



California Association of Drug Court Professionals NEWSLETTER

August 2004◆◆◆◆Issue 2

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President's Message

By Judge Stephen Manley

After our First Annual Conference, and a dramatic increase in membership, drug courts begin this new fiscal year with the confidence of State Government and an increase in funding at a time when similar programs have been eliminated.

This year the Legislature recognized the success of our Dependency Drug Courts in reducing the number of placements and length of stay in foster care and group home care, as demonstrated in a national evaluation as well as quarterly data reported to ADP. The result was an increase in funding of the Comprehensive Drug Court Implementation Act by \$1.8 million to support the expansion and further development of Dependency Drug Courts that adopt the goals of family reunification and reduction of lengthy utilization of foster care through treatment and accountability, and will continue to demonstrate those savings to the State and Counties.

This new budget legislation is unique in that it follows our success in obtaining increased funding for Adult Criminal Drug Courts that target felons with real prison exposure. The budget increase for Dependency Drug Courts is funded entirely with funds transferred from the Department of Social Services budget to drug courts.

At a time that counties and the State are not meeting Federal mandates for Dependency cases, drug courts offer a viable strategy to improve compliance and reduce costs. However, every challenge demands our accountability in demonstrating that these savings continue. (con't page 5)

CADCP Board Business

By Judge Glade Roper

The CADCP Board of Directors is actively working on development of Drug Courts in California. Recent actions include:

1. Monitoring legislative action pertaining to Drug Courts. Recent action includes providing \$1.8 million for development and expansion of dependency Drug Courts. Now that the budget has passed, it is expected that these funds will be distributed to existing dependency drug courts, or to counties which are already geared up to create them. It is critical for the future that courts funded by this be able to demonstrate success and cost savings so that money will continue to be provided. Further information is available in this newsletter.
2. The Membership Development Committee is actively seeking members in all counties, including the Drug Court Coordinators in each county. Participation by all Drug Courts in the state is seen as essential for the organization to truly represent the entire constituency. (con't page 4)

Mental Health Services Act is endorsed by CADCP

By Maureen Baumann

The Mental Health Services Act or Proposition 63 will be on the November ballot in order to provide necessary resources to persons suffering from mental illness. The Board of Directors of the California Association of Drug Court Professionals endorsed this initiative at their July 13, 2004 meeting. The Board concluded there is a critical need for more resources to help the mentally ill obtain the necessary treatments and services they need to recover from this devastating illness. The results of a lack of services are seen daily in the criminal justice systems throughout California. If approved by voters, the act would add nearly \$700 million in state funds for mental health services for children, adults and seniors through a new, 1 percent tax on income above \$1 million. The funding would help communities replicate programs already working for a limited number of people learning to manage and live with chronic mental disorders. (con't page 3)

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CADCP Is YOU!

By Ralph Rodgers and Deb Cima

Membership in the California Association of Drug Court Professionals includes: (1). Providing a united voice for treatment court professionals for response to legislation and common issues, (2). Providing the necessary funds to have more CADCP sponsored annual training events, and (3). Providing the necessary funds to be able to develop the organizational newsletter and website to make it always current, informative, and interactive for members. The cost of individual membership is \$25 annually (cheap!) and the organizational is \$150 for seven (7) members (even cheaper!) based on the calendar year.

Membership applications for both individuals and for organizations are included with this newsletter.

2004 AOC Collaborative Justice Unit Activities

By Tim Newman

The Collaborative Justice Unit at the AOC is pursuing the following projects:

California Drug Courts: *A Methodology for Determining Costs and Avoided Costs* - Administrative Office of the Courts (AOC) secured a grant from the Drug Court Program Office (DCPO) at the United States Department of Justice (USDOJ) to explore the feasibility of a statewide cost/benefit evaluation of adult drug courts. The AOC consulted with state and national drug court experts and NPC Research was selected as the primary contractor for this project. The purposes of this statewide evaluation are:

1. To develop a methodology that can be used by drug courts statewide for ongoing cost-benefit evaluation beyond the conclusion of this project.
2. To answer two critical drug court policy questions:
 - a. Are adult drug courts cost effective?
 - b. What adult drug court practices appear most promising and cost beneficial?

