

JOURNAL

TEXAS ASSOCIATION FOR COURT ADMINISTRATION

Professionals Managing Texas Courts

Volume 27, No. 1, April, 2003

FROM THE CHAIR

I take this opportunity to convey my personal thanks to each and every member of Texas Association for Court Administration for allowing me to serve as a Chair of your Association for another year. I would like to thank the board for the support they have rendered to me and for their commitment to the profession. I am firmly committed to continue working hard for the Association in any and all capacities in which I may serve.

I applaud the every Board of Directors and Committee Chair and Co-Chair for the hard work they accomplished in contributing to our highly successful conference in October. The efforts of these individuals should not go unnoticed, as they serve with such high levels of commitment and dedication. The conference was a great success.

I applaud the Board of Directors, Bob Wessels and Aurora I. Zamora for their hard work in our Action Plan meeting in Huntsville on January 15 - 17, 2003. We all met under the direction and guidance of Bob Wessels to set forth organizational goals. We had an opportunity to discuss the future success of our Association, leadership, resources, budget, finance, visions and strategic planning. I can truly say that the Board is committed to helping our organization grow stronger and become more effective under their leadership. When you read in this issue John Warren's thoughts on his first day on the job, you will agree with me. The

Association continues its progress. It is my belief that we will see many accomplishments in the months to come.

Let me encourage all of you to place on your calendars now the 2003 Annual Education Conference, scheduled for September 30 through October 3, 2003, at the OMNI Austin Hotel Southpark, in Austin. The Curriculum Committee will meet in February to begin the work of putting together what will prove to be an excellent conference.

I would like to extend a special note of appreciation to Dan Beto, Christie Davidson, and Sharese Whitecotton for the outstanding service they have provided to our Association. We took advantage and met with them in Huntsville. We discussed our journals that will be published by them.

I look forward to working with all of you and seeing you at the Annual conference.



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Texas Association for Court Administration Judicial Advisory Board Members - 2003

The Texas Association for Court Administration would like to welcome and thank all the Judges who have graciously agreed to serve on the Judicial Advisory Board of TACA. We at TACA are very fortunate to have this great group of Judges that are very supportive of our profession on our board.

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2002 ANNUAL EDUCATION CONFERENCE FINANCIAL REPORT

By
Margo Wells

Speakers		\$ 9,204.95
Fees	\$ 2,250.00	
Rooms	\$ 1,555.20	
Food & Travel	\$ 5,399.75	
Food Service		\$ 19,990.47
Tuesday Reception	\$ 4,947.18	
Wednesday Lunch	\$ 5,179.22	
Thursday Breakfast	\$ 2,735.29	
Friday Fajita Breakfast	\$ 4,832.12	
2 Breaks	\$ 2,296.66	
Audio Visual Services		\$ 7,990.50
Copies		\$ 3,610.00
Kinkos	\$ 1,810.00	
Davis-Black Pub (Trudie Spring)	\$ 1,800.00	
Awards		\$ 487.48
Miscellaneous		\$ 2,942.64
Binders, Badges, Badge Holders General supplies, hospitality suite, etc.		
Secretariat Fees		\$ 575.54
Room\$	345.60	
Food & Travel	\$ 229.94	
Curriculum Planning		\$ 3,293.70
	TOTAL	<u>\$ 48,095.27</u>

SCHOLARSHIPS AWAIT YOU

By
John Warren

Why is continuing legal education important? In most counties, it is required if you are seeking a pay increase. In all cases, continuing education is very important in performing our jobs. As with all things, change occurs. The judicial system is no different. Our annual education conference keeps us informed of any new changes in our "legislative updates."

In some instances, some counties will not pay for members to attend the annual TACA Conference. There are three scholarships available to any member who wishes to attend the conference, but do not have the funds to do so. If you know of any member who could benefit from this information, I urge you to please pass this information on to them.

Over the years, the Texas Association for Court Administration has provided scholarship to its members to further their education in the advancement of their careers. The scholarship awards vary in amounts and are available to any member of TACA. If you are interested in obtaining one of the scholarships, please visit our website. All information regarding applying for scholarships and the requirements are located on the website.

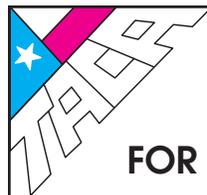
Last year, TACA gave out only two scholarships. That wasn't because of stringent requirements, but a lack of interest. Please take advantage of the opportunities afforded to you. If not, you may literally be left behind.

Please take a moment to visit our new website:

www.mytaca.org

Here are some of the topics you will find:

- the latest news and highlights regarding your association,
- your Board of Directors as well as Advisory Board,
- Membership Application,
- Scholarship information,
- links to other websites,
- and numerous other points of interest.



TEXAS ASSOCIATION FOR COURT ADMINISTRATION JOURNAL

The *Texas Association for Court Administration Journal* publishes articles, reports, book reviews, commentaries, and news items of interest to Texas court professionals.

Submissions for publication consideration should be typed on 8½ by 11 inch paper, double-spaced, with at least one inch margins. Persons submitting articles, commentaries, or book reviews should enclose a brief biographical sketch and a photograph for possible inclusion. Manuscripts exceeding one page in length should be submitted on a computer diskette, with the software used indicated.

