

2004 CCJ/COSCA Problem Solving Courts Resolution Elements and Actions in Support of the Elements

**National (N) Effort
Local (L) Effort**

A. Institutionalization

- 1) Convene a national conference or regional conferences to educate Conference members and other appropriate policy leaders on the issues raised by the growing problem solving court movement. (N)
- 2) Take steps nationally and locally, to expand and better integrate the principles and methods of well-functioning drug courts into ongoing court operations. (N) (L)
- 3) Encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community. (N) (L)
- 4) Request that the National Center for State Courts initiate with other organizations and associations a collaborative process to develop principles and methods for other types of courts and calendars similar to the *10 key Drug Court Components*, published by the Drug Courts Program Office, which define effective drug courts. (N)
- 5) Support the identification and promulgation of national best practices in the use of problem-solving court principles and methods within a traditional court setting. (N)
- 6) Encourage each state to develop and implement an individual state plan to expand the use of the principles and methods of problem-solving courts into their courts. (L)

Actions/Resources in Support of Institutionalization

- q 2005 Western COSCA Regional Meeting workshop: *Developing Problem Solving Courts*
- q NCSC survey identified activities each state is doing to expand use of the problem-solving approach (summer 2004)
- q State plans to encourage broader use of problem-solving approach developed during 2004 CCJ/COSCA Annual Meeting; State plans returned to participants with NCSC summary of all plans for additional ideas
- q [NCSC PSC Web page](#) designed to capture state information
- q National Judicial College (NJC) held a working summit on *Institutionalizing Problem Solving Techniques in All Courts* on May 10-12, 2005; a bench book will follow
- q Many states established some type of permanent or temporary structure (e.g., advisory/steering committee, state associations of drug court professionals,

planning and management teams) to gather and disseminate information on the implementation, improvement and coordination of problem-solving court programs

B. Training and Education

- 1) Support national and local education and training on the principles and methods employed in the problem-solving courts and on collaboration with other community and government agencies and organizations. (N) (L)
- 2) Support the development and delivery of national and local judicial and staff education curricula based on the principles and methods of problem-solving courts. (N) (L)
- 3) Encourage the attendance by judicial officers and staff at national and local courses based on the principles and methods of problem-solving courts. (N) (L)
- 4) Ask CCJ and COSCA members to request of the law schools in their states that they, as appropriate, include the principles and methods of problem-solving courts in their curricula. (N) (L)
- 5) Request that the Association of American Law Schools support expanded education by their members on the principles and methods of problem-solving courts. (N)
- 6) Request that the National Judicial College, the National Center for State Courts and the National Association of State Judicial Educators update their existing training curricula to include the principles and methods of problem-solving courts. (N)

Actions/Resources in Support of Training and Education

- q Bureau of Justice Assistance (BJA) and the Council of State Governments (CSG) hosted a national conference on mental health courts in June 2005
- q 2005 Western COSCA Regional Meeting workshop: *Developing Problem Solving Courts*
- q National Association of Drug Court Professionals (NADCP) annual conferences
- q 2004 educational program for CCJ/COSCA members
- q NJC participated in the development of two brief (3-6 hour) curricula and is developing two other curricula intended to train non-problem solving court judges in some of the techniques used by problem-solving courts
- q NJC offered train the trainer courses for two of the above curricula to train judges to teach these courses in their home states
- q California's Administrative Office of the Courts developed a curriculum on PSC principles with State Justice Institute (SJI) funding
- q Some states incorporate education on problem-solving principles into new judge orientation and/or regular judicial education programs; some offer specialized training or mentoring programs for new problem-solving court judges, and others encourage new drug court judges to visit operating drug courts in the state

- q Some states have pooled efforts with the Bar to provide education programs for lawyers; members of the court community have participated in symposia, classes, and other educational programs at law schools
- q NCSC staff and Committee representatives made presentations to the Michigan Judicial Institute (2000), the Michigan Drug Court Professionals (2002), the National Association for Court Management (NACM) (2001 and 2002), an international audience (2003), the National Council of Juvenile and Family Court Judges (2003), and the American Judges Association (AJA) (2004)
- q The International Network on Therapeutic Jurisprudences lists eleven universities that include a law course involving problem-solving and therapeutic jurisprudence principles.
- q NCSC staff and a Committee representative made a presentation on problem-solving courts at California Western School of Law’s conference on “Preventing and Solving Legal Problems Creatively”
- q NCSC staff collaborate with the Consortium on Community Problem-Solving, involving law professors as well as practitioners interested in problem-solving principles
- q Dean Steve Smith, California Western School of Law, volunteered to work on updating the ABA standards [Standard 302 (a) 1], to more strongly support problem-solving court training for inclusion in law school instruction.

