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Roundtable

‘A NEW WAY OF DOING BUSINESS’

A Conversation about the Statewide Coordination of Problem-Solving Courts

Bureau of Justice Assistance

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'A NEW WAY OF DOING BUSINESS'

INTRODUCTION

After the Miami-Dade County Drug Court opened in 1989, it inspired jurisdictions around the country to create specialized courts that link drug-addicted offenders to judicially monitored treatment. Similarly, after the Midtown Community Court opened in New York City in 1993, it set an example for beleaguered communities across the country, which began to develop courts that combined punishment and help to steer low-level offenders in a law-abiding direction.

Soon, other types of problem-solving courts emerged on the national scene: domestic violence courts, mental health courts, driving under the influence courts, homeless courts, sex offense courts, and others. By 2008, there were more than 2,500 problem-solving courts in the U.S.

In a recent development, practitioners of problem-solving justice have begun to think about how to coordinate and administer problem-solving courts on a statewide basis. While much has been said and written about the history and development of problem-solving courts, to date little attention has been paid to this relatively new phenomenon of statewide problem-solving coordination.

This led the U.S. Department of Justice's Bureau of Justice Assistance and the Center for Court Innovation to bring together 18 policymakers, researchers, and practitioners for a roundtable on the topic of statewide coordination of problem-solving courts.

This paper summarizes that discussion, which took place in April 2008 in Washington D.C. The roundtable was moderated by Tim Murray, executive director of the Pretrial Justice Institute.

PARTICIPANTS

Participants were drawn from a range of professions and disciplines. Included were judges, court administrators, researchers, policymakers, and representatives of national organizations that work on problem-solving jus-

tice. Murray called them "a very interesting array of individuals who have dedicated themselves personally and professionally to upsetting the status quo." Eight states that are working on statewide administration of problem-solving courts were represented: California, Idaho, Indiana, Maryland, New York, Pennsylvania,Utah, and Vermont. The participants were:

Dan Becker, State Court Administrator, Utah Administrative Office of the Courts

Greg Berman, Director, Center for Court Innovation

Caroline Cooper, Associate Director of Justice Programs, American University

The Hon. Justice Daniel Eismann, Chief Justice, Idaho Supreme Court

Nancy Fishman, Project Director, The Council of State Governments' Justice Center

The Hon. Karen Freeman-Wilson (ret.), Principal, Freeman-Wilson Lewis Shannon LLC, and former Executive Director, National Association of Drug Court Professionals

The Hon. Jamey Hueston, Chair, Maryland Problem-Solving Courts Commission

Spurgeon Kennedy, Director, Research, Analysis and Development, D.C. Pretrial Services Agency

The Hon. Judy Harris Kluger, Deputy Chief Administrative Judge for Court Operations and Planning, New York State Unified Court System

Edward W. Madeira, Chair, Pennsylvania Commission for Justice Initiatives

Douglas Marlowe, Chief of Research, Law and Policy, National Association of Drug Court Professionals

Kim Ball Norris, Senior Policy Advisor for Adjudication, Bureau of Justice Assistance, U.S. Department of Justice

The Hon. Eileen Olds, Judge, Chesapeake (Virginia) Juvenile and Domestic Relations District Court, and President, American Judges Association

Valerie Raine, Director of Drug Court Programs, Center for Court Innovation

Dawn Rubio, Principal Court Management Consultant, National Center for State Courts

The Hon. John Surbeck, Chair, Indiana Problem-Solving Courts Committee

Lee Suskin, President, Conference of State Court Administrators, and Court Administrator, Supreme Court of Vermont

Nancy Taylor, Lead Staff, Collaborative Justice Project, Center for Families, Children and the Courts, Calif. Administrative Office of the Courts

QUESTIONS

A number of participants expressed a sense that the day's conversation was timely. Murray said statewide coordination was the next new thing in problem-solving justice, one that until that moment "hasn't gotten any light or air."

Greg Berman, director of the Center for Court Innovation, expressed wonder that policymakers were mulling how to institutionalize problem-solving courts. "If you had told me back in the early '90s that I would be here today with a bunch of states that were interested in going statewide with problem-solving courts and the Bureau of Justice Assistance would be convening them, I think my jaw would have dropped. ... I feel like we're on the precipice of a new dawn," he said.

