

# THE BEST SEAT IN THE HOUSE: THE COURT ASSIGNMENT AND JUDICIAL SATISFACTION

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A survey of 355 judges examined the differences in judicial satisfaction between those assigned to problem-solving courts—such as drug treatment and unified family—and judges in other more traditional assignments such as family law and criminal courts. The unified family court systems, like drug treatment courts, have generally adopted the principles of therapeutic jurisprudence. Significant differences were found on each of the three survey scales: (1) helpfulness, (2) attitude toward litigants, and (3) positive effects of assignment. The judges who were in the problem-solving courts (drug treatment and unified family court) scored higher on all three scales than those who were not (traditional family and criminal court). The group of problem-solving court judges consistently scored higher than the other group of judges, with the drug treatment court judges scoring the highest. The group of traditional criminal court and family court judges scored less positively, with the criminal court judges having the lowest scores. The problem-solving court judges were more likely to report believing that the role of the court should include helping litigants address the problems that brought them there and were more likely to observe positive changes in the litigants. They were also more likely to believe that litigants are motivated to change and are able to do so. They felt more respected by the litigants and were more likely to think that the litigants were grateful for help they received. The problem-solving court judges were also more likely to report being happy in their assignments and to believe that these assignments have a positive emotional effect on them.

**Keywords:** *drug courts; family law courts; unified family law courts; problem-solving courts; therapeutic jurisprudence; judges; family law judges; drug court judges; judicial satisfaction*

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## INTRODUCTION

Observations of judges at conferences of the National Association of Drug Court Professionals (NADCP) were the genesis of this project. Judges there could not seem to stop talking about “their” drug treatment court participants. These judges were more animated and excited about and wedded to their courts than, say, a group of civil judges discussing summary judgments. We asked, “What is it about drug treatment court judges that make them different? Has the assignment changed them? Is there a difference in judicial satisfaction between drug treatment court judges and others even if they, too, work therapeutically?”

## THERAPEUTIC JURISPRUDENCE

Significant changes in social and economic conditions over the last several decades have placed new and challenging demands on courts. Enormous growth in caseload volume, in particular drug cases, and the stunning increase in the numbers of pro se litigants in family law proceedings, as well as the recognition of the complexity and types of problems presented

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to courts, have generated the development of innovative problem-solving approaches to jurisprudence. Over the last twenty years a modern jurisprudential approach to these issues has emerged called “therapeutic jurisprudence.”

Therapeutic jurisprudence is the study of the extent to which substantive rules, legal procedures, and the roles of lawyers and judges produce therapeutic or antitherapeutic consequences for individuals involved in the legal process.<sup>1</sup> The seminal literature on therapeutic jurisprudence originated from the field of mental health law, thus the term “therapeutic.” The principles of therapeutic jurisprudence, however, have proved applicable to many other areas of both criminal and civil law.<sup>2</sup> As courts have employed these principles outside the area of mental health law, the term “problem-solving courts” has come to be widely used to describe the core focus of this justice paradigm. Today there are several terms commonly used to describe problem-solving courts.<sup>3</sup>

Therapeutic jurisprudence as the philosophical basis of problem-solving courts requires case processing focused on solving the underlying problems that bring litigants, often repeatedly, before the courts. It involves a new kind of partnership between the law and social science that recognizes the need for strategic planning based on scientific research, evidence-based practices, advanced information systems, data collection, and quantitative evaluation.<sup>4</sup> Therapeutic jurisprudence calls for the study of the consequences of legal outcomes using the tools of the social sciences to ascertain the ways in which the law may actually be prolonging or intensifying the legal issues it seeks to resolve, then attempts to determine whether these counterproductive (antitherapeutic) effects can be reduced and positive (therapeutic) effects enhanced without subordinating due process and other justice values.<sup>5</sup>

While maintaining paramount constitutional safeguards such as due process<sup>6</sup> and equal protection, therapeutic jurisprudence recognizes the potential power of problem-solving courts to affect positive changes for litigants and to thereby benefit the community as a whole. Although problem-solving courts have been defined in a number of ways, using an amalgam of definitions, they:

- attend to the underlying medical and/or social problems and chronic behaviors of court users who have recurring contacts with the justice system;
- apply promising, evidence-based practices from the behavioral sciences to effectuate change; and
- seek innovative solutions to complex social issues.

One of the oldest applications of therapeutic jurisprudence is found in the national drug treatment court movement beginning with the first court in Miami, Florida in 1989. Therapeutic jurisprudence is the jurisprudential underpinning of the drug treatment court movement and drug treatment courts are therapeutic jurisprudence in action.<sup>7</sup> Drug treatment court judges supervise the treatment and recovery of alcohol and other drug users who have been arrested and charged with offenses fueled by substance abuse. The drug court model now includes a variety of courts that supervise treatment or other court-ordered interventions.<sup>8</sup> There are about 3200 such problem-solving courts in the United States and in twenty foreign countries.<sup>9</sup> For example, in a drug treatment court, the focus is shifted from exclusively adjudicating the issue of guilt to promoting the recovery of the participant. Drug treatment court judges no longer serve simply as detached arbiters but employ engaged neutrality<sup>10</sup> to work intensely with the cases and litigants as critical figures in a system directed toward the participants’ sobriety and accountability. The judge’s personal knowledge of a participant’s background, reasons for drug use, living situation, physical and mental health, family, employment, parenting skills, and other matters is central to the process. The judge watches

recovery, praises successes, supports ongoing efforts, and attends to lapses. In so doing, drug treatment court judges are significantly affected by this process.<sup>11</sup>

Problem-solving courts that apply the principles of therapeutic jurisprudence are set apart from traditional courts by their case specificity and attention to individual litigant improvement, their concern with outcomes, and the relationships between the litigants and the judges. This study uses data collected from three surveys comparing four groups of judges. Two groups of judges (drug treatment court and unified family court) are similar in orientation by taking a problem-solving approach. Although the drug treatment courts have a more well-established record of success than the newer unified family courts, both adopt the principles of therapeutic jurisprudence and employ problem-solving court strategies. The other two groups of judges (traditional criminal court and traditional family court) are working in settings that have not systematically developed problem-solving court strategies.

### THE SURVEY

This study examines whether judicial assignments that employ the principles of therapeutic jurisprudence in problem-solving courts (drug treatment courts and unified family courts) create a more positive experience and result in greater job satisfaction for judges than those working in the other assignments. Data were taken from three surveys. The first survey compared drug treatment judges with traditional family law court judges. The second survey added a group of unified family court judges that worked in assignments more expressly designed on the problem-solving model than the traditional family law court judges. This was followed by a third survey that added a group of traditional criminal court judges. It was expected that there would be significant differences between the group of problem-solving court judges (the drug treatment court and unified family court judges) and the group of traditional court judges (family and criminal court judges), with the problem-solving court group experiencing higher levels of judicial satisfaction. Differences were expected to be expressed by beliefs and attitudes in the following areas:

- (a) Problem-solving court judges were expected to feel more strongly that the role of the court includes providing help to the litigants in solving the problems that brought them there and that the courts are actually helpful to litigants.
- (b) Problem-solving court judges were expected to hold more positive attitudes toward the individuals who appear before them.
- (c) Problem-solving court judges were expected to feel more strongly that their assignments have had a positive emotional effect on them personally.

### DRUG TREATMENT COURT JUDGES

The emergence of the drug treatment courts grew from recognition on the part of judges, prosecutors, and defense counsel that the traditional criminal justice methods of incarceration, probation, or supervised parole were not adequately addressing alcohol and other drug use among persons in contact with the criminal justice system who commit drug-related crimes in America.<sup>12</sup> Drug treatment courts across the country operate with many different styles, but there are several essential elements that all appear to have in common, as reflected in the NADCP's ten Key Components.<sup>13</sup>

Reviews of evaluations of drug treatment courts indicate high levels of success for most participants.<sup>14</sup> This seems to be an international phenomenon.<sup>15</sup> The judge's role in the drug treatment court is considered to be crucial to the successful outcome of the court.<sup>16</sup> In his 2001 research update, Belenko<sup>17</sup> reported that all the clients in the Erie County (Ohio) evaluation agreed that the judge treated them with respect (96%), was fair (93%), and was concerned about them (86%).<sup>18</sup> Three-quarters said that the court interactions with the judge helped them to stay off drugs.<sup>19</sup> In a 1996 evaluation of the Oakland (California) drug treatment court conducted by the National Center for State Courts, it was found that changes in conviction rates varied with the changes in judicial personnel in the drug treatment court.<sup>20</sup>

An evaluation of the Denver (Colorado) Drug Court showed that, during a period when the judge received 60% "good and passable reviews" from the defendants, only 14% went to jail within a one-year period. In contrast, when the next judge received only 40% "good and passable reviews" from the defendants, the number who went to jail rose to 40%.<sup>21</sup> An evaluation of the Monterey County (California) drug court reported that the largest number of participants who were asked to rate aspects of the drug court program from "not effective" to "very effective" reported that their interaction with the judge was effective.<sup>22</sup> In an evaluation of the Jacksonville (Florida) drug court, defendants rated the judge as more supportive of their recovery than the treatment program staff.<sup>23</sup>

In February 2005, the U.S. Government Accountability Office published an extensive review of drug court research, which concluded that most adult drug court programs evidenced lower rearrest and conviction rates for drug court participants than comparison group members.<sup>24</sup> The drug court group also demonstrated fewer recidivism events than comparison group members in a variety of types of offenses, and those reductions were maintained.<sup>25</sup>

In addition to rearrest, drug courts can have other important outcomes as was seen for California drug courts graduates who were more likely to be self-supporting.<sup>26</sup> It is most important to note that these positive evaluation effects have been sustained under stringent experimental research conditions.<sup>27</sup>

The director of the White House Office on National Drug Control Policy, John Walters, in a speech to the United Nations Commission on Narcotic Drugs, called drug courts "the place where miracles happen."<sup>28</sup> Drug treatment courts have tremendous support from the public as well. As a commentator at the 1999 National Center for State Courts' National Conference on Public Trust and Confidence in the Judicial System said, ". . . it is only through judges and the sanctions that you all have done that we have ever been able to change behavior of people who have been in the criminal justice system."<sup>29</sup> Between 1997 and 1999, the Crime and Justice Research Institute conducted focus groups of drug court participants in six American drug courts. When asked about the importance of the drug treatment court judge to their ability to succeed in the program, participants across focus groups and locations agreed generally that the judges' hands-on role formed one of the most important aspects of their drug court experiences. They did not believe a lesser official, such as a probation officer, could play the same role or have the same effect on their behavior. They also discussed the problems posed by frequent substitution of judges in drug court, comparing the substitute judge to a "substitute teacher" who was "easy to get over on."<sup>30</sup>

## TRADITIONAL FAMILY COURT JUDGES

Family law court judges work in a courtroom process that is quite different from that of the drug treatment court. Although originally conceptualized to be therapeutic in orientation,<sup>31</sup>

the majority of family law courts have not broadly employed a systemic problem-solving strategy or the principles of therapeutic jurisprudence.<sup>32</sup> The National Center for State Courts has determined that family law is the largest and fastest growing segment of state courts' civil caseloads,<sup>33</sup> yet family courts are notoriously underresourced, suffering under the weight of large dockets, complex issues, and few support services for judges. Management of cases involving families is often fragmented. Frequently, the legal issues related to a family enter the court system in many different ways. Cases of child abuse and/or neglect are heard in adult criminal court or juvenile dependency court as are juvenile delinquency matters. Guardianship of children who might need assistance due to parental alcohol or other drug abuse are heard in probate courts. Divorce, legal separation, nullity, and establishment of parentage cases are heard in family courts. Cases for the enforcement of child support heard pursuant to the Federal Social Security Act, Title IV-D are also frequently held locally in family courts. Requests for domestic violence restraining orders may be heard in civil domestic violence courts. If criminal charges have been filed, the parties in a family case may find themselves in criminal court as well, all too often with conflicting court orders. A systemic characteristic of the majority of family law courts is their disarray.

