

# **PART IV: PERSPECTIVES OF DEFENSE COUNSEL**

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**Appendix: Defense Counsel Who Provided Information for Part IV**

# PART IV: PERSPECTIVES OF DEFENSE COUNSEL

## I. Introduction

### A. Responding Defense Counsel

Defense counsel from sixty-eight percent of the drug courts responding to the survey provided responses to Part IV. Survey responses were received from defense counsel associated with the following 115 adult drug courts:

Tuscaloosa, Alabama	Winnebago County (Rockford), Illinois
Maricopa Co. (Phoenix), Arizona	Lake County (Gary), Indiana
Pima Co. (Tucson), Arizona	Allen County (Fort Wayne), Indiana
Butte Co. (Oroville), California	Marion County (Indianapolis) Indiana
Kern Co. (Shafter), California	Vigo County (Terre Haute), Indiana
Los Angeles Co. (Compton), California	Polk County (Des Moines), Iowa
Los Angeles Co. (Los Angeles), California	Madison/Clark Counties, Kentucky
Los Angeles Co. (Van Nuys), California	West Carroll Parish (Oak Grove), Louisiana
Mendocino Co. (Ukiah), California	Ouachita Parish (Monroe), Louisiana
Napa Co. (Napa), California	Iberia Parish (New Iberia), Louisiana
Orange Co. (Santa Ana) California	Jefferson Parish, Louisiana
Riverside Co. (Indio), California	Lafayette Parish (Lafayette), Louisiana
San Bernardino Co. (Redlands), California	Lafourche Parish (Thibodaux) Louisiana
San Bernardino Co. (San Bernardino), Cal.	Rapides Parish (Alexandria), Louisiana
San Diego Co. (Chula Vista), California	St Mary Parish (Franklin), Louisiana
San Francisco, California	Baltimore, Maryland
San Joaquin Co. (Stockton), California	Harford County (Bel Air), Maryland
Santa Barbara, California	Franklin County (Orange), Massachusetts
Santa Cruz, California	Worcester County (Worcester), Massachusetts
Solano County (Fairfield), California	Eaton County (Charlotte), Michigan
Sonoma County (Santa Rosa), California	Kalamazoo, Michigan
Bay County (Panama City), Florida	Kent County (Grand Rapids), Michigan
Brevard County (Melbourne), Florida	Wayne County (Detroit), Michigan
Broward County (Fort Lauderdale), Florida	Boone County (Columbia), Missouri
Dade County (Miami), Florida	Butler County (Poplar Bluff), Missouri
Escambia County (Pensacola), Florida	Cole County (Jefferson City), Missouri
Hillsborough County (Tampa), Florida	Jackson County (Kansas City), Missouri
Fulton County (Atlanta), Georgia	Mississippi County (Charleston), Missouri
Honolulu (Oahu), Hawaii	Saline County (Marshall), Missouri
Ada County (Boise), Idaho	St. Louis, Missouri
Kootenai County (Coeur d Alene) Idaho	Clark County (Las Vegas), Nevada
Madison County (Edwardsville), Illinois	Camden, New Jersey

Union County (Elizabeth), New Jersey  
 New Mexico Statewide Defender  
 Bernalillo County (Albuquerque), New Mexico  
 San Juan County (Farmington), New Mexico  
 Santa Fe, New Mexico  
 Bronx, New York  
 Erie County (Amherst), New York  
 Erie County (Cheektowaga), New York  
 Erie County (City of Tonawanda), New York  
 Erie County (Lackawanna), New York  
 Kings County (Brooklyn), New York  
 Monroe County (Rochester), New York  
 New York County (Manhattan), New York  
 Niagara County (Niagara Falls), New York  
 Onondaga County (Syracuse), New York  
 Queens County (Forest Hills), New York  
 Queens County (Kew Gardens), New York  
 Rensselaer County (Troy), New York  
 Rockland county (New City), New York  
 Suffolk County (Central Islip), New York  
 Tompkins County (Ithaca), New York  
 Cuyahoga County (Cleveland), Ohio  
 Erie County (Sandusky), Ohio  
 Hamilton County (Cincinnati), Ohio  
 Stark County (Canton), Ohio  
 Summit County (Akron), Ohio

Muskogee Creek Nation, Okmulgee, Oklahoma  
 Hughes County (Holdenville), Oklahoma  
 McClain County (Purcell), Oklahoma  
 Pontotoc County (Ada), Oklahoma  
 Seminole County (Seminole), Oklahoma  
 Douglas County (Roseburg), Oregon  
 Josephine County (Grants Pass), Oregon  
 Klamath County (Klamath Falls), Oregon  
 Lane County (Eugene), Oregon  
 Multnomah County (Portland), Oregon  
 Allegheny County (Pittsburgh), Pennsylvania  
 Philadelphia, Pennsylvania  
 Chester County (Westchester), Pennsylvania  
 York County (York), Pennsylvania  
 Montgomery County (Conroe), Texas  
 Travis County (Austin, Texas  
 Fredericksburg, Virginia  
 Roanoke, Virginia  
 Clallam County (Port Orchard), Washington  
 King County (Seattle), Washington  
 Skagit County (Mount Vernon), Washington  
 Dane County (Madison), Wisconsin

All of these attorneys were either public defenders or private attorneys performing contract defense services for the local drug court. Their comments are presented in the following sections of this report.

## **B. Eligible Offenses**

Eligible offenses in the drug courts which the responding defense counsel served were as follows, with the frequencies noted:

Drug possession	100%
Obtaining drugs by fraud/forgery	40%
Theft	78%
Prostitution	65%
Drug trafficking/sales	43%
DUI/DWI	38%

Among other charges that defense counsel report meet eligibility requirements for their respective drug court programs include: drug purchases (small amounts); criminal contempt; check fraud; forgery; non-residential burglaries; nonviolent drug-related misdemeanor and felony offenses; and probation violations involving drug use.

### C. **Role of Defense Counsel in Drug Court Program**

Defense counsel were asked to indicate the role(s) that they played in their respective drug court programs. Chart IV-1 summarizes the functions of defense counsel in the drug court programs they represent, with the frequencies cited.

**Chart IV-1: Role of Defense Counsel in Drug Court Programs**

<b><u>Role</u></b>	<b><u>Frequency</u></b>
Confer with defendants eligible for the drug court regarding their rights and the requirements of drug court	99%
Confer with defendants eligible for the drug court regarding their specific charges and defenses they may raise	93%
Prepare/review with drug court defendants required documents (waivers, participant agreements, etc.) for participation	92%
Attend drug court hearings	87%
Attend drug court staffings	77%
Participate in training/orientation of local bar	70%
Screen cases for drug court eligibility	57%
Serve on drug court policy/oversight committee	52%
Visit treatment provider/observe treatment sessions from time to time	43%

Several defense counsel also noted that they participate in the drafting of program policies; attend conferences and other drug court training sessions; and speak on behalf of the drug court to community groups.

## II. Program Effectiveness

### A. Criteria Being Used By Defense Counsel to Assess Effectiveness of Drug Court Program

Defense counsel were requested to indicate the criteria they use to assess the effectiveness of the drug court in their respective jurisdictions. Criteria were cited in two general categories: (1) program policies and procedures; and (2) participant performance.

The following criteria were cited with the frequencies noted:

#### (1) Criteria Relating to Program Policies and Procedures:

permit defense counsel to provide effective legal assistance to each eligible defendant	91%
permit eligible defendants to make decisions regarding program entry with adequate advice of counsel	92%
do not jeopardize defendants' rights	85%
provide legal incentives for defendants to enter program	65%

#### (2) Criteria Relating to Participant Performance:

attendance in treatment program sessions	86%
appearance at court status hearings	86%
urinalysis results	86%
participant employment status	69%
new arrests for participants involving: drug possession charges	66%
other drug charges	66%
non-drug (non-traffic) charges	57%
number/percentage of persons who successfully complete the program	64%

Other criteria for program effectiveness cited by responding defense counsel included: client satisfaction; birth of drug-free babies; and improved educational status of participants.

### B. Impact of Drug Court on Indigent Defense Office's Capability to Handle Criminal Caseload/Functions

Defense counsel were asked to indicate the impact of the drug court on their office's capability to handle its criminal caseload. The most frequent impacts noted by the responding defense counsel were as follows:

greater contact and coordination with other criminal justice agencies	60%
greater coordination with community groups	44%
permits additional attorneys to be available for other cases	34%

Other benefits cited included:

- increased awareness of client treatment needs by attorneys
- reduction in the active pending caseload

Four (3.4%) respondents stated that the drug court had no significant impact on the public defender office caseload, and five (4.3%) respondents indicated that the drug court had increased the time required to handle drug cases.

### **C. Benefits for Public Defender Offices Resulting from the Drug Court Program**

Defense counsel were asked to identify any benefits for the public defender office as a result of implementing the drug court program. Ninety percent of the responding attorneys indicated that the drug court provided a more appropriate judicial system response to cases involving substance abusing defendants. Over half the respondents also noted that the program promotes more efficient use of community resources and has generated community support for addressing the needs of addicted defendants. The following is a summary of their responses:

provides a more appropriate response to cases involving substance abusing defendants by permitting an opportunity for treatment and rehabilitation	90%
promotes more efficient use of community resources	63%
generated community support for needs of addicted defendants	57%
promotes more efficient use of office resources	39%

Other respondents reported that the drug court presents an important alternative for their clients and obviates the need to "reinvent the wheel" each time an attorney seeks treatment for a defendant.

### **III. Costs to Indigent Defense Office for Drug Court Services**

**A. Total Staff Dedicated to Drug Court**

Defense counsel were asked to indicate the nature of staff support dedicated to the drug court program. Fulltime attorney positions dedicated to the drug court have decreased slightly since 1997 (from 40% to 35%). The frequency with which a part-time attorney is dedicated to the drug court, however, has increased significantly (from 45% to 62%). The nature and extent of other indigent defense counsel personnel resources dedicated to the drug court has remained fairly constant since 1997. Defense counsel responses in 2000 are provided below, along with comparable responses from 1997:

<u>Attorney Positions :</u>	<u>1997 Response</u>	<u>2000 Response</u>
Dedicate at least one full-time attorney to the drug court	40%	34%
Dedicate at least one part-time attorney to the drug court	45%	62%
 <u>Support Staff:</u>		
Dedicate at least one full-time support staff member	15%	17%
Dedicate at least one part-time support staff member	35%	38%
 <u>Volunteers:</u>		
Utilize volunteers (attorneys, law student interns, and/or Administrative/clerical workers)	8%	9%

Those respondents using volunteers most frequently assign them to tasks entailing: legal research; client and case support; program evaluation; liaison with local courts; and administrative tasks.

**B. Approximate Additional Annual Cost to Indigent Defense Office to Support the Drug Court Program**

Respondents were asked to indicate the additional annual costs necessary to support the drug court in their jurisdiction and the functions these costs covered. Their responses were as follows:

Fifty-one percent of the responding attorneys noted additional annual costs for attorneys, ranging from a low of \$ 1,400 to a high of \$ 516,667. The range of additional indigent defense costs for attorneys was generally correlated with the volume of participants handled by the drug court program. Two thirds of the defense counsel who noted additional costs resulting from the drug court also noted cost savings achieved (see Section C below). The following chart summarizes the breakout of attorney costs reported:

**Additional annual attorney costs to support drug court**

<u>Costs</u>	<u>Frequency</u>
No additional costs reported	49.5%
Up to \$ 15,000.00	13%
\$ 15,001 - \$ 30,000	7.8%
\$ 30,001 - \$ 50,000	13.0%
\$ 50,001 - \$ 100,000	7.8%
\$ 100,000 - \$ 150,000	1.7%
\$ 150,001 - \$ 200,000	3.4%
\$ 200,001 - \$ 300,000	.8%
\$ 301,001 - \$ 400,000	1.7%
\$ 401,001 - \$ 520,000	.8%

Additional costs for paralegal staff were reported by seven programs<sup>1</sup>, ranging from \$ 2,000 (Purcell, Oklahoma) to \$ 40,000 (Elizabeth, New Jersey). Twenty programs also reported costs for clerical staff, ranging from \$ 2, 374 (Maricopa County, Arizona) to \$ 122,425 (Las Vegas). Two programs (Santa Barbara, California, and Tampa, Florida) also reported costs for social services staff.

