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# Early Origins of Metro Drug Court



By Judge Roderick Kennedy

In the early nineties, I was a member of the Bernalillo County task force that was developing a centralized intake unit for persons with substance abuse problems. The purpose of this project was to provide a centralized location where persons needing assistance or treatment could go to obtain a referral to the various providers throughout the county, much like the hub of a spoked wheel. At the same time, I chaired the Bernalillo County DWI Planning Council, which had embarked on a large project that ultimately resulted in the beginning of the inpatient alcohol treatment program at the Bernalillo County Detention Center. Methods of best accomplishing the goal of early and meaningful intervention to get persons with problems to treatment were widely discussed by many professionals.

It occurred to many of us that conditional release through pretrial services could provide a useful vehicle for intervention. The idea of the offender in a cell all night, asking himself, "How could I have gotten to this point?" seemed like an opportune time to tell such a person, "You have a problem with alcohol. You need to get fixed. We will let you out of jail on your recognizance only if you agree to be supervised and get treatment." For a court system, this time is represented by custody arraignments. Anyone who sits in the basement custody room on a Monday morning, stewing in the odor of an 80-person hangover, quickly realizes an opportunity for meaningful intervention. We got a grant for pretrial services for a pilot program for "significant offenders" and were off and running.

Literature tells us that persons with high blood alcohol content (BAC) are more likely to be DWI recidivists and also present a likelihood of having serious addiction problems. Similarly, subsequent DWI offenders are more likely to cause accidents (and human consequences).

We determined that second and third offenders with BACs above .16 would be offered an opportunity for early intervention, pretrial supervision and treatment, and the chance to argue at a later point in their case that they had turned themselves around. Offering such a chance to a bleary-eyed disheveled person in a blue jumpsuit who stank of last night's drinking was, we hoped, something that person would be in a position to find an interesting proposition.

The program lasted about a year; the legislature cut funding to pretrial services, and the Planning Council could only make up so much of the shortfall. A year later, however, results were encouraging, with DWI recidivism rates for high-BAC multiple offenders coming in significantly lower than the rate for first offenders. Not long after this, the 2nd Judicial District Court looked to begin its drug court, and Judge Richard Knowles asked us about our program. The idea that early and significant intervention can produce results when it comes to turning around offenders' lives is something that is now universally accepted, but it was the visionaries in Metro Court who put together the first program.

#### *About the Author:*

*Judge Roderick Kennedy was first elected to the bench in 1988, serving on Albuquerque's Metropolitan Court for eleven years until his merit selection and appointment to the Court of Appeals in 1999 and again in 2001. Judge Kennedy represented Metro Court on Bernalillo County's DWI Planning Council, serving as its first chair and leading the creation of a \$2.5 million treatment center at the Bernalillo County Jail and the intensive pretrial supervision program that formed an early model for what is now Drug Court in Albuquerque.*

# Bernalillo Metropolitan Court

## Homeless Court



By Victoria Grant, Metropolitan Court Presiding Judge

Founded by Judge Victoria J. Grant in 2002, the Bernalillo County Metropolitan Homeless Court Program is a specialty court within Metropolitan Court. The Homeless Court's mission is to assist homeless people who are striving to break away from the homeless lifestyle by providing them with an alternative means to resolving the legal issues that bar them from reentering the community as responsible and productive citizens. The Homeless Court hears a wide range of misdemeanor cases that fall within the jurisdiction of the Bernalillo County Metropolitan Court. The most common charges are quality of life offenses, including drinking in public, criminal trespass and public nuisance. The court does not entertain felony cases or cases arising from domestic violence, driving while intoxicated, probation violations or restitution charges.

The judges of the Homeless Court literally take this court to the streets. Hearings are held once a month at St. Martin's Hospitality Center, a drop-in center for the homeless and one of New Mexico's largest multi-program providers of services to the homeless. St. Martins provides the court a meeting room, which is transformed into a traditional courtroom, complete with a judge's bench, counsel tables, U.S. and state flags and two deputy sheriffs. Judge Grant and Judge Benjamin Chávez, who preside over the hearings on an alternating basis, are joined by six attorneys who provide legal counsel for the program on a *pro bono* basis. Assistant 2nd Judicial district attorneys Jonathan Ybarra, Carlos Pacheco and Vashti Lowe represent the state. Private-practice defense attorneys Thomas Clear, Daniel Ivy-Soto and Marcella Neville represent the homeless defendants.

A homeless defendant is given access to the Homeless Court Program through a referral letter submitted to the court by a case manager, counselor or client advocate representing an agency that is providing services to the homeless defendant. Once the defendant is in the program, any bench warrants associated with the defendant's cases are temporarily cancelled, allowing the defendant to pursue treatment, employment and housing without the fear of being arrested. The bench warrants are reinstated if the defendant fails to comply with the treatment outlined by their referring agency or if they fail to appear for their Homeless Court hearing.

