weekend in a conference room near Denver's airport, with a small cadre of State Court Administrators, Chief Justices and others. Under the benevolent, but focused leadership of Dan Becker, Utah's State Court Administrator, a first draft of the historic resolution was hammered out.

A CCJ/COSCA subcommittee of Chief Justices and their Judicial Administrators was convened in Florida to finalize a resolution. The only non CCJ/COSCA members present were Marilyn Roberts, Director of the Office of Drug Courts, representing the Department of Justice, and myself representing NADCP/NDCI. The product of that meeting was to go before the yearly conference of CCJ/COSCA to be held in Rapid City, South Dakota that year.

It was an excellent meeting, moving the committee toward a broad resolution endorsing what were to be called “Problem-Solving Courts”. Marilyn Roberts offered the DOJ’s support for the resolution and the name, “Problem-Solving Courts” on behalf of Attorney General Janet Reno. I pressed for specific inclusion of “Drug Courts” in the resolution and a description of the Drug Court as a model for other Problem-Solving Courts. Although there was some opposition, my amendments were included in the resolution, and the proposed resolution was passed unanimously by the subcommittee.

Both CCJ and COSCA passed the resolution unanimously on August 3, 2000, at their Rapid City, South Dakota Annual Meeting. [The full resolution was unanimously reaffirmed in 2001, 2004 and 2008]

From a Press Release that I wrote after the resolution’s unanimous passage:

“An extraordinary document has taken its place in the history of the Drug Reform Movement. It is the work of both the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA). CCJ Resolution 22 and COSCA Resolution 4 jointly endorse the concept of Drug Courts and Problem-Solving Courts structured on the Drug Court model. In unanimously passing the joint resolution, all fifty Chief Justices and State Court Administrators have made clear their intention of making the Drug Court concept the lynchpin of the criminal courts in the future. CCJ and COSCA recognized through their resolution that “well-functioning Drug Courts represent the best practice” of the problem solving court model and resolved to “advance the application and methods of Drug Courts into ongoing court operations”.

With that declaration, the judicial leadership of this nation put itself on record as supporting the integration of Drug Courts and Drug Court systems into mainstream court operations. Further, the Chief Justices and State Court Administrators resolved to promote “the broad integration over the next decade of the principles and methods employed in Problem-Solving Courts into the administration of justice...” and to “advocate for the resources necessary to advance and apply the principles of Problem-Solving Courts in the general courts systems of the various states”.

This was the last major project that I initiated and saw to completion during my tenure as NADCP President and leader of the Drug Court (now Problem-Solving Court) Movement. It ultimately may have been my most important contribution to the drug court movement and criminal justice reform, as states throughout the nation were now committed by their Chief Justices to develop their own administrative, procedural, and financial plans for the drug court and problem-solving courts to come.

I had plans to develop model state legislation, administrative procedures and drug courts standards through NDCI. It appeared to me to be absolutely critical for NADCP/NDCI to be a guide and partner with state court administrations as they developed procedures for the integration of drug courts into their state court bureaucracies. Unfortunately I was not to have that opportunity.

IMPLEMENTING AN EXIT STRATEGY

In 2000, I began to implement my exit plan from D.C. Although only partly formulated, I planned to return to California on my 10-year Anniversary as NADCP President in early 2004. The critical issue was who would take over as head of NADCP/NDCI.

Looking around the Drug Court and related fields, I knew dozens of exceptional leaders, but few who had the potential to lead NADC. Those that were capable, weren't interested in leaving their positions or homes to work around the clock in D.C. chasing a dream. I was looking for someone young enough to have the energy and resources to lead, with practical experience in the field, and management skills (which were not my forte). When I looked inside NADCP, I saw an individual with those qualities.

One day at breakfast, Nelson Cooney, who was no longer at CADCA, but a friend and NADCP Board Member, and I were discussing the future of NADCP and my planned departure. Nelson and I had discussed the issue many times over the past year. He suggested that I not wait, but elevate West Huddleston to Vice-President now, so that he would be in position to take over for me when I left NADCP.

We both felt that while West had some personnel issues that needed working out, he had displayed exceptional qualities as a leader. We both thought that West needed to further mature to be successful as NADCP's leader, but believed that would come with experience, age, exposure to the field, and a mellowing of his management style (and hopefully a college degree). I chose to believe that he would be ready by 2004, my hoped for departure.

Impetuously, I announced West's elevation to Vice-President of NDCI/NADCP that same day. Unfortunately West's elevation caused extraordinary problems with other senior staffers who had been with the organization longer, had university degrees, but lacked the passion, leadership qualities, and willingness to work hard that West possessed. I had no idea that in elevating West, I was poking a hornet's nest and would suffer the consequences.

THE 2000 NADCP CONFERENCE: THE BEGINNING OF THE END

I went to the year 2000 San Francisco NADCP Conference hoping for the proverbial hometown welcome home. The 2800 attendees at the San Francisco Conference were proof enough for me of the success of the organization and movement (there were actually a grand total of 3300 conference attendees in year 2000, as we had separate Adult and Juvenile National Conference sites).