**C. Savings for the Public Defender Office Resulting from the Drug Court Program**

In addition to costs incurred, defense counsel were also asked to indicate any savings for the public defender office that had resulted from the drug court. Forty-seven percent of the responding attorneys (compared with 33% in 1997), noted cost savings, most frequently in the following areas:

	<b><u>1997</u></b>	<b><u>2000</u></b>
	<b><u>response</u></b>	<b><u>response</u></b>
Savings in case preparation time	30%	38%
Savings in court appearance time	22%	28%
Savings in witness fees	14%	22%

<sup>1</sup> Santa Barbara, California; Fulton County (Atlanta), Georgia; Jackson County (Kansas City), Missouri; Camden, New Jersey; Union County (Elizabeth), New Jersey; McClain County (Purcell), Oklahoma; and Lane County (Eugene), Oregon.

Other savings noted by the responding attorneys included: (1) elimination of the need to challenge drug test results in an evidentiary proceeding or summon expert witnesses; (2) ability to assign trial attorneys to other cases; and (3) savings in motion practice and trial time.

## IV. Program Implementation/Operational Issues

### A. Most Serious Problems Encountered as a Result of Implementing Drug Court and Strategies Used to Resolve Them

Defense counsel were asked to identify the most serious problems they had encountered in designing and/or implementing the drug court and to describe the strategies used to resolve these problems. The problems most frequently cited were those relating to concern over protection of defendants' constitutional rights; overly restrictive eligibility criteria; obtaining prosecutors' consent to admit referred eligible defendants; inadequate resources; and the workload pressures of handling the drug court caseload. In some instances these problems had been addressed through on-going communication and coordinated effort among the team; in other instances, resolution of these problems has been a continuing task. Chart IV-2 provides a summary of the defense counsels' responses:

**Chart IV-2: Most Serious Problems Encountered By Defense Counsel in Implementing Drug Court and Strategies Used to Resolve Them**

City	State	Most Serious Problems	Resolution
Phoenix	Arizona	Funding	They have been addressed but not resolved
Tucson	Arizona	The most serious problem has been dealing with increased paperwork. This is especially burdensome for my secretary and legal assistant.	Reducing caseloads so each individual can handle the overload.
Chula Vista	California	Identifying and resolving potential conflicts	Use of mature & experienced attorneys' judgement
Compton	California	Demands 50% time of one attorney	Yes
Fairfield	California	Lack of resources--attorney & clerk for Drug Court removed from other programs leaving those divisions short-handed	Board of Supervisors to consider supporting Drug Court with county funds
Indio	California	Spanish language program	Additional funding; added program
Los Angeles	California	The treatment provider often must give priority to their program & staffing needs at the expense of certain individual clients	On a case-by-case basis; often the drug court judge must resolve these conflicting interests

<b>City</b>	<b>State</b>	<b>Most Serious Problems</b>	<b>Resolution</b>
Napa	California	Routinely emergency meetings are called with little notice; Lawyer must drop what he's doing & attend; Very inconvenient;	Unresolved
Oroville	California	To obtain adequate consistent funding	I don't know that it has been
Redlands	California	The DA does not allow defendants with even moderate criminal records into Drug Court; If a defendant has a prior strike or has been to prison before, the DA often precludes Drug Court; Also, sales/transportation's cases never go into Drug Court unless the case is factually difficult to move	The DA has too much control over Drug Court and who may attend; This cannot be resolved at our level
San Bernardino	California	There appears to be some resistance by the DA's office to be flexible regarding eligibility criteria	There is a county-wide committee involving courts, public defender, DA, and probation attempting to reach a consensus regarding criteria; Deputy district attorney and DA administrators are encouraged to attend Drug Court seminars where they learn the benefits of a more inclusive policy regarding eligibility
San Francisco	California	Resistance by other participating agencies	Policy meetings
Santa Ana	California	Having enough availability to meet the needs of everyone who would benefit from Drug Court	Work through the Drug Court Oversight Committee to make it available in all local courts, and toward expanding eligibility to all non-violent felonies; success on these is still in the future
Santa Cruz	California	The court is a long labor-intensive calendar we didn't otherwise have to serve	We've just stretched our existing staff attorney responsibility to include Drug Court participation
Shafter	California	Possible constitutional issues are waived when client decides to plea instead of contesting a search/seizure issue	Cannot be readily resolved because client must plead prior to entry into program
Stockton	California	Confusion regarding the criteria used for determining eligibility to participate in program; The District Attorney's office has not been consistent in determining eligibility	These issues have been discussed periodically at meetings of the Drug Court oversight committee; There continues to be discussion of eligibility criteria
Ukiah	California	Staffing the Drug Court consistently (that is, keeping the same deputy public defender assigned to Drug Court)	We have done whatever possible
Van Nuys	California	Program space being filled and not being able to place eligible clients	Clients wait or are refused; Both are unsatisfactory
Santa Barbara	California	Exclusion Criteria	Not resolved, but addressed.

<b>City</b>	<b>State</b>	<b>Most Serious Problems</b>	<b>Resolution</b>
Ft. Lauderdale	Florida	Conflicts between treatment recommendations and the need to protect fundamental rights; The overwhelming growth and sheer number of Drug Court clients	Ongoing issues
Melbourne	Florida	The program is only available to basically first time offenders who aren't facing the likelihood of going to prison; The program does not admit addicts with a typical criminal record	They haven't
Miami	Florida	Not enough clients being referred	Another track is being planned
Tampa	Florida	Large caseloads; Lack of judicial resources; Finding attorneys who want to work in that specialized area (knowing no litigation, etc.) where role is more of an advisor than an advocate	Searched for appropriate personnel; Experienced attorneys
Atlanta	Georgia	Referral from municipal/ preliminary hearing courts; Non-diversionary referral	Discussions are ongoing
Honolulu	Hawaii	Getting prosecution approval to enter Drug Court for those clients who public defenders see as having the most potential for success in the program; Program length has been extended far beyond the original intent of a one year program; Prosecution's efforts to change a negotiated principle of the program (which allows all clients to preserve constitutionally-based pre-trial motions when they enter Drug Court) by requiring specific clients with viable pre-trial motions to agree to waive those motions as a condition of the prosecutor's continued approval of their entry into Drug Court	Neither has been satisfactorily addressed yet
Coeur d Alene	Idaho	Evolving standards regarding participation/sanctions.	Participation in drug court staffing.
Edwardsville	Illinois	Determining who is eligible, and under what criteria	The parties are constantly working on the issue of eligibility
Rockford	Illinois	Drug Court caseload combined with trial caseload.	Additional attorney was added to courtroom to reduce case overload.
Gary	Indiana	Having money made available to have a Public Defender available for the Drug Court program	We are attempting to get funding from the city of Gary
Indianapolis	Indiana	Permanent funding; treatment costs are high	We are attempting to work with state legislators to assist with permanent funding for the court
Terre Haute	Indiana	Unknown	

City	State	Most Serious Problems	Resolution
Des Moines	Iowa	Dynamics between prosecutors & defense attorneys over waivers of rights	Basically, prosecutors hold the keys
Madison	Kentucky	No problems.	
Alexandria	Louisiana	1. Coordination of court hearings 2. The public defender is part time and this hinders his ability to fully participate in all phases of the program.	1. Working with the court and coordinator. 2. This issue will probably never be resolved. The P.D. is always underpaid and understaffed, as compared with the rest of the team.
Franklin	Louisiana	Scheduling appointments to meet with the clients to review the drug court plea agreement.	The clients are now instructed to meet with the attorney at the courthouse 1.5 hours prior to the court appearance for the plea.
Lafayette	Louisiana	The right to counsel versus the nonadversarial approach in drug court.	Yes, defense counsel is present at all status and court hearings on behalf of each participant.
Monroe	Louisiana	The transfer of cases from the original attorney to drug court attorney; Limited time to advise clients	Education of attorneys as to process--use of checklists in advising clients & reviewing cases
New Iberia	Louisiana	Participants sometimes do not realize program is an alternative to actual imprisonment	Yes, on a regular weekly basis at status hearings
Oak Grove	Louisiana	Some recalcitrance by Sheriff's & DA's office	They have been persuaded to cooperate by the judge & attorney
Thibodaux	Louisiana	Scheduling conflicts with other court duties	Hired someone to handle drug court
Jefferson	Louisiana	(1) Funding; (2) Administrative structure	(1) Steering committee on funding estimate; (2) Promotion of greater communication between staff & judiciary
Baltimore	Maryland	(1) There are no staffings; Proceedings become adversarial; (2) Not enough treatment slots available	(1) Not been resolved; (2) Have asked for more treatment funding
Bel Air	Maryland	Most participants elect to participate before they speak to counsel	
Worcester	Massachusetts	Ultimately, a defendant has to plead guilty to derive the full benefit of program; The prosecutor's office has too much control regarding screening	Some post-conviction people get in through agreements
Charlotte	Michigan	None	n/a
Detroit	Michigan	We don't have an indigent defense office; We have house counsel who are independent contractors; I am the only house counsel who has worked with Drug Court	
Grand Rapids	Michigan	No serious problems.	
Kalamazoo-female	Michigan	Most serious concerns of defense attorney's are lack of funding to pay for defense attorney involvement in our drug court up to this point.	it is our understanding that some funding will be available in the future to allow our participation.

<b>City</b>	<b>State</b>	<b>Most Serious Problems</b>	<b>Resolution</b>
Kalamazoo-male	Michigan	Most serious concerns of defense attorney's are lack of funding to pay for defense attorney involvement in our drug court up to this point.	it is our understanding that some funding will be available in the future to allow our participation.
Columbia	Missouri	(1) time commitment--The attorney assigned to Drug Court also has a full caseload; (2) Getting the criteria for being in Drug Court straight with the prosecutors 9i.e., who they will or won't consider)	They have yet to be addressed
Kansas City	Missouri	Increase in filing of drug cases. Sufficient staff resources to consult of clients. E.g., high volume dockets.	Additional resources devoted to drug court.
Poplar Bluff	Missouri	Prosecuting attorney's office doesn't approve our recommendation for clients to be admitted to Drug Court;	Has not been resolved
St. Louis	Missouri	Defense counsel is expected to participate as part of a treatment team, even though such participation may be a breach of duty & professional responsibility; For 1/3 of Drug Court clients, this is still just a phase of their criminal case, because they will fail the program	Attorney vigilance in acting in clients' interests, whether by being part of the team or opposing it
Las Vegas	Nevada	Attorneys and support staff experience calendar conflicts as the program grows	We are requesting another full -time permanent attorney to cover the multitude of court sessions that are being implemented
Camden	New Jersey	Lack of cooperation of other judges; Slowing down of acceptances in program due to change in gatekeeper prosecutor; Lack of adequate funds to fully pay for treatment	Patience and hoping for improvement in the future; i.e., they have not been resolved
Elizabeth	New Jersey	No positions are funded. Drug court staff is "borrowed" from regular staff. Drug court process is labor intensive. It is impossible to do competent job without adequate staff.	These problems remain unresolved.
Albuquerque	New Mexico	I volunteer to do this work and have doubled my caseload with no corresponding increase in pay.	They have not.
Farmington	New Mexico	Finding acceptable avenues for pre-sentencing admission into drug court for obviously acceptable candidates.	Still working on appropriate resolutions.
Santa Fe	New Mexico	Not enough manpower to be totally involved in every phase of the program.	We do our best. Public defender and social worker attend panel meetings.

