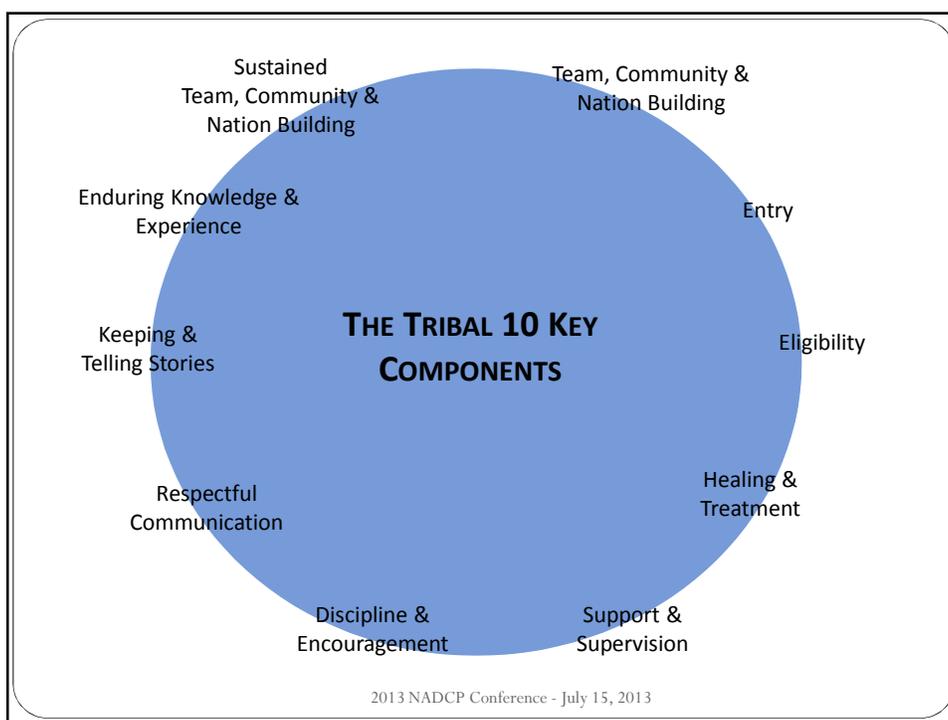
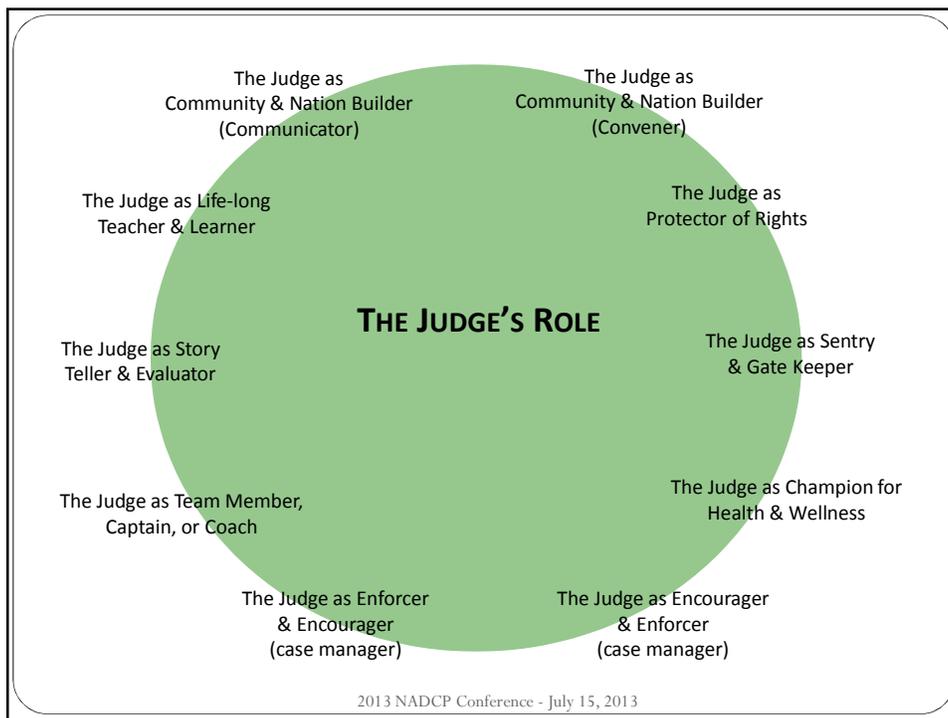