Because of the wide array of potential underlying issues, family and children's cases can be quite complex<sup>34</sup> and can require protracted planning involving social services.<sup>35</sup> Families needing the most thoughtful and well designed interventions often find that they are being shuffled among different courts and different judges with no communication among them.<sup>36</sup> Lack of court coordination and information sharing, plus an overall inadequate allocation of resources to children and family cases, can lead to a variety of problems for both the court and the litigants:<sup>37</sup>

- Conflicting or unnecessary court appearances;
- Conflicting orders or duplicative orders of referrals for a variety of social services;
- Some aspects of a dispute being adjudicated more than once;
- Critical information unavailable to judicial officers;
- Inability of the court to track compliance with its orders; and
- Inability to provide timely hearings or trials.

And in many jurisdictions, the great majority of family law litigants are pro se and left without assistance to help them deal with a variety of confusing and apparently contradictory procedures.<sup>38</sup>

The lack of a holistic, well-managed approach by the traditional court to cases involving families and children sets it in stark contrast to the approach taken by the drug treatment courts.

### **UNIFIED FAMILY COURT JUDGES**

Most family law scholars agree that the fragmented family law system needs reform<sup>39</sup> and are calling for systemic implementation of unified family court systems.<sup>40</sup> A unified family court system is frequently organized with a single court having comprehensive jurisdiction over all cases involving children and relating to the same family, with one specially trained judge assigned to each family and with coordinated social services crafted to meet the family's individual needs.<sup>41</sup> This model has come to be known as "one judge, one family" courts. As courts have struggled to address the issues facing family

justice, other models of organizing and unifying cases involving families and children have also been effectively implemented. Examples include systems organized around one team of service coordinators or information-sharing systems among judges with more limited comprehensive jurisdiction. Regardless of the specific model, however, judges working in the unified family courts are particularly concerned with solving the legal, emotional, and social problems the families are presenting to the court, including substance abuse and domestic violence. A unified family court is also part of a broader community justice paradigm that focuses on problem solving and coordinates with community services. In a “Blueprint to Establish a Unified Family Court,” the Center for Children, Families and the Courts at the University of Baltimore School of Law sets forth the key elements of a unified family court. They include attention to the court structure (specifically a separate court or specialized docket presided over by knowledgeable judges making evidence-based orders), comprehensive subject-matter jurisdiction, specialized case management and case-processing systems, social services either supplied by or referred to by the court with the earliest possible interventions, and a “user friendly court” accessible to all litigants and “accommodating litigants in the most therapeutic manner possible.”<sup>42</sup>

Although fewer evaluations are available for unified family courts than for the drug treatment courts, results are encouraging with respect to outcomes for families. For example, in one study, the simultaneous scheduling of multiple case matters before the same judge appeared to reduce the number of court appearances.<sup>43</sup> Existing evaluation data also suggest that unified family courts result in a more informed bench, offer a better opportunity to respond to the needs of the families, and can have great benefits when the family’s problems are severe or when issues of compliance arise.<sup>44</sup>

### TRADITIONAL CRIMINAL COURT JUDGES

Judges in traditional criminal courts experience a variety of tasks: arraignment, own recognizance release decisions, and bail hearings; pretrial hearings; felony preliminary hearings; misdemeanor and felony court or jury trials; sentencing and probation violation hearings; and miscellaneous other tasks such as motions to seal criminal records, motions to suppress evidence, and discovery matters, among many others.

Arraignment and pretrial hearing calendars are often overloaded and overwhelming. In order to get through the calendar, the judge must operate at breakneck speed with barely time to look up from the docket. It is not uncommon for judges in urban arraignment courts to lose their voices from the strain. The perceptions of the judge and the criminal defendant are in staggering disassociation. There is barely time for the judge to think, let alone interact with the parties or their attorneys.

Criminal jury trials in a large urban court become routine after a time on the bench and can become just another thing to get through. Managing the trial, barking at the parties to be on time, instructing the jury, and listening to mind-numbing testimony wears on the judge. To top it off, the reward for finishing one jury trial is to be sent another. Judges often feel like Lucy Ricardo in an episode of *I Love Lucy* in which Lucy was forced to eat the candy rolling down the assembly line at Kramer’s Kandy Kitchen because she couldn’t keep up the pace.

Posttrial, the judge must sentence those found guilty, and mandatory sentencing laws in some jurisdictions have taken away much of judges’ discretion.<sup>45</sup> One judge described his felony sentencing calendar as “adding up the years in state prison for poor, young black

men to serve.”<sup>46</sup> Sentencing laws have become so complex that there are computer programs to assist the judge in “adding up the years.”<sup>47</sup> Thankfully, this trend may be reversing itself with New York’s recent reform of the Rockefeller Drug Laws that held that the U.S. Sentencing Guidelines that are notoriously harsh on drug offenders are effectively advisory rather than mandatory (*U.S. v. Booker*, 2005543 U.S. 220).<sup>48</sup> A recent report also states that the U.S. Sentencing Commission is going to recommend alternative sentencing such as drug treatment courts, a reform that has been a long time coming.<sup>49</sup>

The number of persons incarcerated in federal, state, and local correctional facilities across the nation has risen dramatically in the last decade.<sup>50</sup> As of 2005, more than 2.1 million Americans were incarcerated, 4.1 million Americans were on probation, and over 700,000 were on parole.<sup>51</sup> In all, nearly seven million people are under the control of the criminal justice system.<sup>52</sup>

Trial Court Performance Standard 3.5 states, “The Trial Court takes appropriate responsibility for the enforcement of its orders.”<sup>53</sup> Yet in traditional criminal courts this is seldom the rule. Perhaps the most frustrating event for a judge after carefully crafting probation conditions is seeing the defendant come back on violations within a very short time. Forty percent of probationers do not successfully complete the conditions of their probation.<sup>54</sup> Almost 70% of prisoners serving time for drug offenses are rearrested within three years of release.<sup>55</sup> The California parole system was recently called a “\$1 Billion Failure.”<sup>56</sup> California’s Little Hoover Commission, a nonpartisan watchdog agency, found that 67% of those sent to prison were parolees being returned for “technical violations” such as missing a meeting with their parole officer or failing a drug test.<sup>57</sup> It was statistics like these that led judges to look for the alternatives that became drug treatment courts.

## JUDICIAL SATISFACTION

Given the generally positive outcomes reflected in the evaluations of the drug treatment courts and in early reports on unified family courts, it might be expected that beneficial effects on the litigants would predict fairly high levels of judicial satisfaction among the judges. Studies in other professional settings such as family planning clinics,<sup>58</sup> hospital emergency rooms,<sup>59</sup> behavioral health clinics,<sup>60</sup> and services for the elderly<sup>61</sup> have reported significant relationships between job satisfaction and client satisfaction. For judges, the positive effect of a particular judicial assignment is not, until fairly recently, a topic that has received much research attention. In a 1980 study of American trial judges, their perception of their work environment was not found to be typically related to whether they were sitting on specialized calendars or master calendars that incorporate all types of cases.<sup>62</sup> In a 1981 survey, however, judges complained of job stress arising from lack of control over what type of cases they were given.<sup>63</sup> In a study from 1982, 422 juvenile court judges in West Germany were surveyed to assess their attitudes toward social science assistance and the administration of justice. Highest job satisfaction was found in the judges who endorsed and practiced with social science and educational orientation in their work, interacted well with service providers, approved of specialized judicial training, and were involved in community work outside the court.<sup>64</sup> In the 1980 study of American judges, it was found that judges who work long hours, are involved in community relations, and are involved in bar activities are more likely to be satisfied with their environment.<sup>65</sup>

Job stress is the more common topic of research on judicial satisfaction.<sup>66</sup> Job stress in judges is commonly associated with social isolation;<sup>67</sup> feeling disliked by others, lack of interest and understanding, and not feeling appreciated.<sup>68</sup> Judges also suffer from lack of feedback and caseload volume, as well as lack of control over what cases they get.<sup>69</sup>

Additionally, frustration at their lack of ability to be helpful to litigants seems to contribute to judicial stress. Judges express dismay at finding that, due to large caseloads, they have to process people because they have so little time to listen. In traditional criminal courts, this is sometimes referred to as “McJustice: One Million Served.”<sup>70</sup> In such circumstances, there can be a tendency for judges to withdraw empathy and respect for the litigants.<sup>71</sup> The phenomenon described as “compassion fatigue” is being studied in judges whose caseloads emphasize domestic violence.<sup>72</sup>

The presence of judicial stress is frequently observed in traditional family law court judges. Judges in family law seem to experience high stress, frustration, and feelings of helplessness and burnout.<sup>73</sup> Interestingly, many of the factors related to job stress are not as commonly observed in drug treatment court judges despite heavy caseloads.<sup>74</sup> Many have expressed a sense of pride in a job well done and a brighter outlook since taking the drug treatment court assignment. These feelings had not heretofore been experienced in their professional careers.<sup>75</sup>

## SURVEY RESULTS

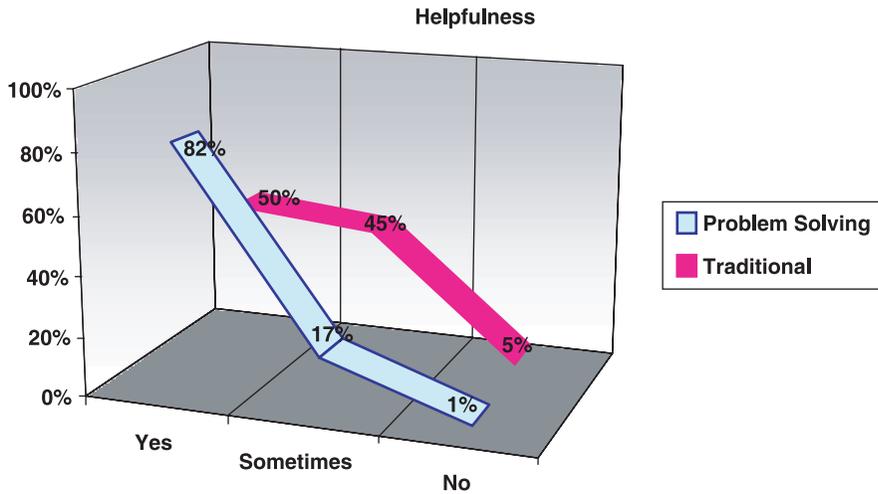
Responses to the items on the survey questionnaire are grouped into three subscales: (1) helpfulness, (2) attitude toward litigants, and (3) positive effects of assignment. In order to analyze the subscale responses, only those surveys that were completely filled out were included. There were a total of 355 fully completed surveys from the four groups of judges. There were 69 drug court judges, 44 unified family court judges, 85 traditional family court judges, and 157 traditional criminal court judges.