City	State	Most Serious Problems	Resolution
Santa Fe	New Mexico	Since this is a contract service county without full-time district office staff, it has been problematic in terms of devising a system for participation in planning, Advisory Board activities, and for ongoing coordination	By putting in planning participation by the Chief Public Defender, by contracting with the court for "expert" consultation services by an attorney on Advisory team, and by luckily having a staff position to turn over as a social worker
Amherst	New York	Cost and time commitment. Inability to integrate defense function fully.	Justified by reduction in recidivist cases. Continuing to work with the coordinator and courts to integrate defense more fully.
Brooklyn	New York	The role defense counsel plays in treatment court.	It is constantly evolving but we take a less aggressively adversarial role in BTC.
Central Islip	New York	The greatest obstacle has been the reluctance of the prosecutor's office to take in cases which are drug-driven but they have deemed inappropriate for drug court participation such as low level drug sellers, burglary charges, etc...	We have yet to resolve this issue.
Cheektowaga	New York	Inability to integrate defense function fully.	Justified by reduction in recidivist cases. Continuing to work with coordinator and courts to integrate defense more fully.
City of Tonawanda	New York	Cost and time commitment. Inability to integrate defense function fully.	Justified by reduction in recidivist cases. Continuing to work with the coordinator and courts to integrate defense more fully.
Kew Gardens	New York	(1) There was skepticism by attorneys and social workers about the effectiveness of mandated treatment and close court monitoring; (2) Some staff were concerned that the monitoring agency would have difficulty accepting the drug court philosophy of graduated sanctions	(1) The attorneys and social workers were informed about the philosophy of the court and the widespread success that has been achieved in other jurisdictions; As time has gone by they have seen the marked turnaround in the lives of our clients and have acknowledged the benefits of the program; (2) The judge assigned to the court has implemented the policy regarding sanctions set by the oversight committee and the monitoring agency has accepted the use of graduated sanctions
Lackawanna	New York	Cost and time commitment	Justified by reduction in recidivist cases
New City	New York	Failure to incorporate our target population into the program; Target population - drug sales, prior felons, higher level felonies, and minorities	Discussions with DA regarding less restraint in eligibility criteria; Various attempts to encourage case referral from judiciary

<b>City</b>	<b>State</b>	<b>Most Serious Problems</b>	<b>Resolution</b>
New York	New York	Unadvised district attorneys withholding probation or misdemeanor offers in lieu of defendant's participation in drug court programs.	Properly informing the district attorneys of the program implementations and directing individual district attorneys to confer with the drug court assigned district attorney.
Niagara Falls	New York	extra court appearances for attorney. Untimely prosecutions of unsuccessful cases.	Often by "post-plea" participation in program.
Rochester	New York	Political "fallout" from supporting drug court.	The effort is "continuing"
Syracuse	New York	The biggest problem has been getting both prosecutors and defense attorneys to fully utilize the court for appropriate cases.	Staff screening of all possible cases has helped improve the number of referrals to the court which would otherwise rely on screening by attorneys.
Troy	New York	Insufficient client population	By expanding Drug Courts to include alcohol related offenses including DWI's and by enhancing incentives for participation by misdemeanor clients
Akron	Ohio	1) potential disparate treatment of defendants who refuse the program due to discretion of prosecutor. 2) creates potential for police to be accountable for illegal stops, searches and seizures.	Addressed by conference with prosecutor and judge.
Canton	Ohio	Contacting the clients once they are approved by the prosecutor's office.	By sending out letters with pre-set appointments & contacts through the pre-trial release program
Cincinnati	Ohio	For those who opt out of treatment, their probation is much more restrictive than a similarly charged defendant in another courtroom. Also there is opposition from those who feel the drug court program is not an adequate representation of the client and their rights.	Unresolved
Cleveland	Ohio	Resistance to expanding the program to include those people with prior felony cases.	Has not been resolved but we are presently negotiating with the Prosecutor.
Sandusky	Ohio	Cooperation between different agencies involved in drug court team; Positive attitude for those of the group that are doing well	These issues have been discussed at coordinating council meetings; no real resolutions have been reached at this point
Ada	Oklahoma	No serious problems	
Holdenville	Oklahoma	After sanctions for non-compliance, client wants out of Drug Court	Tell client to be compliant; After 10 days to withdrawal plea, nothing can be done
Okmulgee	Oklahoma	Dealing with sanctions for juvenile offenders	Contract with a juvenile detention center.
Purcell	Oklahoma	Problems that arise after admission to Drug Court	Yes

City	State	Most Serious Problems	Resolution
Seminole	Oklahoma	Large number of participants; Long dockets; time on termination hearings; ancillary legal matters	You take the time
Eugene	Oregon	Given the way drug court cases have been credited in our contract with the state of Oregon, we have been unable to allocate a legal assistant on a full-time basis.	Our newest contract may provide for some additional credit, but probably will not be sufficient to allow for the increase in drug court cases which will result from the expansion of drug court to include up to a hundred additional non-drug possession cases.
Grants Pass	Oregon	Re-arranging staff schedules. Hiring new staff to accommodate.	
Klamath Falls	Oregon	Getting discovery and client interviews in a timely manner.	worked it out with DA
Pittsburgh	Pennsylvania	Allocating an attorney to appear in court for drug court instead of other cases.	We shuffle schedules.
Philadelphia	Pennsylvania	Contact between the criminal justice system and the treatment system.	Our drug court has conducted training sessions to explain how the criminal justice system is to work together in cooperation with the treatment system and to deal with the conflicts that arise. We will continue the training.
Westchester	Pennsylvania	The number of attorney hours spent per case; Most of the defendants would have had 3 attorney contracts without Drug Court, they average 20 with Drug Court	The Drug Court has applied for and received a grant for part-time Drug Court attorney who started in Jan. 2000
York	Pennsylvania	Time management; Integrating the program into daily operation of Assistant Public Defender	They haven't
Conroe	Texas	Becoming aware of operation of drug court.	Attend orientation.
Fredericksburg	Virginia	Coordinator between agencies in juvenile program	Still working on it
Roanoke	Virginia	Prosecutor's veto without explanation has limited access.	Obtaining treatment evaluation before prosecutor's decision.
Mount Vernon	Washington	Eligibility of participants	On a case by case basis as problems arose seeking clarification of policies
Seattle	Washington	Prosecutorial policies	Ongoing discussions and education
Madison	Wisconsin	Program has waiting list	

## B. Most Significant Benefits to Indigent Defense Offices Resulting from Drug Court

Defense counsel were also asked to identify the most significant benefits that had resulted for their offices from the drug court program. Almost all attorneys cited the

improved access to treatment as well as to more appropriate resolution of cases involving drug-dependent defendants. Many also cited the greater efficiency that had resulted for their office in terms of its capacity to effectively represent its caseload.

Their responses are summarized in Chart IV-3 which follows:

**Chart IV-3: Most Significant Benefits to Indigent Defense Offices Resulting from Drug Court**

<b>City</b>	<b>State</b>	<b>Significant Benefits</b>
Tuscaloosa	Alabama	Improved & more appropriate response to the needs of our clients; Program designed to assist client to succeed, where traditional probation typically sets client up for failure with multiple demands & little help
Phoenix	Arizona	It has been satisfying to work with the court and prosecution to help clients to succeed in addressing their addiction rather than simply punishing them
Tucson	Arizona	Large numbers of cases are disposed of quickly versus the slow plodding through the criminal justice system.
Chula Vista	California	Handle significant numbers of cases in one courtroom with one attorney; Actually help some clients overcome addiction
Compton	California	Eliminates minor cases from the courts to allow greater focus on serious cases; Drug Court provides a morale booster for the office because we see clients succeed
Fairfield	California	Most significant benefits have been for clients; Some benefits achieved by removing Drug Court cases from general caseload; However, Drug Court requires many more court appearances than normal case work
Indio	California	Good results for clients; good morale
Los Angeles	California	Having available an outpatient, yet highly structured treatment program for public defender clients , based on need, not ability to pay
Napa	California	This is a great opportunity to divert people from the criminal justice system and out of repeated crimes; we have worked well with courts & service providers
Oroville	California	Personal satisfaction at being involved in a program that seeks to actively and genuinely help people as opposed to simply processing them through the system as quickly as possible
Redlands	California	Peace of mind, and the fact that most clients do not return into the criminal justice system; Drug Court tends to stop the "revolving door" or at least slow it down
Riverside	California	Offering to clients alternative resolutions of their pending criminal charges.
San Bernardino	California	Decrease in jury trials and motions litigation
San Francisco	California	Reduction in recidivism of client population; Decreased necessity for attorneys to do program referral and placement (time saving)
Santa Ana	California	Clients who complete a 180 degree lifestyle turns away from anti-social, often criminal conduct, much of which is self-destructive, to a productive, healthy, non-criminal lifestyle
Santa Cruz	California	Clearly, it feels good to catch people doing something right rather than responding when they do something wrong
Santa Rosa	California	Getting clients into appropriate treatment
Shafter	California	Gives clients a sense of hope; Possibility to have conviction removed from record

<b>City</b>	<b>State</b>	<b>Significant Benefits</b>
Stockton	California	Increased number of our clients receiving effective drug treatment enabling them to overcome their addiction and re-enter society with new skills and attitudes
Ukiah	California	Some clients have gotten the benefit of therapeutic resources which they would not have been able to garner otherwise
Van Nuys	California	Clients achieve sobriety, no longer commit crime; Trials are avoided
Santa Barbara	California	1. Client recovery 2. Morale 3. Communication with other departments and agencies
Ft. Lauderdale	Florida	Exposure to the community agencies and a positive and favorable image of the Public Defender as helping the community stay drug-free
Melbourne	Florida	Recidivism is reduced and our office, therefore, will not have these clients graduate into "repeat clients"
Miami	Florida	The lives that have been saved
Tampa	Florida	Consistency in sentencing; Decrease in recidivism; Specialized attorney sensitive to drug related issues
Tampa	Florida	Consistency in sentencing; Decrease in recidivism; Specialized attorney sensitive to drug related issues
Atlanta	Georgia	Reduced recidivism and increased time for attorneys to spend with other clients
Honolulu	Hawaii	Intensive drug treatment for certain clients who would otherwise be unable to receive it; Having an alternative for certain fortunate clients who would be facing mandatory prison terms in the regular court system
Boise	Idaho	Reducing caseload elsewhere
Coeur d Alene	Idaho	Availability of low-cost treatment for our clients.
Edwardsville	Illinois	Allowing clients to have their charges dismissed wholly by drug court compliance
Rockford	Illinois	Client representation has become more effective in reducing recidivism and providing alternatives to Department of Corrections.
Ft. Wayne	Indiana	Reduced caseloads in the eligible offenses cases; Allows attorneys more time to prepare for other cases
Gary	Indiana	Those persons completing the Drug court program have been able to get their charges dismissed upon completion of the program; In addition, the person enrolled in the Drug Court have been given the chance to get their addiction of drugs under control
Indianapolis	Indiana	Clients who need treatment rather than incarceration are receiving it
Terre Haute	Indiana	Offers clients the opportunity to get no conviction
Des Moines	Iowa	Success of clients
Madison	Kentucky	The most significant benefit for our office is that our clients have the opportunity for treatment and rehabilitation rather than incarceration.
Alexandria	Louisiana	A better working environment between the P.D. office and the court. The court seems to have taken on a more compassionate role and understanding in all aspects of both the prosecution and treatment phase.
Franklin	Louisiana	To provide clients with an alternative to serving jail time, all the while being treated for their addictions.
Lafayette	Louisiana	Allowing our clients to receive rehabilitation as opposed to incarceration.
Monroe	Louisiana	Lower recidivism--quicker access to justice & release from pretrial detention--additional time & resources for other serious felonies
New Iberia	Louisiana	Tremendous drug addiction treatment at minimal expense for eligible indigent participants