Before any Homeless Court hearing, the defendant's agency representative must submit a progress letter and supporting documents verifying the progress and efforts the defendant has made in treatment programs, employment and stable housing searches. The presiding judge, assistant district attorneys and private-practice defense attorneys review this letter and supporting documents. If the judge determines from the documentation that the defendant is following the agency's outlined program and showing progress in moving from the streets to self-sufficiency, the judge will order the defendant's cases be calendared for a Homeless Court hearing. Upon this determination, the prosecutors meet with the defense attorneys and attempt to reach an agreement that will resolve the defendant's cases. In most instances, where the defendant has succeeded in completing a treatment program and finding employment and housing, the prosecution will offer a motion to dismiss the charges. If the judge orders the charges

dismissed, the defendant's work in the treatment program and efforts in securing employment and housing are converted to credit time served and applied to the sentence to resolve the case.

For the defendant, having a case dismissed may have far-reaching effects. Homeless people are often denied services and benefits, even from homeless providers, if they have pending criminal cases or outstanding warrants. Once they have resolved these cases, many become eligible to receive certain government benefits and housing assistance as well as reinstatement of their drivers' licenses.

At the first Homeless Court session in 2002, Judge Grant heard the cases of one defendant. Since that session, the number of defendants and cases has gradually grown. In 2005, approximately 200 cases were transferred from the traditional trial court to the Homeless Court Program. Of this total, 80 cases were resolved in Homeless Court hearings, and 116 cases were removed from the program and reassigned to the original trial court. (Reassignment to the original trial court typically occurs because the defendant stops going to treatment.) On average, six to ten defendants appear before the Homeless Court each month. Approximately 99 percent of their cases are resolved at the monthly hearing. Cases that are not resolved are continued to the next Homeless Court session.

The presence of a traditional courtroom within the environment of a drop-in center for homeless people often produces a unique and special atmosphere. During these hearings, it is common to see a homeless defendant express genuine appreciation to the judges, defense attorneys and prosecutors for assisting them in resolving their cases. Some are moved to walk past counsel tables and shake the hands of each defense attorney and prosecutor. It is also common to overhear judges, attorneys and court observers express their gratitude for the opportunity to play a part in these hearings.

## Mental Health Court



By Ana Benford

For years the Metropolitan Court has been working collaboratively with the mental health community. The court and others have often struggled with finding the delicate balance of protecting public safety and providing treatment to mentally ill individuals who enter the criminal justice system. Under the leadership of Judge Kevin Fitzwater, the Mental Health Court was established in response to that need in 2002.

The primary purpose of the program is to successfully divert mentally ill defendants from prosecution or provide a sentencing alternative to jail when it is appropriate. Beyond this the program uses the auspice of the court to help those individuals who are not in immediate crisis and who may not be competent to secure access to housing, treatment and community support.

The court serves as a "single point of contact" where a team of specialists works with mentally ill offenders. The team consists of the program judge, prosecutor, defense attorney, clinician, supervising officers and case managers. The team utilizes their skills and expertise to work

with mentally ill defendants and offenders to develop treatment plans, obtain services, provide supervision and monitoring, and case management services. The Mental Health Court accepts referrals of those individuals charged with misdemeanor offenses filed in the Bernalillo County Metropolitan Court. Those referred must have a mental illness and/or be developmentally disabled.

Program participants must attend one-on-one status hearings with Judge Fitzwater, the Mental Health Court judge, as mandated and comply with all court orders. In addition they must follow the assigned treatment plan that may include: a physician's medication plan; counseling, therapy and support groups; alcohol and other drug screening; and other assigned treatment requirements. Those in the program also work with specially qualified and trained probation officers.

Successful participants who are dealing with their mental illness by following court orders and treatment plans are offered favorable dispositions to their cases. These depend on the crime, the participant's history and other factors at the time of graduation. More important than the disposition of the case, participants are assisted in improving their level of mental health and life skills. As a result their lives, our community and public safety are improved.

This past year the Mental Health Court program provided services to approximately two hundred participants, not including those who were not enrolled in the program. An additional one hundred and forty-one were interviewed at the Metropolitan Detention Center by an on-site probation officer and eighty-eight of these were successfully referred to outside agencies.