(con't page 4)

California Drug Coordinators' Work Group WORKS!

By Maureen Hernandez, Chairperson

The California State Drug Coordinators' Work Group was established in 2002.

During numerous conferences and workshops, it was noted that there was a tendency for the Coordinators of various courts to seek each other out. During these sessions, individuals found support, fresh ideas and a strong camaraderie that served to reduce some of the stresses of the job. It was inevitable that a group of such strong individuals would join efforts and create an even stronger work group.

The following statement defines our purpose: The California Drug Court Coordinators' Work Group is dedicated to institutionalizing drug court programs as an integrated body of the California courts. Our goal is to strengthen the drug court partnership between local, state, and national stakeholders, through: the exchange of data; the sharing of information on local, state and national grants, initiatives and trainings; and the consideration of issues, concerns, and innovative responses applicable to California drug courts.

We meet on a quarterly basis, alternating locations between northern and southern California. Information and opportunities are shared in an ongoing endeavor to provide updates. Questions and problems are circulated to everyone. Responses are reviewed in an effort to utilize the experiences and expertise of those coordinators who have developed successful programs.

The work we accomplish individually provides the fuel to ignite the potential of this effective and life-changing tool. Drug Courts improve people, families, communities and America. Through the dedication of the coordinators, our programs make a difference.



Attorney Discipline: The New Frontier

By Charles Murray

The drug court model has entered another exciting new frontier. The enlightened principles of the drug court model - combining effective treatment with traditional judicial principles in a collaborative, interdisciplinary approach - are now experiencing great acceptance and success in the State Bar Court and resolutions in attorney disciplinary matters.

The State Bar Court acts an arm of the California Supreme Court in the determination of attorney disciplinary matters. As in most established judicial systems, the State Bar Court has developed a traditional process which provides for standard adversarial proceedings presented to a judge at trial for findings of facts and conclusions of law and a determination of appropriate discipline, including disbarment when appropriate. Under this traditional approach, an attorney with an alcohol, drug or mental health condition who is able to establish that this condition significantly contributed to the misconduct; that this condition was not the product of any illegal conduct (such as drugs or substance abuse); and that the condition is no longer causing current impairment; is entitled to mitigation of the discipline imposed. In those cases where it is shown the attorney still suffers from an alcohol, drug or mental health condition, treatment conditions are made part of the probation conditions. Often the perceived benefit (possible mitigation of discipline) is outweighed by the perceived negative consequences (e.g., public record of an alcohol, drug or mental health condition; unknown actual mitigation that will be given; inability or unwillingness to participate in treatment; etc.). This results in many attorneys suffering from these problems not getting the help they need and showing up again in the discipline system with new charges after causing even greater harm to themselves and clients. It is estimated (con't page 4)

Nevada County Juvenile Drug Court

By April Bullock

There's been no budget windfall, no magic solution for keeping kids in compliance, and drugs have not suddenly been displaced by classical music, but Nevada County's Juvenile Drug Court is still going strong. The "secret of success" is continuing creativity, commitment, and communication on the part of the Team.

In its third year, the Nevada County program is the result of collaboration and combined funding. A state CDCI grant supports the treatment component. Probation applies its JJCPA grant (Juvenile Justice Crime Prevention Act) for the case manager position. A Collaborative Courts grant from the AOC (Administrative Office of the Courts) helps fund assessment services, UA tests and incentives. Everything else happens through in-kind services from all the partners—the Court, Probation, District Attorney, Public Defender, Behavioral Health, and Superintendent of Schools. The Team, which is the subject of a PhD dissertation by a local psychologist who volunteers in Juvenile Drug Court, is able to "self-correct" and address changes in personnel, identify program shortcomings, and implement new ways of reaching the kids and their families.