City	State	Significant Benefits
Oak Grove	Louisiana	Makes it easier to resolve some cases; Hopefully these people will not commit another crime
Thibodaux	Louisiana	The satisfaction of doing our job by helping defendants in a meaningful manner
Baltimore	Maryland	Increased visibility in community, more interagency cooperation
Bel Air	Maryland	Availability of a holistic drug treatment program for our clients
Worcester	Massachusetts	Getting clients much needed help as a viable alternative to jail; These factors in turn; Provide attorney satisfaction
Charlotte	Michigan	Greater ability to facilitate treatment and education for clients through utilization of drug court regimen.
Detroit	Michigan	
Grand Rapids	Michigan	Benefit is to client, not office.
Kalamazoo	Michigan	Observing career criminals rehabilitate and become productive members of our community.
Kalamazoo	Michigan	Observing career criminals rehabilitate and become productive members of our community.
Charleston	Missouri	
Columbia	Missouri	Having additional options to explore with our clients
Jefferson City	Missouri	It's too early to see any benefit to the to the office or to our office's clients as a whole, although some individual clients are doing very well and should successfully complete the program, which will result in dismissal of all charges
Kansas City	Missouri	Improved dispositions for clients.
Poplar Bluff	Missouri	Resolution of cases through Drug Court is more beneficial to everyone by dealing with the underlying causes of the problems, rather than just the symptoms
St. Louis	Missouri	One attorney handles a large number of drug cases relieving the rest of the legal staff of that burden
Las Vegas	Nevada	We have experienced great benefits to our clients in this treatment program
Camden	New Jersey	Client satisfaction when it works; Saving lawyers from doing social work that is better done by experts in the field; To a limited degree, reduction in case preparation for trial
Elizabeth	New Jersey	There have been no benefits to this office. A very few of our clients have benefited. The time expended by staff to realize these benefits greatly exceeds the time necessary to handle a standard case.
Albuquerque	New Mexico	That there is another alternative for our clients that actually works.
Farmington,	New Mexico	Very beneficial to clients whose only problem has centered around substance abuse and addiction. Many of these clients are otherwise very good people with much to offer if properly rehabilitated from substance addiction.
Santa Fe	New Mexico	Clients getting help and hopefully not reoffending. Fewer cases to take to trial.
Santa Fe	New Mexico	Additional treatment resources for out-patient, but in-patient detox is a major problem; Strengthen relationship with the Court, DA, Probation and other "players" in county system; Made central administration in Santa Fe more aware of issues
Amherst	New York	Participation in effective system of criminal justice.
Brooklyn	New York	Drug treatment and dismissal of charges for our clients.
Central Islip	New York	The most significant benefit has been the "freeing up" of the time of the non-drug court attorneys attempting to get clients into treatment on their own. Drug court has tremendous resources that make the process of getting clients into treatment much quicker.

City	State	Significant Benefits
Cheektowaga	New York	Participation in an effective system of criminal justice.
City of Tonawanda	New York	Participation in an effective system of criminal justice.
Forest Hills	New York	Successful rehabilitation for our clients
Kew Gardens	New York	The program has reduced the number of active cases that the office has to prepare for trial and the number of clients who plead to probation and return a short time later with a new case and a violation of probation; The Queens criminal justice system has become more supportive of alternatives to incarceration
Lackawanna	New York	Participation in an effective system of criminal justice
New City	New York	Substance abuse education; Familiarity with various treatment modalities
New York	New York	The benefit is to the clients not our office. Our clients are being dealt with by a court system that wants to cure the drug addicted defendant. The commitment to proper treatment by all components of the court is obvious.
New York	New York	1) Positive judicial dispositions of defendant's drug cases. 2) Staff load administrative efficiency.
Niagara Falls	New York	Lower recidivism rates. Favorable dispositions for many defendants.
Rochester	New York	The benefits have been for the clients who have successfully completed the drug treatment court program.
Syracuse	New York	The ability to get appropriate non prison dispositions for defendants who would otherwise be sentenced to long state prison terms.
Troy	New York	Achieving a better disposition for clients; Fewer trials; Rehabilitation and treatment of clients
Akron	Ohio	1) Alternative for prostitution and theft defendants who are drug addicts, however very rare usage by such defendants. 2) Removing clients from the court system and ultimate dismissal of charges.
Canton	Ohio	Reduction in caseload for felony attorney not assigned to drug court
Cincinnati	Ohio	Some cost benefits.
Cleveland	Ohio	The office can concentrate on other cases.
Sandusky	Ohio	The Drug Court program allows the attorney to spend more time on other clients; It also reduces the incidence of repeat offenders
Ada	Oklahoma	Reduction of recidivism; Less government assistance; Increased employment & education
Holdenville	Oklahoma	We have an alternative avenue besides jail that actually helps the client to be a successful part of society
Okmulgee	Oklahoma	Appropriate resolutions to cases in which treatment is a viable alternative.
Purcell	Oklahoma	None
Seminole	Oklahoma	Nominal pay; successful completion by some participants
Grants Pass	Oregon	Expanded services to clients. Increased level of cooperation with criminal justice agencies.
Klamath Falls	Oregon	Cases concluded quickly and actually helped some clients get clean.
Pittsburgh	Pennsylvania	lighter case load for the other attorneys, better treatment of our clients.
Philadelphia	Pennsylvania	Clients are receiving quality drug treatment. Their cases are taken out of the criminal justice system resulting in saving other lawyers time in preparing their cases for trial.
Westchester	Pennsylvania	There is no significant administrative benefit to our office; The benefit is that our clients are receiving much needed help to solve problems that lead to re-offending
York	Pennsylvania	Benefits to some clients; Some slight diversion of criminal caseload
Conroe	Texas	Seeing participants work, live at home, become drug free.

City	State	Significant Benefits
Conroe	Texas	1. Treatment 2. Optimize available resources - court cost, attorney's fees, etc...
Roanoke	Virginia	Some clients receiving much needed and successful treatment.
Mount Vernon	Washington	Feeling we can do something constructive for our clients.
Neah Bay	Washington	Clients' success; Clients' needs
Seattle	Washington	More efficient allocation of staff resources; Reinforcement of empathy and compassion in the legal context; More and better options for clients
Madison	Wisconsin	Appropriate treatment/dispositions for offenders

### C. Unanticipated Issues and Strategies to Resolve Them

Defense counsel were asked to identify the unanticipated issues that had arisen since the drug court became operational and the strategies used to address these issues. Most respondents noted issues relating to agreement on eligibility criteria and program participation; time required to represent drug court defendants; adequately addressing participant needs; and issues relating to turnover in the drug court team. Their responses are summarized in Chart IV-4 below:

**Chart IV-4: Unanticipated Issues and Strategies to Resolve Them**

City	State	Unanticipated Issues	Resolution
Tuscaloosa	Alabama	Control of admission by D.A. and through the D.A. by narcotics officers	They have not
Tucson	Arizona	We didn't anticipate that the program would generate so much work for my secretary and legal assistant	
Compton	California	None	
Fairfield	California	Drug Court cases take much longer and require many more court appearances than general caseload; Cutback in services to other divisions with larger caseload in order to staff Drug Court	To this point, they have not been resolved as this department has not received any funds for this department's Drug Court participation
Indio	California	Need for Spanish program	
Napa	California	(1) Paucity of Spanish-speaking & Hispanics who enter the program; (2)time commitment & eventual benefits are too far off so fewer people want this burdensome program	(1) We are still looking for eligibles, but the program demands are inconsistent with lifestyle (migrant workers, family out of country, necessity to leave the country for family, medical, or deportation issues; (2) Eventually we will approach the court with the proposition that the benefits for successful completion be conferred in less than 2 to 3 years; (Yes, our program requires 3 years for a

City	State	Unanticipated Issues	Resolution
			dismissal-- a DA/court requirement)
Oroville	California	Some adjustment in coming to fully understand and appreciate the Drug Court concept which is quite different from the traditional criminal court system	I have attended two drug court seminars where I was able to interrelate with other public defenders, as well as with police officers, judges, prosecutors, and probation officers, all of whom seemed to have experienced a bit of disorientation and stigma from their respective colleagues due to their participation in the non-traditional, non-adversarial drug court system; these seminars helped me to realize that Drug Court isn't "business as usual" when it comes to representing defendants
Redlands	California	The Drug Court program requires more participation in other community areas such as Taurus, Pegasus, and the like; The 2 attorneys here now have to contact entities, from time to time, they would never have dealt with before; This requires the attorneys at this office to have a better working knowledge of drug abuse treatment facilities and mental health issues	
Riverside	California	None presently.	
San Bernardino	California	In order for this program to have success, substantial court reviews on regular, repeated basis have resulted; This is very time consuming	Some horizontal representation, i.e., a single lawyer on certain calendars representing all public defender clients, to free up other lawyers so they can focus on new clients and cases
San Francisco	California	Increased caseload resulted in a large amount of administrative work	Administrative assistant was assigned
Santa Rosa	California	None	
Shafter	California	Often clients fail program before rehabilitation can be effected	Unresolved; Each case is reviewed on ad hoc basis
Stockton	California	None come to mind at this time	
Ukiah	California	The new administration of the DA's office has not been as active in Drug Court, thus, harder to get new referrals	Working on it presently
Van Nuys	California	None	
Ft. Lauderdale	Florida	Maintaining and protecting an individual's rights while working as a member of the Drug Court team	Ongoing
Tampa	Florida	Volume/court time extremely demanding	Still being addressed with judiciary

<b>City</b>	<b>State</b>	<b>Unanticipated Issues</b>	<b>Resolution</b>
Tampa	Florida	Volume/court time extremely demanding	Still being addressed with judiciary
Atlanta	Georgia	Efforts to change the diversionary court to a post-adjudication drug court	Resolution pending
Honolulu	Hawaii	Complaints about certain religious beliefs being espoused in the program	The issue was brought to the attention of the Drug Court Judge
Edwardsville	Illinois	None	
Rockford	Illinois	Duality of attorney role. e.g. Advocate v. GAL (guardian ad litem); Time consumption involved in court time.	On-going Ad hoc process involving considerable balancing roles.
Gary	Indiana	The city of Gary does not have a Public Defenders office; Therefore no funding is provided for indigent representation in criminal matters	The court is responsible for providing funding for a public defender
Indianapolis	Indiana	Continued struggles with the prosecutor about who should be eligible for the program and some struggles with the treatment provider relating to when or if a client should be terminated from the program	Continued communication among all the parties
Madison	Kentucky	None	
Alexandria	Louisiana	Much More time needs to be spent by the public defender in the program.	Can't unless P.D. placed on more than part time status.
Franklin	Louisiana	The imposition of sanctions without notification of the attorney.	The attorney is advised when a serious sanction involving jail is to be imposed; had to allow an opportunity to counter the allegations.
New Iberia	Louisiana	Lack of initiative of some participants to move through the 3 phases of our drug court program	Yes, by weekly encouragement to each participant to fully complete each phase within certain expected time periods (non-mandatory periods)
Oak Grove	Louisiana	None	
Thibodaux	Louisiana	scheduling problems	
Baltimore	Maryland	The regular changing of presiding Drug Court judge	Not yet
Bel Air	Maryland	Privately retained lawyers indicate that the repeated court visits are prohibitive for them; Many participants were suffering job problems from having a conviction on their record pending completion of the program	Regarding the job problem, imposition of the sentence is deferred pending completion of the program; On completion, most participants receive probation before judgement and a few of the most successful receive not guilty verdicts
Worcester	Massachusetts	Potential disparate treatment depending on probation officer involved	Meetings with individual involved
Charlotte	Michigan	None	n/a