## DWI/Drug Court



*By Victoria Grant, Metropolitan Court Presiding Judge and Ana Benford*

The Bernalillo County Metropolitan DWI/Drug Court Program was implemented in 1997 in response to the serious drug and alcohol problem faced by our community. The target population is repeat DWI misdemeanor offenders with two to five convictions. With the continuing problem of alcohol and substance abuse in Albuquerque, the DWI/Drug Court possesses the necessary components to impact positively the community, the offender and actual or potential victims through the reduction in the rate of recidivism. It is a voluntary program which seeks to reduce substance abuse, crime and recidivism by providing intensive supervision, treatment and judicial oversight for alcohol/drug dependant participants. The program focuses on the participant living substance free in an environment filled with life's obstacles and pressures.

The DWI/Drug Court Program is a post conviction/pre-sentence program that utilizes a multi-faceted approach. The four-phase program consists of intensive supervision of clients by probation officers, frequent appearances before the DWI/Drug Court judge, mandatory drug and alcohol counseling, regular attendance at community-based self-help groups (AA, NA or CA) and random drug testing. The first three phases operate on a point system of progression. For each completed activity, whether it is a meeting with the probation officer or going to counseling, the defendant will receive one point. Mandatory employment or full-time school attendance for each phase is required. Also, in the second and third phases, there is a mandatory requirement of community service and attendance of the Victims Impact Panel sponsored by Mothers Against Drunk Driving. When

the allotted points are reached for that particular phase, the defendant is eligible to advance to the next phase. Upon completion of the three phases, defendants will be eligible to advance into a minimum three-month transitional care component.

Criteria for acceptance into the program requires that the potential participant has a current DWI case which has resulted in a guilty plea or conviction. The current offense must be classified as non-violent. If the current offense is for DWI involving a crash, there must have been no injury to any victim. There are no exceptions to this rule. There must also be no history of any violent felony conviction. Screenings for eligibility are conducted by the probation officers for all DWI offenders referred to probation prior to sentencing.

The Drug Court probation officer utilizes a screening assessment, which includes questions regarding criminal history, substance use and abuse history, the primary drug of choice and additional relevant information. If the individual is found to be appropriate for the program, the case is set before the court, and it is recommended that sentencing be continued and transferred to the DWI/Drug Court Program.

If any of the conditions set forth by the program are violated, the defendant is immediately seen by the Drug Court judge and sanctions are imposed. These can include daily visits to the probation officer, increased community service, increased treatment and incarceration. Again, there is a zero tolerance policy with regard to drug and alcohol use, driving with a revoked license or without the ignition interlock. These violations result in incarceration.

In an effort to better serve the community, two specialty tracks, Co-Occurring Disorders Track and the Urban Native American Track were created. Both tracks began in 2004. On April 30, 2004, the Bernalillo County Metropolitan Court began the country's first drug court program organized specifically for urban Native Americans. This is the first native drug court in the country that is not on tribal land. Since the programs' inception, 89 participants have been enrolled in the program. There have been 40 successful graduates, and there are currently 27 active participants.

All requirements of the standard drug court and the Urban Native American Track are the same although participants are provided with the opportunity to choose which track will be more conducive to their recovery. Many urban natives are traditional in their beliefs, and this track offers them the opportunity to integrate those beliefs with their treatment as they progress through the program.

The Urban Native American Track was designed to create an atmosphere of healing through mainstream and traditional methods in pursuit of spiritual and physical recovery for Native Americans. This track incorporates traditional approaches including talking circles, sweat lodges and groups focused on living in "two worlds." The treatment agency, the Evolution Group, provides experienced and specifically trained staff to address issues of native people who live in urban areas. Research has shown that when culturally proficient services and treatment are provided, they are more effective.

The Co-Occurring Disorders Track was implemented in July of 2004. This track was specifically designed to assist multiple DWI offenders with serious mental illnesses by providing intensive supervised treatment and adherence. Participants have their therapy and other needs addressed in an individual and integrated approach. Like the Urban Native American Track, the requirements of the Co-Occurring Disorders Track are the same as standard DWI/Drug Court. Both tracks have an assigned probation officer and one judge for each

*continued on page 10*

## 11th Judicial District Adult Drug Court

# The Treatment of Methamphetamine Addiction

By Brad Ullrich, 11th Judicial District  
Adult Drug Court Program Manager

The 11th Judicial District Adult Drug Court began operation in October 1997 with approximately a dozen clients. Since its inception, the program has seen the drug problem in San Juan County move toward methamphetamine (meth) being by far the most popular drug in the area. With 90 percent of the clients currently in the program claiming meth as their drug of choice, the program has been forced to focus almost solely on the treatment of meth addiction. Over the past couple of years, the drug itself has also changed. It has moved away from the powdered “crank” that was predominantly made in small “mom and pop” labs to the “glass” made mostly in large “super labs” that is now prevalent on the street. “Glass” is a much stronger drug than “crank,” and with this increased potency has come greater difficulty in breaking users of their addiction.