Judges	Problem-Solving ( <i>n</i> = 113)		Traditional ( <i>n</i> = 242)	
	Drug Court Judges ( <i>n</i> = 69)	Unified Family Court ( <i>n</i> = 44)	Criminal Court ( <i>n</i> = 157)	Family Court ( <i>n</i> = 85)
Male	74%	71%	73%	66%
Female	26%	29%	28%	34%
Age	53	52	51	52
Years in Profession	16	16	9	15
Time in Current Assignment	4	7	7	3

## SUBSCALE AND ITEM SCORES

The first subscale in the survey asked the judges three questions: (1) did they think that part of the role of the court was to help the litigants solve the problems that brought them there? (2) did they think that the court was actually helpful to the litigants? (3) had they seen the litigants make improvements with their problems?

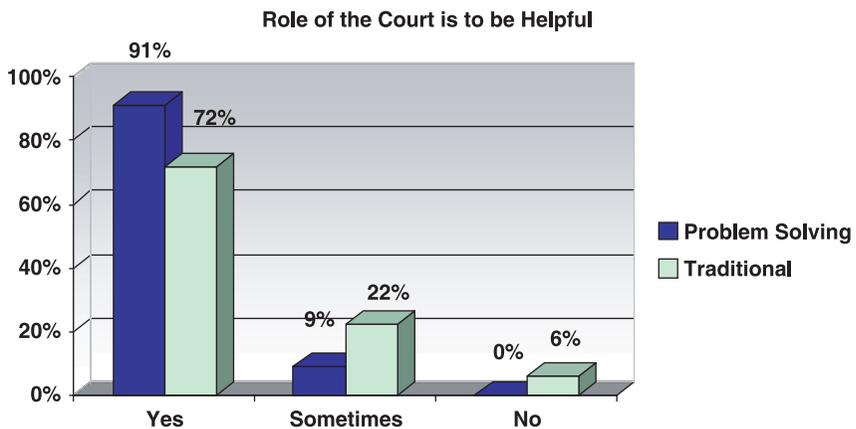
**HELPFULNESS SUBSCALE SCORES**

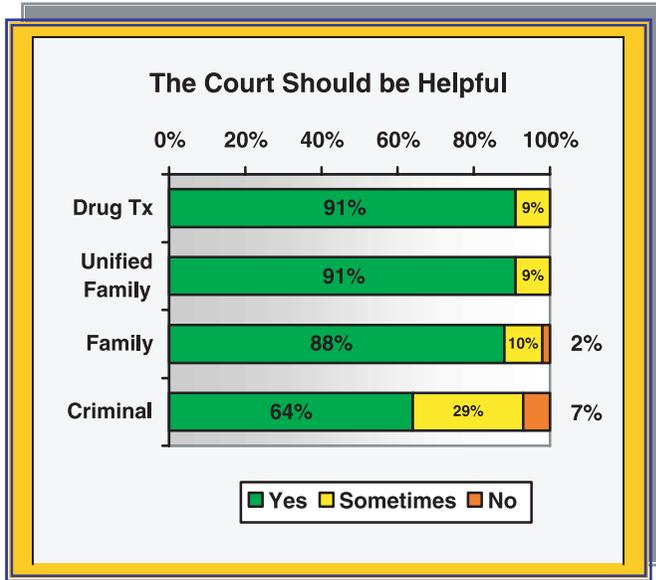


The scores of problem-solving court judges were significantly higher on this subscale than the scores of the traditional group of judges.<sup>76</sup> Eighty-two percent of the problem-solving court judges had clearly positive ratings on the Helpfulness subscale as opposed to only 50% of the other judges. Another 17% were in the midrange and only 1% fell onto the negative side. Forty-five percent of the traditional judges fell into the midrange while 5% ranked scored negatively.

**HELPFULNESS ITEM SCORES**

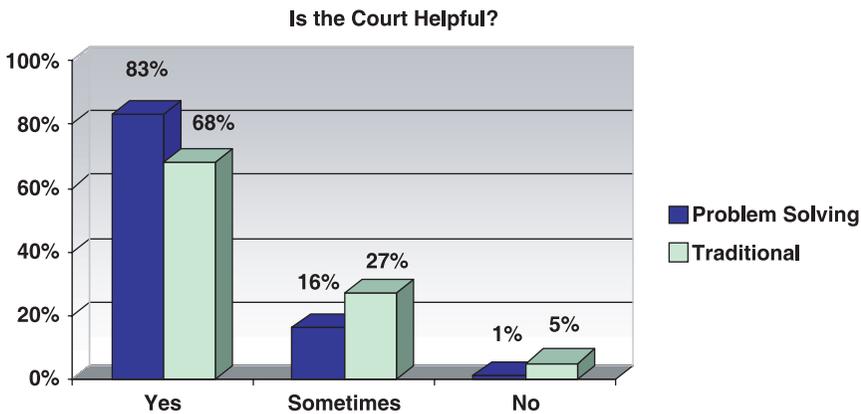
**Is It Part of the Role of the Court to Help Litigants Solve Their Presenting Problems**





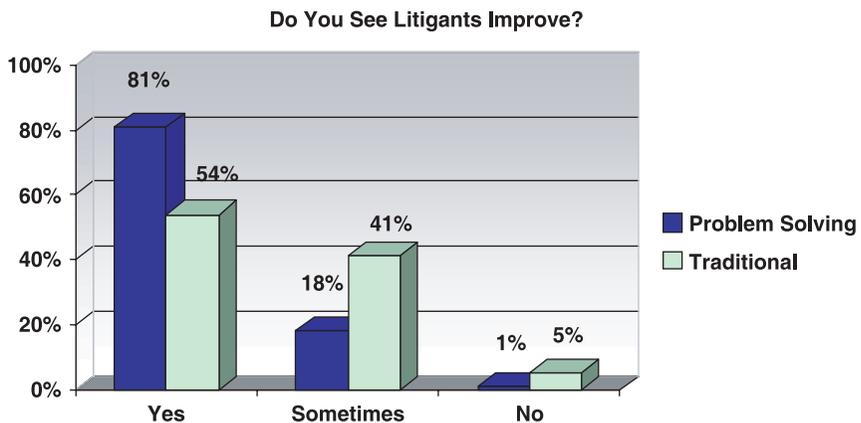
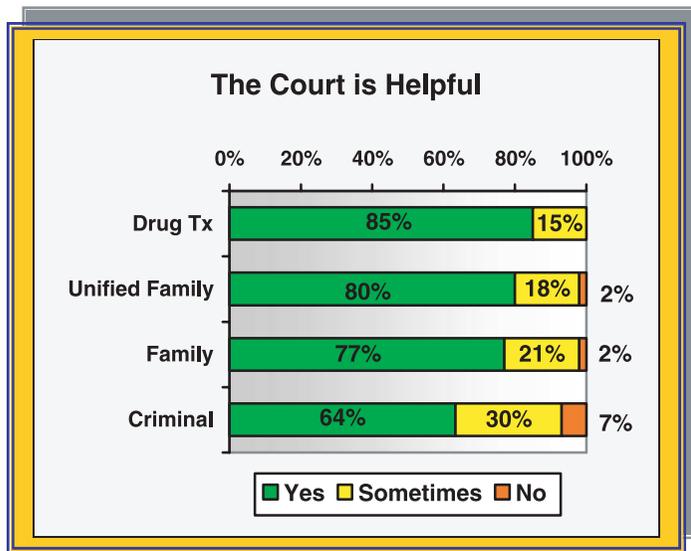
The problem-solving court group of judges (91%) felt significantly more strongly than the other group of judges (72%)<sup>77</sup> that part of the role of the court is to help the litigants solve the problems that brought them there. Ninety-one percent of both drug treatment court and unified family court judges responded positively to this question and none gave a negative response. The remaining 9% of the problem-solving court judges felt that the court should sometimes try to help the litigants. While responses from the traditional family court judges were only slightly lower, only 64% of the criminal judges responded positively to this question. These judges were much more ambivalent about the role the court should play with another 29% responding that the court should sometimes play a helpful role and 7% that the court should never serve a helpful function for litigants.

**Is the Court Helpful to the Litigants?**

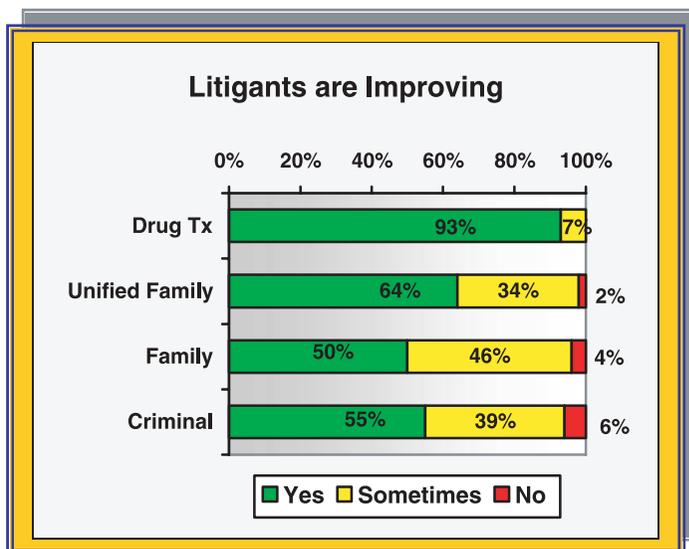


The problem-solving court judges were significantly more likely (83%) than the other judges (68%)<sup>78</sup> to believe that their courts are actually helpful to the litigants. Eighty-five percent of the drug treatment court judges were sure that their courts are helpful to the litigants and 15% felt they are helpful some of the time. None of the drug treatment court judges believed that their courts are totally lacking in helpfulness to litigants. The unified family court judges reported that their courts are helpful to litigants 80% of the time and sometimes are helpful 18% of the time. Two percent felt that they are not helpful to litigants. The unified family court judges reported that their courts are helpful to litigants 80% of the time and sometimes are helpful 18% of the time. Two percent felt that they are not helpful to litigants. Responses from the traditional family court judges were again slightly lower. Seventy-seven percent reported that their courts are helpful to litigants, 21% felt they are sometimes helpful, and 2% reported that their courts are not helpful to litigants. In the group of criminal court judges, 64% reported that their courts are helpful to the litigants. Another 30% felt their courts are sometimes helpful, and 7% reported that their courts are not helpful to litigants.

