

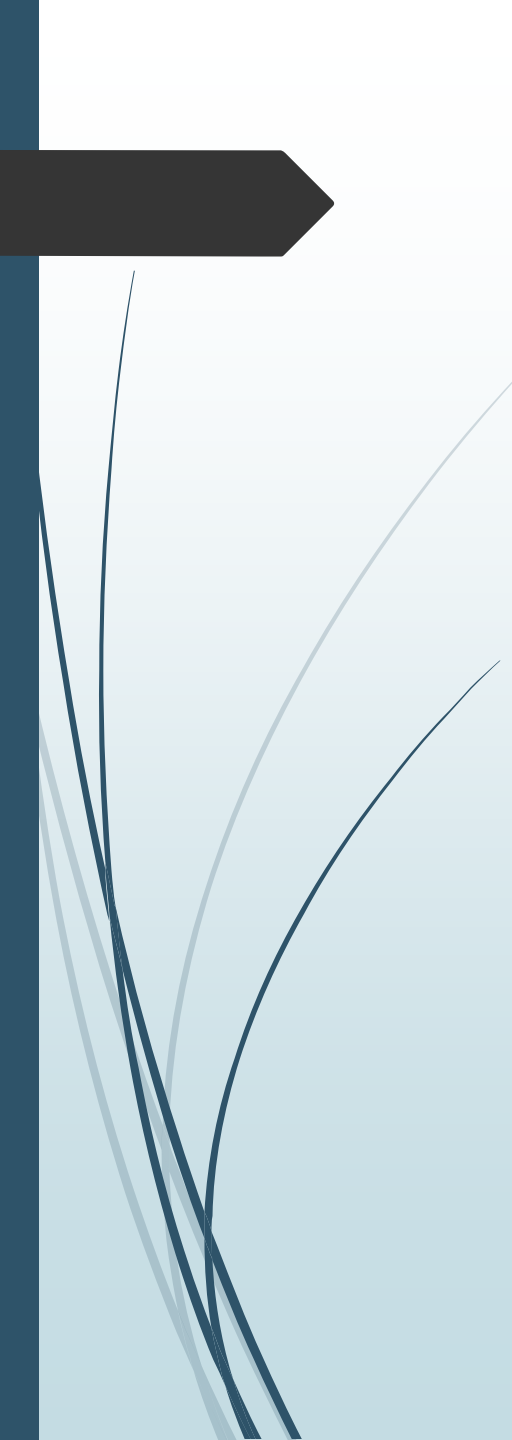


Court Staffing and Court Session Structure

Currie Mingledorff, Senior Judge
Superior Courts
State of Georgia

CACJ
New Judges' Training

August 12, 2026
Athens, GA



My frame of reference:

Felony Drug Courts
Mental Health Courts

But the principles I will discuss apply to ALL
accountability courts.

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Drug court operations questioned

Judge says program now 'on track'

By Susan Norman
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With the son of Gov. Nathan Deal lined up as their keynote speaker, local court officials were anticipating a packed audience for the May 2 graduation of the first four people to complete the Barrow County Drug Court program.

But the woman whose agency over the past two years has played the biggest role in trying to change the lives of the former addicts said she would not attend.

After her agency's contract was abruptly terminated in February, Fawn Alexander, executive director of The Light Homeless Shelter in Winder, was stunned to learn over the weekend that two of her former Drug Court colleagues last week called into question her agency's services and her character during a court hearing.

At the hearing, which was about the possible termination of a man from the program, a defense attorney used the testimony of assistant district attorney Patricia Brooks and

part-time administrative contractor Krista Reynolds to instead put the Drug Court program itself on trial. Alexander also was called as a witness, but she did not learn until two days later what had been said about her and her agency from the witness box.

She contacted the *Barrow Journal* over the weekend to ask for an opportunity to publicly respond to the criticism — as did Superior Court Judge Currie Mingleдорff, who wants to assure the public that the program is now on the right track.