Specific questions concerning the layout of the *Texas Association for Court Administration Journal* should be directed to Christie Davidson at telephone number (936) 294-3757 or email address <icc_cxh@shsu.edu>. Facsimiles may be sent to (936) 294-1671. Correspondence regarding the *Texas Association for Court Administration Journal* should be sent to the following:

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The Correctional Management Institute of Texas serves as the Secretariat for the Texas Association for Court Administration. The *Journal* is published by Sam Houston Press.

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MEMBERSHIP COMMITTEE 2003 – HARD WORK LIES AHEAD

Hello everyone and Happy belated New Year and all that good stuff. I just wanted to let you know what is on the horizon for your membership committee this year. First things first, the membership chairperson for this year is Myrna Salcido. Myrna has chaired the committee before and has always done an excellent job. She and I will work together with other volunteers to increase membership, welcome new members, and to develop opportunities for the membership at large to be more involved.

TACA's membership has grown over the last several years and we now number more than 500 members. Almost 100 of those members are not coordinators. At last count, Texas had 418 District Courts, 200 Statutory County Courts and 16 Probate Courts. Adding to the number of potential members are coordinators from Constitutional County Courts that exercise their judicial function and other court support personnel. TACA's membership could easily exceed 700 members. Reaching these other potential members is a high priority. Membership renewal postcards and letters have gone out. After we have a significant number of renewals processed, the committee members will begin contacting folks we haven't heard from and potential new members. At that time, we can explain TACA's mission and the advantages of membership. If you want to help in this effort please contact a committee member to volunteer. A list of committee members follows this article and is available on TACA's website.

Creating opportunities for membership involvement is the area where I believe this committee can make the largest contribution to TACA. The strength of an association lies in the commitment and involvement of the members. All associations rely on their membership for financial and administrative support. In return the association offers education, forums for sharing ideas with other professionals and hopefully an enjoyable experience. Successful organizations are great at making the work fun enough to encourage active participation of their members. This committee will be looking throughout this year for more opportunities to encourage that participation and to make it fun. Not all tasks are easy, but completing a task and contributing to the group can be very rewarding. Please consider where you can help out. TACA has historically been THE source for non-judicial court staff's education and training. We want that trend to continue.

Finally, to help introduce members (current and new) to the association, we will begin highlighting two members in each edition of the Journal. We will introduce our members to you and let you get to know them better. Additionally, please let us know if a member, including you, has any big news, awards, new jobs, and other

news, we will try to mention it all as space allows. Thank you for letting me serve as a board member and I hope to see or hear from each of you soon.

Ed Wells

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TEXAS COLLEGE FOR JUDICIAL STUDIES

May 5-9, 2003

Austin, Texas

JUDICIAL SECTION ANNUAL CONFERENCE

September 14-17, 2003

Corpus Christi, Texas

FIRST DAYS ON THE JOB

By
John Warren

At the TACA Conference last year, you all elected me to represent you as a member of the Board of Directors. I expressed my desire to see our organization grow. You wholeheartedly endorsed me by a resounding standing ovation and applause, to which I greatly appreciate.

Wednesday, January 15, as I drove to Huntsville to attend the "Action Planning Meeting," held at Sam Houston State University, I had no idea what to expect. Three o'clock that afternoon I walked into the conference room along with the other members of the Board, Ed Wells, Sylvia Noriega, Bob Wessels, Aurora Zamora, Patrice Eubanks, Margo Wells, as well as Sara Garcia, also a new member of the Board. I looked at the conference table, lined with binders, note pads, pens, high lighters and Tootsie Pops. I had no idea what I had gotten myself into.

Being one of the first at the table, I positioned myself between Ed and Sylvia. This was comfortable until Bob Wessels sat directly across from me. It was intimidating enough being in this room lined with awards, plaques and accomplishments all dedicated to one man, George J. Beto, for whom the Justice Center was named. But to sit across from the man who was one of the founders of the organization, and who has probably forgotten more about court administration than I have learned, truly mortified me. "What can I possibly say that he doesn't already know," I said to myself.

"Let's get started," Bob said, as he exhaled. He looked directly at me. You know how a deer freezes in the headlights of an oncoming vehicle? That was me. Don't get me wrong, no one intended to make me feel this way, but as I sit here now, I can only say that it was simply that I was a "new kid on the block."

As we began to dig into the material that had been placed before us, I realized that TACA is a tree whose branches stretch far into the many hallowed halls of the Texas Judiciary. It truly has a purpose, and served well those who seek its wisdom.

The purpose of this meeting was to insure that the Texas Association for Court Administration would continue to abound, to train and educate the many court coordinators and administrators throughout the state of Texas. But in order for that to happen, it would take work, which brings us to why we were there. Unlike the tree I described TACA to be, it cannot live on water and air; financial resources would determine its growth and stability. We labored on, digging deeper in search of a viable solution to insure the survival of TACA. By the end of the day we had set an agenda, established the needs of the organization as a whole and the needs of the members. It was now seven p.m.

Well into Thursday morning, there were charts, lists and figures taped to the walls, and more on the easels that were being flipped back and forth. I now had an understanding of what it takes to successfully run an organization: hard work and dedication. I imagined this is what goes on in the confer-

ence rooms at Exxon-Mobil, Verizon, and many other corporations, the desire to nurture what was once only an idea or dream. We forged on, looking at the various committees and how to improve them. By now it's noon, and I can't understand what Bob just said. Aurora isn't making sense. Why? I'm hungry, and so is Ed Wells. I'm a little disheartened at this point because we're not stopping for lunch. Although its 40 degrees outside, it's a beautiful day. Trisey (Patrice) and Margo are going out for sandwiches. Quiznos, mmmm! But I'd still like to see the sun. "What about dessert?" I asked. I volunteered to go get cookies.