Currently the program has approximately 75 clients on the street, another dozen or so in residential treatment, about the same number in jail facing probation violation and 20 absconders. This caseload is managed by three officers, two employed by the District Court and one employed by the state Department of Corrections. Treatment is provided by Presbyterian Medical Services in Farmington.

The Drug Court Model, in existence since the early 1990s, has proven itself over the years and has been successfully adapted to other types of problem-solving courts, including mental health courts and domestic violence courts. The model has proven to be remarkably effective in the treatment of meth addiction with some specific components that enhance the success of the treatment. The model consists of the *Ten Key Components*, outlined by the Department of Justice and others early on, that are essential to the success of any drug court or for that matter almost any problem-solving court. When it comes specifically to the treatment of meth addiction, some of the components can be seen as slightly larger pieces of the overall treatment puzzle.

Component number one was ironically called into question early on by the treatment community. **“Drug courts integrate alcohol and other drug treatment services with justice system case processing.”** Before drug courts, the common wisdom among treatment providers was that forcing someone to receive treatment did not work, an assumption drug courts have proven to be false. In fact, it has become possibly the most important component.

The threat of a jail or prison sentence is a very powerful motivator, and if you can coerce someone into treatment at the start, it has been proven that more often than not he or she will eventually become receptive to that treatment. This component is especially important in the 11th Judicial District Adult Drug Court. All clients must enter into a plea agreement or be found guilty in a jury trial, and the completion of the Drug Court is made a condition of their probation

at sentencing. The consequences of failure are usually jail or prison, but the consequences of successfully completing the program are just as important. Most graduates of the program receive an early discharge from probation and many of them are first-time offenders that also received a conditional discharge or a deferred sentence, so completion of the program means coming out at the end with no criminal conviction along with being drug-free. This type of incentive, along with any other appropriate awards and sanctions, ultimately makes it very worthwhile for the client to engage in treatment that was initially mandated by the court.

Components four, five and six (**“Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. Abstinence is monitored by frequent alcohol and other drug testing. A coordinated strategy governs drug court responses to participants’ compliance.”**) all involve the treatment provider along with the judicial system. In the case of the 11th Judicial District Adult Drug Court, the partnership of the court with a full service treatment provider has been, in my opinion, the

key to the success of this court. Meth addicts have proven to have much higher needs than many other types of drug or alcohol addicts, and these needs can only be addressed by a “full service” treatment provider.

Many drug courts contract with a substance abuse counseling service or even a counseling service that covers the full spectrum of counseling, treating not only substance abuse but also other needs. These can include anger management, abuse, life skills, self esteem and others. This second type of treatment provider will be more successful than just a substance abuse counseling service in the

treatment of meth addicts. To be truly successful in the treatment of this type of client, it is vital that the treatment provider not only be a full spectrum counseling service, but also be able to treat the multitude of other problems that a meth addict has—health, both physical and psychological, with dental issues being the primary physical issue.

Methamphetamine in its present predominant form is the worst type of drug that society is faced with today. The addiction to meth is not so much a physical one as it is a very powerful psychological addiction. The physical aspects of the drug manifest themselves in dramatic weight loss and many other serious health issues, and most noticeable among those other issues is the devastation to the clients’ dental health.

The other very serious physical damage is not as plainly visible as the weight loss or dental problem, but it is possibly even more serious due to the long term and possibly permanent effects. The damage done to the various chemical receptors in the brain has been studied very closely over the past several years and has been found to be devastating and possibly permanent to a very large degree.

So, where do all these problems caused by meth leave us in the treatment of the addict? This is where the approach adopted by the 11th Judicial



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District Adult Drug Court has proven to be so successful. Over the past five years the program has partnered with Presbyterian Medical Services, a full service medical facility that also has dental services and counseling and psychological services covering the full spectrum of the clients' needs. You cannot just address a meth addict's substance abuse and addiction. Treating the whole person is essential to getting meth addicts to stop using and for them to continue their abstinence.

For a meth addict to continue to stay clean, their physical and psychological/mental health must be addressed. Having all these issues addressed by one provider allows for a seamlessly coordinated treatment. The physical damage brought on by heavy meth use is handled by the medical department of the provider, and this can be fully coordinated with the psychotropic medications that are often necessary and are provided by a staff psychiatrist. The serious

dental issues are also addressed by a coordinated effort. Finally, any counseling issues to include substance abuse (the Matrix Model or a similar approach is proving to be very successful) and any other issues are addressed by a full service counseling department. Having all of these client issues addressed under one roof is the key to the successful treatment of meth addiction. You will not have a successful, long term outcome without addressing all of the clients' needs over the long term.

