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ISSUES THAT RESULT FROM TRANSITION OF NEW JUDGE IN DRUG COURT

1. NEW JUDGE HAS TO OVERCOME THE LONG SHADOW CAST BY THE PREVIOUS JUDGE. THIS IS ESPECIALLY DIFFICULT IF THE JUDGE BEING REPLACED WAS THE FIRST DRUG COURT JUDGE OR VERY POPULAR. THERE IS ENORMOUS PRESSURE ON THE NEW JUDGE TO CONTINUE SUCCESS OF THE PREVIOUS JUDGE.
2. NEW JUDGE HAS TO CHANGE FROM FORMALITY OF REGULAR CRIMINAL PROCEEDINGS TO INFORMALITY OF DRUG COURT.
3. NEW JUDGE HAS TO BECOME AN EXPERT ON DRUG ADDICTION SO THAT HE IS PREPARED TO HANDLE THE DRUG COURT CALENDAR WITH THE APPROPRIATE KNOWLEDGE AND UNDERSTANDING OF DRUG ADDICTS AND THEIR BEHAVIOR.
4. THE CHEMISTRY OF THE DRUG COURT TEAM WILL ALWAYS BE CHANGED BY THE LOSS OF ONE OF THE MEMBERS OF THE TEAM. HOWEVER, THE CHANGEOVER FROM ONE JUDGE TO ANOTHER ONE IS LIKELY TO CAUSE THE GREATEST DISHARMONY TO THE DRUG COURT TEAM BECAUSE THE JUDGE USUALLY EXERCISES THE LEADERSHIP ROLE IN THE DRUG COURT TEAM.
5. THERE IS AN INITIAL LOSS OF TRUST AMONG THE DRUG COURT TEAM AS A RESULT OF A NEW JUDGE MOVING TO THE DRUG COURT. THE FRAGILE NATURE OF THE DRUG COURT TEAM IS SUBJECT TO STRESS BECAUSE OF THE CHANGE, AND DISAGREEMENTS AMONG THE DRUG COURT TEAM MAY SURFACE DURING THE TRANSITION PERIOD FROM ONE JUDGE TO ANOTHER.

6. THE NEW JUDGE SHOULD BE GIVEN TRAINING IN HANDLING A DRUG COURT CALENDAR PRIOR TO BECOMING THE DRUG COURT JUDGE. AT A MINIMUM, THE NEW JUDGE SHOULD BE ALLOWED TO OBSERVE THE DRUG COURT FOR A WEEK OR TWO SO HE CAN BECOME FAMILIAR WITH THE PROCEDURES AND CULTURE OF DRUG COURT. THERE IS A DRAMATIC DIFFERENCE BETWEEN A DRUG COURT CALENDAR AND A REGULAR CRIMINAL CALENDAR. A NEW JUDGE MUST BE GIVEN AN OPPORTUNITY TO ACCLIMATE HIMSELF TO THE DIFFERENT ATMOSPHERE OF A DRUG COURT.

FOR EXAMPLE, SEVERAL JUDGES FOUND THE CONCEPT OF SHAKING HANDS WITH AND/OR HUGGING DRUG COURT DEFENDANTS IN RECOGNITION OF THEIR ACHIEVEMENTS IN DRUG COURT TO BE COMPLETELY THE OPPOSITE OF DEALING WITH CRIMINAL DEFENDANTS. ONE JUDGE STATED HE HAD TO LEARN THAT HE WAS IN DRUG COURT TO HELP DEFENDANTS. THIS WAS DIFFERENT FROM HIS CRIMINAL CALENDAR WHERE HE WAS DETACHED FROM THE DEFENDANTS.

7. IF NEW JUDGE WAS FORCED TO TAKE DRUG COURT ASSIGNMENT, THERE MAY BE RESENTMENT OR AT LEAST A PERCEPTION THAT DRUG COURT IS NOT A DESIRABLE ASSIGNMENT.
8. IN SOME CASES, THE MOVEMENT OF ONE DRUG COURT TEAM MEMBER SUCH AS THE JUDGE MAY CAUSE OTHER MEMBERS OF THE DRUG COURT TEAM TO ALSO MOVE ON TO NEW ASSIGNMENTS.
9. THE NEW JUDGE FACES THE PROBLEM OF NOT HAVING THE BENEFIT OF THE INSTITUTIONAL MEMORY OF THE DRUG COURT. WHEN THERE ARE DISPUTES ABOUT PREVIOUS POLICIES OR HOW ISSUES WERE RESOLVED, THE NEW JUDGE MAY NOT KNOW WHAT TO DO. THIS ALSO PLACES A BURDEN ON THE OLD DRUG COURT JUDGE WHO MAY BE CALLED ON TO REFEREE THESE DISPUTES. THIS BECOMES ESPECIALLY DIFFICULT IF SOME OF THE DRUG COURT TEAM MEMBERS SEEK HELP FROM THE OLD DRUG COURT JUDGE, BUT THE NEW JUDGE DOES NOT WELCOME SUCH

HELP.