After returning from the Mayflower Bakery, I joined the others, who were still working. "Where do you envision TACA, one, two, five years from now? What will it take to get there?" Bob asked. He wasn't looking directly at me anymore, but at each of us. Now that was a good question.

As we worked well into the evening, and on into Friday morning, the weight of the answer to Bob Wessels question sat on our shoulders. We truly worked hard to answer that and many other questions. Where does the answer lie? In the hearts of each member of TACA. Remember I described TACA as a tree, and the work done by the branches. Now think of a certain Redwood, 150 or 300 feet tall, and how it is able to withstand the wind and storms. How is that possible? What's unique about the Redwood is that its roots connect to the many other Redwoods around it. In the time of a storm, the trees literally support each other. Now, back to the question asked. Where will TACA be, and what will it take to get there? Each member of our organization needs to become a part of the root system to provide support during hard times, nourishment in the form of volunteering to serve on committees. In short, the Texas Association for Court Administration needs help, not from the dedicated few, but from the body as a whole.

What did I learn from this experience? Planning future goals for an organization such as TACA is not easy. Planning an educational conference is not easy. Negotiating contracts with hotels and getting vendors while trying to stay within your budget is an arduous task. What keeps you going is the fact that the laborious efforts and commitment is for the greater good of the organization, the root system that nourishes and supports this great Redwood of ours.

When I left Huntsville Friday afternoon, I left with a sense of pride. The kind of pride that you feel only when you've dedicated yourself to help build and nurture something that serves a greater good. It is my hope and dream that someday this feeling that has overwhelmed me, as it has many before me, will touch the hearts of each and every member of TACA.

DESSA WATSON-FERRIS WINS PRO BONO AWARD

By
Donna Boughton

TACA member, Dessa Watson-Ferris, Court Coordinator for the 192nd District Court was recently honored at the Dallas Bar Association Pro Bono Awards. The Dallas Bar Association and Legal Service of North Texas honored her as the 2002 Outstanding Court Personnel recipient. Dessa received this award in recognition of her service as a volunteer in training paralegals and attorneys in basic family law and court procedures. In addition, she teaches continuing education classes at Southern Methodist University in Legacy, Texas on litigation in the civil district courts and trial preparation. She is also president of the Dallas Association of Court Administration.



Dessa is not new to volunteer programs. Prior to becoming the Court Coordinator of the 192nd District Court in January 1, 1998, she worked as paralegal at the law firm of Johnson & Gibbs where she served as the firm pro bono coordinator receiving Pro Bono Paralegal of the Year Awards in both 1991 and 1992. Perhaps her strong desire to serve her community comes from her parents who were both Methodist ministers.

Dessa graduated magna cum laude from Southern Methodist University with a Bachelor of Arts degree in French and Russian. She is a Phi Beta Kappa member and was once offered a job with the CIA in covert operations, but after careful consideration, turned it down. This classy lady maintains dual citizenship in both the United Kingdom and the United States. When she is not serving as Coordinator of the 192nd District Court, as a volunteer to the Dallas Bar Association Pro Bono Program or teaching continuing education classes, you will find her being a wife to Peter Ferris and a mother to her young son, Duncan.

Dessa maintains she enjoys volunteer work and though it sometimes proves stressful, the benefits outweigh the tiredness and stress. She loves to share the many heartwarming stories of people who have been helped through the pro bono clinics. She has found that although she can no longer directly assist these people because of her relationship with the court, she can offer her assistance in training the attorneys and their staff to help others. We are proud of Dessa and the qualities she has exhibited as one of our finest court coordinators.

6th ANNUAL CONFERENCE RURAL ASSOCIATION FOR COURT ADMINISTRATION (RACA)

“Spring Up and Go Forward with Court Administration”
April 9 and 10, 2003, Salado, Texas

RACA would like to extend an invitation to attend its 6th Annual Conference at the Stagecoach Inn in Salado, Texas. Our workshop will begin Wednesday, April 9th at 9:30 a.m. and end on Thursday, April 10th at 4:00 p.m. Those in attendance will have an opportunity to earn up to nine hours approved by the Texas Center for the Judiciary toward their mandatory continuing education requirement. Scheduled are topics of interest to coordinators of rural courts.

Application for a \$500.00 scholarship is available for those whose county may not have available funds. Please contact the following for more information, a registration form, or any questions you may have:

Linda Wallace	(512) 393-7704
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We look forward to seeing and welcoming you to our conference.

Caroline Mazoch
Publications Committee

DRUG COURTS: THE QUESTION OF EFFECTIVENESS

by
Robert A. Shearer, Ph.D.
Yeok-il Cho, M.A.

Introduction

A considerable amount of discussion and research has emerged from the implementation of drug courts. In the past few years, this interest has produced several key publications that focus on the proliferation and broad support for drug courts in this country (Bavon, 2001; Gebelein, 2000; and Nolan 2001) and in other countries (Harrison, Scarpitti, Amir, and Einstein, 2002). The primary reason for the development of drug courts seems to be the increasing numbers of offenders appearing in state and federal courts who abuse drugs.