**Have You Seen the Litigants Make Improvements with Their Problems?**

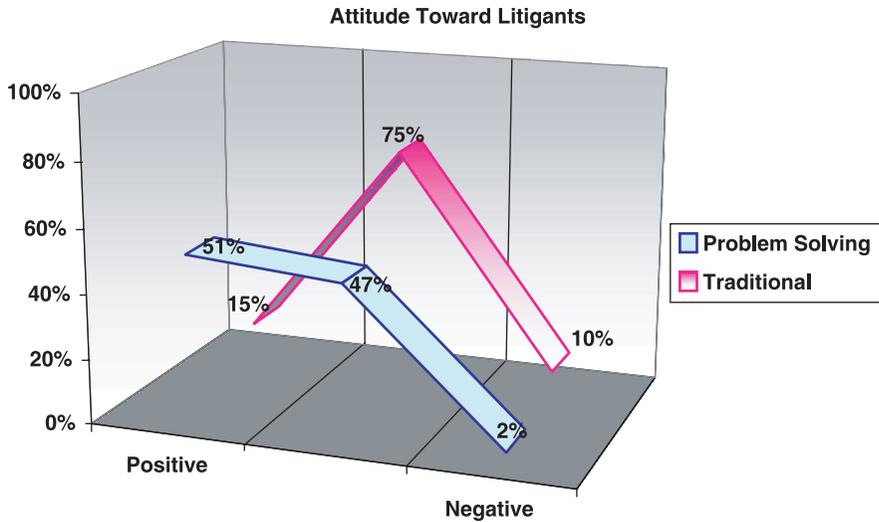


The problem-solving court judges (81%) were significantly more likely than the other judges (54%) to report seeing the litigants in their courts make improvements with their problems.<sup>79</sup> The drug treatment court judges reported seeing improvements in their litigants 93% of the time. Another 7% reported seeing improvements in some cases. All of the drug treatment court judges reported seeing improvements in the litigants at least some of the time and not one reported seeing no improvement. The unified family court judges reported seeing litigants improve in 64% of the cases, and in an additional 34% they reported improvements in some cases. Two percent reported seeing no improvements in the litigants. Interestingly, the traditional family court judges reported the lowest scores. Only 50% of these judges reported seeing the litigants in their court make improvements with their problems; another 46% reported seeing improvements in some cases. Two percent of traditional family court judges did not feel they saw any improvements in the litigants appearing before them. Fifty-five percent of the criminal judges believe they see improvements on the part of the litigants, 39% reported seeing improvement in some cases, and 6% reported no progress at all.



#### ATTITUDE TOWARD THE LITIGANTS SUBSCALE SCORES

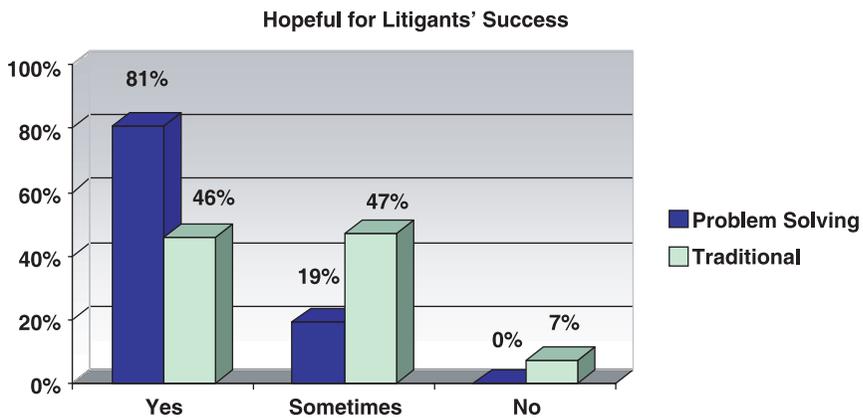
The second subscale asked the judges five questions: (1) do they have hope that the litigants can solve their problems? (2) do they think that the litigants are motivated to try and solve their problems? (3) do they feel respected by the litigants? (4) do they think that the litigants are grateful for the help they received from the court? and (5) do they admire the litigants for their efforts to solve their problems?



The problem-solving court judges (51%) were significantly more positive in their attitudes toward the litigants than the other judges (15%).<sup>80</sup> Fifty-one percent of the problem-solving court judges expressed clearly positive attitudes toward the litigants in their courts. Forty-seven percent scored in the middle range and only 2% reported basically negative attitudes toward the litigants they see. The traditional judges were more ambivalent about the litigants appearing before them. Only 15% expressed clearly positive attitudes toward the litigants while the majority (75%) scored in the middle range. Ten percent expressed negative views of their litigants.

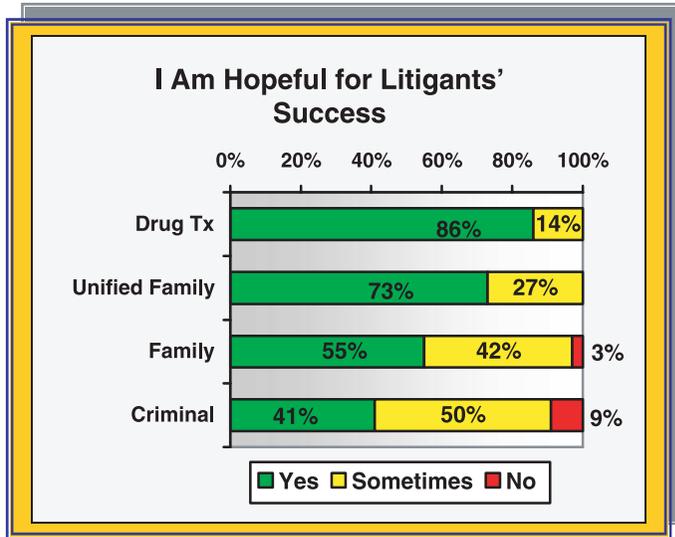
**ATTITUDE TOWARD LITIGANTS ITEM SCORES**

**I am Hopeful that the Litigants Can Solve Their Problems**

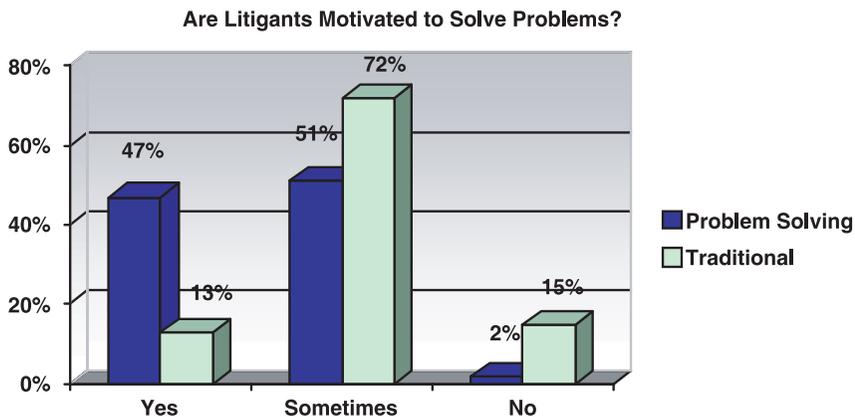


The problem-solving court judges (81%) expressed more hope than the other judges (46%) that the litigants appearing before them can solve the problems that brought them to court.<sup>81</sup> The drug treatment court judges were the most hopeful for the litigants with 86% responding positively to this question. The other 14% reported that they felt somewhat

hopeful for the litigants. None of the drug treatment court judges expressed a complete lack of hope for improvement in the litigants. The unified family court judges were also mostly hopeful for the litigants' improvement. They responded positively 73% of the time. Another 27% were somewhat hopeful for the litigants, and none expressed hopelessness for litigant-improvement. Only 55% of the traditional family court judges responded positively to this question. Another 27% were hopeful for litigant improvement sometimes, and 3% felt there was no hope at all for the litigants to improve. The criminal judges were least hopeful for litigant improvement. Nonetheless, 41% reported that they were hopeful for the litigants. Another 50% reported being hopeful sometimes, and 9% expressed no hope at all for the litigants to improve.

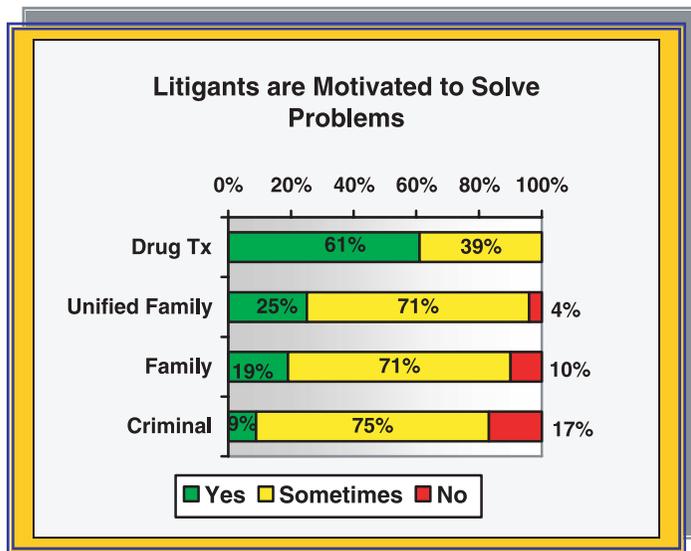


**I Believe that the Litigants are Motivated to Try and Solve Their Problems**

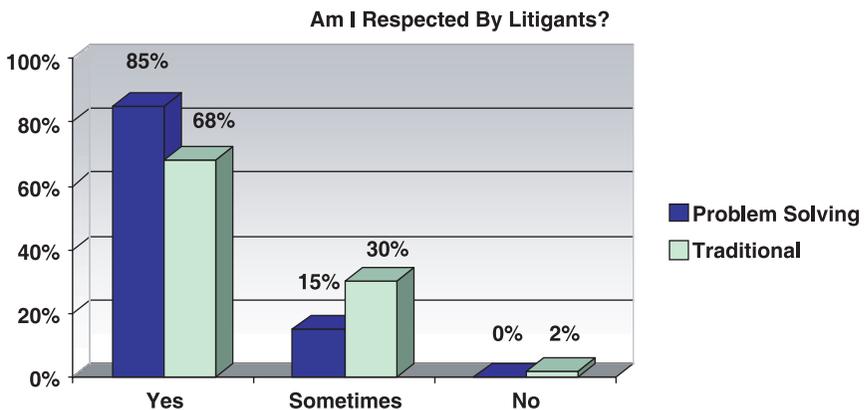


Judges in all groups expressed less certainty about the motivation of the litigants. The problem-solving court judges, however, was more positive in their responses (47%) than the other judges (13%).<sup>82</sup> Sixty-one percent of the drug treatment court judges were optimistic about the litigants' motivation to solve their problems. Another 39% agreed