<b>City</b>	<b>State</b>	<b>Unanticipated Issues</b>	<b>Resolution</b>
Grand Rapids	Michigan	None	
Kalamazoo-female	Michigan	Debates prosecution regarding eligibility criteria.	At this time these issues are not resolved.
Kalamazoo-male	Michigan	Debates prosecution regarding eligibility criteria.	At this time these issues are not resolved.
Columbia	Missouri	Involvement, or lack thereof, of private attorneys (i.e., public defenders cannot represent those who are already privately represented)	So far, private counsel is required to appear with the Drug Court client at their first appearance and to go over all waivers and contracts with them; Private counsel should be called to appear if someone is in danger of termination
Kansas City	Missouri	High termination rate-importance of minimizing consequences of failure.	Same plea offer upon termination as would have been made prior to entry.
Poplar Bluff	Missouri	Prosecuting attorney has no real interest in Drug Court	Unsatisfactorily
St. Louis	Missouri	Attorneys not involved in the program often are uninformed or uninterested in it, some even have or disseminate incorrect information; As a result, not all clients know all their options	Attorney education; Development of instructions & checklists
Las Vegas	Nevada	The Drug Court is growing rapidly; Therefore funding is an issue	These issues still remain unresolved
Camden	New Jersey	Ambivalence within office about the program; Frustration with new gatekeeper/prosecutor; Limited ability to raise due process arguments	They aren't yet resolved
Elizabeth	New Jersey	Clerical demands far exceed that which was anticipated.	Unsatisfactorily resolved by assigning more staff.
Albuquerque	New Mexico	Confidentiality issues.	New forms for other districts, not ours, however, we've had no problems with confidentiality.
Farmington	New Mexico	how to get clients screened for drug court prior to formal sentencing. The judges want to know prior to sentencing whether clients are appropriate for drug court.	Still working on appropriate resolutions.
Santa Fe	New Mexico	How to man drug court itself (weekly meetings)	We have our social worker doing a lot of covering for us.
Santa Fe	New Mexico	The problem of DWI mandatory sentences in admitting participants into program; Makes program much less advantageous for DWI defendants	Not yet resolved, an ongoing issue
Central Islip	New York	One unanticipated issue for our office has been the role that staff attorneys play in the drug court given that we are in a post-plea	These still have to be resolved. Constant dialogue with the court and the other drug court staff is essential. It is important to keep

City	State	Unanticipated Issues	Resolution
		jurisdiction. It is an "on-going issue that gets addressed quite frequently. We question whether our role is diminished by the presence of third parties in the courtroom.	lines of communication open with all the parties in the courtroom.
Forest Hills	New York	None	
Kew Gardens	New York	Our attorney's union has been reluctant to agree to the assignment of a full-time attorney in the treatment court	I have discussed the matter with the treatment court judge and we have been able to effectively handle the cases with the individual attorneys handling their own clients
Lackawanna	New York	Occasionally being asked to handle non-Drug Court cases/issues arising during Drug Court	Either handling them or having another attorney assigned to do so
New City	New York	Some resistance by staff attorneys to the program; Some resistance from judges to the program	Individual discussions; Invitations to view and participate in the proceedings
New York	New York	None	
Niagara Falls	New York	No significant issues.	
Rochester	New York	Clients who failed drug court were ultimately receiving harsher sentences on their criminal charges if they had declined to participate in drug court initially.	Still under discussion.
Syracuse	New York	The reluctance of attorneys to change the way they do things and fully utilize the court for benefit of their clients. This is especially difficult in the assigned counsel system where many of the attorneys handle only a small number of cases per year.	Staff screening of all possible cases has helped improve the referrals to the court which would otherwise rely on screening by the attorneys.
Akron	Ohio	Some changes in policy of prosecutor's office	
Canton	Ohio	Making recommendations on clients who were represented by private counsel.	The public defender does not comment on these cases. If termination is being recommended, the clients hearing is continued and the private attorney is notified.
Cincinnati	Ohio	The perception that the public defenders in drug court work for the drug court and not the P.D. office.	unresolved
Cleveland	Ohio	The police were originally supposed to screen for Drug Court candidates, but we could not get full cooperation and our numbers suffered.	The Public Defender took over all screening and recruiting duties.
Sandusky	Ohio	The program consumes more time per individual than anticipated	This issue has not been resolved
Ada	Oklahoma	Lack of funding for full-time indigent defense counsel	Not resolved
Purcell	Oklahoma	Corrective action for those who	Yes, often with difficulty

City	State	Unanticipated Issues	Resolution
		cannot follow the rules	
Seminole	Oklahoma	Ancillary legal matters (landlord-tenant; drivers license); commitment of time and resources	You take the time if possible
Eugene	Oregon	The amount of time in PDS program orientations. Increased client contact by sheer volume of cases.	These issues have not been resolved to date as Oregon has yet to institutionalize the drug court concept and to properly fund drug courts throughout the State.
Grants Pass	Oregon	Ongoing battles over program philosophies and implementation.	In process
Klamath Falls	Oregon	None	
Portland	Oregon	Treatment provider was not getting funding, so our drug court clients (new petitioners) were unable to begin treatment immediately.	Committee met and devised mutually agreeable plan to allow new clients to treatment. Some policy and eligibility requirements were changed to decrease the number of new clients to allow treatment provider to get numbers down to cap.
Philadelphia	Pennsylvania	We did not anticipate the amount of time our drug court attorney would devote to other criminal cases involving the treatment court clients. Our drug court is two days per week. Our drug court lawyer devotes 2 more days per week dealing with other cases involving treatment court clients and potential treatment court clients.	Our office resolved the issue by providing a full time attorney and picking up the added cost.
Westchester	Pennsylvania	The number of hours spent on the Drug Court program	The above mentioned part-time attorney
York	Pennsylvania	Need to make better use of technology to connect with the various agency involved to track Drug Court participants	They haven't
Fredericksburg	Virginia	Scheduling around Drug Court with other courts	
Roanoke	Virginia	Turnover in attorney position.	Converting position to part time. This is how the problem is being addressed but resolution is pending.
Seattle	Washington	Ongoing financial struggles to secure funding	Not resolved; ongoing negotiations

#### **D. Degree to Which the Drug Court Has Developed the Benchmarks of the “Key Components”**

Members of each of the disciplines responding to this survey were asked to comment on the degree to which they felt their respective drug court had developed the benchmarks indicated in the “Key Components”. The responding defense counsel indicate that those components which appear to be most fully developed are components:

Four, Five, Six and Seven (provision of continuum of services; drug testing; response to noncompliance; and judicial interaction with participants); those components which are still developing are components: One, Two, Three, Eight, Nine and Ten (integrating treatment and justice system processing. use of nonadversarial approach; early identification of participants; monitoring and evaluation; interdisciplinary education; and court/community partnerships.) A comparison of the responses from all of the disciplines responding is included in the Introduction to this report.

Key:

- 1 - not yet addressed
- 2 – addressed somewhat; still developing
- 3 – as fully developed as is practical at this time
- 4 – fully developed

**Chart IV-5: Perceptions of Defense Counsel Regarding Degree to which Drug Court Programs Have Developed Key Component Benchmarks**

Key Component	Degree of Development				
	1	2	3	4	No response
1. Drug Courts integrate alcohol and Other drug Tx services with justice system case processing	3%	10%	38%	43%	6%
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights	3%	21%	36%	37%	3%
3. Eligible participants are identified early and promptly placed in the drug court program	1%	26%	36%	36%	1%
4. Drug Courts provide access to a continuum of alcohol, drug, and other related Tx and rehab services	1%	12%	30%	56%	1%
5. Abstinence is monitored buy frequent alcohol and other drug testing	--	3 %	23%	72%	2%
6. A coordinated strategy governs drug court responses to participants' compliance	1%	15%	29%	52%	3%
7. Ongoing judicial interaction with each drug court participant is essential	--	2%	23%	72%	3%
8. Monitoring and evaluation measure the achievement of program and gauge effectiveness	1%	26%	37%	31%	5%

9. Counting interdisciplinary education promotes effective drug court planning, implementation, and operations	2%	37%	40%	17%	4%
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness	7%	39%	30%	20%	4%

### E. Program Improvements Suggested

Defense attorneys were also asked to offer suggestions for improving the drug court program. Most of their suggestions, summarized in Chart IV-6 below, address expansion of eligibility requirements, program participation, and program services.

#### IV-6: Suggested Program Improvements

City	State	Improvements Suggested
Tucson	Arizona	Suggestions from other attorneys in my office: Broaden eligibility standards, don't reject people for FTA history, include small states, let gang members in; basically let in more people including those who commit non-drug crimes like burglary that is motivated by addiction.
Fairfield	California	Court, prosecution, and defense agencies should be funded for their participation in Drug Court; Currently all resources are devoted to testing & counseling
Napa	California	Do not exclude these with domestic violence charges or history; Provide for earlier completion date; Expand category of those eligible
Oroville	California	I believe the adversarial process needs to be reduced as much as possible; any contested issues, such as motions to suppress evidence or to have felonies reduced to misdemeanors, should be done in the regular criminal court, and not involve the Drug Court attorney, nor the Drug Court judge; As much as possible, the Drug court should focus on therapeutic/rehab issues, and not on contested legal issues
Redlands	California	Make more slots available for Drug Court & fund these slots; Establish criteria for which defendants are allowed into Drug Court and make them statutorily eligible so that the DA cannot preclude them from entering the program; Make other programs available for serious offenders and parolees and those sentenced to prison; Drugs are behind most violent crimes--make some form of Drug Court available to them as well
Riverside	California	Redraft agreement/ contract language for rehabilitation sentencing programs.
Santa Ana	California	Expand the eligibility criteria to include more of the non-violent felony cases where drug addiction is a primary factor in the criminal activity
Shafter	California	More room, more vouchers for tests and transportation, and more flexibility for working clients
Stockton	California	Our office wants the Drug Court program to reward successful graduates by allowing their plea to be withdrawn so no conviction will

City	State	Improvements Suggested
		appear on their record
Van Nuys	California	None other than expand the number of treatment slots
Ft. Lauderdale	Florida	More input on developing sanction protocols
Panama City	Florida	Hope to develop a separate juvenile treatment scheme/plan.
Tampa	Florida	Pre-filing diversion opportunities to enhance opportunities to enhance opportunity for treatment
Tampa	Florida	Pre-filing diversion opportunities to enhance opportunities to enhance opportunity for treatment
Atlanta	Georgia	Expedite screening and placement to meet three day threshold for placement; Increase treatment options
Honolulu	Hawaii	Give more of a voice in the admission process to the defense attorney; Shorten the length of the program so that more persons can be accommodated
Boise	Idaho	Ultimately, increase enrollment
Coeur d Alene	Idaho	Expand the eligibility criteria to include more participants.
Rockford	Illinois	Personnel devoted solely to Drug Court duties. Integrated approach to treat the dual-diagnosed. More access to long term inpatient treatment and a half-way house.
Terre Haute	Indiana	Admit alcohol-related offenders
Des Moines	Iowa	Knowledge of program & its workings & rules must be made known to all
Monroe	Louisiana	Make program available to a wider group of participants, especially 2nd felony offenders who are eligible
New Iberia	Louisiana	None at this stage of our program; I do recommend that all members of this Drug Court team be required to attend the annual National D.C. Conference
Oak Grove	Louisiana	None, our program just started a few months ago; It's too early for changes; So far it's working well
Baltimore	Maryland	We need to memorialize agreements and update interagency "understandings"
Bel Air	Maryland	Given the minimal criminal record of the Drug Court participants, I would like to see successful completion of the program result in a dismissal of the charge;
St. Louis	Missouri	Our Drug Court is implementing a "youth track" for young offenders; We support the proposed changes in the program to implement this track
Las Vegas	Nevada	The request for more staff for the Drug court program is an ongoing issue and request
Camden	New Jersey	Increase funding/resources/available slots; Obtain full support from highest level of court and administration as well as health department, political and law enforcement hierarchies; Expand target population to include re-entry of state prisoners
Elizabeth	New Jersey	1. Provide adequate staffing. 2. When adequately staffed, move the acceptance/rejection process much faster. 3. Provide funding for the acquisition of new treatment necessities, such as prescription medication for drug court clients 4. Provide funding for drug court social worker to assist clients with the myriad of problems associated with substance abuse. Help in accessing daycare, welfare, appropriate housing, and family counseling, etc., would permit the client to concentrate on recovery, without the additional stress their absence from the home and /or inability to work now causes.
Albuquerque	New Mexico	We need to figure out a way to bring in all the "failure to appears".
Farmington	New Mexico	We have to find an appropriate avenue for pre-sentencing drug court screening.

