

E-SJI NEWS

Kansas Assesses Feasibility of Drug Courts



The Kansas Supreme Court, with consulting services provided by the National Center for State Courts (NCSC), performed a feasibility study of the State’s drug courts. The objective of this study was to assess the practicality of assuming state-level management over all adult drug court programs throughout Kansas.

This SJI-supported Technical Assistance grant (SJI-10-T-011) enabled the Kansas Supreme Court to conduct a structural analysis of the 7 drug court programs already in existence, and identify the operational benefits of migrating to a centralized management system, given recent legislative changes that are impacting treatment programs for offenders.

Senate Bill 123 (SB 123) mandates that a target population of nonviolent adult offenders, convicted of a first or second-degree drug possession offense with no prior drug-related criminal history, be provided with assessments, treatment in a certified substance abuse program, and supervision through community corrections. Similar to drug courts, the length of treatment an offender receives depends on the modality and services provided. Additionally, the ability of the offender to pay is considered, although under SB 123, every offender is ordered to pay \$300. SB 123 provides funding for the activities of the Kansas Sentencing Commission (KSC) and Kansas Department of Corrections. As part of the SJI-funded project, the Supreme Court is determining whether existing drug courts should meet the requirements of SB 123.

NCSC Consultants performed a comparative analysis between Kansas and state-level efforts in New Mexico, Missouri, Nebraska, and Utah. The report reviewed SB 123, traditional drug court models, expectations of treatment-based offender programs,

and needs specific to Kansas.

The report contained the following recommendations, which will assist Kansas in deciding whether to establish statewide oversight of drug courts:

- conduct complete process and outcome evaluations on existing SB 123 programs;
- undergo adequate strategic planning focused on funding and expansion;
- utilize the outcome evaluation to determine how various programs should co-exist;
- recognize that the cost benefits of SB 123 programs and/or drug courts are decreased when the range of offenders is limited;
- develop collaborative relationships, and promote judicial involvement, since these are key factors in supporting programming for offenders where the cornerstones are treatment and supervision.

The report concluded that, regardless of when the programs were implemented, SB 123 has fostered and supported growth among offender-based treatment programming and services across the state. The final report, excluding redacted portions, can be obtained from the [SJI website](#).

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SJI has funded a number of statewide and single jurisdiction evaluations of drug court and community-based supervision programs dating back to the early 1990’s.

New Mexico Judiciary Conducts Statewide Study of Alternative Dispute Resolution

The New Mexico Judiciary and Administrative Office of the Courts (AOC) released its report titled, *Advancing Alternative Dispute Resolution in the New Mexico Judiciary: Key Strategies to Save Time and Money*, as a result of its SJI-funded Technical Assistance Grant (SJI-10-T-004).

Court-annexed ADR is the resolution of a legal dispute after a case has been filed in court, but prior to formal litigation; it may involve an out-of-court agreement, but will traditionally rely on an in-court early settlement through mediation, facilitation, arbitration or informal negotiation.

The report was prepared by the National Center for State Courts (NCSC), with guidance from the statewide Alternative Dispute Resolution (ADR) Steering Committee. Participation on the 12-member ADR Steering Committee included judges, AOC and district court leadership, and practitioners. The committee provided oversight to NCSC during the research and proposal preparation phases, as well as interpretation of the value of ADR as described in the Judiciary's 2008-2013 Long-Range Strategic Plan. This plan called for the improvement of ADR methods and education of the public on the availability of ADR, and was a contributing factor in the AOC's decision to pursue grant funding for the study.

ADR programs are increasing as court budgets continue to shrink. However, the New Mexico ADR study is unique, since the entire state court system participated with the goal of strengthening and crafting a more vibrant, responsive system of ADR services for the public. New Mexico currently supports a court-annexed ADR program in its appellate, district, metropolitan,



and magistrate courts, with the intended goal of saving time and money for both the public and the courts.

Included in the report is a breakdown of the strengths and vulnerabilities of the current program. A common theme cited by respondents to the 2009 Court ADR Survey was a lack of resources, including staffing, funding, volume of cases, and time. However, the report suggests that much of this can be positively impacted by small advancements through the following: 1) breaking down silos and working towards collaboration; 2) conducting training to educate

the legal community to increase their comfort with ADR; 3) creating a positive public image of court-annexed ADR by relating the benefits of the program as opposed to traditional litigation methods; 4) embracing the diversity in various communities by encouraging a customized approach to ADR; and 5) enhancing ADR services to self-represented litigants through



value to more than just the New Mexico ADR program:

- structure new and expanded ADR initiatives in phases and pilot projects;
- enhance ADR training, management, and operations through technology;
- support different approaches in large and small court jurisdictions;
- publicize and market a "multi-door courthouse" concept; and
- grow the numbers and quality of ADR neutrals and court programs.

The final report presents an insightful statewide analysis of ADR in New Mexico, and offers resources from other states and national organizations for operating ADR programs. A copy of the report is available on the New Mexico Judiciary's [website](#).

existing initiatives.

Survey respondents, comprised of judges, court staff and administrators, attorneys, neutrals, and providers, were represented. The diversity of their responses and experiences with ADR helped to ensure that a sufficient cross-section of perspectives was achieved for the analysis. Results of their survey and responses are included in the report.

Among the highlights of the report is a list, "Ten Ways to Advance Court-Annexed ADR Within New Mexico." Included in the list are the following recommendations, which have

Third Quarter Grant Applications for FY 2011

SJI received 15 grant applications requesting a total of \$1,208,909 for the 3rd quarter of FY 2011. The Board will meet on June 3, 2011 to make decisions on grant awards for the 3rd quarter. The results of this Board meeting will be available the following week.

SJI has received over \$1 million in grant applications per quarter in FY 2011; Technical Assistance (TA) and Curriculum Adaptation (CAT) grant applications are very popular. As competition for SJI grant funds remains

strong, potential applicants are encouraged to do the following during the preparation of their proposals: 1) review the [Grant Guideline](#) for directions on how to submit a grant application; 2) initiate contact with SJI if there are questions about the proposed project, or during preparation if there are questions about the requirements; and 3) be aware of, and plan to use in the proposed project, best practices and available research, including results from previously funded SJI grants.

SJI Grant funding remains available on a **first-come, first-served, basis for applications that merit funding.**

The 4th quarter deadline for grant applications is August 1, 2011.

All applicants are required to submit an original and two copies of the grant application. These should be mailed to SJI's new address: 11951 Freedom Drive, Suite 1020, Reston, VA, 20190.

SJI Scholarship Funding Expended For FY 2011



There is no remaining funding in SJI's Scholarship Program for FY 2011.

Potential scholarship applicants are advised to hold their requests until the first quarter of FY 2012. The deadline for those applications is November 1, 2011.

This marks the second fiscal year in a row that all scholarship funds have been awarded prior

to the end of the 4th and final quarter of the fiscal year. The program is in high demand among judges and court managers.

For more information on scholarships and the application materials required, please visit the [SJI website](#).

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