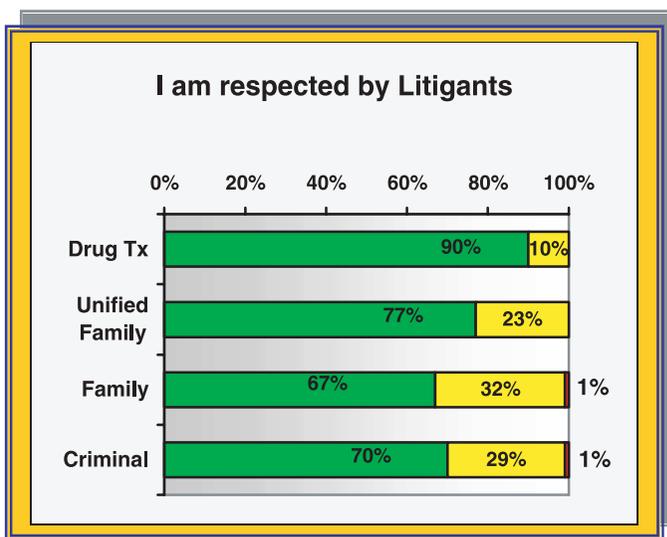
that the litigants were sometimes productively motivated, and none reported the belief that litigants were completely without motivation for change. The unified family court group was less certain than the drug treatment court group in this area, with 25% responding that the litigants were motivated to try and solve their problems. Seventy-one percent agreed that the litigants were sometimes motivated to make changes, and 4% did not believe the litigants were motivated at all. The traditional family court judges were slightly less optimistic than the unified family court judges about the litigants' motivation, with 19% responding positively and 10% reporting no confidence at all in the litigants' motives. As with the unified court judges, 71% thought that the litigants were motivated to solve their problems some of the time. The criminal court judges were the least optimistic about the motivation of the litigants. Only 9% of the criminal court judges reported that the litigants appeared to be motivated to solve the problems that brought them before the court. Another 75%, however, agreed that the litigants were sometimes motivated, and 17% reported seeing litigants as completely unmotivated to improve.



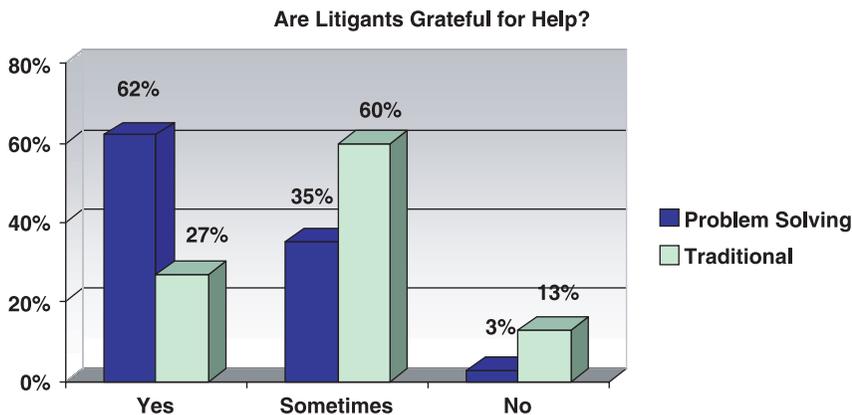
**I Feel I am Respected by the Litigants**

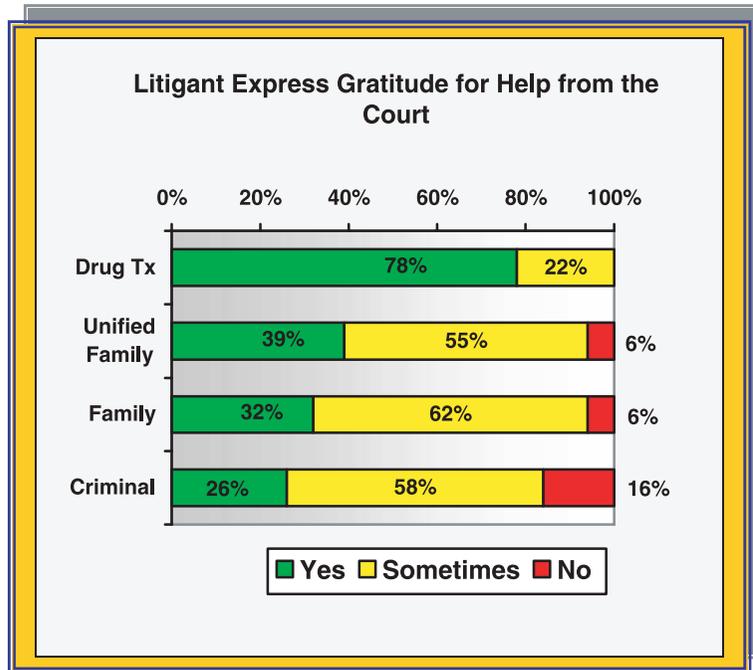


While all groups of judges tended to report feeling respected by the litigants, the problem-solving court judges (85%) responded more positively to this question than the other judges (68%).<sup>83</sup> The drug treatment court judges felt respected by the litigants 90% of the time with another 10% feeling that they were respected some of the time. None of the drug treatment court judges felt disrespect from the litigants. The unified family court judges reported being respected by the litigants 77% of the time with another 23% feeling they were respected some of the time. None of the unified family court judges felt disrespect from the litigants. The traditional family court judges reported feeling the least respected by the litigants. These judges responded positively only 67% of the time with another 32% feeling respected some of the time. Only 1% felt disrespected by the litigants, however. The criminal court judges felt respected 70% of the time with another 29% feeling respected some of the time. Only 1% of the criminal court judges felt disrespected by litigants.



**I Feel that the Litigants are Grateful for the Help They Receive from the Court**

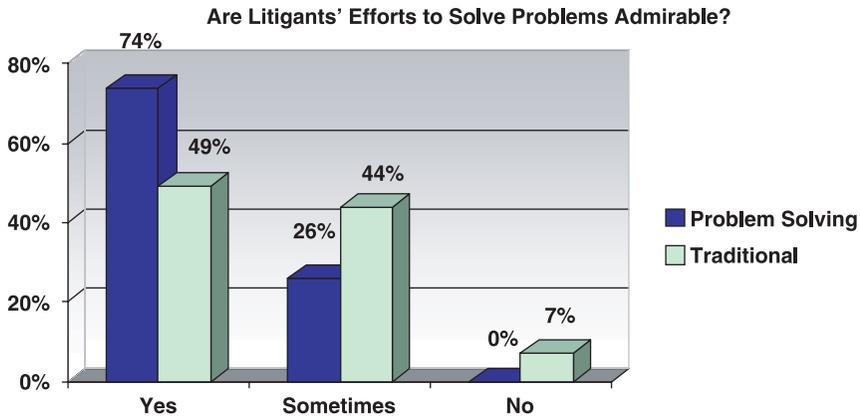




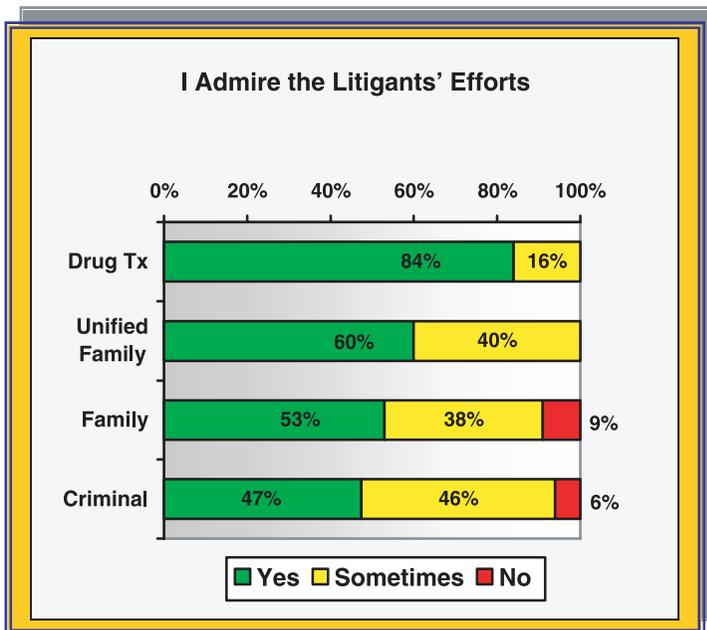
The problem-solving court judges (62%) were significantly more likely than the other judges (27%) to report experiencing gratitude from the litigants for help they had received from the court.<sup>84</sup> Seventy-eight percent of the drug treatment court judges reported gratitude from the litigants. Another 22% responded that they sometimes felt gratitude from litigants, and none reported litigants as ungrateful. The unified family court judges were less certain about gratitude from litigants. Thirty-nine percent reported that the litigants were grateful for the help they had received from the court and another 55% reported litigants were sometimes grateful. There were 6% that reported that the litigants were not grateful for the help they received from the court. The traditional family court judges demonstrated a slightly less positive experience with 32% reporting that the litigants were grateful for the help they received from the court. Another 62% reported that litigants were sometimes grateful, and 6% reported that litigants were not grateful. Twenty-six percent of the criminal court judges reported gratitude from litigants. Another 58% reported that litigants were sometimes grateful and 16% reported that litigants were not grateful.