# Unique Role of Judges in Healing to Wellness Court

Presented by the Tribal Law and Policy Institute

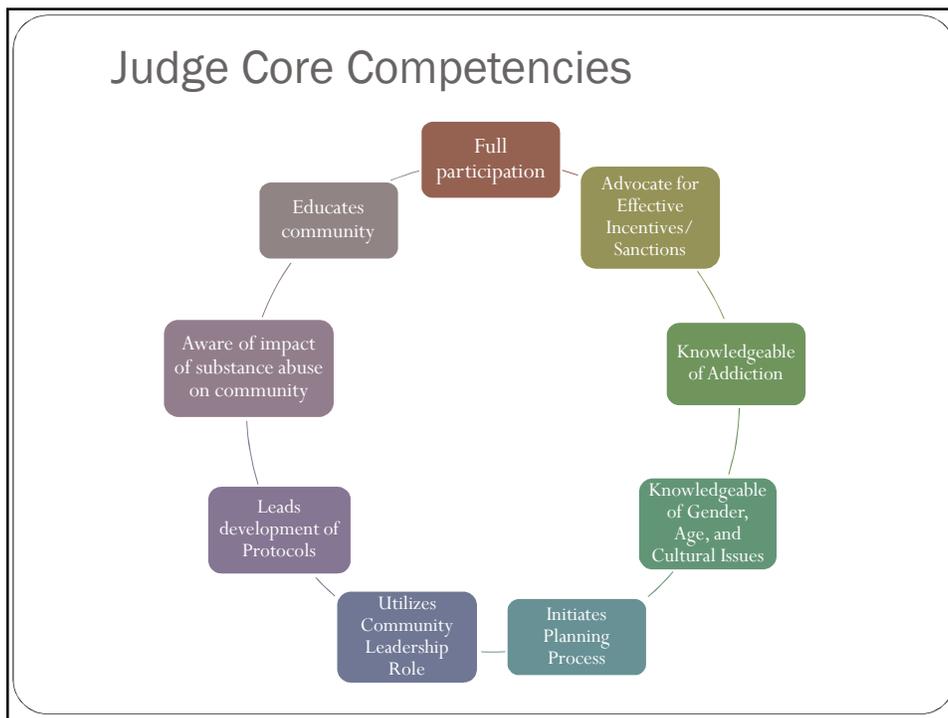




## Tribal Key Components and the NADCP Judicial Core Competencies

- The Tribal Key Components are the basic operational characteristics of a Healing to Wellness Court.
- The NADCP Judicial Core Competencies are specific factors that the *Judge* should provide, reflecting the Judge's role as leader.
- The Judicial Core Competencies are based on state court research.

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## NADCP Core Competency #1

Judge as Team Member and Capitan

- The Judge “[p]articipates fully as a Wellness Court Team Member, committing him or herself to the program, mission and goals and works as a full partner to ensure success.”

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## Scenario

- The Judge is a proponent of Wellness Court, but is busy with multiple dockets, numerous hearings, and attending federal government consultations. Therefore, the Judge does not attend staffings, but instead relies upon a weekly report from the Wellness Court Administrator.

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## NADCP Core Competency #2

### Judge as Encourager and Enforcer

- “As part of the Wellness Court Team, in appropriate non-court settings (i.e. staffing), the judge advocates for effective incentives and sanctions appropriate for program compliance or lack thereof.”

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## Scenarios

- All the team members attend staffing and advocate for an appropriate incentive or sanction. However, regardless of any consensus, the Judge will issue whatever incentive or sanction she deems appropriate.
- All the team members attend staffing and advocate for an appropriate incentive or sanction. The Judge holds a vote, and issues whatever incentive or sanction for which the team has voted.

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## NADCP Core Competency #3

### Judge as Enforcer and Encourager

- Judge is “knowledgeable of addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance and/or noncompliance in a therapeutically appropriate manner.