I was on a roll or so I thought. We had established NADCP as the center and focus for Drug Court and criminal justice reform activity in the U.S. and abroad. NDCI had been sanctified at a very special Ceremony at the Roosevelt Room at the White House presided over by Drug Czar, General Barry McCaffrey. There were close to 800 drug courts in the U.S and another 500 being planned. NDCI had begun to churn out publications (importantly, the NDCI Review) as well as monographs on important new topics such as DUI Courts, Drug Court Systems, and Reentry Courts, that were being distributed all over the U.S. We had achieved something like \$40 million a year in federal funding and specially earmarked congressional funds of 1 million per year from ONDCP. We had strong connections with nearly every relevant federal agency and national organization (such as D.A., Sheriff, Police, and other membership organizations). The expected ratification of the historic "Problem-Solving Court Resolution" by State Chief Justices and State Court Administrators was just a couple of months off.

I was exhausted and overwhelmed with work, but I could see the light at the end of the tunnel. I had elevated West Huddleston from Director of NDCI to Vice President of all NADCP/NDCI activities, in an attempt to name my successor. And there was every reason to believe it was the right decision. I believed he was deeply committed to the success of the organization. I told him that I intended to retire in 2004 and wanted him to be there to take over from me.

RESISTANCE FROM SENIOR STAFF TO WEST'S ELEVATION

However everything was not fine at NADCP. There was constant chatter among senior staff about how West and I were creating dysfunction at NADCP and NDCI. The conference itself was an unusually trying experience. The Drug Policy Institute,

which was the primary organization behind drug legalization, strongly supported proposition 36 on the November ballot in California (drug de-criminalization legislation). The Institute had a large presence at the San Francisco conference, and attacked NADCP as being a reactionary institution, dedicated to preserving the status quo. After the many sacrifices made to promote criminal justice reform, I was taken aback by these accusations made in my home state and community.

The board meeting at the Conference continued that same disturbing pattern. There were a number of Board members who supported Prop. 36, and who opposed our taking any position on it. In discussions with those Board members, I argued for NADCP's public opposition to Prop.36, which I believed directly challenged NADCP's mission.

I never had run any organization before and was unsure as to how a board really operated. This was at a time when the organization appeared to be at its heights in terms of power, resources, and respectability. To me it made no sense to bring down the leader of the most successful criminal justice reform organization in the country. But in Washington, such things apparently happened.

Unfortunately, most Board Members who had joined the Board when we created NADCP as a non-profit corporation in 1996, had been term-limited out that very year, 2000. Many of the new Board Members sitting at the Board table in San Francisco were relatively uninformed as to the extraordinary success and growth of NADCP since its inception in 1994, and my role in it. Most were too new, in any case, to take a direct role in charting the organization's future.

Even with the underlying tension at the Conference, I expected kudos from the Board for another remarkable year of innovation and progress, as well as an extraordinary conference. However, a number of board members strongly criticized my management style and financial skills (or lack thereof). The result was that I was told to hire a COO who would allegedly free me up to fulfill my leadership role. The impression I came away from the Board meeting with, was that my free-wheeling leadership of NADCP and my aggressive, innovative approach to reform was over. For me, it spelled the beginning of the end of my tenure at NADCP.

DEFENDING WEST HAD ITS COSTS



West Huddleston, at the time, Director of NDCI and Vice-President of NADCP

I had acted unilaterally in announcing West's elevation to second in command at NADCP. That did not sit well with senior staff (and some Board members). From the time I designated West as second in command, there was open warfare at NADCP. I learned that some senior staffers described West as extremely abusive in discussions with his staff. Another senior staffer in a brazen move, hired one of West's staffers out from under him, a move that I found incomprehensible. For the first time in my career I wrote up an employee for a wrongful act. She left my office, with her word's ringing in my ears, "you will regret this."

I had senior staff arrayed against the one staffer who had real promise as the future leader of NADCP. I knew nothing about office infighting, but I was about to find out. I did my best to tamp down hard feelings, but it was clear that the animosity toward West from his colleagues ran deep. I went to West and asked about accusations of staff abuse coming from some senior staff members. He admitted to minor outbursts, but said that the problem was under control. I called his staff in to assess their feelings toward West and his interaction with staff, and they appeared to support him. I choose to believe that these alleged abusive incidents were momentary lapses and accepted his promise to change his leadership style.

But it was too late. The most senior staffer, an experience D.C. politico and lawyer, had gone over my head and was talking to the Board Chair and other members of the board. At first she and other senior staff attacked West directly. In the meantime, West made some ill-advised decisions that made matters worse. I remember one in which West's surreptitiously viewed private emails written between his adversaries at

NADCP. I defended him in a memo to the Board on the flimsy grounds he espoused, that he was tracking inappropriate religious and political messages.

I tried to deflect board attention from senior staff criticisms of West, to the point where senior staff took to attacking me to the Board. One letter from a senior manager to the Board, expressed her admiration for my former leadership, but attacked my continuing stewardship on the basis that I was “hopelessly under West’s influence.”

To some extent there was a basis for that criticism. I was pushing the organization and its staff hard to achieve historic change in the criminal justice system. West alone among senior staff, supported my aggressive stance, and was denounced by senior staff for it in turn. I felt that keeping him at NADCP was critical to its continued success, and importantly for me, a way to transition out of the leadership without sacrificing the future of the drug court field.

Ultimately, I was willing to accept the wrath of the Board, leaving the organization several years earlier than I had intended, in an effort to protect the organization’s future.

Judge Jeffrey Tauber (Ret.)