

And the Survey Says . . . : State Court Judges and Problem- Solving Courts

AUBREY FOX

This chapter is excerpted from *A Problem-Solving Revolution: Making Change Happen in State Courts*, published by the Center for Court Innovation, 2004.

In 2001, the University of Maryland's Survey Research Center (in partnership with the Open Society Institute and the Center for Court Innovation) conducted phone interviews with over 500 judges, including 286 criminal court judges and 217 judges who preside over problem-solving courts. The 20 minute survey was designed to test several hypotheses that have been advanced by proponents of problem-solving courts: Are judges frustrated with the results that conventional case processing achieves? Are criminal court dockets cluttered with cases involving addiction, domestic violence and mental illness? Are judges interested in testing new approaches like the more aggressive use of judicial monitoring or the creation of new links to off-site treatment providers?

The results were provocative: while overwhelmingly satisfied with their jobs (and mostly unfamiliar with problem-solving courts), judges are nonetheless very interested in, and supportive of, problem-solving approaches in cases involving addiction, domestic violence and mental illness.

Survey Results

The results of the survey include:

The Open Society Institute provided funding for the survey described in this chapter. Points of view and opinions in this chapter do not necessarily represent the official position or policies of the Open Society Institute.

Significant support for an outcome-orientation for courts
Over 80 percent of the judges surveyed said they should be “extensively” or “moderately” involved in helping to reduce drug abuse among defendants, protecting domestic violence victims from continued violence and helping defendants who are mentally ill get into treatment.

Confidence in treatment as an effective sentencing option for a wide variety of offenses
Over 70 percent of the judges surveyed favored treatment over incarceration as a means of reducing recidivism among non-violent, drug-addicted defendants; close to 90 percent of the judges said that treatment for mentally ill defendants would “greatly” or “somewhat” reduce the likelihood of future offenses among this group.

Support for the active use of judicial authority
Ninety percent of the judges surveyed said they should be “extensively” or “moderately” involved in ensuring that substance-abusing defendants attend court-ordered treatment and defendants in domestic violence cases attend batterer intervention programs.

Willingness to engage with community groups
Over 60 percent of the judges said they should be “extensively” or “moderately” involved with community groups in working on neighborhood safety and quality-of-life concerns.

Commitment to building public confidence
Close to 95 percent of the judges said they should be “extensively” or “moderately” involved in building public confidence in the courts.

And the Survey Says . . .

Satisfaction with problem-solving courts

Ninety-six percent of the problem-solving court judges reported being “very satisfied” (70 percent) or “satisfied” (26 percent) with their experiences presiding over a specialized court.

Preference for problem-solving courts over traditional case processing

Sixty-four percent of criminal court judges said that drug courts are more effective at reducing recidivism among addicted offenders than conventional criminal courts (only 11 percent favored criminal courts over drug courts). Forty-eight percent believed that domestic violence courts are better at reducing domestic violence than conventional criminal courts, while 22 percent favored criminal courts.

Interest in serving on a specialized problem-solving court

Although only 30 percent of criminal court judges reported being “very familiar” with problem-solving courts, two-thirds said they would be “very likely” (34 percent) or “somewhat likely” (33 percent) to accept an opportunity to preside over a problem-solving court.

What does all this add up to? While the judges surveyed expressed support for some of the basic elements of problem solving, they did not endorse problem solving per se. Many had never heard of problem-solving courts and even those who had heard of them expressed some confusion about the term. At the same time, the survey offers a snapshot of a surprisingly engaged and proactive judiciary willing to roll up their sleeves and get involved in addressing the kinds of problems that courts see on a daily basis.

The bottom line is that many judges and citizens support a problem-solving approach, even if they don’t know what a “prob-

lem-solving court” is. Judges view the core components of problem-solving courts—the active use of judicial authority, a focus on achieving tangible outcomes like increased sobriety for addicts and a multi-disciplinary approach that brings non-lawyers into the courtroom—more favorably than might be expected given the value the judiciary typically has placed on continuity, stability and tradition.