A few changes were made for FY 04-05 due to funding issues. For the first time, participants are being charged a fee of \$50 to be paid before moving to a new phase or graduating (\$150 total). The number of individual sessions with each client has been reduced. A 52-week program has become one of 40 weeks. A new treatment authorization worksheet calculates the cost for each participant at time of program entry, and will help contain costs for outpatient services.

Earlier this year, the bimonthly Juvenile Drug Court moved to the Carl F. Bryan II Juvenile Hall. It took a few sessions for the youth to realize that current Juvenile Drug Court Judge Carl F. Bryan was "the Man" the building is named for. The judge takes great care to make sure that all goes well at "his house," and the Team will continue to go above and beyond in doing its part too.

IADTC Spreads the Word

By Moira Price

The *International Association of Drug Treatment Courts* was established several years ago and acts as a clearinghouse for information about Drug Courts internationally, and also as a link to mentor Courts for those countries interested in establishing their own Drug Courts. The Board of the IADTC is made up of representatives from Australia, Bermuda, Brazil, Canada, Cayman Islands, Ireland, Jamaica, Scotland, the US and the United Nations. Together, these countries aim to spread the word about the success of drug courts to a wider international audience, and the IADCP works closely with the NADCP to achieve this aim. Anyone interested in contacting members of the International Association is invited to join the IADTC listserver, which can be accessed through the home page of the NADCP website.

Data Source for Grant Writing

By Julienne Kwong

The Center for Applied Research Solutions has released the "Community Indicators of Alcohol and Drug Abuse Risk, 2004" prepared for the California Department of Alcohol and Drug Programs by the Community Prevention Institute. The county reports compile data on 26 community indicators, including measures of risk factors associated with alcohol and drug use, measures of overall substance use prevalence, and measures of the consequences associated with problem use. To access your county's report, there is a link on the www.ca-sdfsc.org homepage.

Let Us Hear from You

If you have an article you want included in this newsletter, e-mail attach it to dianne.marshall@courts.mendocino.ca.gov. If there is topic you want to hear discussed, let Dianne know that also. Send in the enclosed *Contributor Sign-Up*. Due dates to be included in future articles are: October 10th for the November issue, January 10th for the February issue and April 10th for the May issue.

Youth Treatment Guidelines are Official

By Thomas Alexander

The State Office of Alcohol/Drug Programs has secured approval to make *Youth Treatment Guidelines* an Official State document. The approval has taken three years and countless hours provided by treatment staff, county alcohol/drug professionals, interested clients, probation and other law enforcement entities. The County Alcohol and Drug Program Administrators Association of California, representing all 58 California counties, (CADPAAC) has endorsed the guidelines. The pressing need for a coordinated system of treatment services for youth was the driving force behind these guidelines.

By having official guidelines for programs treating children and youth, issues such as adolescent development and age appropriateness will be considered when treating youth. As stated in the Executive Summary, "These guidelines are an important part of a long-term effort targeting the youth population with comprehensive and integrated services."

The *Guidelines* mean that programs treating youth will adhere to standards which have been established specifically for youth, rather than standards conceived for "little adults." The impact will be broad reaching and will affect all modalities and agencies addressing the needs of youth.

The *Youth Treatment Guidelines* are available on the State Alcohol and Drug Programs website, www.adp.state.ca.us. If you work with youth, these *Guidelines* will have an impact on your program.

Mental Health Services Act (Initiative 63) Is endorsed by CADCP (con't)

The proposition would require that counties develop a plan to provide new services using evidenced-based practices and with an orientation to recovery and resiliency. The Board encourages the CADCP membership to support this important Initiative.

2004 AOC Collaborative Justice Unit Activities (con't)

Going-to-Scale Project: *Opportunities and Barriers to the Practice of Collaborative Justice in Conventional Courts* – Study explores the extent to which key principle of collaborative justice courts may be applied throughout the legal system – Study carried out by the AOC Research and Collaborative Justice Units with assistance from New York's Center for Court Innovation. This study was presented at the NADCP National Conference in June.