*About the Author:*

*Brad Ullrich is the Program Manager for the Eleventh Judicial District Adult Drug Court in Aztec, NM. He has managed the program since May 1998. He has also been a Probation Officer in both Arizona and New Mexico supervising a variety of caseloads including Intensive Supervision and Community Corrections.*

# Juvenile Drug Court:

*By Cynthia Ferrari and The Honorable John W. Pope*

# Thinking <sup>Outside</sup> the Box

This story begins when Carlton Liggins approached District Judge John Pope about starting a juvenile drug court program in Valencia County in the fall of 2001. Liggins was the juvenile probation office supervisor for the New Mexico Children, Youth and Families Department (CYFD). He knew there were potential federal planning grants available, with the possibility of more federal pilot monies being available in the future. Judge Pope was skeptical both of the federal grants and drug court and whether there could be a reliable, evidence-based assessment done to show that the program was capable of meeting his expectations. Trusting Liggins, Judge Pope agreed to lead the program. They decided they would not wait for a planning or implementation grant but would assemble a strong team of volunteers and start a pilot project with no money or assets. Team members included therapists, probation officers, an assistant district attorney, a public defender, a district judge and others with interests in the educational and community components of the issue. It was important to have enthusiastic people since there were no other resources. Randy Chavez, a public defender, was an original and valuable member of the team who initially volunteered his services. Youth Development, Inc. helped in getting the drug court program started. The D.A.'s office, primarily through Burt Parnell and Beverly Taylor, gave its time and dedication. The commitment of the juvenile probation office was critical to the establishment of the drug court program. The Court provided facilities. Many of the above agencies and others, wittingly or unwittingly, provided material resources.

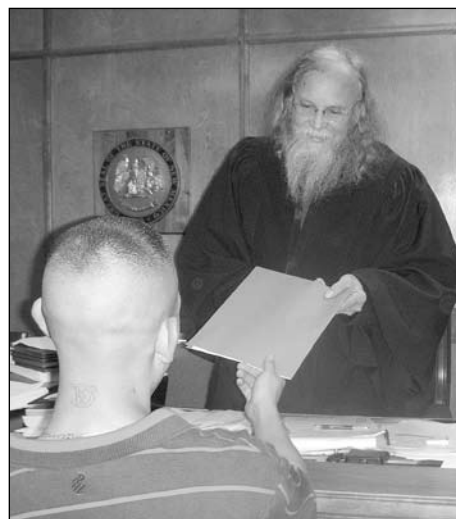
For the drug court to prove successful, there had to be a method to measure the qualitative and quantitative effectiveness of the program. A preferred way to accurately measure efficacy through third-party evaluation is to have an MIS (management information system or

**"My life before drug court was like a nightmare. If it wasn't for drug court I would probably be in jail or dead from an overdose."**  
Anonymous Drug Court Client

database) where all program data is collected and stored. The team realized it needed the database but did not have the funds to pay for one that had the capacity to capture the data the team required and to generate the corresponding reports.

The newly hired program director, Cynthia Ferrari, designed a database which was more sophisticated than anything available. Paul Martin, of Martin & Sabo, was hired on a contract basis to do the computer programming. This database was later used as a model when the state-wide database was created. The MIS collects all participant information including client office and phone contacts, phase changes, drug test results, educational and recreational activities completed, counseling, and clients' progress and participation in the program. The database generates accurate and comprehensive reports which prove invaluable in performing the program evaluation.

One of the strengths of the program is its team concept. By relying on a team concept, there has been more "buy-in" from both individuals and the agencies involved. The team approach accepts that team members come from different interests and values; however, consensus ultimately needs to be achieved so that the decisions reached regarding the participants are balanced and holistic. The team approach allows members to set goals, align values and build trust, and therefore share risks. In order for the drug court program to thrive, team members have to constantly consult with each other to remain responsive to needs and quickly adapt to change. The team consults frequently with its clients to improve the effectiveness of the drug court program.



*Judge Pope congratulates a drug court graduate.*

The Valencia County Juvenile Drug Court has remained responsive to the changing needs of its clients, families and community by  
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# Lea County Family Drug Court

# FIRST<sup>IN</sup> NEW MEXICO

By Sherry Buie

**L**ea County Family Drug Court (LCFDC) is a new and exciting program breaking ground in Lea County. Modeled after several pre-existing drug court programs from across the nation, LCFDC consists of intensive wrap-around and case management services to address substance abuse issues in families. In an effort to enhance and restore a family's capacity for social functioning, LCFDC focuses on providing children a safe home with drug-free parents via judicially managed and community-based services. At this time the population served in Lea County is CYFD/PSD clients and 5th Judicial District criminal cases determined by the courts. These individuals with substance abuse issues have children who have been removed from their homes or are at risk of losing their children.