10. THERE ARE DIFFICULTIES FOR THE DRUG COURT CLIENTS WHO MUST ADJUST TO THE STYLE OF THE NEW JUDGE. MOREOVER, THE DEPARTING DRUG COURT JUDGE MAY HAVE ESTABLISHED SPECIAL RELATIONSHIPS WITH CERTAIN CLIENTS, AND THESE CLIENTS MAY FEEL ABANDONED BY THE DEPARTING JUDGE. (IT IS SIMILAR TO A BASKETBALL COACH WHO RECRUITS HIGH SCHOOL PLAYERS TO COME TO A UNIVERSITY TO PLAY ON THE PREMISE HE WILL COACH THEM AND THEN THE COACH LEAVES TO GO TO A BETTER UNIVERSITY FOR A HIGHER SALARY, THEREBY ABANDONING THE STUDENTS HE HAD RECRUITED.)

IT BECOMES A STICKY SITUATION WHEN THE NEW JUDGE IS NOT WILLING TO HONOR PROMISES MADE BY THE DEPARTING JUDGE TO CLIENTS OR DECIDES TO CHANGE SOME OF THE PREVIOUS DRUG COURT POLICIES. DRUG COURT IS DIFFICULT ENOUGH WHEN THE POLICIES ARE CLEAR AND CONSISTENT. A NEW JUDGE CAN MAKE THE CLIENT'S EXPERIENCE IN DRUG COURT A CHAOTIC ONE.

11. TRANSITION OF NEW JUDGE TO DRUG COURT ASSIGNMENT NEEDS TO BE DONE IN ORDERLY TRANSITION AND NOT IN ABRUPT FASHION. IT IS PREFERABLE TO HAVE DRUG COURT JUDGE SERVE FOR SOME PRESCRIBED PERIOD RATHER THAN FOREVER. WHEN A DRUG COURT BECOMES IDENTIFIED WITH ONE JUDGE, NO MATTER HOW GOOD, THIS WEAKENS THE PERCEPTION THAT THE DRUG COURT IS A REGULAR PART OF THE CRIMINAL COURT. THE SINGLE DRUG COURT JUDGE FOR A LENGTHY PERIOD MAKES THE DRUG COURT DEPENDENT ON THAT JUDGE.
12. NEW DRUG COURT JUDGE MUST UNDERSTAND IT WILL TAKE A PERIOD OF TIME BEFORE THE DRUG COURT TEAM MEMBERS TRUST HIM/HER AND REACH A LEVEL OF COMFORT IN THIS NEW DRUG COURT TEAM. IF THE NEW DRUG COURT JUDGE TRIES TO ACHIEVE THIS LEVEL OF CONSENSUS TOO SOON, IT MAY LEAD TO DISASTROUS RESULTS. REMEMBER THE EXPRESSION, "ALL IN GOOD TIME."

13. NEW DRUG COURT JUDGE MAY FACE PENT-UP EMOTION BETWEEN LAWYERS THAT WAS LARGELY SUPPRESSED IN THE CONTEXT OF OLD DRUG COURT TEAM. THESE EMOTIONS MAY EXPLODE BECAUSE OF THE NEW DYNAMIC THAT THE NEW DRUG COURT JUDGE INTRODUCES TO THE SITUATION. NEED TO RIDE THIS OUT.
14. OLD DRUG COURT JUDGE MAY BE ASKED TO CONTINUE SOME OF HIS DUTIES AS DRUG COURT JUDGE DESPITE MOVING ON TO NEW ASSIGNMENT. FOR EXAMPLE, IN MY CASE, I WAS ASKED TO CONTINUE TO GET CELEBRITY SPEAKERS FOR THE DRUG COURT GRADUATION. I DECLINED TO TAKE ON THIS RESPONSIBILITY WHILE OFFERING A LIST OF CELEBRITY PERSONS THAT COULD BE PURSUED BY THE NEW DRUG COURT JUDGE. I DID NOT HAVE TIME TO OFFER THIS HELP TO DRUG COURT BECAUSE OF BURDENS IMPOSED BY NEW ASSIGNMENT. I DID JUMP BACK IN WHEN THE NEW DRUG COURT JUDGE GOT INJURED AND DID PLAN ONE FINAL GRADUATION. I DID OBTAIN A CELEBRITY SPEAKER FOR THAT GRADUATION.
15. GRADUATION, IN GENERAL, CAN BE DIFFICULT FOR THE FIRST YEAR OF TRANSITION AS MANY GRADUATES MAY WANT OLD DRUG COURT JUDGE TO COME TO GRADUATION. YET, THIS MAY UNDERMINE AUTHORITY OF NEW DRUG COURT JUDGE AND IS A DELICATE SITUATION.
16. THERE MAY BE ISSUES OF LOYALTY WHEN A JUDGE COMES IN. ARE THE OLD DRUG COURT TEAM MEMBERS LOYAL TO OLD JUDGE? AND DO THEY CONVEY THIS TO NEW JUDGE?
17. THE NEW DRUG COURT JUDGE SHOULD BE GIVEN WRITTEN POLICIES OF THE DRUG COURT SO HE/SHE CAN USE THEM IN MAKING DECISIONS.