The judge in 2009 spearheaded the creation of the Drug and Mental Health specialty courts in Barrow

County. He said the issues aired last week were resolved with the January arrival of Taylor Jones as the new specialty courts director and the transfer of the contract for substance abuse treatment services to Project ADAM on March 15.

"We have encountered a lot of adversity, in fact enough that at many junctures we probably would have been justified to say we quit," Mingleдорff said. "But to a person our (executive) committee has been committed to persevering through some extremely difficult, unexpected challenges."

See **Drug Court** on Page 3A



Barrow BOE:

BOE approves 160-day year

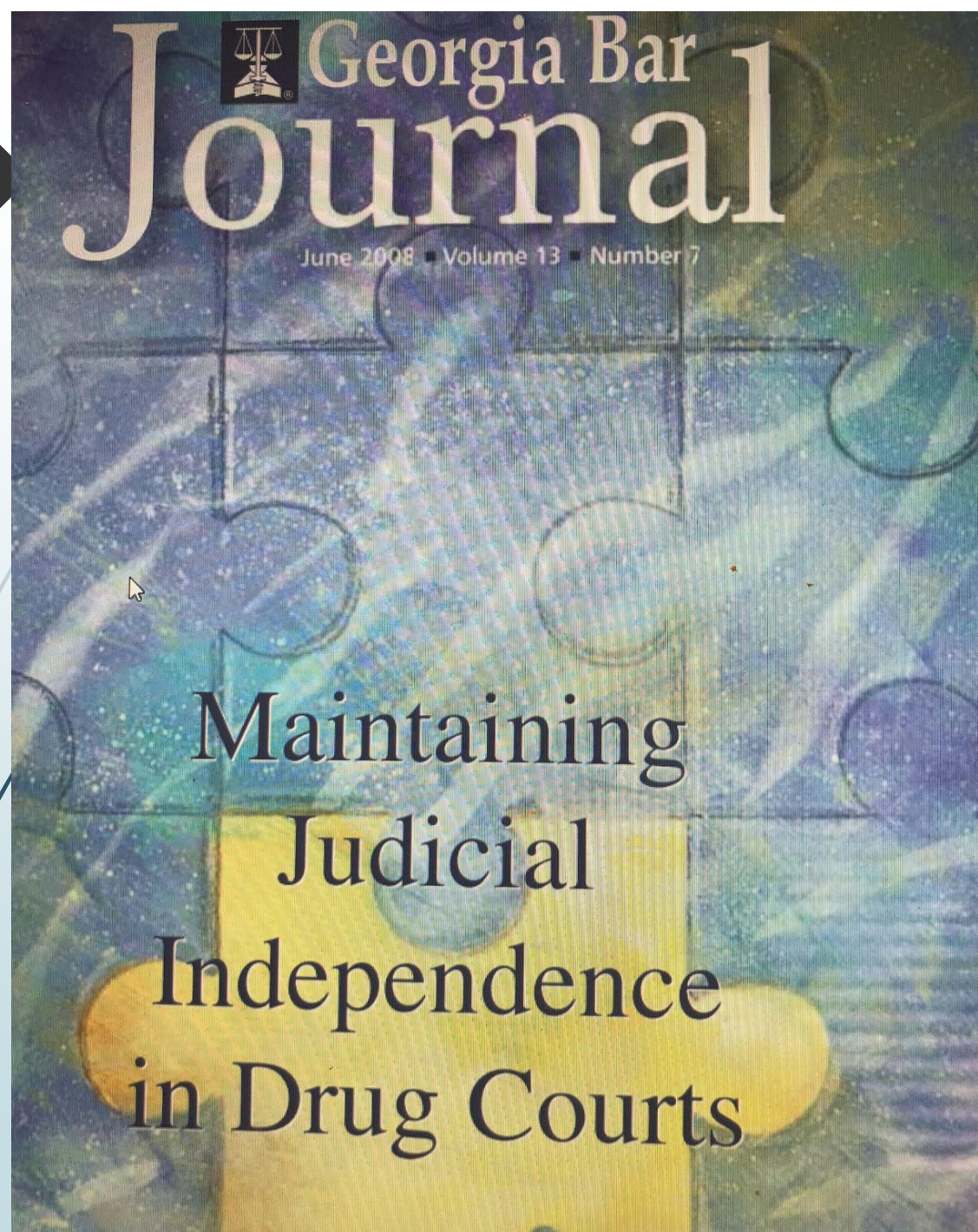
Budget cuts, use of reserves to balance FY2013 budget