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## Scenario

- The Wellness Court Team considers any use of drugs or alcohol as a violation of Wellness Court rules. Therefore, any dirty drug test and/or any other evidence of drug or alcohol use (including Facebook) results in an automatic two-day jail sentence.

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## NADCP Core Competency #4

### Judge as Sentry and Gate-Keeper

- Judge is “knowledgeable of gender, age, and cultural issues that may impact the offender’s success.”

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## Scenarios

- Tribe X practices a clan tradition. The Judge and a participant are both members of Clan Y. The Judge foregoes hearings and instead monitors participant's progress as a clan mentor.
- The Wellness Court would like to encourage cultural awareness and participation among its participants. Therefore, after a dirty drug test, a participant is ordered to participate in a Sweat Lodge in order to cleanse the participant of the toxic drugs.

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## NADCP Core Competency #5

### Judge as Story-Teller and Evaluator

- The Judge “initiates the planning process by bringing together the necessary agencies and stakeholders to evaluate the current core processes and procedures and thereafter collaborates to coordinate innovative solutions.”

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## NADCP Core Competency #6

### Judge as Community and Nation Builder

- The Judge “[b]ecomes a program advocate by utilizing his/her community leadership role to create interest and develop support for the program.”

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## NADCP Core Competency #7

### Judge as Protector of Rights

- The Judge “effectively leads the team to develop all the protocols and procedures of the program.”

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## Scenarios

- The Judge is a proponent of Wellness Court and participated in its implementation. The community is small, and the Wellness Court team is familiar with each participant and their families. The Judge holds infrequent staffings, because everybody “knows” the progress of each participant in Wellness Court.
- The Judge is indifferent towards Wellness Court, but participates due to a directive from Tribal Council. The Judge implemented a policies and procedures manual borrowed from the neighboring Tribe.

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## NADCP Core Competency #8

### Judge as Champion for Health and Wellness

- Judge is “knowledgeable and aware of the impacts of substance abuse on the court systems, in the community at large and on the lives of offenders and their families.”

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## Scenario

- The Judge and Wellness Court team members have worked together for over twenty years. Staffings are informal. On Friday evenings, the Judge buys the first round for the Wellness Court bowling team.

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## NADCP Core Competency #9

### Judge as Life-long Teacher and Learner

- The Judge “[c]ontributes to the education of peers, colleagues and judiciary in the effectiveness of wellness court.”

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## Webinar: Unique Role of Judges in Healing to Wellness Court



- Find a recording of the June 5, 2013 webinar: *Unique Role of Judges in Healing to Wellness Courts*, to learn more about the interaction between NADCP Core Competencies and the Tribal 10 Key Components.

- [www.tlpi.org](http://www.tlpi.org)

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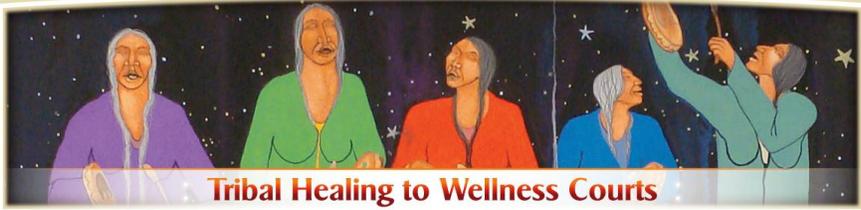
## Tribal Law and Policy Resources

[www.tribal-institute.org/lists/drug\\_court.htm](http://www.tribal-institute.org/lists/drug_court.htm)

- Tribal Healing to Wellness Court Publications
  - Tribal 10 Key Components
  - Overview
  - Judicial Bench Book
  - Policies and Procedures
- Judicial Bench Cards
- Training Calendar

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- Prior Event Resources

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# WellnessCourts.org

## Upcoming Events



**SAVE THE DATE**

**Tribal Healing to Wellness Court Enhancement Training**

*September 11-13<sup>th</sup>, 2013*  
*Renaissance Hotel*  
*Agua Caliente Reservation, California*

**enhtraining.tlpi.org**

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## Tribal Law and Policy Institute



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## Tribal Law and Policy Institute

The Tribal Law and Policy Institute (TLPI) is a Native American owned and operated non-profit corporation organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

Tribal Court Clearinghouse  
[www.tlpi.org](http://www.tlpi.org)

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