#### **I Admire the Litigants for Their Efforts to Solve their Problems**

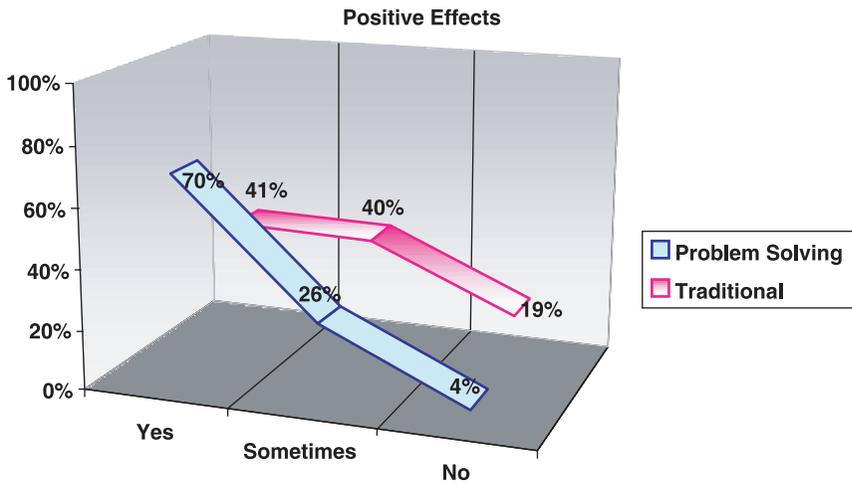
The problem-solving judges (74%) were more likely than the other judges (49%) to respond that they admired the efforts of the litigants to solve the problems that had brought them to court.<sup>85</sup> Eighty-four percent of the drug treatment court judges reported that they admired the efforts of the litigants with another 16% reporting admiration of the litigants some of the time. There were no drug treatment court judges that reported a lack of regard for the efforts of the litigants to solve their problems. In the unified family court group, 60% of the judges reported admiration for the litigants and another 40% felt



admiration for the litigants some of the time. None of the unified family court judges reported a lack of regard for the efforts of the litigants to solve their problems. Fifty-three percent of the traditional family court judges reported having admiration for the efforts of the litigants to solve their problems, but another 9% responded having no such regard for the efforts of the litigants. Another 38% reported admiring the litigants. Forty-seven percent of the traditional criminal court judges reported having admiration for the efforts of the litigants to solve their problems. Another 46% reported having admiration for the litigants some of the time, and 6% reported having no regard for the efforts of the litigants to improve their situations.

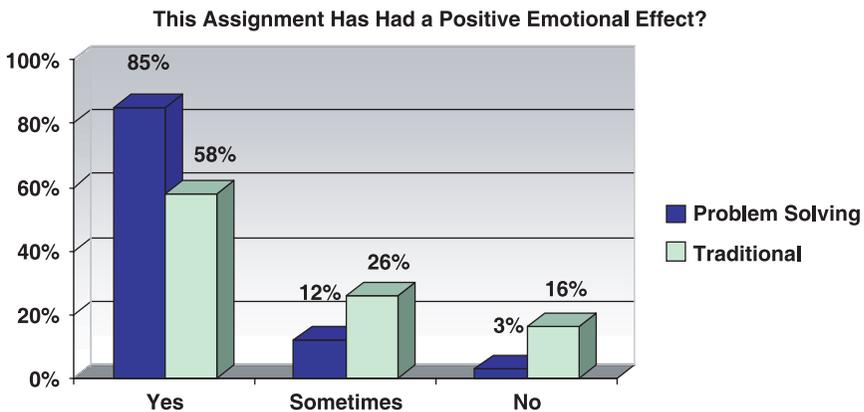


**POSITIVE EFFECTS SUBSCALE SCORES**

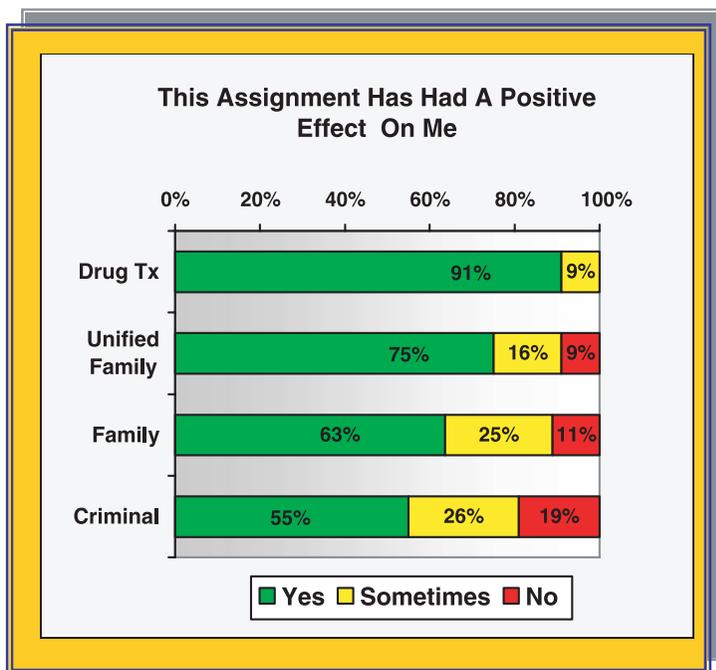


The third subscale asked the judges three questions: (1) did they feel that their current assignment had a positive emotional effect on them? (2) did they enjoy talking about their work with family and friends? and (3) did they feel happier in their current assignment than in other assignments? The problem-solving court judges ranked higher on this subscale than the other judges.<sup>86</sup> Seventy percent rated positively on this subscale compared to 41% of the traditional group of judges. Another 26% of the problem-solving court judges report that the assignment affects them positively some of the time, and only 4% reported that the assignment had negative effects. While 40% of the traditional judges reported that their assignment sometimes had a positive effect on them, 19% reported negative effects from their assignment.

**This Assignment Has Had a Positive Emotional Effect on Me**



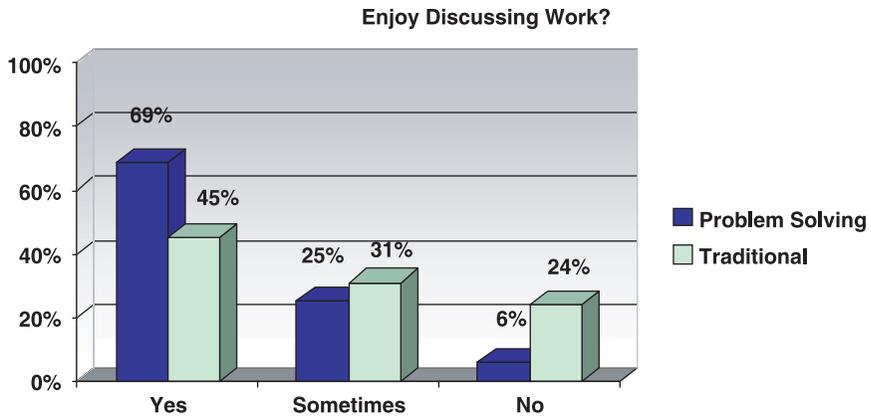
The problem-solving court judges (85%) were more likely than the other judges (58%) to report that their current judicial assignment had a positive emotional effect on them.<sup>87</sup> Ninety-one percent of the drug treatment court judges reported positive effects from their assignments. The other 9% reported having somewhat positive effects. All the drug treatment court judges reported the belief that their assignment had at least some positive effects on them. Seventy-five percent of the unified family court judges reported positive effects on them from their assignments. Another 16% reported having somewhat positive effects, and 9% reported no positive effects at all. Only 63% of the traditional family court judges reported having positive effects from their assignments. Another 25% acknowledged somewhat positive effects, and 11% reported no positive effects at all.



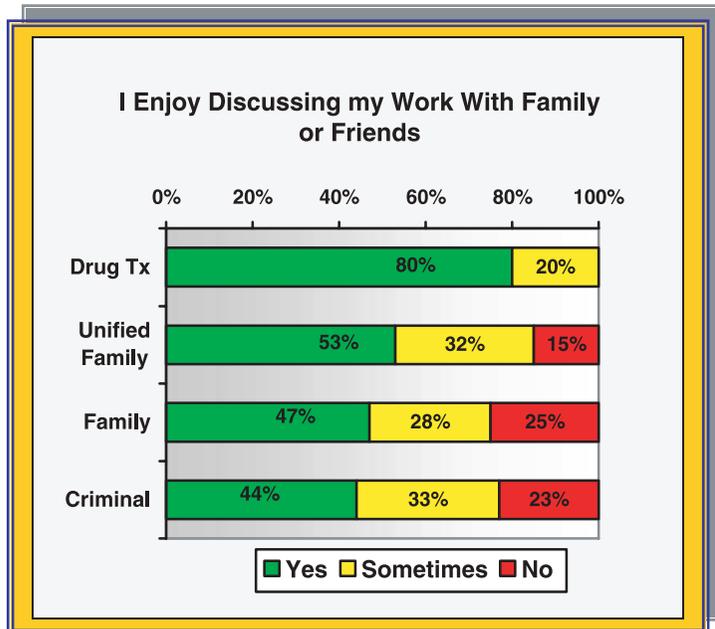
The lowest scores came from the criminal court judges. Fifty-five percent of the criminal court judges reported positive effects from their current assignments. Another 26% felt that they had experienced somewhat positive effects, but 19% reported that their current assignment had no positive effects on them at all.

### **I Enjoy Discussing My Job with Family and Friends**

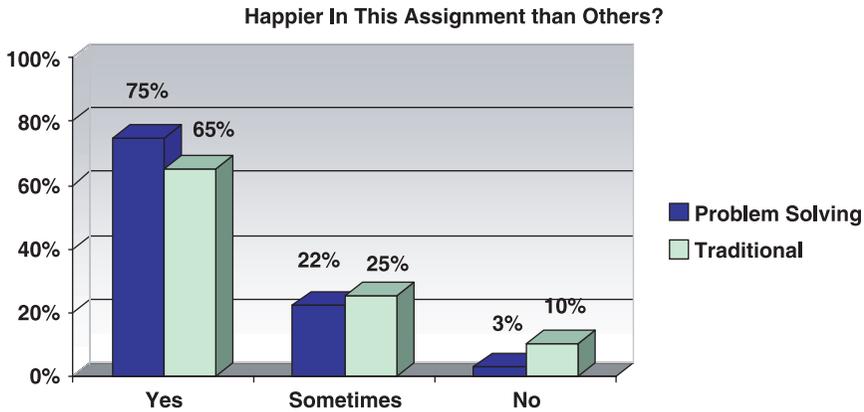
The problem-solving court judges (69%) were more likely than the other judges (45%) to report that they enjoyed discussing their work with family and friends.<sup>88</sup> Eighty percent of the drug court judges responded that they enjoyed discussing their work with family and friends. Another 20% sometimes enjoyed discussing their work. All of the drug treatment court judges reported that they enjoyed discussing their work at least some of