"We're moving out of adolescence into a point of maturity," said Dan Becker, Utah's state court administrator.

Kim Ball Norris, Bureau of Jusstice Assistance senior policy advisor for adjudication, said the roundtable was an effort to "identify the key challenges of institutionalization and share knowledge so that practitioners don't have to reinvent the wheel."

The conversation was underpinned by a series of related questions: What is statewide coordination? Why is it happening? And what are the benefits and risks?

Domingo S. Herraiz, director of the Bureau of Justice Assistance, asked another key question in his welcoming remarks: "Is it possible to sustain enthusiasm for problem-solving courts as the original innovators move on?" The concern, as Berman subsequently put it, is that creating "statewide architecture around problem-solving courts risks sapping the creativity and the flexibility and the entrepreneurial energy that have been so crucial to the success of the pioneering courts."

BUILDING LEGITIMACY

Doug Marlowe, chief of research, law, and policy at the National Association of Drug Court Professionals, felt the benefits of statewide coordination outweighed the danger that a new bureaucracy might stifle innovation. In order to promote problem-solving, "you've got to be institutionalized and you've got to have power," Marlowe said. "That may have the effect of stifling innovation to some degree, but you can be very innovative and very weak, and you won't actually accomplish very much."

Berman, picking up on this idea, pointed out how hard it can be to implement new policies. "There's an enormous resistance to change. Say you want to do a drug court or a domestic violence court in a jurisdiction, and there is a recalcitrant prosecutor. A little jurisdiction by itself is more than likely not going to have the power to take on that recalcitrant prosecutor. But a statewide administrator has the power to influence an individual prosecutor."

Becker said that instead of "power," advocates of problem-solving justice should seek "legitimacy." "I think the coordination in our state has meant getting the attention of the Judicial Council, the state court administrator, and the chief justice to put their imprimatur on this new way of doing business, and that legitimizes the work of a lot of people out there doing this on a day-to-day basis. And by extension it expands the number of people willing to do it," Becker said.

Everyone agreed on something statewide coordination should avoid: promoting what Judge Judy Harris Kluger of New York called a "cookie-cutter approach."

"The last thing we wanted was a cookie-cutter approach. What we wanted to do is to be able to provide training, to assist in funding, to promote a conversation between different parts of the state that may be doing things similarly but could learn from each other," said Kluger, the statewide deputy chief administrative judge for court operations and planning for the New York State Court System.

Spurgeon Kennedy, director of research, analysis, and development at the D.C. Pretrial Services Agency, suggested that policymakers avoid the idea of an inflexible "model," which Kennedy called "one of the big cuss words in criminal justice":

> I don't like saying that there is ... a [single] model of how a problem-solving initiative should look, that you have to have these things or we're not going to call you a drug court, we're not going to call you a mental health diversion court. That gets away from the feeling of innovation that we've pioneered over the last 20 years or so.

Murray pointed out that the 10 key components of drug court were created "to provide local practice some flexibility .... They aren't particularly rigid."

ALTERNATIVES TO COURT

Taking these ideas in another direction, some wondered if statewide coordination risks promoting the problem-solving concept to the detriment of other effective—and in some cases, better—solutions. For instance, Nancy Fishman, project director of the Council of State Governments' Justice Center, noted that a problem-solving court was not always a good fit in every jurisdiction and that therefore statewide coordinators should not automatically set a goal of opening every type of court in every corner of a state:

> I think that there is a real risk of holding out one discrete model that people latch on to but that may or may not be the most appropriate response. A mental health court may not be the best solution in every jurisdiction... A community may not have adequate mental health resources. They may not have the range of services that make something like this viable. ....You really have to understand how people are flowing through the judicial system to see whether having a court is the right solution for that particular jurisdiction.

A number of others echoed this thought. Nancy Taylor, lead staff of the Collaborative Justice Project in the California-based Center for Families, Children and the Courts, asked, "Do all of these problems still need to come to court?" while Kennedy said: "I don't know that bringing them into the criminal justice system is the best problem-solving approach for the mentally ill or for some others who are involved in substance abuse, but

that seems to be the thing that's happening. If there is statewide coordination, then I think part of it has to include asking whether everything has to be solved in court. ... Is the solution always getting the offender in front of the judge rather than, for instance, having a police officer remove them to a mental health services provider outside of the justice system?"