City	State	Improvements Suggested
Santa Fe	New Mexico	Provide 30 day inpatient for clients instead of intensive drug treatment prior to the clients attending drug court.
Central Islip	New York	More cases and more types of cases should be screened and found eligible for drug court participation.
Forest Hills	New York	We should open our program to second felony offenders as they do in Kings County, since Kings County appears to have a high success rate with this group because of their incentive to succeed (e.g., longer prison sentences)
Kew Gardens	New York	The court should expand the category of eligible defendants to include persons with prior non-violent felony offenses and, in special circumstances, those charged with first time violent felonies
New City	New York	Adjust eligibility criteria to include a wider range of candidates
New York	New York	The client who successfully completes drug court should have her/his case dismissed rather than re-pleading to a misdemeanor.
Niagara Falls	New York	None really. Our court runs fairly smoothly at this time.
Troy	New York	Offering Drug Court to younger adult offenders
Troy	New York	Offering Drug Court to younger adult offenders
Cincinnati	Ohio	Additional treatment and probation staff to adequately monitor and counsel the volume of clients.
Cleveland	Ohio	Shorten the time from interviewing the client to his actual date in treatment. Also, every drug addict, even the defendant with many drug cases in the past should be given drug treatment.
Ada	Oklahoma	Client's right to due process (e.g., trial) must be protected
Purcell	Oklahoma	Provide reasonable compensation to defense attorneys who are not indigent defense attorneys
Seminole	Oklahoma	More tolerance
Klamath Falls	Oregon	I would prefer a pre-plea program for INS reasons.
Pittsburgh	Pennsylvania	Try not to be strict with defendants' prior records such as simple assault. Also, perhaps the added incentive of expungement could be added for graduates.
Philadelphia	Pennsylvania	We would like to establish a mentoring program so that previous graduates can assist present treatment court clients. Our oversight committee is discussing establishing this program.
York	Pennsylvania	Better automation; More efficient/effective use of technology; To interact with various agencies & to get clients into treatment as soon as possible
Conroe	Texas	Include juvenile/family and probationers.
Neah Bay	Washington	Whenever a court applies for a grant, the indigent defense system should be contacted and made a part of the grant, planning and implementation process; There is too much variation among judges and courts; The process and effectiveness of the Drug Court is diminished without full indigent defense participation
Seattle	Washington	More treatment options, inpatient & outpatient; More housing space & options; Methadone housing; More dual diagnosis options
Madison	Wisconsin	Expand program and get DA's office to refer tougher cases

## F. Advice to Colleagues

The final topic on which defense counsel were asked for comment was to indicate any guidance they might offer to colleagues in other jurisdictions that were contemplating the implementation of a drug court. Their advice, summarized below, focuses on a range

of issues relating to coordination, eligibility determination, procedural provisions, and planning/operational elements.

**Chart IV-7: Advice to Defense Counsel Colleagues Regarding Drug Court Program Implementation**

<b>City</b>	<b>State</b>	<b>Advice</b>
Tucson	Arizona	Make sure the county attorney's office fully supports drug court. Involve law enforcement early and throughout the program. A negative presiding judge can wreak havoc. Educate other attorneys in your office about drug court. Let clients know that they can get a second opinion so the private defense bar is pacified.
Chula Vista	California	Develop non-adversarial approach; Develop strong linkage with law enforcement
Compton	California	Do it! It's a no-lose situation; Costs are low and benefits are high
Indio	California	Excellent program; It is labor intensive for participants; One attorney must be involved; It is different from other aspects of defense
Los Angeles	California	Mutual trust, if maintained, will yield a high functioning Drug Court where all parties concerns are resolved; Careful selection of "team members" is essential; Individuals who are comfortable in a non-adversarial setting are more likely to promote this therapeutic jurisprudence alternative
Napa	California	Hold out for a pre-plea program; Ask for additional attorney staffing, as the time commitment is greater than expected; Do not rely on DA to screen for eligibility; Have as broad categories of offenses for drug court eligibility as you can secure; Work diligently to develop a good relationship with the treatment providers, they are your best allies
Oroville	California	To have a defense attorney assigned to the job who believes in the Drug Court concept; I have been actively involved in a Drug Court for over 18 months and I have found that many attorneys really are not very committed to the concept; The role of the attorney in a Drug Court is not the traditional adversarial role, or at least it should not be in my opinion. I think the attorney himself should be personally committed to a clean lifestyle; Sadly many attorneys drink heavily and more than a few dabble with drug use themselves; I don't believe such people are going to be too likely to encourage clients not to drink and/or do drugs; I spend a lot of my time counseling my clients about the effects of drugs/alcohol, and talking with them about the benefits of NA/AA programs; I don't think attorneys who drink would be likely to do that
Redlands	California	Make certain that eligibility criteria is constantly re-evaluated; Force the DA to constantly justify exclusion of defendants based on their prior history; Keep better records of success and failure rates of defendants based on the severity of their current crime, as well as their prior record; Insist as often and as vigorously as possible, that Drug Court be allowed to expand both in number of candidates and severity of crimes charged and prior record; Make certain that defendants' rights are protected when entering Drug Court and while in Drug Court
Riverside	California	Program can help motivated clients to make life-style changes toward acceptable community standards and eliminate convictions, which may effect future individual development.
San Bernardino	California	Plunge in & establish the Drug Court; You will solve problems and develop treatment resources as the program proceeds; Enlist a team of willing participants among the court, probation, mental health

City	State	Advice
		professionals, public defender, and DA
San Francisco	California	Public Defenders should rely on each other for education and support regarding program implementation and function; Contact the support network through NADCP, attend PD conferences, make contact with local jurisdictions
Santa Ana	California	Cultivate the "buy-in" and cooperation of all parties to the criminal justice system, judges, prosecutors, defense lawyers, probation, health care and law enforcement, and also community organizations; Broad-based support is very important to a successful program
Santa Cruz	California	Expand the program; Provide more funding, increased participation and increased treatment options; Reduce criteria that render clients ineligible; Find a way to include incarcerated defendants
Santa Rosa	California	Be involved in the planning from the beginning; Understand that when the court opens, it is a constant work in progress
Shafter	California	Make sure program has adequate facilities and equipment to give clients the impression the program is valuable to court system as well as to clients; Lack of room and poor equipment gives clients and public the thought that program is ineffective or just cheap
Stockton	California	Attempt to design the program from the start as either a diversion-type program or a program where the plea is withdrawn and stricken upon successful completion
Van Nuys	California	Do it pretrial with dismissal as carrot
Ft. Lauderdale	Florida	To have all parties, state attorneys, defense bar, and treatment counselors, agencies that provide services meet and work out compromise on all aspects of the program criteria; This would include compliance issues, sanctions, etc.
Melbourne	Florida	The program should be made available to addicts with a criminal record typical of drug addicts (thefts, forgery, burglary), not just first-time offenders
Panama City	Florida	Try to develop a method for quantifying a client's progress in treatment. The problem is that irrelevant information, such as personality, influences the teams decision to move client to the next level.
Tampa	Florida	Mirror successful program in existence rather than create your own; Don't reinvent the wheel; Insure funding, it easily becomes overwhelming; Educate judiciary on treatment goals; Get community backing so judiciary will attempt to realize goals; Establish clear guidelines on which participants qualify for the program
Tampa	Florida	Mirror successful program in existence rather than create your own; Don't reinvent the wheel; Insure funding, it easily becomes overwhelming; Educate judiciary on treatment goals; Get community backing so judiciary will attempt to realize goals; Establish clean guidelines on what participants qualify for the program
Atlanta	Georgia	Get involved in planning process
Honolulu	Hawaii	Vest more decision making power in the defense attorney or judge with regard to admission into the program
Edwardsville	Illinois	Lay out all the rules regarding eligibility prior to institution of drug court. Need to screen providers thoroughly. Also make plans for those people who have a dual diagnosis (mental health and drug problems)
Rockford	Illinois	Find full-time devoted personnel to Drug Court and have treatment centers already available. In addition have adequate provisions for the dual-diagnosed client.
Ft. Wayne	Indiana	Fully understand & believe in the program in order to encourage clients to participate; become familiar with the treatment personnel so that, as

City	State	Advice
		problems arise with clients, those problems can be resolved for the client
Gary	Indiana	Promptly establish a relationship with community-based groups who can assist you in the development of your Drug Court program
Indianapolis	Indiana	Resolve as many issues as possible up front; Talk to as many Drug Courts already in operation as possible to determine potential problems; Get agreements among all the different parties in writing on as many issues as possible
Des Moines	Iowa	Need to make Drug Court an accepted community action; scrutinize its effectiveness; Also, proper screening of potential candidates is of utmost importance to ensure maximum chance at success
Alexandria	Louisiana	1. Make sure the public defender is made a part of the team from the start, implementation phase. 2. Assign an individual either as full time or drug court as a primary duty. 3. Obtain training, immediately, don't wait a year before attending a drug court public training seminar.
Franklin	Louisiana	For the attorney to be part of the planning process and require the client to have an "opt-out" time period to leave the drug court program and return to the regular criminal trial docket.
Lafayette	Louisiana	Have a representative of the public defenders office involved in the formative process as well as in weekly court and status hearings.
Monroe	Louisiana	All involved agencies should be involved in initial planning stages
New Iberia	Louisiana	Make sure Drug Court represents a team effort led by the judge, with full cooperation of treatment providers, the DA's office and IDO defense counsel and that this effort is a weekly participation
Oak Grove	Louisiana	Do it!
Thibodaux	Louisiana	Talk to and visit first hand as many sessions of drug court in operation
Baltimore	Maryland	Call NADCP & OJP Drug Court Clearinghouse
Charlotte	Michigan	Establish a "team" to bring the drug court into being and then stick to that team to monitor the program constantly. Don't allow one segment of the "spoke wheel" to tilt the program in any one direction. Allow the team to make changes responsibly.
Detroit	Michigan	Secure as much support as possible from the judicial bench
Grand Rapids	Michigan	Try it. Standard probation and incarceration have not been successful.
Kalamazoo-female	Michigan	Involve all organizations who will be impacted by the drug court in the implementation phase of your drug court.
Kalamazoo-male	Michigan	Involve all organizations who will be impacted by the drug court in the implementation phase of your drug court.
Columbia	Missouri	Before beginning the program, have specific guidelines in place to address: (1) Who can be in Drug Court; (2) What sanctions can be used and at what time those sanctions are appropriate; (3) When and how termination from the program should be used
Jefferson City	Missouri	Insist on a pre-plea diversion court which fully protects the clients' trial rights should they opt out or be terminated from the program, as well as getting the best result for success (i.e. dismissal of charges); Get a firm understanding of what rules violations are sanctionable and what sanctions will be used, and fully inform the clients of all sanctions they could possibly face before letting them enter the program; Try to develop a program that has a broad base of offenses eligible for participation, such as property offenses and minor sales cases
Kansas City	Missouri	Insist on a pre-plea diversionary court, with no negative consequences for failing, and which does not require defendant to waive significant rights to enter.
Marshall	Missouri	Be careful about post-plea drug court being a substitute for evidence to convict and a crutch for working up the case

