

JUSTICE SPEAKERS INSTITUTE

TRAINING REPORT

THE ROLE OF THE JUDGE AS A TEAM LEADER

A TRAINING FOR PROBLEM SOLVING
COURT JUDGES IN COLORADO



Justice Speakers Institute
PROMOTING JUSTICE WORLDWIDE

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WE ARE JSI



Justice Speakers Institute
PROMOTING JUSTICE WORLDWIDE

Justice is our product. JSI provides exceptional consulting services based upon our core values of excellence, integrity, respect, commitment, insight, collaboration and fun.

JSI'S VISION & MISSION

OUR VISION

The Justice Speakers Institute's vision is to Promote Justice and the Rule of Law worldwide.

OUR MISSION

It is the mission of the Justice Speakers Institute to be the essential resource on justice issues worldwide.

ABOUT JSI

The partners and associates of the Justice Speakers Institute (JSI) are internationally recognized experts with decades of experience and mastery of over 300 subjects impacting the justice system.

The Institute was founded in 2015, by the late Peggy Hora, Brian MacKenzie, and David Wallace. Currently, David is the President, with Mack Jenkins as the Vice President, and Brian MacKenzie as the Chief Financial Officer. Additionally, there are over twenty rigorously selected associates with expertise on a wide variety of justice and legal issues.

Check out the website and read the articles and blogs, and listen to the podcast episodes at www.JusticeSpeakersInstitute.com.



ABOUT THE TRAINING

The Justice Speakers Institute (JSI), in collaboration with the Colorado Court Services, presented an opportunity for Colorado judges to acquire additional knowledge on leading an effective Problem Solving Court team. An effective team has a number of 'building blocks' including clear objectives, balanced roles, and effective communication. It must also have good processes for making, implementing and reviewing decisions. An effective team has appropriate leadership creating an atmosphere that allows for experimentation and openness. The subject matter of this training was partially driven by the attendees in combination with the JSI instructors and partially driven by National and Colorado Best Practice Standards.

The presenters for this training program consisted of a former retired Chief Probation Officer, and a retired Judge.

Between the two of them, they have over 50 years of service in the justice field, dealing with Treatment Courts and substance use disorders (SUDs) on a daily basis within their professions.

It is that knowledge and passion they brought to this training program, ensuring a broad display and discussion on how Judges are the team leaders for Treatment Courts.

Judge Brian MacKenzie (Ret.) and Chief Mack Jenkins (Ret.) discussed evidence-based best practices for team composition, evidence-based roles of team members, participation in staffing sessions and review hearings, and communication and decision-making. The critical role of the judge was discussed in additional detail. Judicial ethics and Due Process Rights were also reviewed. Interactive discussions and break out scenarios were used to assist the attendees in understanding the role of the judge as the team leader.

Before attending, participants completed a web-based survey to assess their knowledge and attitudes towards Problem Solving Courts and judicial ethical issues Problem Solving Court judges may face. The information provided in the survey was used during the discussions in the training program.

THE TRAINING AGENDA

8:30 — 8:45
8:45 — 9:45
9:45—10:45
10:45—11:00
11:00—12:00
12:00—1:00
1:00—2:00
2:00 — 2:15
2:15 — 3:00
3:00—3:30
3:30 — 3:45

Welcome and Introductions JUDGE BRIAN MACKENZIE (RET.) / CHIEF MACK JENKINS (RET.)
Overview of Problem Solving Court (PSC) Teams CHIEF MACK JENKINS (RET.)
Role of the Judge as an Ethical Team Leader JUDGE BRIAN MACKENZIE (RET.)
BREAK
Ethics and Team Leadership Breakout JUDGE BRIAN MACKENZIE (RET.) / CHIEF MACK JENKINS (RET.)
LUNCH
PSC Staffing Discussions / How to Lead Interdisciplinary Teams in Monitoring, and Responding to Participant’s Behavior CHIEF MACK JENKINS (RET.)
BREAK
The Procedurally Fair Team JUDGE BRIAN MACKENZIE (RET.)
Staffing Session Breakout JUDGE BRIAN MACKENZIE (RET.) / CHIEF MACK JENKINS (RET.)
Wrap Up JUDGE BRIAN MACKENZIE (RET.) / CHIEF MACK JENKINS (RET.)

ABOUT THE SPEAKERS

CHIEF MACK JENKINS (Ret.) career in the justice system spanned more than 40 years. He retired as the Chief Probation Officer for San Diego County. Over the course of his career Chief Jenkins developed expertise in the use of evidenced-based practices for community correction, re-entry and juvenile justice. Additionally he has more than 25 years of experience working in Drug Courts and collaborative justice programs. Chief Jenkins has provided technical assistance to Treatment Court programs throughout the county. He has served on a number of national boards including the National Association of Drug Court Professionals, and Council of State Governments (CSG)/ Justice Center.