Lee Suskin, president of the Conference of State Court Administrators and court administrator for the Supreme Court of Vermont, thought the person ideally suited to find the best solution for different types of offenders was a statewide coordinator familiar with all the various problem-solving responses: "I think having the same person coordinating the drug courts and mental health courts and the community response makes sense because really what we're talking about is what is the appropriate response of the criminal justice system, of the community, to an individual who is exhibiting anti-social behavior?"

Judge John Surbeck, chairman of the Indiana Problem-Solving Courts Committee, said that an important function of a statewide coordinator was to determine which populations were most appropriate for problem-solving courts. "Are problem-solving courts going to take in populations that are inappropriate, that we don't need the court for? We need to define who should be there and who shouldn't be there. That's just another one of the reasons why we need statewide coordination," Surbeck said.

Judge Jamey Hueston, chairwoman of the Maryland Problem-Solving Courts Commission, said the court system almost always had a role to play, but sometimes only as a wielder of "moral authority":

> I would like to see most criminal and civil justice problems addressed in a problem-solving approach. That does not mean it has to come in front of a court. But it does mean that with the moral authority of the court we are able to rally the resources and get the people at the table and perhaps even get the funding that you might not be able to get otherwise.

Berman noted that statewide coordination can be an exercise involving courts; or it can be an effort to promote something larger—specifically the overarching principles of problem-solving:

> Are we talking about the statewide coordination of problem-solving courts or problem-solving principles? In my experience it's easier if we define it as courts because you can show people drug courts and mental health courts and get them jazzed. Replication is an easy goal to articulate. But if we're talking about spreading ideas, such as collaboration, using social science research in a new way, taking a different approach to justice, then I think that leads us down a different path. It broadens the playing field enormously.

Murray said he and other early proponents of drug courts had hoped drug courts would quickly disappear once the larger criminal justice system became convinced of their efficacy:

> I naively thought that if drug courts disappeared after four or five years that would be a victory because we would have convinced everyone of the value of these principles, and we wouldn't need a dedicated forum.

Dawn Rubio, principal court management consultant at the National Center for State Courts, noted that some stakeholders in the court system are suspicious of all problem-solving courts, feeling that they divert resources from the many to the few. "I worry about the shift of resources away from traditional adjudication models. There is still that tension that problem-solving courts focus on a few rather than the many. We're spending a lot more money on these 20 folks or these 50 folks or these 100 folks and we have a system that processes 30,000 people a month. So I think from a monetary perspective, it's frightening; and from an institutional perspective, there is a concern as well."

Karen Freeman-Wilson, the former executive director of the National Association of Drug Court Professionals, countered that there doesn't have to be a tension. She explained: "I think that there are many aspects of the problem-solving court model that we can apply in traditional courts. And I think that there are ways that we can create a problem-solving court system that does not necessarily shift resources from traditional court. I think the ultimate idea is to shift the resources from the departments of correction and other places where that money could be put to better use."

Fishman said that many outside problem-solving courts might be uncomfortable with the idea of integrating problem-solving principles into the larger justice system: "If you say, 'Actually now that we're done with this distinct model, we want to change the way the whole system works to reflect these principles,' that's much more frightening to people invested in the status quo."

Becker said that although it was a goal of problem-solving practitioners to integrate problem-solving principles into the mainstream justice system, it's unrealistic to think this can happen quickly:

> I was one of those who pushed real hard in the [Conference of Chief Judges/Conference of State Court Administrators] resolution to put in that we should be trying to get the broad institutionalization of these principles or practices in courts generally within the next decade.[1] Eight years later I think it would have been preferable to say over the next 40 years. I think that we had a naiveté about being able to apply these principles in a broad setting without specialty courts. I've come to believe that this will happen by attrition, that judges will retire and they'll be replaced with other judges who are much more receptive to this. ... It will take time, but I believe that 30 or 40 years from now it will be a way of doing business.