City	State	Advice
Poplar Bluff	Missouri	No post-conviction Drug Court; Clearly establish parameters for entry into the program and do not make those parameters too strict
St. Louis	Missouri	This is a worthwhile program for many clients, particularly if it is a pre-plea program; Defense counsel must be knowledgeable & vigilant to prevent serious detriment to the client who leaves the program
Las Vegas	Nevada	Plan for tremendous growth in the program; Conduct inter-department meetings often; Communicate before court sessions
Camden	New Jersey	Get used to having/thinking in a non-adversarial manner; Dump the punitive orientation, be open to being educated by the treatment community, work with (or develop first if necessary and then work with) an established consortium of professional licensed treatment providers, work toward operating as a team, but come to understand the individual agendas of program participants, reduce agreed measures to writing, push to extend and clarify ability to partner with community in supporting the Drug Court
Elizabeth	New Jersey	Proper planning would have resolved significant difficulties, many of which remain to this day.
Albuquerque	New Mexico	Come watch how it's done in another jurisdiction and see if what we do will work in your jurisdiction.
Farmington,	New Mexico	Give drug court a chance. Incarceration is not effective, long term, for true addicts. The prisons are full of non-violent felons whose only criminal violations are reflections of addiction. Another approach must be considered.
Santa Fe	New Mexico	Provide quality treatment services and hire a director that has an understanding of drug addiction and relapse issues. Work with community short term inpatient programs to provide detox and 30 day inpatient services. Community support and high level of involvement with the residing judge.
Amherst	New York	Become involved as the defense component at the earliest possible stages. Be sure that the defense is considered an integral part of the Drug Court System.
Brooklyn	New York	Get in on the ground floor. Many, if not most, of the important decisions on how a drug court will operate are made in the planning stages before any cases are taken. If your office has a preference in how cases are taken, referred, or dealt with, the planning stage is where these decisions are often made. Don't let the defense bar be treated as an afterthought.
Central Islip	New York	Be active in the planning stage of the courtroom. Negotiate aggressively in the beginning with the prosecutor to firmly establish the grounds. Establish with all other third party players in the courtroom your exact role: sometimes other people do not understand your specific role which is to protect the client's interests.
Cheektowaga	New York	Become involved as the defense component at the earliest possible stages. Be sure that the defense is considered an integral part of the Drug Court system.
City of Tonawanda	New York	become involved as the defense component at the earliest possible stages. Be sure that the defense is considered an integral part of the drug court system.
Forest Hills	New York	They should communicate with the jurisdictions that already have the program, in order to discuss their successes and failures; They should also become involved in the early planning stages of the program
Kew Gardens	New York	Maintain integral involvement in the planning process to ensure that the clients' rights will be protected; Make sure that the program's levels of graduated sanctions take into account the inherent difficulty drug

City	State	Advice
		abusers have abstaining from the use of drugs; Be cognizant of confidentiality issues between the client and the case managers and treatment providers; Assign a full time attorney to the court to enable that individual to be involved in staffing meetings and develop a rapport with the judge and the rest of the drug court team
Lackawanna	New York	Become involved as the defense component at the earliest possible stages; Be sure that the defense is considered as integral part of the Drug Court system
New City	New York	Become intensively involved in the planning and implementation of the program; Familiarize yourself with the treatment providers; Encourage open discussion between team members; Become educated about substance abuse
New York	New York	It is imperative to be involved in the planning phase. As criteria are established and dispositions are promulgated the defender must play a key role in devising appropriate strategies.
New York	New York	It is crucial for any public defender office to participate from the onset in the planning and negotiation steps of any drug treatment court.
Niagara Falls	New York	Such programs provide practical and beneficial alternatives to traditional prosecution of the drug related offender. However, the consequences attendant to program failure obviate the legal viability of the program for petty or first-time offenders. From a purely legal standpoint, such cases are resolved more favorably to the defendant through traditional processes. (i.e. fine, case dismissal, conditional discharge.)
Rochester	New York	You need to be involved in planning for drug court from the beginning. If you are not, then the consequences to your clients may be having very unfavorable results. Court administrators and judges need to work with defense counsel in planning for a drug court.
Troy	New York	Err on the side of inclusion in admitting candidates; Take a chance
Troy	New York	Err on the side of inclusion in admitting candidates; Take a chance
Akron	Ohio	To follow our program.
Canton	Ohio	Set up a system so that the client reads over the drug court information 1 or 2 days before meeting with the public defender. Clients are often upset if told they must make a decision on the spot.
Cincinnati	Ohio	It works if you work it! Keep focused on what your client wants to do not what you feel is best for them. Be sure the client has a good understanding of what rights are being waived in order to go into treatment. Push for a diversion Court rather than a post conviction court.
Cleveland	Ohio	Get everyone on board soon as possible and contact other operational Drug Courts when trouble arises.
Sandusky	Ohio	Drug Court is very beneficial to the individual client for obvious reasons, i.e., sobriety, self-esteem, employment; Need to work with other agencies involved, especially with the treatment people; Try to keep clients motivated even if they slip up; Get commitments from all participating parties in writing
Ada	Oklahoma	Defense attorneys should have role in screening clients (we don't here); Build into system as great a range of treatment options as possible
Okmulgee	Oklahoma	Just do it. Begin your program. Not every piece of the puzzle will be in place but it will develop with time and experience.
Purcell	Oklahoma	Assure that all team members are supportive of the Drug Court program
Seminole	Oklahoma	Anticipate how hard it is for participant to complete program; Keep an open mind; Understand that some people will not cease using alcohol

City	State	Advice
		or drugs
Grants Pass	Oregon	Never give up. Fight for client rights. Seek community support.
Klamath Falls	Oregon	Work with DA and other relevant agencies.
Pittsburgh	Pennsylvania	Don't shy away from clients with delivery/possession with intent. Also, be sure to lobby for grant money that allows for much discretion regarding the eligibility of defendants - often we want a defendant, but a prior conviction makes him ineligible.
Philadelphia	Pennsylvania	It is essential to the planning of a drug court that all agencies who will be involved in the drug court participate in its planning and continue to be a part of the implementation. It is particularly important that the public defender's office and or the defense bar be a strong participant so that the procedure established by the drug court protect due process rights.
York	Pennsylvania	Learn as much as you can before starting Drug Court; Take advantage of various Drug Court Clearinghouse & Support agencies; Have attorney whose job function is partially dedicated to Drug Court
Conroe	Texas	Become aware of drug court model in advance.
Roanoke	Virginia	Opposition to unreviewable prosecutorial veto or participation.
Neah Bay	Washington	Make sure that federal confidentiality laws are fully recognized and understood by all drug court players; Be aware of state confidentiality and privilege laws and rules; Apply state and federal laws, rules, statutes on confidentiality and privilege to Drug Court; educate all drug court team members and defense counsel to make sure that laws are followed and that they are fully implemented in the practices and procedures for drug court; defense counsel needs to push for this and cannot rely on judges, many of whom do not know about federal confidentiality laws
Seattle	Washington	Develop effective linkages with all appropriate resources early in the program and maintain linkages on a continuing basis; Consider developing a full or part time position devoted exclusively to developing and maintaining these linkages; make sure representatives of funding sources have regular, direct, informative contact with the program; develop and use sound evaluation processes from the outset

## Appendix:

### Defense Counsel Who Provided Information for Part IV

**The following defense counsel contributed the information reported in Part IV:**

State	County	City	Agency	Name	Tel	Fax	E-mail
Arizona	Maricopa	Phoenix	Maricopa County Office of the Public Defender	Rebecca S. Potter	602/506-5759		
Arizona	Pima	Tucson	Pima County Public Defender's Office	Mary M. Fliegel	520/740-5320	520/882-7293	mfliegel@ids.co.pima.az.us
California	Butte	Oroville	Steven Trenholme, Attorney at Law/Public Defender	Steven Trenholme	530/877-9057	530/877-2873	
California	Kern	Shafter	Public Defender	James Anthony	661/746-7542		
California	Los Angeles	Compton	Compton Public Defender's Office	Russell Griffith	310/603-7294	310/603-7294	
California	Los Angeles	Los Angeles	Office of the Public Defender	Kathy Canlella	213/974-2904	213/617-0614	
California	Los Angeles	Van Nuys	Office of the Public Defender	Ralph A. Courtney III	818/374-2883	818/787-6438	rcourtne@eagle.co.la.ca.us
California	Mendocino	Ukiah	Mendocino County Public Defender		707/463-5433	707/463-5435	thomaj@co.mendocino.ca.us
California	Napa	Napa	Napa County Public Defender	Terry Davis	707/253-4442	707/253-4407	tdavis@co.napa.ca.us
California	Orange	Santa Ana	Orange County Public Defener	Thomas Havlena	714/834-2144	714/834-6650	
California	Riverside	Indio	Public Defender	William Belden	760/863-8231	760/863-8908	bbelden@riverside.co.ca.us
California	Riverside	Riverside	Riverside County Public Defenders Office	John Callaway	909/955-6046	909/955-6025	
California	San Bernadino	Redlands	Public Defender	Dennis R. Wilkins	909/307-2661	909/307-2663	Dwilkins@pubdef.co.san-bernadino.ca.us
California	San Bernadino	San Bernadino	San Bernadino Public Defender's Office	Jane A. Lawrence	909/387-4509	909/386-5045	jlawrence@pubdef.co.san-bernadino.ca.us
California	San Diego	Chula Vista	Public Defender's Office	Evelyn Goldman	619/498-2018	619/498-2039	EGGoldmp@co.san-diego.ca.us
California	San Francisco	San Francisco	Office of the Public Defender	Jami Tillotson	415/553-9316	415/553-9810	jami_tillotson@cl.sf.ca.us
California	San Joaquin	Stockton	San Joaquin County Public Defender's Office	James Larsen	209/468-2746	2009/468-2267	
California	Santa Barbara		Santa Barbara County Public Defender's Office	James K. Voysey, Assistant Public Defender	805/346-7506	805/346-7670	jvoysey@co.santa-barbara.ca.us
California	Santa Cruz	Santa Cruz	Public Defender's Office	Lawrence P. Biggam	831/429-1311	831/429-5664	
California	Solano	Fairfield	Solano County Public Defender	Marvin Brookner	707/421-6710	707-421-6747	

State	County	City	Agency	Name	Tel	Fax	E-mail
California	Sonoma	Santa Rosa	Sonoma County Public Defender's Office	John Abrahams	707/565-3877	707/565-3357	jabraham@sonoma-county.org
Florida	Bay	Panama City	Public Defender- Bay County Drug Court	Micheal Grabner	850/784-6155	850/784-6150	mgrabner@pd14.state.fl.us
Florida	Broward	Ft. Lauderdale	Office of the Public Defender	Jean Costa	954/831-6753	954/831-5535	jcpd123@cs.com
Florida	Dade	Miami	Law Offices of Public Defender Bennett H. Brummer	Carlos J. Martinez	305/545-1903	305/545-1997	cmartinez@pdmiami.com
Florida	Escambia	Pensacola	Public Defender	Ronnie Davis	850/595-4100	850/595-4722	
Florida	Hillsborough	Tampa	Office of the Public Defender	Samantha Ward	813/307-4006	813/272-5588	wards@pd13.state.fl.us
Florida	Hillsborough	Tampa	Office of the Public Defender	Samantha Ward	813/307-4006	813/272-5588	wards@pd13.state.fl.us
Georgia	Fulton	Atlanta	Public Defender's Office	Vernon Pitts/ Marie-Yolaine Bernard/ Mike McClain	404/730-5200	404/730-5856	
Hawaii	Honolulu (Oahu)	Honolulu	Office of the Public Defender, State of Hawaii	John Tonaki / Phyllis Hironaka	808/586-2200	808/586-2222	
Idaho	Ada	Boise	Ada County Public Defender's Office	Lawrence Smith/ Erik Giatte	208/364-2180	208/364-2414	
Idaho	Kootenai	Coeur d Alene	Kootenai County Public Defender	Lynn Nelson, Chief Deputy; Robert Romero, Deputy	208/664-1347	208/769-4475	lnelson@co.kootenai.id.us, rramero@co.kootenai.id.us
Illinois	Madison	Edwardsville	Public Defender	Jennifer Ladd, Client Advocate	618/692-7474	618/692-7011	
Illinois	Winnebago	Rockford	Winnebago County Drug Court	Winnebago County Drug Court	815-961-3242	815/987-3018	
Indiana	Allen	Ft. Wayne	Allen County Drug Court Intervention Program	Michelle F. Kraus	219/422-1116	219/424-0738	Michkraus@aol.com
Indiana	Marion	Indianapolis	Marion County Public Defender Agency	Kathy Downs	317/327-4449	317/327-3799	kdowns@indy.gov.org
Indiana	Vigo	Terre Haute	Vigo County Public Defender Office	Geoffrey Creason and Gary Rider			
Indiana		Gary	Gary City Drug Court	Deidre L. Monroe	219/881-1271		DLMTTC@aol.com
Iowa	Polk	Des Moines	Polk County Drug Court	Blair Bennett	515/277-9008	515/277-4959	Blabennett@Aol.com
Kentucky	Madison/Clerk		Department of Public Advocacy	Lynda Campbell	606/623-8413	606/623-9463	
Louisiana	Duachita	Monroe	Fourth Judicial District	Peggy J. Sullivan	318/387-6124	318/387-5048	pjsull@bellsouth.net
Louisiana	Iberia	New Iberia	Sixteenth Judicial District Indigent Defender Office	Robert K. Tracy	337/365-4006	337/365-0410	IDO16NEWI2@EarthLink.Net