In establishing the Family Drug Court Program in Lea County, Judge R.W. Gallini, Judge William McBee, and members of CYFD approached community members and professionals to participate on an LCFDC implementation team. This core team consisted of Judge William McBee; Sheri Buie, program director; Mayte Zepeda, administrative assistant; Randy Owensby, substance abuse counselor; Socorro Telles, parenting specialist; Saul Monroy, domestic violence/relationship counselor; Cori McCarrell, CYFD county office manager; Barbara Greenwood, SW supervisor; Cathy Sims and Lorna Haynes CYFD social workers; Probation and Parole, law enforcement, Guidance Center and Zia Consulting; and respondents' attorneys.

In building the LCFDC program, the team visited sites across the nation to observe existing drug court programs and participate in training that was coordinated by the Office of Justice Programs. Utilizing the information gathered through these existing programs, the LCFDC Program was developed to fit the needs of CYFD clients in Lea County as well as other parents who are at risk of losing their children. Recently, the program accepted clients who met eligibility criteria through the judicial system. These clients, referred to LCFDC by the court, have an opportunity to defer their criminal charges upon successful completion of the program and of probation. They are dually managed by Probation and Parole and LCFDC.

The program requires a one-year minimum commitment in which the participants advance through a series of four three-month phases. Linked to a number of community services, participants are required to participate in a 12-step program, undergo weekly individual and group therapy sessions, submit to random urinary analysis, and attend weekly Judicial Drug Court. Before the weekly court review hearings, the team staffs with the judge to discuss the progress or lack of progress of each client. The clients report to the judge on their individual progress and/or regression. Through this process, they are empowered, thus allowing for greater participant accountability. Immediate sanctions/consequences, as well as incentives/rewards, are based on participant compliance or noncompliance. Upon the successful completion of the program, a graduation ceremony is held in their honor. Graduates receive a dozen roses, an engraved Nambe platter and a candlelight ceremony.



A strength-based and holistic approach is used in meeting client needs and through the LCFDC Program. The social worker/case manager is able to provide the client with immediate resource access. Assessment begins by meeting the client where they are in their sobriety, educational level and ability to parent, therefore providing the client with a clear understanding of LCFDC expectations.

LCFDC has been in operation since August 2002. Since that date, approximately 60 new participants have entered the program. LCFDC is also proud that 11 mothers have given birth to drug-free babies while participating in the program. The Drug Court is proud of our current recidivism rate of 20 percent. The participants assist in the development of their two-three year after-care plan which includes mentorship of current clients in the program and continued participation in group therapy and LCFDC activities. Success is measured by tracking the graduates for a minimum of three years to determine recidivism.

By evaluating the LCFDC Program, CYFD social workers have found success to be measured by the timely, intense and structured reunification of children with their parents based on successful participation and progress in meeting their treatment requirements. Social workers have attributed this to client ownership of the program and learned accountability and responsibility.

At this time, the standing success rate of LCFDC is at 85 percent. The goal of LCFDC is to expand services to the entire population of Lea County through community networking, with eventual expansion across New Mexico. The old saying goes, "It takes a village to raise a child;" it takes a whole community to meet the needs of a family dealing with substance abuse issues that result in child abuse and neglect.

Federal and state funding were granted to support the Family Drug Court Program under the Administrative Office of the Courts in the 5th Judicial District specifically to meet treatment costs and fund the drug court coordinator position. This funding does not cover incentives, rewards or incidental costs incurred by clients working to meet their daily needs and treatment goals. Through community support, families are receiving full wrap-around services that are needed to produce successful results that help keep children safe and reunified with family.

#### *About the Author:*

*While working for the Children, Youth and Families Department, Sherry Buie collaborated with Lea County Office Manager Cory McCarrell to start a family drug court. After approximately two years of research, planning, and meeting with community resources and partners, the drug court became a reality. Buie is currently the program director for the 5th Judicial District Court.*

# 5-Year Plan

# FOR GROWTH OF N.M. DRUG COURT PROGRAMS

By Peter Bochert

"I wasn't arrested. I was rescued." This surprising declaration was made by a methamphetamine addict as he finally completed a court-monitored treatment program. The program had taken him more than two years to complete, during which time he was subject to frequent and often random drug testing, weekly counseling, home visits by probation/surveillance officers and biweekly to monthly appearances before the judge. He had been subject to an intense and invasive court-monitored effort to change his addictive behavior and take responsibility for his actions, yet he claimed, "It's all been worth it. I'm clean. I'm free. I'm healthy. I've got my family back."