The Barrow County Board of Education approved a preliminary FY2013 budget Tuesday night that would cut the school year 160 days and use \$4 million of its reserves to balance its budget.

The proposal does not increase the millage rate. The board approved \$88.9 million in expenses and a projected \$84.9 million in revenues.

That won't be the final budget, however, since the board is slated to again discuss the budget later this month before taking action for final approval in June. The BOE vote was 7-1 in favor of the preliminary budget with Will Dunn voting against.

"Myself and three other board members who voted were there for the original budget discussion," Dunn said of a budget



Hon. Jeffery S Bagley, Chief Judge
Bell-Forsyth Judicial Circuit
Former Board Member, National Association of Drug
Court Professionals (All Rise)



The Accountability Court Paradox

... the [accountability] court judge's challenge [is] to **maintain judicial independence while, at the same time, recognizing and participating in a coordinated team approach**, which is vital to the... [program's] success.

Judge Bagley



Understanding Judicial Independence - the challenge

**Judges Shall Uphold the Independence, Integrity,
and Impartiality of the Judiciary....** Code of Judicial
Conduct, Canon 1

“[In treatment courts] judicial independence is in jeopardy of being compromised..., because judges... may be pressured to make... decisions based upon a majority vote of the [treatment] court team members.... [T]he judge must remain steadfast in the decision-making process and not permit the team to exert unnecessary pressure and effectively invade the province of the judiciary.” Judge Bagley



Understanding Judicial Independence

So, “[d]ecisions regarding sanctions and incentives are made by the team, with the final decision reserved for the judge.”

“By adopting... policies and procedures, the judge, having consented to those policies and procedures, is able to maintain [his/her] independence because (s)he is satisfied with the rules and procedures such that when a violation occurs, and it is covered by a rule, the judge has already [generally] approved the appropriate [range of] sanction[s].....” Judge Bagley

On the other hand...

The team must be confident in its ability to reach a consensus and have some expectation that it will be followed by the judge in order for the program to work. The judge, on the other hand, cannot delegate judicial responsibility by permitting final decisions to be made by the team. Judge Bagley (citation omitted)

So, remember: - “The judge makes... decisions *after* carefully considering input from [the] team... *and* discussing the matter with the participant and their legal counsel.” CACJ Standard 7.9 (updated July 1, 2026)

THE DRUG COURT JUDICIAL BENCHBOOK



Edited by
Margaret E. Anderson, J.D., Ph.D.
Judge William Wayne (ret.)