State	County	City	Agency	Name	Tel	Fax	E-mail
Louisiana	Jefferson		Jefferson Parish Indigent Defendant Board	Ernest E. Barrow III			
Louisiana	Lafayette	Lafayette	15th JDC Indigent Defender's Office	Michele S. Billeaud	337/266-2055	337/593-9001	MBILLEAUD@Mindspring.com
Louisiana	Lafourche	Thibodaux	17th Judicial District Indigent Defender Board	Margaret Sollars	504/446-2618	504/446-2623	sollars@cajun.net
Louisiana	Rapides Parish	Alexandria	9th JDC Drug Treatment Court	Earl Vassar	318/473-4270	318/448-1902	EARLVASSAR@aol.com
Louisiana	St. Mary Parish	Franklin	Indigent Defender Board 16th Judicial District	Lewis H. Pitman, Jr.	337/365-3800	337/365-3872	
Louisiana		Oak Grove	Fifth District Drug Court	James M. Miller	318/428-9430	318/428-4031	
Maryland	Baltimore	Baltimore	Maryland Office of the Public Defender	Leonard Kuentz	410/333-4900 x244	410/333-0322	lkuentz@erols.com
Maryland	Harford	Bel Air	Office of the Public Defender	Lloyd G. Merriam	410/836-4880	410/836-4904	
Massachusetts	Worcester	Worcester	Bar Advocates of Worcester County	David Ricciardone	508/753-9069	580/754-6909	dricc1228@aol.com
Michigan	Eaton	Charlotte	Thomas Dutcher- Lead Defense Attorney	Thomas Dutcher	517/543-6585	517/543-1770	TDutc35792@aol.com
Michigan	Kalamazoo	Kalamazoo	Kathleen M. Brickley Attorney At Law	Kathleen M. Brickley	616/345-4127	616/345-7924	
Michigan	Kalamazoo	Kalamazoo	Kathleen M. Brickley Attorney At Law	Kathleen M. Brickley	616/345-4127	616/345-7924	
Michigan	Kent	Grand Rapids	Kent County Defenders Office	Richard E. Hillary	616/774-8181	616/774-9577	
Michigan	Wayne	Detroit	36th District Court-- Drug Treatment Court	Jesse W. Reed, Jr.	313/961-2462	313/491-0510	
Missouri	Boone	Columbia	Missouri Public Defender System	Elizabeth Irvine	573-882-9701	573/882-9147	
Missouri	Butler	Poplar Bluff	Missouri State Public Defender, District 36	Wade M. Schuster	573/840-9775	573/840-9773	
Missouri	Cole	Jefferson City	Missouri State Public Defender System	Richard Starnes	573/526-3266	573/634-4532	rastarnes@yahoo.com
Missouri	Jackson	Kansas City	Missouri State Public Defender System, Area 16	Joel Elmer	816/889-2099	816/889-2999	jelmer@mspd.state.mo.us
Missouri	Mississippi	Charleston	State Public Defender	Mercedes Fort	573/243-3949	573/243-1613	mfort@mspd.state.mo.us
Missouri	Saline	Marshall	Missouri State Public Defender	Kevin O'Brien	660/530-5550	660/530-5545	
Missouri	St. Louis	St. Louis	Missouri Public Defender	Steven D. Miller	314/340-7625	314/340-7595	smiller@mspd.state.mo.us
Nevada	Clark	Las Vegas	Clark County Public Defender	David S. Gibson	702/455-4685	702/455-5112	
New Jersey	Camden	Camden	Camden County Public Defender's Office	Leah McGarry Morris	856/614-3500	856/614-3503	
New Jersey	Union	Elizabeth	Office of the Public Defender, Union Region	James B. Konvick	908/820-3070	908/820-3958	
New Mexico	(Statewide)	Santa Fe	New Mexico Public Defender Department	Phyllis H. Subin	505/827-3931 x104	505/476-0357	Psubin@nmpd.state.nm.us
New Mexico	Bernalillo	Albuquerque	New Mexico Public Defender Department	Jacqeline Cooper	505/841-5168	505/841-5006	jcooper@nmpel.state.nm.us
New Mexico	San Juan	Farmington,	New Mexico Public Defender Department	Arlon L. Stoker - Felony Attorney III	505/326-4043	505/326-4072	astoker@nmpd.state.nm.us

State	County	City	Agency	Name	Tel	Fax	E-mail
New Mexico	Santa Fe	Santa Fe	First Judicial Drug Court Program	Narette Farrely, Social Worker	505/827-3900	505/827-3999	
New York	Erie	Amherst	Erie County Car Association Aid to Indigent Prisoners Society Assigned Counsel Program	Robert D. Lonski	716/856-8804	716/856-0424	rlonski@assigned.org
New York	Erie	Cheektowaga	Erie County Bar Association Aid to Indigent Prisoners Society Assigned Counsel Program	Robert D. Lonski	716/856-8804	716/856-0424	rlonski@assigned.org
New York	Erie	City of Tonawanda	Erie County Bar Association Aid to Indigent Prisoners Society Assigned Counsel Program	Robert D. Lonski	716/856-8804	716/856-0424	rlonski@assigned.org
New York	Erie	Lackawanna	Erie County Bar Association Aid to Indigent Prisoners Society Against Counsel	Robert D. Lonski	716/856-8804	716/856-0424	rlonski@assigned.org
New York	Kings	Brooklyn	Legal Aid Society	Justin Barry	718/243-6812	718/237-8737	jbarry@legal-aid.org
New York	Monroe	Rochester	Monroe County Public Defender	Edward J. Nowak	716/428-5531	716/428-2234	enowak@mcls.rochester.lib.ny.us
New York	New York	New York	Legal Aid Society	Charlotte Hitchcock	212/298-5224	212/349-8610	chitcho@legal-aid.org
New York	Niagra	Niagra Falls	Niagra County Public Defender's Office	Michael C. Schmahl	716/286-4706	716/282-2474	Meschmahl@aol.com
New York	Onondaga	Syracuse	Onondaga County Assigned Counsel Program	John Parker, Executive Director	315/476-2921	315/476-0576	
New York	Queens	Forest Hills	Queens Law Associates		718/261-3047	718/261-0798	
New York	Queens	Kew Gardens	The Legal Aid Society	Seymour W. James, Jr.	718/286-2020	718/286-2486	SWJames@Legal-Aid.Org
New York	Rensselaer	Troy	Rensselaer County Public Defender	Jerome K. Frost	518/270-4030	518/270-4033	
New York	Rensselaer	Troy	Rensselaer County Public Defender	Jerome K. Frost	518/270-4030	518/270-4033	
New York	Rockland	New City	Rockland County Public Defender	Lois Cappelletti	914/638-5660	914/638-5667	Cappeesq@aol.com
New York	Suffolk	Central Islip	Legal Aid Society of Suffolk County Inc.	Susan Ambro, Jeanne Salmon, Beth Fleishman	631/853-5212	631/853-7798	
New York	Tompkins	Ithaca	Elizabeth Costello, Assigned Drug Court Attorney	Elizabeth M. Costello	607/275-3799		
Ohio	Cuyahoga	Cleveland	Cuyahoga County Public Defender's Office	William B. Kelly	216/443-7223	216/443-3632	
Ohio	Erie	Sandusky	Erie County Public Defender	Mary M. Bower	419/627-6620	419/627-6633	maryb@cross.net
Ohio	Stark	Canton	Stark County Public Defender Office	April R. Bible	330/430-2250	330/580-4610	

State	County	City	Agency	Name	Tel	Fax	E-mail
Ohio	Summit	Akron	Legal Defenders Office of Summit County Ohio, Inc.	Susan Ragsdale	330/434-3461	330/434-3371	SCPD@aol.com
Oklahoma	Hughes	Holdenville	Butner & Butner	Richard E. Butner	405/257-6254	405/257-5638	butner@okplu.com
Oklahoma	McClain	Purcell	21st Judicial District Drug Court	Bob A. Smith	405/527-4717	407/527-4936	
Oklahoma	Pontotoc	Ada	Oklahoma Indigent Defense Systems		580/332-3355	580/332-9959	
Oklahoma	Seminole	Seminole	Mark Phelps Law Office	Mark Phelps	405/382-0021	405/32-0024	
Oklahoma		Okmulgee	Muscogee (Creek) Nation	Rod W. Weiner	918/756-0900	918/756-0943	brwlaw@flash.net
Oregon	Douglas	Roseburg	Umpqua Valley Public Defender	Karen LaValley	541/957-5344	541/673-2748	
Oregon	Josephine	Grants Pass	Southern Oregon Public Defenders		541/471-3361	541/471-3365	
Oregon	Klamath	Klamath Falls	Klamath Defender Services (KDS)	Phil Studenberg	884-0333	884-0959	Studenberg@aol.com
Oregon	ILane	Eugene	Public Defender Services of Lane County, Inc.	Public Defenders' Services of Lane County	541/484-2611 ext. 109 or 1-800-842-3682 ext 109	541/484-5068	phillips%lanepds@uunetuu.net.
Oregon	Multnomah	Portland	Metropolitan Public Defender/ S.T.O.P. Program	Shelita Pedersen, Legal Assistant	503/225-9100	503/295-0316	spederse@mpdlaw.com
Pennsylvania	Allegheny	Pittsburgh	Offices of the Public defender's office.	Patrjck A. Sweeney	412/350-3033	412/350-2390	
Pennsylvania	Chester	Westchester	Chester County Public Defender's Office	J. Graham Andes/ Nathan Schlenker	610/344-6940	610/344-6120	gandes@chesc.org
Pennsylvania	York	York	Office of the Public Defender	James B. Rader	717/771-9343	717/771-4759	
Pennsylvania		Philadelphia	Defender Associatikon of Philadelphia	Erica Bartlett	215/557-4943	215/557-4953	
Texas	Montgomery	Conroe	The Drug Court for Montgomery County	Janice Bladwin	281/356-9853	281/259-8556	
Texas	Montgomery	Conroe		Earl L. Pryor	409/539-4600	409/539-5764	
Texas	Travis	Austin	[No agency, Two attorneys appointed by District Judge]	David Grassbaugh	512/707-9281		david@parachute.com
Virginia		Fredericksburg	Office of the Public Defender	Lori McPherson	540/899-4814	540/372-3599	
Virginia		Roanoke	Office of the Public Defender	Raymond F. Leven	540/857-7111	540/857-7096	
Washington	Clallam	Neah Bay		John McCarty	360/645-3102	360/645-3112	Heishka@hotmail.com
Washington	King	Seattle	Associated Counsel for the Accused	Paige Marberding	206/624-8105 x239	206/624-9339	Paige.Garberding@metrokc.gov
Washington	Skagit	Mount Vernon	Skagit County Public Defenders	Gary Gaer	360/336-9405		
Wisconsin	Dane	Madison	State Public Defender's Office--Madison Trial	Dee Dee Watson	608/267-4881	608/267-1777	