There are several specific reasons why the interest in and development of drug courts has increased over the past decade. First, among the state prison inmates in 1999, 21% were drug offenders, up from 6% in 1980, and among the federal prison population in 1998, 58% were drug offenders, up from 25% in 1980 ("Drug Treatment," 2001). Second, the National Center on Addiction and Substance Abuse (CASA) reported more than \$30 billion was spent to imprison offenders who were also users or abusers of drugs and/or alcohol, which included having a record of drug and/or alcohol, abuse, being sentences for drug and/or alcohol violations, utilizing drug and/or alcohol in committing their offenses to acquire money for drugs ("Drug Treatment," 2001). Third, in 1998, nearly one million arrests were made for violation of drug laws, and this number is 10% of the total number of arrests (Shichor and Sechrest, 2001). Finally, it has been suggested that the enthusiasm for drug courts is an indication of a rebirth of the rehabilitative ideal. This has been reinforced by a recent greater understanding of the relationship between drugs and crime, by better research on what initiatives work to reduce recidivism, and by more federal funds to establish or expand drug courts (Gebelein, 2000).

Belenko (2001) indicated that as a major court-base treatment program for offenders with drug problems, drug courts continuously have acquired a wide range of support and have presented consistent treatment to drug offenders. Furthermore, people involved in drug courts assert that the drug court is helping them attain their goals (Gebelein, 2000). However, a considerable issue still exists concerning clear evidence about the effectiveness of the drug courts (Anderson, 2001). On the other hand, the study of drug courts is only beginning. This emergence is evident in the fact that most research reports on drug courts have been published in the last few years.

With this discussion in mind, the primary purpose of this article is to present a review of the research conducted on the effectiveness of drug courts. First, a brief discussion of drug courts will appear followed by a presentation of the findings of several research studies. Second, some of the issues and challenges of drug courts, along with conclusions, will be presented.

Even though this will be a scholarly presentation, the review is designed for criminal justice practitioners and lay readers, not academic and research professionals. Those readers seeking a more extensive and exhaustive analysis of drug courts are directed to the subsequent reference list or the web site of the National Drug Court Institute.

The Drug Court Movement

One of the key innovations in the United States criminal justice system during the last decade seems to be the effect the drug court movement has had on the correctional system, and how this innovation changed the paradigm from punishment to treatment and rehabilitation (Goldkamp, 2001). The first drug court opened in the summer of 1989 in Miami, Dade County, Florida, and tried to make a bridge between social control and handling of nonviolent drug offenders. Other early drug courts were established in Oakland, California, in 1991 (Bedrick and Skolnick, 1999), Broward County, Florida, in 1991 (Terry, 1999), Portland, Oregon, in 1991 (Belenko, 1999), and in Maricopa County, Arizona, in 1992 (Deschenes and Pelerson, 1999). Before these programs had been established, drug cases began to skyrocket noticeably during the 1980s. One researcher reported that there was a large number of arrestees whose crimes were associated with illegal substance abuse in many major cities in 1987. Another study showed that 80% of the state prisoners required substance abuse treatment, and a final study suggested the seriousness of the offenses of drug addicts (Gebelein, 2000). Consequently, there has been a desire for a more efficient court system, more treatment of drug addicts, and more reduction in the enormous amount of money spent on incarceration. As the drug court appeared to satisfy these needs, many people believed that the drug court could be a fascinating alternative to imprisonment (Scichor and Sechrest, 2001).

Although many previous programs for drug offenders existed, drug courts presented an innovative vision for the drug problem. In the 1990s, increasingly they became popular and expanded to all the States (Burdon, Roll, Prendergast, and Rawson, 2001). Forty-two drug courts had opened from 1989 to 1994 and 161 drug courts had been completed by March 1997. There were nearly 1,050 drug courts nationwide as of October 2000, and 1,120 drug courts have been established or are in the planning stage as of May 2001 (Anderson, 2001).

Structure

Several attempts have been made to identify the design, structure, and conceptualization of drug courts. The underlying philosophy of these attempts rests on the notion that drug courts provide a combination of judicial monitoring and supervised treatment that can be more effective in reducing drug usage and crime than treatment or judicial sanctions separately (Fabelo, 2002).

On of the most frequently cited publications and, perhaps, the best known conceptualization is the ten components or key elements of drug courts established by the National Association of Drug Courts Professionals (Drug Courts Program Office, 1997). These key elements covered a range of prescriptions, including frequent drug and alcohol testing, early identification of participants, continuous monitoring, and treatment access (Gebelein, 2000).

Another writer identified seven similar dimensions of drug courts (Goldkamp, 1999). These include identifying the target drug/crime problem, processing focus, integration with other criminal justice agencies, structuring and designing treatment, and identifying support in other agencies in and out of the criminal justice system.

Continuing this desire to identify the structure, Longshore, et al. (2001) have identified five dimensions of the drug court which were developed in order to study the effect of structure and progress on program outcomes. Consequently, the five dimensions can be scored on a range from high to low with specific indicators for quantitative and qualitative research on drug courts. Their dimensions are "leverage, population severity, program intensity, predictability, and rehabilitation emphasis." They maintain that their framework can help to improve our understanding of the important aspects of drug courts. Table 1 presents an array of these various structural components.

