

What's in a Problem-solving Court? A Brief Overview

State courts are adopting models other than traditional trials and sentences to confront such social problems as drug addiction and domestic violence. The Conference of Chief Justices and the Conference of State Court Administrators adopted a resolution "In Support of Problem-solving Courts" in 2000, which "encourage[d], where appropriate, the broad integration of the principles and methods employed in problem-solving courts into the administration of justice." AJA will hold a panel on "Therapeutic Jurisprudence" at the 2003 annual conference in Montreal on September 16.

It's fairly simple to come up with examples of problem-solving courts, such as drug courts, youth courts, and domestic violence courts, but it's more difficult to nail down the common principles of these courts—and to agree on their role in the justice system. According to the National Center for State Courts' Problem-solving Courts Community of Practice (CoP), there are at least seven elements common to problem-solving courts:

- Application of restorative justice principles and community involvement
- Proactive role of the judges and interdisciplinary team
- Early intervention
- Defendant accountability
- Connection to support services
- Rewards and sanctions
- Intensive judicial monitoring and supervision

For example, in a drug court, defendants are sentenced to treatment for addiction rather than to jail, and judges remain involved in defendants' lives, monitoring their progress and providing encouragement (or sanctions) when needed, rather than simply moving on to the next case.

The court also provides direct access to treatment services, sometimes in the courthouse itself.

There are some areas of at least broad agreement among judges as to what problem-solving courts should do, according to a survey conducted by the CoP. For example, the judges surveyed agreed that problem-solving courts call for active judicial monitoring and supervision; substantial reliance on treatment and service professionals for evaluations, case management, and treatment; a team approach, with the judge as leader and specialized training for team members; and a focus on changing an offender's future behavior.

However, in the same survey, the judges unanimously agreed that the most difficult challenge facing problem-solving courts involved changes in the traditional roles of judge, prosecutor, and defender. Can a non-adversarial approach be superimposed on a naturally adversarial process? And there was disagreement on whether recidivism by the defendant should be taken as a sign of failure or whether criminal conduct is a manifestation of problems that can be treated by professionals.

Overall, there was much more agreement over the components and features of problem-solving courts than over the principles behind them.

The Problem-solving Courts CoP has posted information on Drug Courts, Environmental Courts, Elder Abuse, and other related topics on the National Center for State Courts' Court Information Database (at www.ncsconline.org). The CoP also keeps abreast of funding opportunities for problem-solving courts. For more information, contact Kay Farley of NCSC's Government Relations Office at kfarley@ncsc.dni.us. 

NCSC Announces Keynote Speakers for CTC8

Three dynamic speakers will lead the program at the National Center for State Courts' Eighth National Court Technology Conference (CTC8) in Kansas City, Mo., October 28-30, 2003.

Chief Justice Jean H. Toal of South Carolina will open the conference on October 28 with "Successful Leadership for 21st-Century Courts." Chief Justice Toal was recently recognized as one of *Government Technology Magazine's* "Top 25 Dreamers, Doers, and Drivers" for 2003, and she was the guiding force behind South Carolina's Judicial Automation Project.

Dr. Jerry Mechling, the director of Strategic Computing and Telecommunications in the Public Sector and a Research Fellow at the Harvard University Kennedy School of Government, will deliver the keynote address on October 29: "Investing in Technology During Difficult Financial Times." He will share the results of his research and con-

sulting on the impact of computer-based technologies on organizational behavior and strategy in government.

Peter Bensinger, a partner in the firm of Bartlit, Beck, Herman, Palenchar & Scott, will present CTC's closing keynote address on October 30: "The High-Tech Attorney—Expectations for the Future." Bensinger was recognized as "the most wired lawyer in America" by the *National Law Journal*. He will address how courts can work together with the more technically advanced lawyers of the 21st century.

Other topics of interest to be covered in educational sessions include "The Court's Internet Connection to Public Education," "Public Access to Court Records—Policies and Technologies," and "Fighting the Naysayers: A Candid Discussion by Active E-Filing Judges." For more information on CTC8, log on to the conference Web site at www.ctc8.net. 