A possible obstacle to integrating problem-solving principles into the mainstream justice system is if problem-solving courts remain in separate silos. Berman said it was important to avoid a "dystopian" future in which "all these things continuing to proceed in silos and perhaps even competing with each other for scarce resources."

Taylor said California is exploring ways to avoid that outcome. For one thing, the state court system is encouraging local courts to develop "ways to bring together the different types of collaborative courts."[2] For instance, Orange County and San Francisco are using their new community courts "to pull together several types of collaborative courts and then house them together to fit a particular community," Taylor said.

IN THE SHADOW OF DRUG COURTS

A major concern that was raised frequently was the notion that drug courts—in large part because they outnumber other types of problem-solving courts—may have undue influence over statewide coordination efforts. "What about mental health courts, what about community courts, do they stand a chance in the shadow of drug courts who got there first and who have such numeric superiority?" Murray asked.

Among the concerns expressed by participants: that statewide coordinators might divert dollars from other problem-solving courts to drug courts or might apply drug court principles to other problem-solving models, where they're not always a good fit.

"Everything for the mental health courts has been: Let's take the drug court guidelines, change a few words around and we have mental health court guidelines," Fishman said, noting that such an attitude is a serious mistake: "The needs, the resources are different, the framing of the courts and what they do and the people going through them are different."

Some worry that practitioners with a bias toward drug courts are now leading the charge toward statewide coordination. "You have a drug court coordinator who's then put in charge of mental health courts, too, and then they become the problem-solving court coordinator," Fishman said.

But not everyone had a problem with that scenario. For instance, Suskin noted: "In Vermont, the drug court coordinator is now the treatment court coordinator. She coordinates not only the adult drug courts, but the family treatment courts, the juvenile delinquency drug court, the mental health court, and the domestic violence court. It works."

Becker pointed out that even at meetings dedicated to discussing problem-solving courts—including the current roundtable conversation—"we fall back on talking about drug courts. I would like to come to one of these meetings where you weren't allowed to talk about drug courts. You have to talk about principles and methods and get beyond drug courts. We've got a lot of experience with drug courts. I think it's time to put the same rigor in this discussion that we've had for years with drug courts into other settings."

One way to address this issue is to establish how problem-solving models differ and "the extent to which all problem-solving courts are alike," Fishman said.

Taylor said she found it helpful to think of problem-solving courts as falling into at least two distinct categories—"treatment courts where there is treatment involved and service courts, like homeless courts and to some degree community courts, where there may be other things going on that are not necessarily treatment." One way to build bridges and avoid misunderstandings among different types of problem-solving courts is to have "a diverse group of practitioners at the table," Taylor said.

Kluger said that in order to maintain key distinctions among the justice system's response to diverse issues, like drug abuse, mental illness, and domestic violence, you need to maintain "a bright line between certain kinds of courts. [In New York] we make it very clear that domestic violence courts are not rehabilitative like drug court and mental health court. We train the people differently, and we plan differently."

Daniel Eismann, chief justice of the Idaho Supreme Court, said there were no conflicts among problem-solving courts in Idaho, and that drug courts didn't exert undue influence over planning. "Once the legislature appropriates the money, it goes to the statewide coordinating committee. And the court will recommend how we divide it up among the various problem-solving courts based on how many slots or how many people you can have at one time in each of the courts. We haven't had any conflicts."

RESPONSIBILITIES OF STATEWIDE COORDINATION

A significant portion of the conversation was devoted to outlining the responsibilities and advantages of statewide coordination of problem-solving courts. The most frequently mentioned responsibilities were:

Evaluation

At the outset of the conversation, A. Elizabeth Griffith, the Bureau of Justice Assistance's deputy director of planning, who attended as an observer, encouraged participants to think about how states can help build infrastructure so that programs collect relevant and accurate data. A number of participants felt that evaluation and research at a statewide level was going to produce better results and have a more meaningful impact on policy.