Identifying and Characterizing Collaborative Justice Promising Practices – This is a three-phase project designed to define the essential components of collaborative justice courts, survey California courts for the use of essential elements and identification of practices, and characterization of those practices as emerging, promising, or effective.

DUI/Drug Court Grant

AOC obtained a grant from the Office of Traffic and Safety to provide support to develop a DUI drug court model for implementation and replication by local California courts. Three pilot mini-grants would be awarded to local courts for planning, implementation, and evaluation of a juvenile DUI drug court, and peer/youth DUI and traffic safety programs. In addition, education would be provided to bench officers, court personnel, and the public about multiple DUI and juvenile DUI drug court models.

Adoption of these changes will leave the program intact and in effect

Collaborative Justice Education

Grant - Also pursuing a grant with the State Justice Institute to fund the development of an educational curriculum for judges and court personnel called the *California Collaborative Courts Judicial Education Project*. The project would promote and foster education of judicial officers as they seek to implement collaborative justice court practices in their courtroom. This would include development of a workbook to aid both those able to attend and those interested but not able to attend

President's Message (con't)

A letter of intent explaining the new program and requesting a commitment from those counties and courts, prepared to accept this challenge, will be forthcoming within weeks. I urge every drug court to take advantage of this opportunity to expand our vision. We grow stronger when we demonstrate that not only are we prepared to accept new challenges, we are also prepared to implement them quickly and form new collaborations to do so.

Turning to our Adult Criminal Drug Courts, funding at the increased level from last fiscal year remains in place. However, we must be prepared to demonstrate results at a time that new prison admissions for drug offenders are increasing across the State. Again, having the legislative goals clearly in mind helps us keep our focus on the increased funding allocation to be directed solely for the placement of felony defendants in drug court with real prison exposure.

Since CADCP and all drug courts are based on the fundamental concept of collaboration, a new effort is underway to seek out drug courts willing to work directly with the Department of Corrections in an effort to target additional drug abusing defendants who are being returned to prison, by diverting them into community treatment through drug courts. Our State fiscal crisis is not over, and we have an opportunity to partner with the Department of Corrections to achieve State savings.

With these many new challenges and opportunities to expand drug courts before us, the CADCP Board expects an eventful year. Our new Board of Directors is energetic and dedicated to presenting for your consideration, a more diverse focus for the organization. For example, in this issue you find an article about Proposition 73, and the importance that this little known ballot may have for drug courts and mental health courts in working with clients who are mentally ill or dually diagnosed.

You will receive a survey for your direct input during the next few weeks, and This past Spring the State Bar Court conducted an extensive evaluation of its Pilot Program. The overall impression of that evaluation is that the Pilot Program has been a great success. Two important developments resulted from this evaluation. The first is a series of proposed rule changes that will better provide for the fairness and efficiency of the Program. Of

every member of the Board joins me in urging you to take the time to complete it. We want this organization to be responsive to the needs of the membership in educational conferences, and guiding the course of CADCP into the future. Please give us your input and continued support!

Attorney Discipline: The New Frontier (con't)

that alcohol, drug or mental health conditions exist at some level in at least half of the attorneys involved in disciplinary matters.

In 2001, a knowledgeable, strong advocate of drug court principles arrived at the State Bar with the hiring of Chief Trial Counsel, Mike Nisperos. His experience includes Director of the Mayor's Office of Drugs and Crime for the City of Oakland, where he coordinated the enforcement, prevention and education efforts directed toward the reduction of crime and drug abuse. One of the visions he brought to the State Bar was the integration of drug court principles into the traditional attorney disciplinary process. Within months his office developed a comprehensive proposal for an alternative disciplinary process incorporating drug court principles.

About the same time that this proposal was created, the state legislature established a Lawyer Assistance Program (LAP) within the State Bar to identify and rehabilitate attorneys with impairment due alcohol, drugs, or mental illness. This legislation provided an effective treatment component to incorporate into the attorney disciplinary process (see Business and Professions Code section 6230 et seq.).