The remarkable court program he graduated from is called "drug court," and his is just one story among the more than three thousand graduates of the programs over the last eleven years. There are 30 such programs around the state, working with offenders in 18 of the state's 33 counties, and the New Mexico Supreme Court would like to see them established in the remaining 15 counties. Toward that end, on Jan. 18, 2006, the Supreme Court approved the *5-Year Plan for Growth of New Mexico Drug Courts*.

"Drug Court is not about doing without dope. It's learning to live responsibly."  
Program Graduate

A drug court is a judicial program that combines substance abuse treatment with intensive supervision and the coercive power of the judiciary. Participants'

offenses range from the clearly drug-related, such as drug possession, to property crimes and even embezzlement. Substance abuse and addiction are the common threads tying them all together, and the offenders are referred to drug court because their underlying substance abuse leads them to repeated criminal behavior.

Dirty drug tests, skipped treatment sessions and other acts of non-compliance lead to immediate sanctions from the judge, up to and including incarceration. Programs average 12 to 14 months in length, and they are very demanding. Graduation is not guaranteed—it has to be earned. Tough as these programs are, current performance measures indicate that 60 percent of New Mexico's drug court participants graduate, and only 13.4 percent re-offend within three years of graduation. The average cost-per-client-per-day is \$24.11, which is far less than the average daily cost of \$81.35 for incarceration.

Such positive outcomes have been reported from drug court programs around the country (there are now over 1600 nationwide), leading to interest in their continued growth in New Mexico. In 2003, the New Mexico Supreme Court created the Drug Court Advisory Committee (DCAC) for oversight of the state's growing number of drug courts. As part of its order, the Supreme Court directed DCAC to "develop a five-year strategic plan" to include "access to [drug court] programs in all courts by more offenders." DCAC's primary goal was to make the programs accessible to every New Mexico resident who could benefit from their services. For strategic growth purposes, DCAC further defined this goal to mean (a) implementation of a drug court program in every county in the state, while also (b) considering expansion of existing drug court programs where need is greatest.

The 2006 Legislature replaced lapsing federal funds at eight drug court programs, institutionalizing them with recurring state funds. It also provided funding to start two new adult drug courts in counties that were lacking a drug court program of any kind. That resulted in drug courts in 18 of the state's 33 counties, leaving 15 counties still without a drug court.

A secondary goal of the five-year plan is to provide a reasonably stable and predictable level of funding requests to the legislature each legislative session. DCAC has defined an application process by which courts will make known their interest in starting a new drug court so that DCAC can guide each court through the planning and implementation process. This will further allow DCAC to help schedule the creation of the 15 new drug courts, spreading their implementation over the next four fiscal years and allowing the judiciary to make reasonably stable and predictable funding requests on behalf of drug courts during the next four legislative sessions:

**FY08 (7/1/07–6/30/08) Total = \$1.35 million:**

- **\$296.8K** for replacement of lapsing funds and resources at several drug court programs, and
- up to **\$1.053 million** for expansion requests of existing or new programs around the state

**FY09 through FY11 (7/1/08–6/30/11) Total = \$1.6 million each of the 3 fiscal years:**

- **\$1.35 million** for replacement of lapsing federal funds at six new drug court programs each of the three fiscal years, and
- up to **\$250.0K** for expansion requests of existing programs each fiscal year

This targeted and controlled growth will require approximately \$6.15 million in recurring funds over the next four fiscal years at an average of \$1.54 million each year. It will create 18 new drug courts, with 15 in counties currently without one of any kind. It will also allow approximately \$1.94 million for expansion of existing programs over the course of the five-year plan. (The entire plan can be downloaded at [www.nmadcp.org](http://www.nmadcp.org).)

The financial investment in developing these programs is significant but so are the potential returns. Besides the reduced recidivism rate and low cost, studies have demonstrated that graduates earn higher wages and work longer than probationers, resulting in the collection of higher taxes and FICA payments and lower welfare and food stamp costs. Graduates' health care costs and mental health services are also significantly lower than those for probationers. In other words, drug courts turn offenders from tax drains into taxpayers.

As the methamphetamine addict mentioned earlier in this article said, "Drug court is not about doing without dope. It's learning to live responsibly." Chief Justice Richard J. Bosson, in announcing the *5-Year Plan* earlier last year, said, "Drug courts have proven to be an extraordinarily effective tool in touching the lives of substance abusers because the program treats more than just addiction." The state's judiciary welcomes the opportunity to expand these remarkable programs and help more offenders recover from addiction and lead law-abiding, productive lives.

