



# Ethical Issues Around The Role of Peer and Mentor Support in Treatment Courts

This presentation addresses the ethical issues surrounding veteran treatment court mentors and how to maintain a healthy and respectful relationship between mentors and other team members. It will also provide tips and insights on navigating ethical boundaries in a sensitive and professional manner.

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**Co-President, Justice Speakers Institute**

**Justice Speakers Institute**

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# Session Goals



**1**

Conform your behavior as a Peer/mentor to behave ethically in a treatment court;

**2**

Clarify the relationship between Peer/mentors and judges so that both comply with ethical standards;

**3**

Improve relationships between mentors and team members.

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# Who Are You?

Mentor

Judge

Attorney

Other



# Judges and Peer/Mentor

**Have you, as a mentor, had a private conversation with the judge?**

**Have you, as a judge, had a private conversation with a mentor?**

# Postulate

Treatment courts work best when mentors and peers support their mentees, but are not directly involved in the court process.





# Peer/Mentors Obligations

**1**

Assist mentee in resolving their issues;

**2**

Engage mentee;

**3**

Maintain federal confidentiality standards;

**4**

Attend all court hearings and other meetings as needed.



# Peer/Mentors Obligations

1

Confidentiality is an ABSOLUTELY ESSENTIAL requirement to the mentor-participant relationship.



# Why Confidentiality?

1

The mentee must always know that their conversations with their mentor, are private communications;

2

This includes informal conversations as well as a mentoring session.

# A Peer/Mentor Is Not

! DANGER !

! WARNING !

! WARNING !

!! ALERT !!

Counselor

Lawyer

Doctor

Banker

Romantic partner

Member of VTC staffing team

# A Peer/Mentor Does

1

Engage

2

Encourage

3

Empower





# A Peer/Mentor Does Not

1

Reveal what they have been told in confidence;

2

Attend staffing sessions;

3

Report to the Judge.



# Importance of Separation

1

The separation helps maintain the judge's impartiality while still allowing mentors to aid in connecting veterans with necessary resources, like housing or employment, and to offer peer support for substance use or mental health challenges.

# Judge's Role

As an extension of the duty to ensure public trust, the code prohibits a judge from allowing anyone to influence the judge's judicial decision making or from conveying the impression that anyone is in a special position to influence the judge.



# Judge's Role

Judges must not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment, or convey the impression that any individual is in a special position to influence the judge.





# Ex-Parte Communications

- 1** Latin term meaning "by or for one party."
- 2** The term refers to an attorney's communication with:
  - 3** A judge or arbitrator without notice to, and outside the presence of, the other parties; or,
  - 4** Another party outside the presence of that party's attorney.



# Ex-Parte Communications

1

The term also refers to proceedings that are conducted without notice to, and outside the presence of, other parties affected by the proceeding.

2

Typically, such proceedings are permitted when a party needs urgent relief that cannot wait until the adverse party is informed and given an opportunity to respond.

# Judicial Ex Parte

■ A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter..(Rule 2.9)



# Judges Can't Talk Privately With Peer/Mentors

A judge was removed for private conversations with treatment provider about defendant as a part of a reason for his sentence.

*In re Jones*, 581 N.W.2d 876 (Neb. 1998)





# Don't Do Favors for Peer/Mentors

Judges was removed:  
In part for going with a bondsman to see about getting his license renewed. The judge said nothing but the commission found he violated the cannons by going.

<https://casetext.com/case/miss-comm-n-on-judicial-performance-v-thompson>



# Judges May Not Oversee Cases Involving Peer/Mentors

**A judge was removed for allowing an acquaintance who had a speeding violation, to do community service rather than pay a fine, and then extended the time to finish the service.**

[https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0027/39159/November-December-1998-decision-](https://www.ncsc.org/__data/assets/pdf_file/0027/39159/November-December-1998-decision-)

[decision-summaries.pdf](#)



# Don't Poll Peer/Mentors About Court Orders

A judge was removed for polling the courtroom audience about what action he should take, and then implementing the audience's decision despite later claiming he was only joking.

A judge faced sanctions for letting family members of victims stand up and address defendants directly during sentencing without proper procedural safeguards.

1

A judge was disciplined for allowing spectators to verbally influence proceedings by permitting them to shout recommendations for sentences from the gallery.

2

3

A judge was reprimanded for allowing treatment team members to freely interact with defendants in the courtroom without maintaining proper courtroom decorum.

4

# Judge Should Not Give Out Their Private Telephone or email account to Peer/Mentors

A judge was reprimanded for inviting ex parte communications by including her phone number and invited "community leaders, churches, educators, and citizens" to call and discuss the problem.

MISSISSIPPI COMMISSION ON JUDICIAL PERFORMANCE v. THERESA BROWN DEARMAN



# Judges and Peer/Mentors

A judge was reprimanded for talking to the father of a defendant on his personal cell phone and issuing a bond release order following.