CHIEF MACK JENKINS
VICE PRESIDENT, JUSTICE SPEAKERS
INSTITUTE

JUDGE BRIAN MACKENZIE (Ret.) is an award-winning judicial educator who retired from the bench after almost 27 years of service. Upon leaving, he became one of the founders of the Justice Speakers Institute and serves as its Chief Financial Officer. He has served as the president of the American Judges Association and the Michigan Association of Treatment Court Professionals. He was honored to be the American Bar Association/ National Highway Traffic Safety Association 2008 - 2010 Judicial Fellow. He is currently a member of the International Society for the Rule of Law.



JUDGE BRIAN MACKENZIE
CHIEF FINANCIAL OFFICER, JUSTICE
SPEAKERS INSTITUTE

THIS TRAINING



This project was made possible through an agreement with the Justice Speakers Institute, LLC (JSI), and the Colorado Court Services.

The points of view expressed were those of the speakers and did not necessarily represent the official position or policies of the Colorado Courts or the Colorado Court Services.

PRE AND POST QUESTIONNAIRE

The judges who attended the training completed a web-based survey prior to, and after, the training. The questionnaire assessed the judges' knowledge and attitudes toward Problem Solving Court (PSC) Team Best Practices before and after the training to determine if the training impacted the attendees' understanding.

RESPONDING JUDGES

The evaluation was based on a pre-training survey with nineteen judges responding and a post-training survey with six judges answering the questions. These surveys included a series of questions designed to gauge a judge's understanding and attitudes towards several key aspects of PSC operations.

The response to the pre-questionnaire survey showed that Colorado PSCs are quite knowledgeable about the nature of PSC operations. Previous training efforts and actual experience have had a clear impact.

LIMITATIONS

Nineteen survey responses were received prior to the training, However, only six post-training responses were received at the end of the training. The lack of post training response appears to have arisen as a result of difficulties with cell phone service and in accessing the

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PROBLEM SOLVING COURT TEAMS

“The survey results suggests that the judges had a good pre-existing understanding about the importance of building good PSC teams.”



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internet in the room where the training was held. Several judges complained about being unable to use their cell phones to access the study link, potentially limiting the number of post-training responses.

The difference in response rates between the pre- and post-questionnaires prompts a cautionary note. It is important to acknowledge that the observed changes in perception, discussed below, may not comprehensively capture all of the alterations due to the limited number of post-training responses.

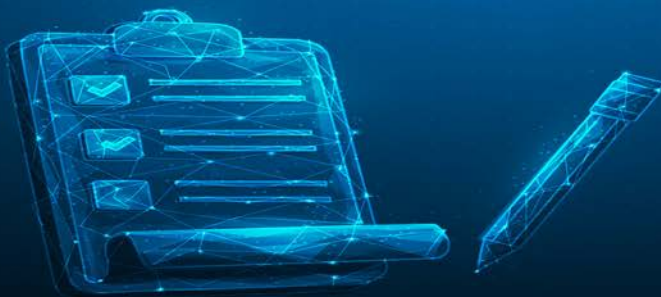
Additionally, accessing the questionnaire link post-training appears to have altered the

composition of the responses. Among the pre-training respondents, 16% (3 out of 19) presided over limited jurisdiction courts. In the post-training group, 67% (4 of 6) of Judges presided over limited jurisdiction courts.

INTRODUCTION TO SURVEY RESULTS

This report summarizes the key findings from a training evaluation conducted on Colorado PSC judges. The purpose of this evaluation was to assess the impact of the training program on the judges' perceptions and knowledge related to various aspects of PSC team operations. The program was aimed at enhancing a judge's

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understanding of the operation of PSCs, the importance of the judge's role and the role of various PSC team members.

SURVEY RESULTS

- 1. Problem Solving Court Docket:** Prior to the training, 11% of the respondents were not serving on a problem-solving court docket. Post-training, it is unclear whether this had changed.
- 2. Perception of Need for Prosecutor, Defense Attorney, and Law Enforcement on the team in Family Treatment Courts:** Prior to the training, 50% of Family Treatment Court judges did not see a need for the involvement of prosecutors, defense attorneys, or law enforcement on the team. However, after the training, Family Treatment Court judges who responded, recognized the importance of their involvement.
- 3. Importance of the Judge Remaining Long-Term:** Prior to the training, 16% of the respondents thought it was only somewhat important for a judge to remain long-term with a PSC. After the training, all of the post-training respondents indicated that it was important.
- 4. Importance of Attending Staffing Session:** Before the training, 11% of the respondents thought it was only somewhat important for a judge to attend staffing meetings. After the training, all respondents considered it important.
- 5. Importance of Team Members Attending Review Session:** Before the training, 16% of the respondents thought it was only somewhat, or somewhat unimportant, for all of the team members to attend the review session. After the training, all judges understood the importance of attendance by the entire team.
- 6. Time spent in the courtroom with a participant:** Prior to the training, 32% of the responding judges were familiar with the concept of a participant's improvement when the judge spends more time with a participant. After the training, all respondents were very familiar with this concept.
- 7. Ex Parte Communication:** Prior to the training, 33% of the judges did not think that ex-parte communications in PSCs were an area of great concern. 11% of the respondents were unsure about ex-parte communication's importance. 5% of judges thought it was not an issue.