Finally, Fabelo (2002) has identified some of the key structures of drug courts compared to traditional criminal justice sanctions. Table 2 shows his comparisons along eight structural items. He indicates that the essential elements of a drug court designed to integrate treatment and the judiciary are screening and assessment, weekly drug testing, monitoring and evaluation, and a continuum of treatment services.

Regardless of the number of critical elements that various sources have identified, there are obvious overlapping similarities in the structure of drug courts. The most notable of these is a philosophical foundation of cooperation between the judiciary and treatment services so that public safety is insured as the offender's substance abuse and/or criminal behavior is changed.

Therapeutic Jurisprudence

The first drug courts were established without being linked to a specific philosophical foundation. Recently, drug courts are being linked to the theory of therapeutic jurisprudence. This is an attempt to employ this principle to improve present procedures so that they will be more effective in treating drug offenders (Hora, Schma, and Rosenthal, 1999). Even though most of the conceptual parts were in place, drug courts were a practice in search of a theoretical and philosophical foundation.

If this is the case, what does this term mean? Therapeutic jurisprudence was initially used in 1987, so it is relatively new. It can be defined as the study of the extent to which the legal system provided therapeutic measures for people involved, and drug courts try to use it in order to treat drug offenders (Hora, Schma, and Rosenthal, 1999). In the structure, processes, and procedures of the drug court, therapeutic jurisprudence has been designed to cope with the problems of drug addicted offenders along with a therapeutic foundation.

Therapeutic jurisprudence has been the drug court movement's jurisprudential foundation. It focuses on the socio-psychological manner in which the legal system affects people. It also presents a tool for a new and distinct understanding of the law and its applications (Hora, Schma, and Rosenthal, 1999). In addition to the concepts being applied to

Table 1
Varieties of Drug Court Components

Sources			
NADCP	Goldkamp(1999)	Goldkamp(2001)	Longshore et al.
1. Integration of treatment with CJ system	1. Target problem	1. Target problem	1. Leverage
2. Non-adversarial approach	2. Target population	2. Processing focus	2. Population severity
3. Identification and placement of clients	3. Screenings	3. Method of integration	3. Program intensity
4. Continuum of treatment	4. Modification/Adaptation of court processing and procedures	4. Structure and content of treatment	4. Predictability
5. Frequent testing for drug use	5. Structure and content of treatment	5. Extent of system support	5. Rehabilitation emphasis
6. Coordinator strategy	6. Participant accountability		
7. Judicial interaction with each participant	7. Productivity of the drug court		
8. Monitoring and evaluation	8. Extent of system-wide support		
9. Continuing planning implementation and operation through education			
10. Partnerships with support agencies			

Table 2
Drug Courts Offer Treatment Alternatives to Traditional Criminal Justice Sanctions (Fabelo, 2002)

	Criminal Court	Drug Court
Objective	Punishment	Rehabilitation
Voluntary	No	Yes
Procedures	Adversarial	Collaborative
Offender Monitored by	Corrections agencies	Judge, case managers, and counselors
Incentives for Compliance by	None	Vary by drug court
Disposition Determined by	Offense and criminal history	Compliance with treatment/conditions
Public Safety Enhanced	Drug incarceration/supervision	During and after program completion
Drug Treatment	Infrequently ordered	Always ordered

drug and addiction problems, therapeutic jurisprudence has been applied to offenders with mental problems (Watson, Hanrahan, Luchins, and Lurigio, 2001), sex offenders (Edwards and Hensley, 2001), and DWI offenders that focuses on the therapeutic or destructive consequences on individuals produced by courts. This included legal procedures, lawyers, judges, and rules. It is a new way of studying how the law and legal procedures may affect therapeutic outcomes (Watson, Hanrahan, Luchins, and Lurigio, 2001).

Drug Court Research

Many studies have been conducted on the effectiveness of drug courts over the past decade. A brief review of these studies reveals some interesting and somewhat conflicting results. In this section, the most recent and sophisticated eight studies will be reviewed.

Belenko (1998) reviewed 30 evaluations covering 24 drug courts in the U.S. and concluded that the result of drug courts were hopeful because they presented closer, more comprehensive supervision, and more frequent drug testing and monitoring than any other types of community programs. Furthermore, he reported that illegal behaviors of the participants were dramatically reduced through the drug court program.

Two years later, Belenko (2000) reviewed two comparison studies conducted by Peters and Murrin in 1998, which discovered no difference in re-arrest rates between control and drug treatment groups in the study of Escambia County, Florida, but found a small difference in the research if Okaloosa County, Florida, even though it is uncertain whether the difference is statistically significant. Likewise, Harrell, Cavanagh, and Roman (1998) found no post-program differences in illicit drug use among the sanctions group, the drug treatment group, and the standard court processed group when controlled by defendant characteristics in multivariate analysis, although they discovered a small difference in recidivism after the program.

Recently Belenko (2001) reviewed 37 drug court evaluations produced from 1999 to April 2001. The researcher concluded that these evaluations are, by and large, consistent with those of the previous reviews that show optimistic results. However, all studies used non-randomized methods, and none of them searched extra post-program results such as drug use or employment. Furthermore, there were no studies that compared drug courts with voluntary treatment programs. Because these studies did not directly compare drug courts with voluntary programs, it is not clear that drug courts are more helpful than voluntary programs (Anderson, 2001).

The research of Goldkamp, White, and Robinson (2001) is somewhat different from previous research methods because they first tried to find out what drug courts are and then whether and how drug courts work in order to assess the drug court's impact. Their study indicated that crime can be reduced by using drug courts even though outside factors may affect the reduction.