In The Matter Of Hon. George Anaya, Jr. Santa Fe County Magistrate Court

**THE PATRON SAINT OF COPYING  
PEOPLE ON EMAIL IS**



# Judges Should Not Order Peer/Mentors To Do Anything

A judge was suspended for ordering a courtroom observer to take a drug test, holding her in contempt, and jailing her when she refused.

<https://www.courtnewsOhio.gov/cases/2021/SCO/1109/210757.asp#:~:text=The%20Court's%20pinion%20stated%20that,endure%20during%20her%20incarceration%2C%20on>





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RULES

## Suggestions

1

The guidelines should provide a way for mentors to bring concerns to either the mentor coordinator, VTC coordinator or probations staff;

2

Set guidelines for an individual to become a mentor.

# Suggestions

Develop a training approach for mentors including VTC specific to your court practices;

National or state training;

Online training.

WHAT  
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RULES

# Suggestions

1

Provide a confidentiality training to all mentors, in accordance with mentor confidentiality policy;

2

Mentors will be more comfortable knowing what they can share and what they must share with the court and the judge.

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ARE THE



## Suggestions

Mentors should be informed that they are to keep all communications with their mentee private;

Exceptions: a concern about suicide, positive statements about the mentee during the review sessions.

ARE THE ?

## Suggestions

1

Think of teams as having two parts: staffing and non staffing team members;

2

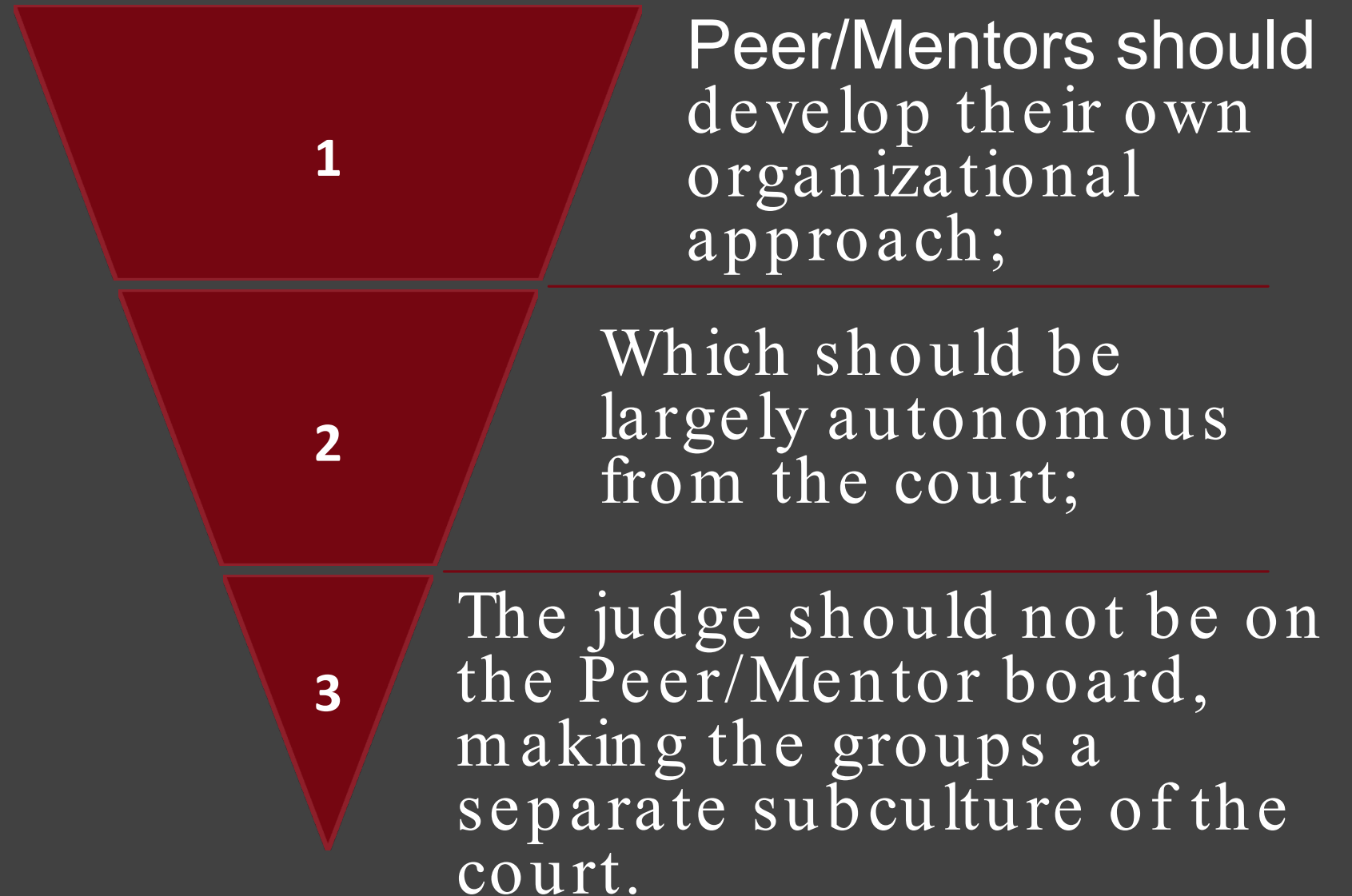
Peer/Mentors should be part of the non staffing team;

3

Limit their personal interaction with the staffing team to coordinators and/or probation.

