




**Standard 5:**  
**Judicial Role and Interaction**  
See section 7 of binder

## Learning Objectives

As a result of this session, you should be able to:

- Learn/reassess the role of the Judge on the treatment court team
- Choreograph the treatment court setting and environment
- Consider different Judicial styles/techniques as a treatment court Judge

## Role of the Judge

- First and foremost, you are still a judge. Neither your independence nor your discretion is to be surrendered. Constitutional, statutory and ethical obligations remain.

## But, the Treatment Court Judge Wears Many Hats:

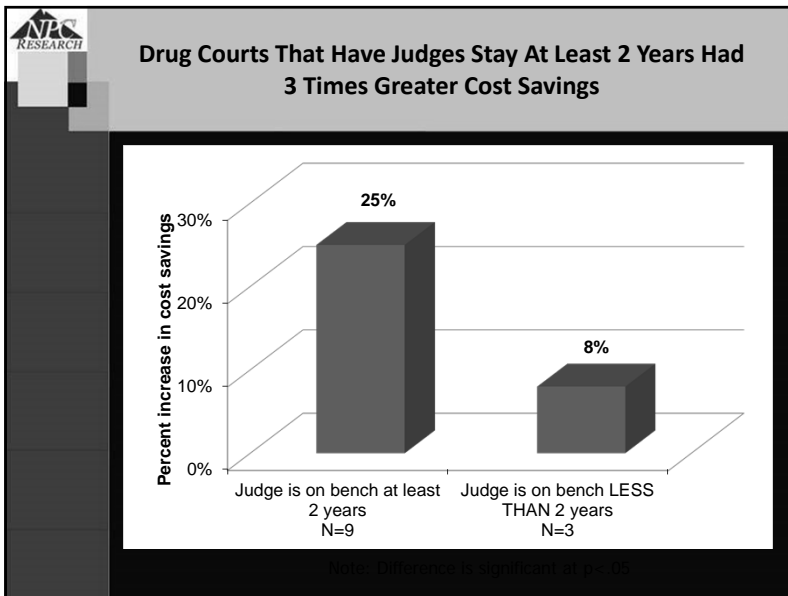
- Leader
- Communicator
- Educator
- Community Collaborator
- Institution builder

### The Judge's role no longer ends at sentencing

- Judge as leader of the team.
- Continuity of relationship between judge and participant
- Relationship from acceptance in program throughout treatment and commencement and aftercare
- The message is "Someone in authority cares"

### Length of Term

- Maintain continuity of the program
- Judge is knowledgeable about policies and procedures



### Consistent Docket

- Same Judge throughout participants enrollment
- Back-up Judge versus Stand-in Judge

## Length of Court Interactions

Drug Courts Where the Judge Spends an Average of 3 Minutes or Greater per Participant During Court Hearings had 153% greater reductions in recidivism



## How?

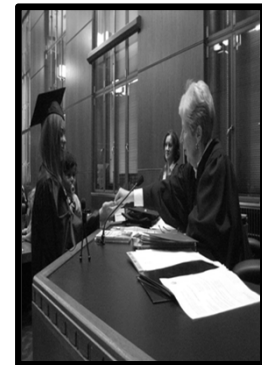
- What did you do this week to stay sober?
- What does your next week look like?

## Judicial Demeanor

- Offers supportive comments
- Stresses importance of clients commitment to treatment and other program requirements
- Express optimism

## Procedural Fairness

- Knowledgeable of participant's case
- Know participant by name
- Encourage success
- Emphasize treatment
- Not intimidating
- Approachable
- Let participant tell their story
- Treat fairly and with respect
- Impartial – do not prejudge



## Treatment Court Environment

What environmental elements are necessary to create and operate an effective drug court?

## Variables in Courtroom Environment

- Ambient noise, distraction
- Participant amplified
- Closeness to bench

## Variables in Courtroom Environment

- Participant next to lawyer
- Who is first addressed by judge
- Level of eye contact
- Physical contact
- Arranged seating
- Location of staff

## Variables in Courtroom Environment

- Order of cases
- Time spent with participant
- Frequency of courtroom sessions
- Judge addresses gallery
- Participant addresses gallery

## Judicial Styles

- Be Supportive
- Use Motivational Enhancements
- Avoid Confrontation

## Relationships between Judge and Participants

- Positive Authority Figure
- Consistent
- Knowledgeable
- Empathy

## Relationship Between Judge and Audience

### *DIRECTING COURTROOM THEATRE*

- The judge has the ability to shape and reinforce individual accountability.
- By engaging the drug court audience and setting examples, the judge can communicate important principles.

## Judge as Leader

- Calling the Meeting
- Listening to Input
- Building Consensus

## Treatment Court Judge as Educator

- **Self Education**
  - Addiction and Psychopharmacology
  - Treatment Modalities
  - Drug Testing
  - Behavior Modification
  - Ongoing Cultural Proficiency
- **Team Education**
- **Community/Bench Education**
- **Media Education**

## Judge as Community Collaborator

- It is frequently said that impartial judges should be neutral and detached, but this does not mean that judges have to isolate themselves, devoid of any contact with the community at large. ... Moreover, to place judges in a monastery or an ivory tower would diminish their judicial ability. Judges need to keep in contact with the outside world. Involvement in the outside world enriches the judicial temperament, and enhances a judge's ability to make difficult decisions. As Justice [Oliver Wendell] Holmes once said: "[The] life of the law has not been logic: it has been experience."
- *Shaman et al, Judicial Conduct and Ethics (2009)*

## Judicial Leadership Outside of the Courtroom

Has been identified as one of these seven common challenges facing Drug Courts, particularly unique to treatment Court Judges. As a result:

- Judges need to be advocates for the program in the community
- Provide oversight of treatment and other services
- Continually monitor program activity

## ADVICE

- Use the NDCI/NJC checklist
- Read the Judicial Benchbook
- Listen to the team, but use your discretion
- Don't shame or call names
- No anger
- Follow the experts recommendations
- Adhere to procedural due process
- Go to NADCP National Conference
- Attend the WATCP conference
- Enjoy the sense of pride you feel for your treatment court graduates!

## Self Test (for Judges Only)

As a Treatment Court Judge I think my team views me as:

- A. Highly Effective
- B. Effective
- C. Somewhat Effective
- D. Needs Work
- E. Don't Know- Don't Care

## Self Test (for Team Members Only)

If I felt my Judge was doing something ineffective or contrary to the State standards I believe I could talk to him or her about it:

- A. Yes
- B. No

Please turn off your clicker when done!

## Acknowledgment

The majority of this program/slides were created and used with the permission of Ret. Judge William Meyer.

He literally wrote the book ie the Judicial Benchbook for Treatment Court Judges.

## Breakout 4 - New Information on Tony....

- Tony has been consistently clean
- An undisclosed third party reveals to prosecutor that they saw Tony with a gun
- Prosecutor wants to terminate
- Should Tony be terminated? Discuss

#### Breakout 4 – MORE Information on Tony....

- We now learn that the defense attorney has information that Tony has been using all the time and flushing his system.
- Does the defense attorney disclose this information?
- Discuss!

#### Breakout 4

Start now and complete the rest later...

- Do a self-test on effectiveness of team (or list strengths & weaknesses)
  - *See section 7 of your binder for High Performance Team Assessment Form*
- Then discuss (judge talk last)
- 3 action items for how to improve your team