Marlowe pointed out that a statewide platform allows the results of research to be directed effectively toward an influential audience—in particular, state legislatures:

> What I have found most recently as I've spent a lot of the last six months speaking to state legislators about evidence-based practice and problem-solving courts is that they're listening. If these were little programs in isolated communities, I wouldn't be before legislative commissions talking about this. ... Coordination and institutionalization are critical because you can't ask an individual program to do good quality research. You just can't. They don't know what to do. ... They'll give you 100 poor-quality evaluations that tell you nothing. It's better to have two or three good-quality evaluations than 100 poor ones.

Echoing this idea, Suskin said having "that single [statewide] coordinator bring in people like Doug Marlowe to train our judges on the principles and what works and what doesn't work has been extremely important." Added Becker: Statewide "coordinators should be conduits to educate local courts about research."

Hueston said a statewide coordinator can help ensure that evaluations are "systemic" and "consistent." Rubio said that having a statewide entity "set up the parameters for evaluations is very, very helpful... It takes the burden off the local programs to hire experts or become evaluation experts themselves, and also can put the pool of

all participants—whether it be mental health court or drug court or community court—into a larger pool for evaluation purposes."

Marlowe agreed: "The evaluations are getting better. ... All the state coordinators as a group have learned from the research literature what needs to be done. Like this whole creaming and net-widening thing: the research suggested that drug courts move away from that. They are now picking a much higher-risk population because their research says that is the population you want to be picking."

Resources

Resources were another key issue. How are problem-solving courts coping with declining federal dollars? Many people pointed out that statewide coordinators had a better chance to find new revenue streams than individual problem-solving courts on their own.

Kennedy said, "For us coordination really is more along the lines of support. It's being able to say that here is an idea; [and here are] resources to help you develop that idea."

A statewide approach to funding ensures, among other things, that individual problem-solving courts don't fight over money, Hueston said.

In Utah, they've developed a way, via statute and statewide coordination, to avoid internal competition for funds, Becker said. "The statute says that for every dollar that is appropriated for this purpose, 87 percent of it goes to the Department of Human Services to award grants to support these programs and 13 percent goes to court operations. And there is a tripartite committee—myself, the director of human services, and the director of corrections—and we hand out the money. The structure helps eliminate competition within the court system."

Suskin said Vermont does something similar. "Our state treatment court money goes to the human services agency," he said. "And we sit down with them and, through a memorandum of understanding, they transfer the money we need for coordination, but most of the money for these courts is for treatment."

Taylor said California also does something similar. "We fund mental health courts and drug courts through separate streams, which helps keep down the competition, but there are certain types of courts that don't fit that model—the homeless courts and peer courts—where I have seen more struggles in terms of getting the funding that matches what they are doing."

Eismann pointed out that statewide coordination of resources can result in cost savings. For instance, "if we can get some sort of entity that will take all the statewide drug testing and get it at a cheaper rate for the smaller areas than they are currently getting it at, there is a cost saving there."

Among the strategies mentioned for obtaining funds were:

> *Persistence:* "Three-and-a-half years ago, we wanted to fund the creation of crime task forces for law enforcement, but other priorities took precedence. Still, we thought it was a good idea and never gave up. Finally, after four years, we're seeing it funded." (Herraiz)

> *Documenting cost savings:* "I have a great coordinator who has put together at the request of the Senate Appropriations Committee exactly how much money we're spending on prosecution time, defense time, judge time, coordinator time, community treatment time. ... We've been able to show, based on that, some court cost savings." (Suskin)
>
> *Performing effective evaluations:* "We realized that we wouldn't get any funding unless we proved our worth. So we established from the beginning a very comprehensive evaluation system. We have been evaluated up, under, over, in between—any preposition you want, and I'm very proud now that it sets the standard for almost any new innovation in Maryland." (Hueston)

Becker said that "statewide coordination is very important in that it brings together resources from other state agencies so that the courts can function. And so, for example, from the Department of Corrections, we have probation officers who can supervise people in either a mental health court or drug court."

Roundtable participants also discussed the idea of using the leverage of statewide coordinators to advocate for related change in other fields. Fishman asked if statewide coordinators were making "sure that there are enough treatment beds, treatment slots... in order to make these courts functional."

Eismann concurred that this was an important question. "We can't expand the mental health courts unless there is the treatment at the local level. ... If the local resources aren't there, we won't start a mental health court in that area," Eismann said.