Participants' attributes may change over time and may have an influence on the outcome of the findings. The authors said that the characteristics of the participants, the effective functioning of specific drug court operations, and the influence of outside factors such as laws, administrative policies, and resources are important in order to determine the effectiveness of drug courts. Among these, appearances before the judge, treatment participation, and sanctions seem to have a significant influence on participants' behaviors.

Not all studies have found positive effects of drug courts. Miethe, Lu, and Reese (2001) used Braithwaite's (1989) theory of reintegrative shaming and revealed an unexpected fact that drug courts have more stigmatizing effect than conventional courts and that their punishment orientations do not make the participants reintegrate into normal society. The researchers indicated that although this study does not test reintegrative shaming theory officially, it provides an interpretive framework in order to understand a specific social control paradox.

Anderson (2001) argued that even though drug courts have flourished in the United States, it is not obvious, empirically, that these programs are more efficient than voluntary treatment programs and advised Canada to allow illicit drug users access to voluntary programs, to delay the funding of mandatory treatment interventions, and not to set up drug courts until there is more effective evidence for the programs.

Spohn, Piper, Martin, and Frenzel (2001) examined how effective one drug court — the Douglas County (Omaha), Nebraska Drug Court — was in terms of reducing recidivism by comparing drug court participants to felony drug offenders processed through the County District Court and to felony drug offenders assigned to the County Attorney's Pre-trial Diversion Program. The result of this study shows that drug court participants recidivated at lower rates than traditionally adjudicated offenders but higher than felony offenders of the diversion program. Even though differences between drug court and the diversion program participants ceased to exist when controlling for the offender's assessed level of risk, the differences between drug court participants and traditionally adjudicated drug abusers continued to appear when the study confined the analysis to offenders with no previous felony convictions. Eventually their research indicated that the drug court is an effective program.

Through a process evaluation, which includes 69 different individuals representing ten different agency perspectives, Logan, Williams, Leukefeld, and Minton (2000) reported that the drug court program had been successful, in that it has been in harmony with the local community, has served many qualified people in the community, and has achieved the purpose of the program. The authors concluded that the drug court program presents a better chance for offenders to change their behavior.

Issues and Challenges

The previous discussion of research results on the effectiveness of drug courts leads to the identification of a few of the important issues and challenges facing this recent judicial intervention. As more is known about drug courts, and the more they are viewed empirically, the more questions have been raised in several areas.

First, the previous discussion specifically highlights the lack of empirical evidence supporting the effectiveness of drug courts. Drug courts would have to be shown to be more effective than other options such as voluntary treatment without criminal sanctions. Anderson (2001) recommends delaying funding for drug courts until evidence demonstrates that mandatory treatment is superior to voluntary treatment.

Second, the practice of mandatory treatment has been raised as an issue in substance abuse treatment. Satel (2000) finds that coercion is not an issue in substance abuse treatment and can become a crucial tool in the treatment of drug addiction. Farabee, Prendergast, and Anglin (1998) point out that even though criminal justice pressure to participate in treatment is often associated with positive outcomes, internal motivation for change is likely to be twice as effective. On the other hand, other writers have questioned the practice of coerced treatment on ethical grounds. Shearer (2000) has challenged coerced treatment from a research, practice,

ethical, and theoretical perspective. This ethical challenge was the most serious one because the practice violates the codes of ethics of several professional organizations because coerced counseling is not supported by informed consent. Important treatment issues must be made on the basis of informed choice (Herring, 2002).

Honea-Boles and Griffin (2001) question the practice of court mandated clients or the punishment of therapy. They indicate that ethical concerns also arise in coerced treatment such as confidentiality, dual relationships, and the working alliance. Curtis (2002) suggests a very real threat to the doctor/patient relationship when doctors work on patients, not with them.

Third, drug courts have moved into the area that has been a therapeutic anathema for most counselors, caseworkers, and clinicians — the dual relationship. This is particularly troubling for most professional training programs and is recommended as a situation to be avoided. For example, Goldsmith and Latessa (2001) suggest that therapists should participate in triadic relationships instead of dyadic relationships. This is quite an unusual suggestion because it is highly unlikely that any program to train therapists exists that prepares therapists for this kind of relationship. A second and more important concern would be that the practice of confidentiality would certainly be undermined and seriously compromised. Finally, suggesting a triadic relationship fails to recognize the difficulty and responsibility of creating a working alliance in a traditional dyadic relationship, a skill that takes years of training to perfect.

Goldkamp (1999) identifies the model drug court as having minimum elements, one of which is the judge becoming a dispenser of treatment. This creates a dual role for the court and seriously erodes the professional judgment of treatment professionals. He suggests that this dual relationship may highlight the differences and possible conflicts in values, goals, and methods of the criminal court and the treatment profession. This would seem to be a critical challenge to drug courts. It is likely to be difficult to find enough skilled and dedicated judges who can manage these conflicts. Wyatt (2002) indicates that this type of judge can have a positive influence on addicted offenders.

Another issue concerning drug courts is the quality of treatment being delivered. Very few qualitative or process evaluations have been conducted on drug court treatment so not very much is known about what constitutes treatment.