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5% thought there should be a little concern, and 21% of judges thought it was somewhat of a concern. Post-training, 83% of the respondents thought judges should be concerned a great deal about ex parte communications with participants, and only one thought it was somewhat of a concern.

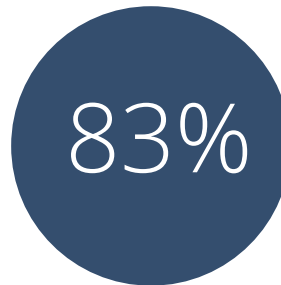
8. Out of Court Contact with Participants: Prior to the training, 16% of the respondents were unsure, and another 16% of the judges thought they could have out-of-court contact with participants. After the training, all of the judges understood that there should be no out-of-court contact with a participant.

9. Familiarity with Procedural Fairness/ Justice Concept:

Before the training, 42% of the respondents were very familiar with the procedural fairness concept, 42% were only somewhat familiar, 5% were a little familiar, 5% were not at all familiar, and 5% were unsure. Post-training, 67% were very familiar, and 33% were only somewhat familiar.

10. Distal and Proximate Goals: Prior to the training program, none of the respondents mentioned distal and proximate goals when responding to the survey question on naming three factors to consider when imposing incentives and sanctions. Post-training, 83% of the judges mentioned these concepts.

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Post-training, 83% of the judges mentioned distal and proximate goals.



After the training, all of the judges understood that there should be no out-of-court contact with a participant.

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11. Incentives to Sanctions Ratio: Before the training, 21% of the respondents were uncertain about the ratio of incentives to sanctions, and 4 judges thought it was 3 to 1. After the training, everyone understood that the ratio should be at least 4 to 1.

CONCLUSION

In summary, this report presents an analysis of the outcomes stemming from a series of comprehensive training sessions conducted at Vail, Colorado, with the overarching goal of augmenting Colorado PSC judges' understanding of PSC teams and their role on the team. The core focus of this analysis was drawn from the insights gleaned through the administration of pre- and post-questionnaires along with conversations with the participating individuals.

The collected data underscores a significant enhancement in Colorado's PSC judges' comprehension on the importance of team building and its impact upon PSC participants. The survey results suggests that the judges had a good pre-existing understanding about the importance of building good PSC teams. Another prominent theme was the increased recognition on the

importance of setting proximate and distal goals when imposing sanctions or providing rewards.

The impact of the training was evident through a range of observed improvements in the judge' understanding, including:

- A significantly improved understanding of the concept of procedural fairness/justice.
- A heightened awareness of the need for judges to be concerned with out of court contact with PSC participants.
- A significantly improved understanding of the importance on the amount of time spent in the courtroom with participants and its impact on recidivism.
- A two-fold increase on understanding the importance of including prosecutors, defense attorneys and law enforcement on the team in Family Treatment Courts.
- A substantial rise of comprehension on problems posed by ex-parte communications with participants.

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“The feedback from respondents further reinforces the efficacy of the training sessions in bridging comprehension gaps related to PSC teams’ practices.”

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The analysis of the pre- and post-questionnaire responses provides compelling evidence, first, of the knowledge that prior training programs and judicial experiences have given Colorado PSC judges; and, second, attest to a noteworthy advancement in attendees’ understanding of the importance of proximate and distal goals when imposing sanctions or incentives. The feedback from respondents further reinforces the efficacy of the training sessions in bridging comprehension gaps related to PSC teams’ practices.

Many of the judges concurred on the effectiveness of the training program itself. Moreover, in conversations with the trainers a number of judges expressed their intent to apply the acquired content and skills in their current professional settings, underscoring the practical relevance of the training.

To conclude, we extend our gratitude to all of the judges who contributed to the success of this training program. We also wish to express our particular gratitude to Ms. Leah Elsbernd and Ms. Sarah Keck, Statewide Problem-Solving Court Coordinators for the

Administrative Office of Colorado Supreme Court, who contributed greatly to the overall success of the training.

The program appears to have had a significant impact on the understanding and alignment of respondents in PSCs regarding the team make-up. It also resulted in increased awareness of the key concepts and best practices in PSC team operations. It is evident that training programs can play a crucial role in enhancing the effectiveness and consistency of PSCs in addressing complex legal and team issues.



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