Murray pointed out that many governments are strained financially; when that's the case, programs that benefit "problematic populations" are most likely to suffer. "We work with populations that are not popular or are not attractive," Murray said.

But money isn't the only thing programs need to survive, Herraiz pointed out. "I'm also one who believes strongly that even though there appear to be limited resources, when you take money off the table, it's the good idea and the people who have passion for the work that really can make a difference," Herraiz said.

Dissemination of Information

A number of participants felt a key role for statewide coordinators was providing training and disseminating information about best practices.

Judge Eileen Olds, president of the American Judges Association, said that statewide coordination will become even more crucial as the first generation of problem-solving judges moves on: "There are going to be more judges who need that kind of guidance."

Kluger offered an example of how her office was keeping domestic violence courts up to date on new research: "We learned from a study that batterer intervention programs did not impact recidivism, so we disseminated that information to all our domestic violence courts. Now our domestic violence courts in New York are handling those cases in a different way by saying, 'Yes, we are going to use batterers programs but they are going

to be a monitoring tool.' The courts now have an understanding that the batterers programs don't prevent recidivism—and that education happened because we have statewide oversight."

Eismann said it was far more practical to coordinate training at the statewide rather than the local level: "We have an annual training institute for everyone involved in drug courts and mental health courts. We bring in national experts. ... You can do that at the statewide level; it would be very difficult to have dozens of different little training sessions at the local level with national presenters."

Setting Standards

Participants said they expected statewide coordinators to set standards.

"We needed guidelines so that not just anybody hangs up a shingle and says that they are a problem-solving court," Hueston said.

Added Taylor: "I think quality assurance issues are an appropriate role for statewide coordination."

Valerie Raine, director of drug court programs at the Center for Court Innovation, noted that policy and procedure manuals for conventional courts "weren't written for courts that have huge clinical interventions, referrals to services, supervision of participants." She argued that statewide coordinators should create manuals outlining best practices for problem-solving courts.

Caroline Cooper, associate director of justice programs at American University, said that in doing so statewide coordinators can play a key role in ensuring that participants' rights are protected.

Raine put it bluntly: "Until we have appellate review of these courts, which we don't have a lot of yet, then the court system has some responsibility to provide oversight or guidance or a quality check to make sure that these courts are not off somewhere crazy."

Kluger said that reporting requirements, including "periodic meetings—either by video conference or in person," allow her staff to identify problems. For example, "in our integrated domestic violence courts, if we see a county that hasn't taken in any cases in the last term, the technical assistance team from my office will go back to the jurisdiction and say 'What is happening here? Why is this happening?' "

Influencing Criminal Justice Policy

Statewide coordinators have an important advantage over local practitioners in that they can see the big picture, some participants said. This vantage point allows them, among other things, to direct resources and encourage the development of new programming where it's most needed.

"Another point I just want to make about the benefits of coordination," Kluger said, "is that it's also about pinpointing places where nothing is happening and saying 'It makes sense that we start a process here for creating a drug court or domestic violence court or mental health court.' "

Becker credited problem-solving courts—specifically drug courts—with fueling a shift in the orientation of the entire Utah criminal justice system:

> The focus that drug courts have put on treatment gave rise to a lot of interest on the part of the larger criminal justice community in Utah. ... All of the criminal justice agencies got together and worked for several years on crafting legislation that's called the Drug Offender Reform Act, which provides for screening and assessment for every single person charged with a felony where there's a drug offense involved. And it fast tracks treatment. The legislature last year stepped forward and funded about half of the cost of implementation; they'll fund the other half next year hopefully, which is about $16 million. In Utah that's a lot of money. And that's a complete shift in public policy. ... I suspect you could trace that back to the roots of drug courts putting the emphasis on treatment.

Taylor said, "California has a similar story. We have had voluntarily redirection of funding from corrections to drug courts and also from the child welfare system to dependency drug courts. ... State coordination allowed the linking together of those systems. We have the data to support the efficacy of it and we were able to talk to the leadership of the other branches to say, 'Look, if we're having trouble meeting the national expectations of Title IV-E in child welfare, look at the results we're getting with the dependency records. Maybe that is a good place to put some dollars.' "

Hueston said that positive evaluations have generated bipartisan support, allowing her statewide problem-solving committee to influence public policy: "We've been able to garner such respect because of our evaluation program. ... They don't always give me everything I want, but we have bipartisan support and that's because of the state collaborative oversight that gives legitimacy from the top down."