Logan, Williams, Leukefeld, and Minton (2000) conducted a process evaluation of a drug court. The treatment program they evaluated did not have any assessment carryover into treatment. The offenders all went through three phases of treatment. This would indicate a very primitive approach to treatment where the clients are treated as a homogeneous population rather than a diverse heterogeneous population. Consequently, the challenge for drug courts is how reflective they are of third and fourth generation treatment practices that encompass what we know works with drug offender/criminal populations. For example, Miller and Shutt (2001) suggest drug courts need to do a better job of screening eligible offenders for treatment. In addition, Listwan, Shaffer, and Latessa (2002) also found a critical need for improvement in

the assessment process. Based on a study of eleven drug courts, they recommended modeling the program on participants' needs, developing appropriate rewards and sanctions, providing aftercare, and establishing an internal evaluation mechanism.

Overall, the design of drug court programs seems to be very weak in the several areas that are well established in the field of substance abuse treatment. Additional studies need to be conducted using current templates designed for offender populations.

The fifth issue concerns the degree to which drug courts have addressed the specific treatment needs of women and minorities who come before the court. So far, this issue has not been a concern in drug court treatment programs. For example, the fourth edition of the *Drug Court Publication Resource Guide* (2002) lists over four hundred and fifty adult and juvenile resource publications, and only one concerns female offenders. The single publication listed is very general and not specific to drug courts. In addition, none of the publications listed addressed multicultural issues in substance abuse treatment.

Finally, drug courts have been questioned concerning the impact on the number of seriously drug-involved offenders. Drug courts participants' account for only about one tenth of the total population. Consequently, the impact of the movement is certainly not as great as the publicity and enthusiasm. Expanding drug courts is very difficult because of limited resources and capacity. In addition, most drug courts do not admit offenders with a history of violence into the program. This would indicate a limited contribution to crime reduction (Boyum and Kleiman, 2002).

Conclusions

The development of drug courts has been a recent phenomenon in the treatment and supervision of drug abusing offenders. Drug courts combine the resources of the judiciary and rehabilitation programs. It is, in effect, probation with resources. Several studies have shown promising results when the arrest and incarceration rates for drug courts are examined. Some studies have had limited designs and some have shown negative results. Drug courts must do more than look good on paper. For example, Miethé, Lu, and Reese (2002) found a wide disparity between organizational rhetoric and actual practices in a drug court. If drug courts are to be effective, we must have reliable and valid results of their effectiveness. If this information is not forthcoming, the drug courts will join the growing list of failed or extinct criminal justice fads.

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POST-CONVICTION DNA TESTING

By
Judge Sharon MacRae

On April 5, 2001, the bill relating to establishing the procedures for the preservation of evidence containing DNA and post-conviction DNA testing was signed into law by Governor Rick Perry. The heart of the new law allows persons convicted of a crime where forensic DNA evidence was collected to have access to forensic DNA testing or retesting. The law left the courts to wade through the murky procedural waters to try and accomplish a safe and efficient way to process the requests for DNA testing.

The Bexar County Criminal District Court judges implemented policies and procedures to deal with the influx of requests from inmates. Once a court receives a request for forensic DNA testing and/or a motions for appointment of counsel, the court coordinator prepares the formal request for appointment of attorney which is signed by the judge. The coordinator notifies the attorney of his or her appointment to represent the inmate on the motion and forwards copies of any pro se motion that the convicted person may have filed to the attorney. Because the law is still relatively new, some coordinators are going so far as to include a copy of the law itself (Code of Criminal Procedure Chapter 64) with the notice to the attorney. The attorney is instructed to notify the convicted person immediately of their representation on the motion. Counsel is given a period of 90 days to submit a proper motion to the court. While the statute does not require a deadline to file the motion, it seems to be in the best interest of all parties involved to have some time frame with which to work. The coordinator should keep track of the time frame to ensure that the attorney files the motion in the specified period.

When the formal motion is received from the convicted person's attorney, the court notifies and forwards the District Attorney's Office a copy of the motion. The State is given 90 days to process the request and determine what, if any, evidence is available for testing. The District Attorney's office is then ordered either to deliver the evidence to the court along with a description of the condition of the evidence or explain in writing to the court why the State cannot deliver such evidence. Due to the fact that this evidence should be treated as bio-hazardous material, the District Attorney's Office has declined to physically deliver the evidence to the court for the safety of all involved. Instead, the State has opted to explain to the court, in writing, the description and location of any evidence that is still in a condition to be tested (for example the Bexar County Forensic Science Center). At this time, the District Attorney's Office advises the Court whether it agrees that the evidence should be tested. Again, at this stage the coordinator should be aware of motions that are due from the District Attorney to ensure that they are filed in the required amount of time.

The court then determines whether testing is warranted based on the following: 1) if the evidence still exists and is in a condition where DNA testing is possible; 2) if the evidence has been subjected to a chain of custody sufficient to establish that it has not been tampered with; 3) that the identity of the perpetrator was or is an issue in the case; 4) that the convicted

person has established by a preponderance of the evidence that the person would not have been prosecuted or convicted if exculpatory results had been obtained through DNA testing; and 5) the request for testing is not made to unreasonably delay the execution of sentence or administration of justice.

If the parties agree that evidence exists and it should be tested, an order is sent to the convicted person requesting that a fresh DNA sample be taken for comparison purposes. That sample is sent to the Texas Department of Public Safety in Austin so that testing may begin.