In August 2002, the State Bar Court announced a Pilot Program for Respondents with Substance Abuse and Mental Health Issues. Effective September 1, 2002, new procedural rules were adopted to implement the Program. In October 2002, the Court considered its first Pilot Program cases.

The Program provides for a significant reduction in the discipline (con't page 5)

Attorney Discipline: The New Frontier (con't)

to be imposed (in some cases dismissal) upon successful completion of a court-monitored program requiring continued compliance with all treatment recommendations of the LAP. To gain entry into the Program, an attorney must (1) show proof of entry into a treatment participation agreement with the LAP; (2) stipulate to the misconduct with the Office of the Chief Trial Counsel; (3) show a nexus between the condition and the misconduct; and, (4) agree to be bound by the terms of a Pilot Program contract. Prior to the attorney deciding whether to enter into this contract, the court issues a Decision re: Alternative Recommendations for Degree of Discipline, advising the attorney of the alternative levels of discipline that will be imposed if the attorney signs the contract and enters the Program. The Decision sets forth, in the alternative, a "high end" level of discipline that will be imposed if the attorney does not successfully complete the program; and the significantly reduced level of discipline, or "low end", that will be imposed if the attorney successfully completes the program.

At any time prior to actually signing the contract, the attorney may withdraw from Program consideration. If the attorney does withdraw, the disciplinary case is returned to standard proceedings and the Pilot Program stipulation may not be enforced against the attorney. In other words, the attorney learns exactly what discipline will be imposed before committing to the Program. However, once the attorney signs the contract the discipline levels are set and will be imposed upon the occurrence of the contingent event (termination without successful completion or successful completion) without further modification. Once the contract is executed, the Court monitors the participant attorney for a period of between 18 and 36 months (under its own and separate terms, the LAP requires monitored compliance for 5 years with its treatment recommendations before an attorney is considered to have successfully completed their treatment program). The Court may provide incentives for compliance and sanctions for non-compliance during the Court-monitored contract period.

Confidentiality is a major issue. The fact that the attorney is participating in the program, or that the attorney has either been successful or unsuccessful in completing it, are public information. All information concerning the nature and extent of the attorney's treatment is absolutely confidential.

The Court designates one judge in each of its locations, San Francisco and Los Angeles, to serve as Pilot Program Judge. Respondent attorneys may represent themselves or be represented by their private defense counsel (there is no equivalent of a "public defender"). The Office of the Chief Trial Counsel has shown a nexus between the condition and the specially designated and trained attorneys to handle these matters.

One of the more interesting aspects of this program is its broad inclusiveness of misconduct. The only attorneys who are excluded from consideration for this program are those who have been convicted of a crime that would qualify them for summary disbarment. No other attorney or category of charged offense is automatically excluded from potential participation in the program.

Of particular note is that the word "Pilot" and any sunset provision are both deleted from the rules. The expected adoption of these changes will leave the program intact and in effect institutionalize this enlightened addition to the attorney discipline system.

As of April 30, 2004, after only 18 months of operation, the Court showed 78 attorneys who have either been accepted into the Pilot Program or are seeking to participate in it. There are currently about twice that number of attorneys in the discipline process, experiencing alcohol, drug, or mental health problems, who may also be eligible for entry into the Program.

I have had the honor to be involved in this project from the start. I am now the Southern California Coordinator for Disciplinary Cases Involving Alcohol, Drugs and Mental Health Issues. In addition to Chief Trial Counsel Mike Nisperos, this project's development and the success it has experienced to date have been possible thanks to the tireless efforts, positive energy and infinite dedication of my State Bar counterpart in Northern California, Cydney Batchelor, who has been my partner in this challenging venture from its beginning.