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RULES

# Suggestions



# Suggestions

The coordinator should have a screening policy which may include a requirement that mentors are in good standing with the law, willing to commit to the program for a minimum length of time, and willing participate in training before beginning to work with a participant.

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RULES

# Suggestions

Recruiting new mentors should be left to the mentor coordinator or the mentor group, however, the VTC coordinator should have final approval of all new mentors; and, removal.

WHAT  
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# Suggestions

Judge should require the creation of guidelines for mentors interaction with the courts and it's staff; and, those guidelines should allow Peer/Mentors to speak on the record in the review session about the positive progress of their mentee.

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# Suggestions

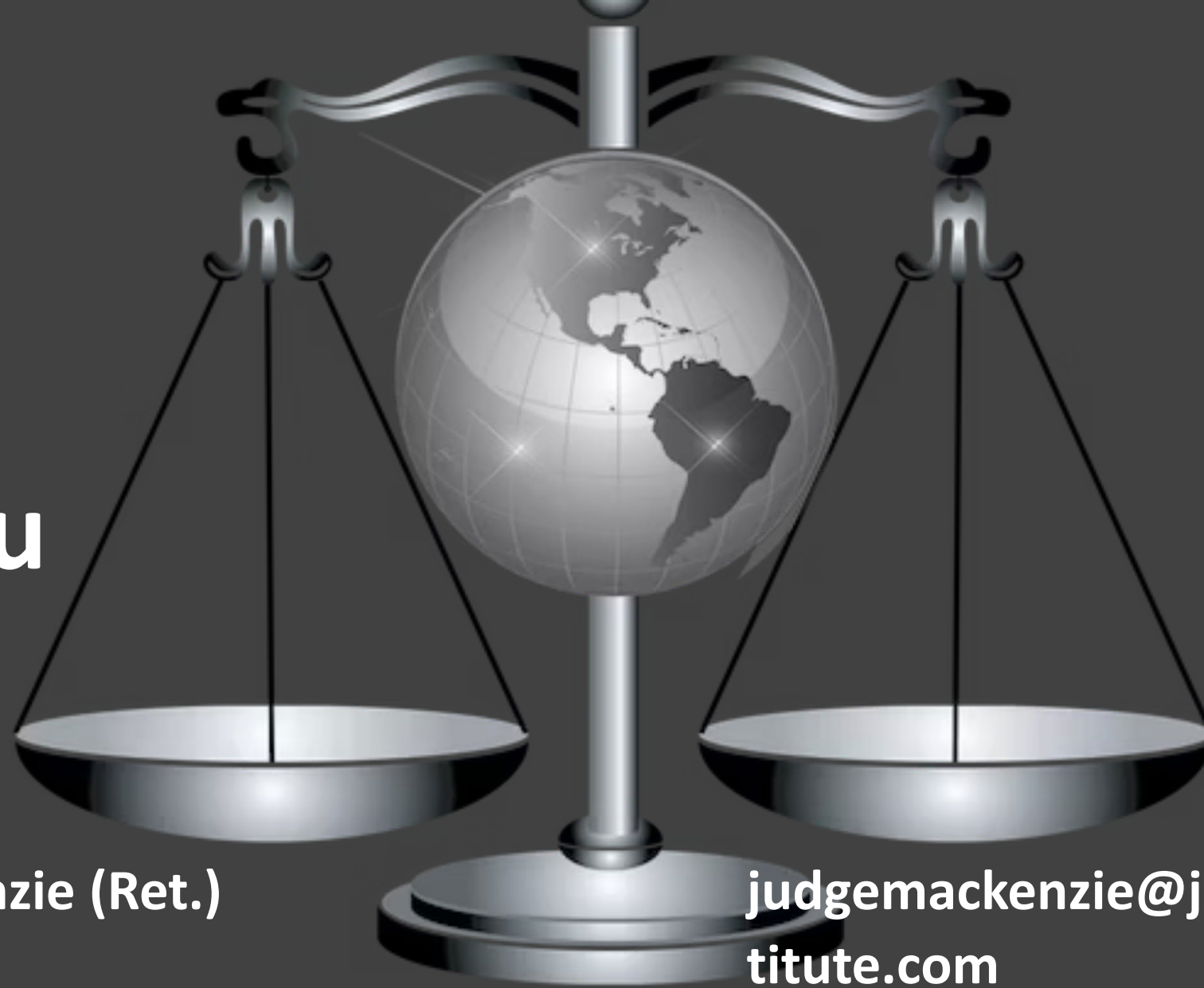
Judge should limit their contact with Peer/mentors to the VTC review sessions; and, explain to all new mentors during the on the record in review sessions about the ethic limitation that effect the judge.

WHAT  
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RULES



Questions?

**Thank You**



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