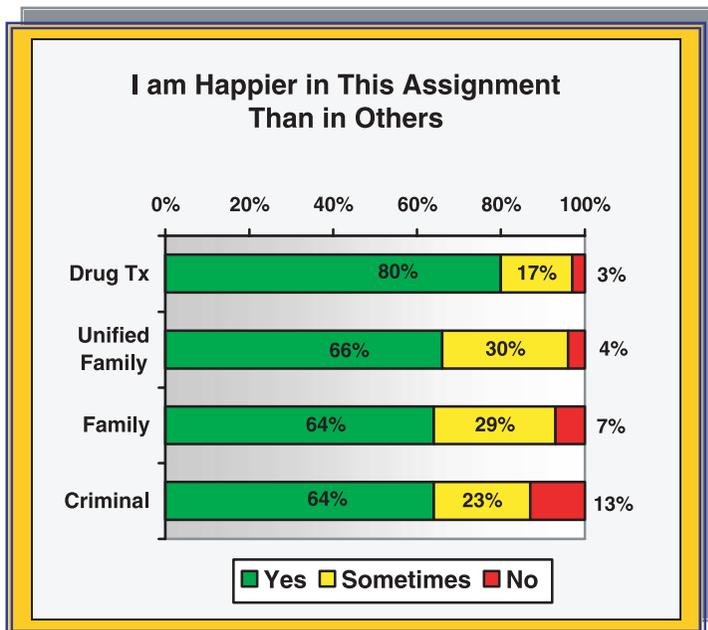
the time. In the unified family court group, 53% reported enjoying discussing their work, and another 32% reported liking to talk about their jobs some of the time. Fifteen percent reported that they did not enjoy discussing their work at all. Of the traditional family court judges, 47% reported liking to discuss their work. Another 28% reported that they sometimes enjoy talking about their work, and 25% reported that they do not like to discuss their jobs with family and friends. Forty-four percent of the criminal judges responded that they enjoyed discussing their work with family and friends. Another 33% reported liking to talk about their jobs some of the time and 23% said they never enjoyed discussing their work.



**I am Happier in This Assignment than I Have Been in Others**



The problem-solving court judges (75%) were more likely than the other judges (65%) to report being happier in their current assignments,<sup>89</sup> although the variance in responses to this question was smaller than in the other two questions in this subscale. Eighty percent of the drug treatment court judges reported being happier in this assignment than in others they have had. Another 17% responded that they are somewhat happier and 3% reported that they are not happier in their drug treatment court assignment. In the unified family court group, 66% reported being happier in this assignment. Another 30% reported being somewhat happier and 4% reported not being happier in their unified family court assignment. The traditional family court group scored slightly less positively with 64% of the judges reporting that they are happier in their current assignments. Another 29% reported being somewhat happier and 7% reported not being happier in their family court assignment. Sixty-four percent of the traditional criminal court judges also reported that they are happier in their current



assignments than in others they have had. Another 23% reported being somewhat happier; however, 13% reported that they are not happier in their criminal court assignments.

## DISCUSSION

There were no significant<sup>90</sup> differences in any of the subscales among the judges with respect to their gender or age. The amount of time spent in their assignment did not appear to predict high or low scores on any of these measures, although judges who reported the longest times spent in their professions generally tended to have higher scores.

As predicted, significant differences were found between the group of problem-solving judges (drug treatment court and unified family court) and the group of traditional court judges (traditional family court and criminal court) with the problem-solving court judges responding more strongly that the role of the court includes providing help to the litigants in solving the problems that brought them there and that the courts are actually helpful to litigants. They reported more positive attitudes toward the individuals who appear before them and felt more strongly that their assignments have had a positive emotional effect on the litigants personally. The problem-solving court judges responded significantly higher on all subscales and all individual items in the survey than the traditional court judges.

The drug treatment court judges responded the most positively of all the groups of judges. Their answers were significantly higher than the other groups of judges on all items in the survey. This was not surprising given the fact that the drug treatment courts employ the most clearly established problem-solving model of the four groups surveyed. There were no significant differences, however, between the drug treatment court and unified family court judges on the helpfulness subscale. Both groups of judges felt similarly that the role of the court should be to help litigants solve the problems that brought them to court, and that their courts were actually helpful to the litigants.

The unified family court judges scored higher on all subscales and all individual items than either the traditional family court or criminal court judges. The most significant differences were with the criminal court judges. The unified family court judges' scores were significantly higher than the criminal judges on two of the subscales (attitude toward litigants and positive effects) and most of the individual items. The unified court judges were significantly more likely than the criminal court judges to report that the litigants were motivated to try and solve their problems, to express optimism that they could actually solve these problems, to report feeling that the litigants were grateful for the help they received from the court, and that they admired the efforts of the litigants to improve their situations. The unified family court judges responded significantly more often that their assignment was having a positive effect on them personally.

The differences between the unified family court judges and the traditional family court judges were less remarkable, although the unified family court judges scored higher on every subscale and every individual item than the traditional family court judges. These differences, however, did not reach statistical significance in most cases. Where significant differences did appear, they were in the judges' attitudes toward the litigants. The unified family court judges were significantly more positive about the litigants' motivation to try and solve their problems and more optimistic about their chances of actually being able to make improvements. The pattern of responses in this survey demonstrates that there are differences in attitude between these two groups of family court judges about the court, the litigants, and their own experiences and suggests that these differences could increase as the

unified family court models becomes more well developed. It also must be noted that unified family courts have not, for the most part, been spared the ongoing issues of scarce resource allocation within the larger court systems and suffer from the same ongoing overburdening of family courts of all types. The issue of adequate judicial and other resources devoted to family and children's cases must be part of any ongoing analysis regarding judicial satisfaction.

Although the traditional family court judges scored higher on most individual items than the traditional criminal court judges, there was no significant difference between them on either the attitude toward litigants or positive effects subscales. The traditional family court judges were generally significantly more positive in their attitude about the litigants, but were similar to the criminal court judges in their lack of admiration for the efforts of the litigants to try and solve their problems. In general, the responses of the traditional family court judges were more similar, albeit it less positive, to those of the unified family court judges.

Of interest was the fact that no significant differences on any subscale or any individual item was found by combining the family court judges (traditional and unified) and comparing them to the criminal court judges (drug treatment and traditional criminal court). The fact that the subject matter of the court did not itself result in significant differences was somewhat surprising. While the drug treatment court implements the principles of therapeutic jurisprudence and the traditional criminal court does not, these two criminal courts might seem to have more features in common with each other than with either of the two family law courts. Similarly, both unified family courts and traditional family courts share common features that clearly differentiate them from either of the two criminal courts in the survey. For example, both the unified family court and the traditional family court are civil courts in which two private individuals are involved in an inability to resolve their differences. The emotional dynamics of the criminal courtroom are different than in any family law court setting. In the criminal court, one of the parties is the state. Although victims may have some voice, they are not litigants. Criminal defendants are entitled to attorneys, even when they cannot afford private counsel. In family law court the litigants frequently appear *pro se*. It has been suggested that family law litigants appear less sympathetic than drug court litigants because their actions are often harmful to others, such as in domestic violence or contested custody cases. (Of course, drug treatment court defendants, while being basically harmful to them selves, do inflict injury on other individuals and the community as well.)

An important factor among these groups of judges may be the method of judicial assignment. The original drug treatment court judges tended to have chosen their assignments or even founded the courts while the traditional criminal court and traditional family court judges may not have personally selected their assignments. In some cases, it may be true that many unified family court assignments are also self-selected. In drug treatment courts, the current judges may not be the original innovator and may very well have been assigned to the task. The fact that the drug treatment court and unified family court judges in this survey had been in their professions longer than the judges in the traditional family court and criminal court groups may suggest higher levels of choice in assignments based on seniority within a given court. This is particularly true for drug treatment court judges who reported an average of seven years longer in their professions than the traditional criminal court judges. Another important factor among these groups of judges is difference in litigant-characteristics. While no differences would be expected in the distribution of characteristics among the family law litigants between traditional or unified family courts, drug treatment

court judges may deal with only nonviolent defendants who meet the criteria for inclusion in the drug treatment court program.

The more positive judges were about the litigants, the more likely it was they would also report that their assignment had a positive emotional effect of them. This was true for all groups of judges. These findings tend to support the drug treatment court literature that emphasizes the importance of the relationship between the judge and the litigant. Most of that literature, however, focuses on the importance of this relationship to the litigants and their efforts to recover. This survey suggests that this relationship is also important to the judges with regard to their own satisfaction with their work. The responses of these judges suggest that express recognition by the litigants of the help they have received is an important part of the process and that the effect of that process on both judge and litigant is dependent on the relationship between them.

The differences between the problem-solving court judges and traditional court judges were less pronounced on the helpfulness subscale. The majority of judges in all four groups reported that part of the role of the court was to help the litigants solve the problems that brought them there. Even 64% the traditional criminal court judges agreed that the court's role should include helping litigants. Although most of the judges overall felt that the court should be helpful, there was less certainty about whether or not it actually was helpful to litigants. The greatest difference was reflected in the question about whether the judges had actually seen litigants make improvements with their problems. The problem-solving judges, particularly the drug treatment court judges, were more certain that they had witnessed progress in the litigants. This difference seems clearly related to the problem-solving model employed by the court. These courts are more likely to use a pattern of reviews that allow the judges to see the litigants on an ongoing basis. Furthermore, the drug treatment courts in particular are more likely to organize their calendars in a thoughtful manner whereby the court and the litigants follow a program of predictable interactions. Calendars organized in an orderly manner that provide for routine contact between judge and litigant creates the opportunity for judges to get positive feedback about their work and may serve to relieve job stress. The degree of predictability in calendaring may also serve to reduce stress.<sup>91</sup> This method of well-planned calendaring and reviews promotes the opportunity for a positive relationship to develop between the judge and the litigant.

The organization of the other courts is in contrast, particularly the traditional family law and criminal courts. For example, in most traditional family law courts, the only time the judges have contact with their litigants is when something has gone wrong. This is also true for the traditional criminal court judges. For the most part, cases are set for hearing on a first-come-first-served basis rather than a planned pattern of hearings. There is very little predictability for either judge or litigant of what their contact during any given hearing may be like. It is impossible to predict what other matters may also be set for hearing that day, how many other people will be scheduled, what the issues will be in the cases, whether sufficient time can be allotted, or what the emotional environment of the courtroom may be. When reviews are set, they are usually to motivate hesitant agreements or to make temporary arrangements for litigants whose disputes remain basically unresolved. The hope seems to be that the passage of time may help solve the problem. Regrettably, unlike fine artisanal Roquefort, cases rarely get better with age. Additionally, the frequent turnover in judicial personnel in the traditional family law courts<sup>92</sup> weakens the development of any sort of productive relationship between litigants and judges.