Hueston and Kluger both spoke of the need to use their statewide positions to help get sufficient funding for agencies that the courts collaborate with. Hueston said some agencies are "collapsing under the weight" of problem-solving courts' success. "They are not able to help us with maintaining current programs, much less expanding them," she said.

Added Kluger: "We're seeing some local stakeholders feeling the dollars crunch and we have to try to go to the funding sources and say, 'This is important not just in this little county but statewide.' "

Cooper noted that a statewide perspective allows observers to answer big-picture questions about resource utilization and devise strategies to ensure that problem-solving courts reach the largest population possible.

While there seemed to be general agreement about the potential benefits of statewide coordination, it was not clear that statewide coordination was a practical option in every state. While, for instance, Kluger has a 12-person staff to help her coordinate problem-solving courts in New York, other states lack the resources, political will, or bureaucratic structure to carry out such far-reaching coordination. Edward W. Madeira, chairman of the Pennsylvania Commission for Justice Initiatives, pointed out that although the court system in Pennsylvania is unified, coordination of problem-solving courts is a county-by-county proposition.

"To me, going ahead in Pennsylvania is one of the most challenging exercises in civics I've ever had. You have to bring three branches of government to work and play together at a state level in a way they have never worked

and played before. And then you have to get into 60 different counties. ... This is not for the faint-of-heart," Madeira said.

CONCLUSION

States are at varied stages of attempting to coordinate problem-solving courts. The day-long discussion among 18 practitioners, researchers, and policymakers underscored the importance of these efforts. While everyone seemed to agree that coordination had advantages—in terms of mustering resources, setting standards, coordinating with other justice agencies, and sponsoring and disseminating research—not everyone agreed on what form coordination should take, how it should be achieved, or what its ultimate goal should be.

Should statewide coordination concern itself with encouraging replication of problem-solving courts or should it focus more on principles beyond specialized courtrooms? How much emphasis should statewide coordination place on promoting particular models or breaking down boundaries among types of problem-solving courts? How can statewide coordinators encourage local innovation while also creating a supportive statewide infrastructure (rules, regulations, policies, and procedures)?

Individual problem-solving courts are complex, involving new partnerships, new roles, and new players both in and outside the courthouse. Given that each problem-solving court is typically shaped by local circumstance, the challenge of supporting and overseeing problem-solving courts on a statewide level is daunting. This is, by and large, uncharted territory: no single state can claim a successful roadmap for others to follow. The stakes are significant. The success or failure of statewide administration will go a long way toward determining whether problem-solving courts fulfill their potential.

Following the roundtable, the Bureau of Justice Assistance created a listserv for statewide coordinators. (To find out more about the listserv, e-mail expertassistance@courtinnovation.org.) The listserv supports the continued exploration of issues around statewide coordination by encouraging participants to pose questions, share experiences, and brainstorm new strategies. One byproduct of these communications will be a guide (to be released in 2009) that will outline the central goals of statewide coordination. It is hoped that the report, and the ongoing dialogue among statewide coordinators, will promote the development of best practices and new resources to help statewide coordinators address challenges as they emerge.

NOTES

1 In 2000, the Conference of Chief Justices and the Conference of State Court Administrators adopted a resolution that called, in part, on both organizations to "encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community." The full resolution is available at http://cosca.ncsc.dni.us/Resolutions/CourtAdmin/resolutionproblemsolvingcts.html.

2 Practitioners in California commonly refer to problem-solving courts as "collaborative courts" or "collaborative justice courts."

Center for Court Innovation

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State Unified Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, family treatment courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping courts across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice by convening roundtable conversations that bring together leading academics and practitioners and by contributing to policy and professional journals. The Center also provides hands-on technical assistance, advising court and criminal justice planners throughout the country about program and technology design.

For more information, call 212 397 3050 or e-mail info@courtinnovation.org.

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