Since word of this ambitious project began to spread, we have received widespread interest in and support for our efforts from other attorney discipline offices, attorney assistance programs, and state and national drug court organizations. The collaborative, therapeutic approach of the drug court model is adapting extremely well to yet another new frontier, attorney discipline.

CADCP Board Business (con't)

3. The Board voted 9-1 to endorse Proposition 63, the Mental Health Services Act, which would impose a 1% tax on all incomes over \$1 million to fund increased services to the mentally ill in California. The proposition will be on the November 2004 ballot.

4. Development of a viable web page is being considered. Methods of maintaining a web page without undue cost are being explored, with the possibility of having a corporate sponsor to subsidize the cost.

5. Planning for the next training conference, tentatively scheduled for two days in April of 2005. The Education Committee is seeking input from the membership for topics you would like to have presented at the conference. If you have any suggestions for topics, please contact any Board member.

6. Election of next year's officers. At the June Board Meeting, the following officers were elected: President, Judge Stephen Manley; Vice President, Charles Murray; Secretary, Maureen Bauman; Treasurer, Ralph Rodgers; Newsletter Editor, Dianne Marshall.



Narcotics Anonymous Invites You...

...to attend the Western Services Learning Days (WSLD) XVIII "A Resource in Your Community." October 22-24, 2004 at the San Francisco Airport Marriott Hotel, Burlingame, CA. The California Department of Corrections, Narcotics Anonymous and Drug Court Judges Patrick Morris and Stephen Manley will address "Challenges, Communications and Cooperation" during a workshop session scheduled for Friday, October 22, 2004 from 9:00a.m. to 3:00p.m.. WSLD registration forms are available online at www.wslld.org. For more information contact Jeff at 415-860-4641 or email naunity@pacbell.net.



California Association of Drug Court Professionals

CALENDAR YEAR 2004

INDIVIDUAL MEMBERSHIP APPLICATION

(See Reverse for Organizational Membership Application)

Renewal **New**

Organizational Name _____	County _____
Address _____	City/St/Zip _____

Name _____
Title _____
Organization/Agency _____
Address _____
City _____ State _____ Zip _____ Country _____
Phone (_____) _____ Fax (_____) _____ E-Mail _____

Which category best describes your involvement in Drug Court?	
<input type="checkbox"/> Judicial Officer (01)	<input type="checkbox"/> Law Enforcement (06)
<input type="checkbox"/> Probation/Parole (02)	<input type="checkbox"/> Admin./Planning (07)
<input type="checkbox"/> Treatment (03)	<input type="checkbox"/> General Government (08)
<input type="checkbox"/> Prosecution (04)	<input type="checkbox"/> Elected Official (09)
<input type="checkbox"/> Defense (05)	<input type="checkbox"/> Other _____

If you wish to serve on a **CADCP Committee**, what is your particular area of interest? _____

<p>Membership dues for the current calendar year are \$25.00 Checks payable to CADCP should be sent to: CADCP, P.O. Box 1089, San Leandro CA 94577-0126</p>

For questions call Deborah Cima, Membership Chair
Tel: 909-387-4730
E-mail: dcima@courts.sbcounty.gov

**CALENDAR YEAR 2004
ORGANIZATIONAL MEMBERSHIP APPLICATION**

(See Reverse for Individual Membership Application)

Renewal **New**

Organizational Name _____ County _____
Address _____ City/St/Zip _____

Please list up to **seven** individuals included in the Organizational Membership. Also, indicate one category code (see over for listing).

1. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

2. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

3. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

4. 1. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

5. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

6. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

7. Name _____ Title _____
 Phone (____) _____ Fax (____) _____
 E-Mail _____ Category Code _____

If any member wishes to serve on a **CADCP Committee**, please list below:

Name _____ Area of Interest _____
 Name _____ Area of Interest _____
 Name _____ Area of Interest _____
 Name _____ Area of Interest _____

Organizational Membership dues for the current calendar year are \$150.00 Please make check payable to CADCP and remit to: CADCP, P.O. Box 1089, San Leandro, CA 94577-0126
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