## CONCLUSION

Issues of potential self-selection of assignments, characteristics of litigants, and resource allocation are factors deserving further research. This survey of judges clearly suggests, however, that working in a problem-solving court model is beneficial for the litigants and the judicial officers and enhances the quality of justice as a whole. Data also suggest that the problem-solving model that is developing in the movement toward family court reform has potential to increase judicial satisfaction for family court judges. Not all commentators think judicial satisfaction is an appropriate field of inquiry, however. One British author noted, "Ought we to be thinking more about the impact of the team approach [in drug treatment courts] on notions of justice, rather than concern ourselves with the well-being of judges, an occupational group quite capable of protecting its own interests?"<sup>93</sup> So why, then, does it matter if judges are satisfied in their work?

First, the relationship between job satisfaction and efficacy makes such investigation relevant to program evaluation. Data from drug treatment court evaluations document the value of these courts in accomplishing their goals. The goals of these courts include providing help to the litigants who appear there. The connection between court procedures that are helpful to litigants and the job satisfaction of judges appears to be related.

Second, when judges are feeling productive and positive these attitudes carry over to staff, litigants, and counsel. Likewise, if a burnt-out judge is short-tempered and grumpy, the perception of the court is more likely to be negative. This suggests that, as in other professional settings, a judge's job satisfaction would be a predictor of litigant satisfaction and significantly affect the public's trust and confidence on the courts. In 2002, the National Center for State Courts hosted the "National Conference on Public Trust and Confidence in the Justice System."<sup>94</sup> Comments at the conference are quite telling as they relate to judicial attitudes and a problem-solving approach. Tom Tyler, Professor of Psychology at New York University, said,

When we look at what people really care about, that is what drives their confidence . . . we find that the key factors are issues of process, what people experience in the manner in which their cases are resolved. [They are most confident and trusting] . . . when they feel they can participate [and] receiv[e] polite and dignified treatment.<sup>95</sup>

Drug treatment courts, in particular, were singled out for praise. Another commentator said, ". . . [T]he whole movement that is occurring with drug treatment courts . . . is in direct response to people believing that they should be able to play a fundamental role in the problem-solving capacity in their communities."<sup>96</sup>

Finally, highlighting the relationship between a judge's perception of a litigant's gratitude and his or her own job satisfaction shows that judges, too, remain social and human even while on the bench. Moreover, judicial stress can lead to substance abuse and other problems that negatively reflect on the judiciary and the system as a whole. When the major player in the courtroom has developed an understanding, acceptance, and appreciation of him- or herself and others and when judges can feel pride in their work, confidence and trust are improved. Judicial satisfaction, then, relates not only to the individual judge but to the very quality of justice delivered in the courtroom.

## NOTES

1. David B. Wexler & Bruce J. Winick, *Therapeutic Jurisprudence as a New Approach to Mental Health Law Policy Analysis and Research*, 45 U. MIAMI L. REV. 979 (1991).

2. JUDGING IN A THERAPEUTIC KEY: THERAPEUTIC JURISPRUDENCE AND THE COURTS (Bruce J. Winick & David B. Wexler eds., 2003); PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION (Dennis P. Stolle et al. eds., 2000); LAW IN A THERAPEUTIC KEY: DEVELOPMENTS IN THERAPEUTIC JURISPRUDENCE (David B. Wexler & Bruce J. Winick eds., 1996).

3. These courts have also been called “therapeutic courts,” “accountability and treatment courts,” “therapeutic jurisprudence courts,” “collaborative courts,” and “collaborative justice courts.”

4. Deborah J. Chase et al., *Community Courts and Family Law*, 2 J. CENTER FOR FAM., CHILD. & CTS. 37 (2000).

5. Bruce J. Winick, *The Jurisprudence of Therapeutic Jurisprudence*, 3 PSYCHOL. PUB. POL’Y & L. 184 (1997).

6. See, e.g., *State v. Rogers*, 170 P.3d 881 (Idaho 2007) (Idaho Supreme Court opinion holding that termination from Drug Treatment Court program requires the same due process due a probationer or parolee as stated in *Morrissey v. Brewer*, 408 U.S. 471 (1972)).

7. Peggy Fulton Hora & William G. Schma, *Therapeutic Jurisprudence*, JUDICATURE, July–Aug. 1998, at 9; Peggy Fulton Hora et al., *Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System’s Response to Drug Abuse and Crime in America*, 74 NOTRE DAME L. REV. 439 (1999).

8. There are eight different types of alcohol and other drug treatment courts (adult [1174], juvenile [455], family [301], designated driving while impaired [110], reentry [24], tribal [72], campus [6] and Federal District [5]) for a total of 2147 and 13 other types of problem-solving courts (reentry [28], gun [4], community [30], mental health [219], domestic violence [185], prostitution [4], parole violation [12], homeless [37], truancy [304], child support [154], integrated treatment [20], gambling [2], veteran [1], and other [58]) for a total of 1058. See C. WEST HUDDLESTON III ET AL., NAT’L DRUG COURT INST. PAINTING THE CURRENT PICTURE: A NATIONAL REPORT CARD ON DRUG COURTS AND OTHER PROBLEM-SOLVING COURT PROGRAMS IN THE UNITED STATES (2008), available at <http://www.ndci.org/>.

9. *Id.*

10. Richard Zorza points out that whether a judge is neutral or not is a very different question from whether the judge is engaged or not and that, with respect to ethical rules, the issue is neutrality, not engagement. Richard Zorza, *The Disconnect Between the Requirements of Judicial Neutrality and Those of the Appearance of Neutrality When Parties Appear Pro Se: Causes, Solutions, Recommendations, and Implications*, 23 GEO. J. LEGAL ETHICS 423, 430 nn.17–18, 448–52 nn.47–65 (2004). See also ST. JUST. INST. AND CAL. ADMIN. OFF. OF THE CTS., CTR. FOR FAMS., CHILD. AND THE CTS, HANDLING CASES INVOLVING SELF-REPRESENTED LITIGANTS: A BENCHMARK FOR JUDICIAL OFFICERS, Chapter 2 (2007), available at [http://serranus.courtinfo.ca.gov/education/bench\\_hb/self\\_rep\\_litigants.pdf](http://serranus.courtinfo.ca.gov/education/bench_hb/self_rep_litigants.pdf).

11. Deborah J. Chase & Peggy Fulton Hora, *The Implications of Therapeutic Jurisprudence for Judicial Satisfaction*, 37 CT. REV. 12 (2000).

12. Hora & Schma, *supra* note 7.

13. U.S. DEPT. OF JUST., OFF. OF JUST. PROGRAMS, DRUG CTS. PROGRAM OFF., DEFINING DRUG COURTS: THE KEY COMPONENTS (1997), available at <http://www.nadcp.org/docs/dkeyp.pdf>.

14. See generally Steven Belenko, *Research on Drug Courts: A Critical Review*, 1 NAT’L DRUG CT. INST. REV. 10 (1998); Steven Belenko, *Research on Drug Courts: A Critical Review, 1999 Update*, 2 NAT’L DRUG CT. INST. REV. 2 (1999); STEVEN BELENKO, THE NAT’L CTR. ON ADDICTION AND SUBSTANCE ABUSE AT COLUM. U., RESEARCH ON DRUG COURTS, A CRITICAL REVIEW 2001 UPDATE, (2001), available at <http://www.casacolumbia.org/>.

15. Carol Coulter, *Report Finds Drug Court Pilot Project Reduces Addiction, Crime*, THE IRISH TIMES, Feb. 15, 2003, available at <http://spa.american.edu/justice/publications/pilotproject.pdf>; Toni Makkai, *The Emergence of Drug Courts in Australia*, in DRUG COURTS: CURRENT ISSUES & FUTURE PERSPECTIVES (Lana D. Harrison et al. eds., 2002). See also National Association of Drug Court Professions, International Association of Drug Treatment Courts, <http://www.nadcp.org/iadtc/> (last visited Oct. 30, 2008) (for links to at least six countries—Canada, Puerto Rico, Ireland, Scotland, Australia, and New Zealand—that have implemented drug courts, and an International Association of Drug Court Professionals). Moreover, the United Nations Office on Drugs and Crime has developed guiding principles for drug treatment courts internationally as have Native American Tribal Healing to Wellness courts. See United Nations Office on Drugs and Crime, <http://www.unodc.org/> (last visited Oct. 30, 2008); Tribal Court Clearinghouse, Tribal Hearing to Wellness Courts, [http://www.tribal-institute.org/lists/drug\\_court.htm](http://www.tribal-institute.org/lists/drug_court.htm) (last visited Oct. 30, 2008).

16. Sally L. Satel, *Observational Study of Courtroom Dynamics in Selected Drug Courts*, 1 NAT’L DRUG CT. INST. REV. 56 (1998).

17. BELENKO, *supra* note 14.

18. Shelley Johnson Listwan et al., *The Erie County Drug Court: Outcome Evaluation Findings*, CTR FOR CRIM. JUST. RESEARCH (2001), available at <http://www.uc.edu/criminaljustice/ResearchReports.html>.

19. *Id.*

20. See Belenko, *Research on Drug Courts: A Critical Review*, *supra* note 14.
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70. This reference was personally made to the author some time over the course of her career.

71. *Id.*

72. Michael A. Town, *Is Compassion Fatigue an Issue for Judges?*, THE FLA. BAR NEWS, June 1, 2004, <http://www.floridabar.org>.

73. KUHN, *supra* note 43.

74. Hora & Schma, *supra* note 7.

75. Chase & Hora, *supra* note 11.

76.  $F = 20.93$  ( $p < .0001$ ).

77.  $F = 28.05$  ( $p < .0001$ ).

78.  $F = 25.11$  ( $p < .0001$ ).

79.  $F = 42.61$  ( $p < .0001$ ).

80.  $F = 50.56$  ( $p < .0001$ ).

81.  $F = 53.52$  ( $p < .0001$ ).

82.  $F = 71.40$  ( $p < .0001$ ).

83.  $F = 20.20$  ( $p < .0001$ ).

84.  $F = 60.50$  ( $p < .0001$ ).

85.  $F = 28.05$  ( $p < .0001$ ).

86.  $F = 46.22$  ( $p < .0001$ ).

87.  $F = 41.59$  ( $p < .0001$ ).
88.  $F = 42.06$  ( $p < .0001$ ).
89.  $F = 8.08$  ( $p < .005$ ).
90. Significance is at least  $p < .05$ .
91. Zimmerman, *supra* note 63.
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93. Philip Bean, *Drug Courts, the Judge, and the Rehabilitative Ideal*, in *DRUG COURTS IN THEORY AND IN PRACTICE* (James L. Nolan, Jr. ed., 2002).
94. NAT'L CONF. ON PUB. TRUST AND CONFIDENCE IN THE JUST. SYS., *supra* note 29.
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96. NAT'L CONF. ON PUB. TRUST AND CONFIDENCE IN THE JUST. SYS., *supra* note 29, at 13.

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