C. Research and Evaluation

- 1) Encourage the National Center for State Courts Best Practices Institute to examine the principles and methods of these problem-solving courts. (N)
- 2) Advance the careful study and evaluation of the principles and methods employed in the problem-solving courts and their application to other significant issues facing state courts. (N)
- 3) Encourage the development in each state of at least one “demonstration” jurisdiction to serve as a laboratory in the use of problem-solving court principles and methods within a traditional court setting. (L)

Actions/Resources in Support of Research and Evaluation

- q The BJA and the Substance Abuse and Mental Health Services Administration (SAMHSA) [Mental Health Courts Program](#) supports collaborative efforts to implement system-wide improvements for adults and juveniles with mental illness who are in the justice system—over 35 demonstration projects underway
- q Several states have nationally recognized demonstration courts that offer facility and program tours, training, and technical assistance to other interested jurisdictions; some programs are recognized as demonstration courts because they are the recipients of national awards; several states are planning and implementing new models that incorporate problem solving approaches
- q An NCSC project, funded by the Robert Wood Johnson Foundation, is developing a “toolkit” to implement the problem-solving approach

- q An National Institute on Justice (NIJ) project on “Collateral Costs of Specialized Courts” is underway by the Trial Court Research and Improvement Consortium (TCRIC)
- q NJC’s working summit on Institutionalizing Problem Solving Techniques—identifying problem-solving practices all courts could use
- q [NCSC Models and Trends publication](#)
- q New York’s Bronx Court demonstration
- q Center for Court Innovations’ (CCI’s) 2005 white paper, *The State of Drug Court Research: Moving Beyond ‘Do They Work?’*
- q California Administrative Office of the Courts and CCI’s “[Collaborative Justice in Conventional Courts](#)”
- q NCSC’s Delphi study of PSC judges
- q [GAO’s 2/05 review of drug court evaluations](#)
- q Summaries of drug court evaluations by [Doug Marlowe](#), director of law and ethics research at the Treatment Research Institute at the University of Pennsylvania; [John Roman](#), senior research associate at the Urban Institute’s Justice Policy Center
- q Research on whether judge is key component of drug court by [Marlowe, Festinger, & Lee](#), indicating that monitoring by a judge enhances performance for “high-risk” defendants but monitoring by treatment case managers is better for “low-risk” defendants

D. Advocacy

- 1) Request that Legal Education and Admission to the Bar Section of the American Bar Association support the efforts of CCJ and COSCA in pursuing the initiatives included in this Resolution. (N)
- 2) Request the National Center for State Courts’ Problem-Solving Court Community of Practice to seek funding to document best practices in “demonstration” jurisdictions and other jurisdictions and widely promulgate this information. (N)
- 3) Advocate for the resources necessary to advance and apply the principles and methods of problem-solving courts in the general court systems of the various states. (N) (L)
- 4) Request that the CCJ/COSCA Government Affairs Committee work with the United States Department of Health and Human Services to direct treatment funds to the state courts. (N)
- 5) Advocate for necessary financial resources for treatment and services that are integral to a successful problem-solving court. (N) (L)

Actions/Resources in Support of Advocacy

- q NCSC Government Relations staff has discussed the CCJ/COSCA resolution with BJA, SAMHSA, CSG, NADCP, and the National Conference of State Legislatures (NCSL) officials; staff also participate in the regular meetings of the SJI Substance Abuse Working Group

- q Across the states, judges and court administrators frequently express support for problem-solving courts in speeches and presentations at conferences, budget hearings, and state bar meetings and in journal articles and newsletters
- q Some states have created or amended statutes and protocols to support problem-solving courts and some have created various events to highlight problem-solving activities
- q Some states have collaborated with other branches of government to coordinate and expand client treatment
- q The Fetzer Institute's International Centre on Healing and the Law supports problem-solving court principles through its work