*About the Author:*

*Peter Bochert is the statewide drug court coordinator with the Administrative Office of the Courts, a position created in 2003 to help with centralized administration of New Mexico's drug court programs.*

program for oversight. In addition, all aspects of the program are available in Spanish. There are bi-lingual (Spanish) probation officers, treatment providers and a judge who conducts DWI/Drug Court sessions weekly.

The Metropolitan Court judges are proactive in their leadership in providing services that help change the lives of defendants. The recidivism rate is significantly lower for those who participate in DWI/Drug Court than the rate for those who do not. Nationally, recidivism rates for defendants on regular supervision are between 40 percent and 60 percent as compared to the DWI/Drug Courts' rate of 11.2 percent after five years. As a result, our community is safer for us all.

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*Juvenile Drug Court, Ferrari and Pope*  
*continued from page 7*

constantly re-evaluating its programming and making changes when needed. Expansion and enhancement of services and opportunities for the children are on-going. Children are provided with positive activities to replace the former negative ones. Horse therapy, art and clay classes, dance and exercise, rafting, camping, rock climbing, ropes course, life skills, cooking, airbrushing and animation drawing are examples of programs that have been offered.

In addition to the recreational programming, the Valencia County Juvenile Drug Court has implemented a strong educational component. All participants are given educational placement tests upon entrance into Drug Court. Tutoring and homework assistance is provided to individuals whose results are below the expectations of their grade level. All participants are required to attend school or GED classes, provided in-house by a certified bi-lingual instructor. This allows for intensive and individualized attention to each student. One sixteen-year-old participant was illiterate upon entrance to Drug Court. Upon graduation, this child was able to read and write because of this intensive literacy program.

It was quickly apparent that the participants were not interested in reading books and had poor reading and writing skills. In an effort to address this problem, the Juvenile Drug Court implemented a book program. Initially, a participant was required to perform 20 hours of voluntary community service to move to Phase 3 or 4 in the program. The team decided to have the children pick a book to read and write a four-page report in lieu of some of their community service. This has been a very successful component of the program, proving itself effective in getting many of the children interested in reading. Children have commented that it was the first time they had read a book and enjoyed it.

The Valencia County Juvenile Drug Court created a sustainable program with buy-in from all the necessary agencies and the community by having accountability and being able to show concrete results supported by reliable data to satisfy both funding sources and the community. Many strong partnerships have been created with local agencies and individuals, allowing the program to integrate seamlessly into the community. The program is able, through these partnerships, to offer previously unavailable services to the participants. All services have been tailored to the unique needs of participants utilizing the limited resources of Valencia County.

*About the Authors:*

*Judge Victoria Grant was appointed to Metropolitan Court in 1996 where she has served as criminal presiding judge since 2001. She is the past president of the New Mexico Association of Drug Court Professionals and continues to serve as Drug Court judge in Metro Court for the Urban Native American DWI/Drug Court.*

*Ana Benford is the supervising probation officer for the DWI/Drug Court Program. She has been with the New Mexico judiciary since 1981 and with the DWI/Drug Court Program since 2003. She is a graduate of UNM.*

The Juvenile Drug Court program has proven successful in reducing recidivism and rehabilitating its young participants. Collected data shows that graduates in 2006 had a recidivism rate of 10 percent, which is much lower than the national average of 45 percent. Many of the program graduates have gone on to college or work, leaving behind their former lifestyles of substance abuse and crime.

It has been repeatedly shown on a national level that drug courts with intense judicial involvement are the most successful. This involvement generally occurs on three levels. The first and most important point of involvement is with the clients, in this case the children. The judge convenes Drug Court at 4 p.m. most Fridays to evaluate participants' progress and for rewards and sanctions. It is important for the children to know that an authority figure is interested in their progress and cares about them. The second role for the judge is to be first among equals on the team, to provide an over-arching direction to the program. The third level is community contact. The judge has to be committed to the drug court program and to selling its goals to the community.

Early on in the program, the team decided, while the emphasis had to remain on sobriety, that sobriety could only come with the concept of personal responsibility, which itself could only be built on a solid base of education and a wide base of opportunities for participants. The Valencia County Juvenile Drug Court has been successful because it has remained mindful of these goals and has been adaptive to changing circumstances.

*About the Authors:*

*Cynthia Ferrari obtained a paralegal degree in 1999 and soon thereafter began working for the 13<sup>th</sup> Judicial District Court. In 2002, she became the program director for Valencia County Juvenile Drug Court. She was given an award for "Excellence in Public Program Management" in 2006. She is currently serving on the board of directors for the New Mexico Association for Drug Court Professionals.*

*District Judge John W. Pope has been on the district court bench for 14 years and has received the Outstanding Judicial Service Award from the State Bar of New Mexico twice. He has been a college professor for 24 years at the UNM School of Law and is a published poet and historian.*

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