If the parties do not agree, the court may conclude that in order to answer the above questions it is necessary to have a hearing and bring the defendant before the court. The coordinator will confer with the judge and set the hearing. The coordinator will bench warrant the inmate from the Texas Department of Criminal Justice - Institutional Division so the inmate will be present for the hearing. In addition, the coordinator will notify all other parties of the setting for the hearing to ensure their presence as well. If, at the conclusion of the hearing, the court determines that there is merit to the claim for retesting, a fresh DNA sample will be taken from the convicted person at that time.

Once the court receives the results from the DNA testing a hearing will be set to determine if the results are favorable to the convicted person. Results are considered favorable if, had the results been available before or during the trial of the offense, it is reasonably probable that the person would not have been prosecuted or convicted.

Bexar County has received numerous requests for DNA testing. It is uncertain if any of those will result in vindication for the convicted person. For now the courts will continue to process requests according to the new law, by those individuals who feel that DNA testing would make a difference in their cases.



Judge Sharon MacRae presides over the 290th Criminal District Court in Bexar County, Texas. She has been a Bexar County Criminal Judge since 1989. She was the Assistant Criminal District Attorney for ten years. Judge MacRae is the first woman to achieve the rank of first chair felony prosecutor as an Assistant District Attorney for Bexar County. She has practiced as a criminal defense attorney in private practice, both in state and federal court. Judge MacRae also performed duties of a juvenile referee. She is Board certified in Criminal Law.

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Applicant's Signature

Judge's Signature

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MEMBERSHIP CATEGORIES

REGULAR MEMBERSHIP

Any person whose primary duty is to work in the administration of the courts and who is a direct employee of the judiciary shall be entitled to regular membership. Regular members in good standing shall be certified to vote, hold office and serve on committees.

ASSOCIATE MEMBERSHIP

A person engaged in a related field may become an associate member. An associate member may serve on committees but may not vote or hold office in the association. Members of the judiciary are encouraged to become associate members.

JUDICIAL MEMBERSHIP

A Judge who is interested in furthering the purposes of this organization is eligible to become a judicial member. A judicial member may not vote, chair a committee, nor be elected to serve on the Board of Directors.

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A person who has made a significant contribution to the science of court administration or rendered distinguished service in related fields may be elected to honorary membership in attendance as an annual meeting. Honorary members shall not hold office, shall not vote, and shall not serve on committees. Honorary members are not required to pay dues.

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A person, persons, firm or corporation interested in furthering the purpose of this organization is eligible to become a sustaining member. Sustaining members shall not vote, shall not hold office, and shall not serve on committees. Minimum recommended \$100.

TACA ACCEPTS NOMINATIONS FOR BOARD OF DIRECTORS

The Nominations Committee is now accepting nominations to fill two (2) positions for the Texas Association for Court Administration (TACA) Board of Directors. The term of office for these two positions is November 1, 2003 - October 31, 2005.

Article V, Section 1, of the TACA By-laws require *all nominees for Board of Directors to be a regular member of TACA in good standing.*

The committee is seeking nominees of geographic and court diversity that are willing to share their time and ideas. If you are interested or know someone you would like to nominate, please contact **Martin Allen, Nominations Chair, at (214)-653-5721.**

Included in this publication is a "Declaration of Candidacy." If you are interested in running for the Board of Directors, please fill out the form and return it to Mikah Mitchell. We encourage the membership to be active participants in this process.

Deadline for submission is June 1, 2003

Martin Allen
Nominations Committee Chair

NOMINATIONS COMMITTEE 2003

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Anita Bussell
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Declaration of Candidacy for Board of Directors 2003 - 2005

NAME: _____

PHONE: _____

TITLE: _____ COURT: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

FAX #: _____ E-MAIL: _____

I have been a member of TACA since: _____

All candidates must include the following information on a separate sheet of paper and attach it to the declaration of candidacy.

- length of time as a TACA member;
- type and length of service to TACA (e.g., committee work);
- training and/or teaching in the field of court administration;
- statewide service (e.g., appointments to committees by the Supreme Court of Texas, State Bar.);
- local service (e.g. bar committees); and
- community service.

1. Briefly state your court affiliated duties, experience and qualifications for serving on the Board of Directors.
2. State why you would like to serve on the TACA Board of Directors.

Do you have your judge's support and approval for the time and commitment necessary to serve as a member of the TACA Board of Directors, if elected?

Nominee's Signature Date

Judge's Signature Date

Mail completed form to: **Martin Allen**
Court Administrator
150 North Seguin, Suite 317
New Braunfels, Texas 78130

Declarations of Candidacy must be postmarked by June 1, 2003.

Selected candidates will be contacted by a Nominations Committee member and candidate profiles will be posted.

NEWSLETTER ARTICLES

As publication board liaison, I would like to invite everybody to send articles for the TACA Journal. All of the court coordinators across the state would like to hear what is happening in other parts of the state. Suggestions: birthdays, marriages, new babies, awards, recognitions or accomplishments, has your Court put in new procedures, let everybody know. Send pictures with a couple of lines telling us what happened. What a great way to keep in touch with your friends across the state. Let us know what a great job you are doing or if you have a problem or concern. This is your newsletter, take advantage of it. If you have any questions or are sending an article, please contact the following:

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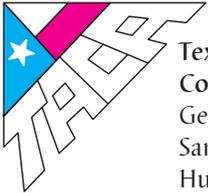
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