Adult Treatment Court Best Practice Standards

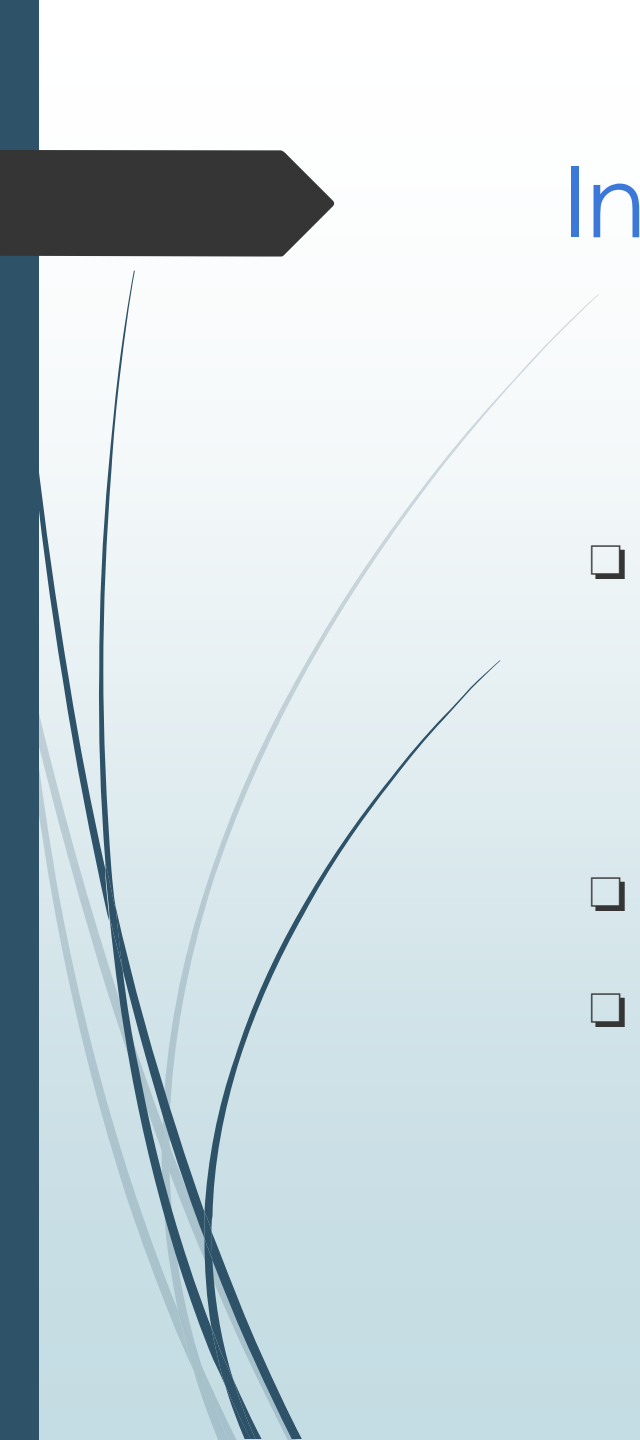
Last updated January 2026





Best Practice Standards,

- “Recent evidence suggests that **weekly hearings may be required in the first phase** for participants needing greater structure and consistency, such as persons with a co-occurring mental health and substance use disorder or those lacking stable housing or basic community supports.” *All Rise, Adult Treatment Court Best Practice Standards, 2026 Edition p.60,*
61



In order to be effective....

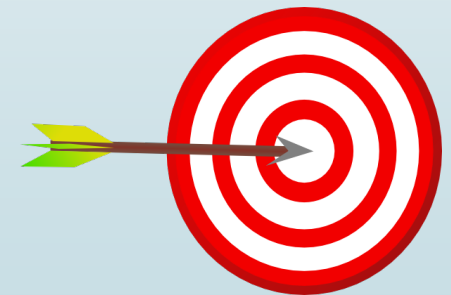
- ❑ the accountability court **judge has to be fully engaged** in every aspect of the mission, purpose and function of the court;
- ❑ **stay current**; and
- ❑ **truly lead.**

Precursors to successful Staffing and Court Sessions

Training, training, training (Especially you, Judge!)

- Knowing who to target
- Staying abreast of research and best practices
- Trends in designer drugs (Tall Cop)
- Current recommendations for incentives, sanctions and service adjustments

Some of these are moving targets



Precourt Staff Meetings - fundamentals

Confidential - not like the open court sessions

Have **Confidentiality Agreements** for all Team members (See *The Drug Court Judicial Benchbook (2017 Update)*, Section 9 for helpful discussion and sample forms) – **(Remember to CHECK/UPDATE YOUR E-MAIL GROUP)**

Insist that **ALL** core team members participate *CACJ Standard 1.6*

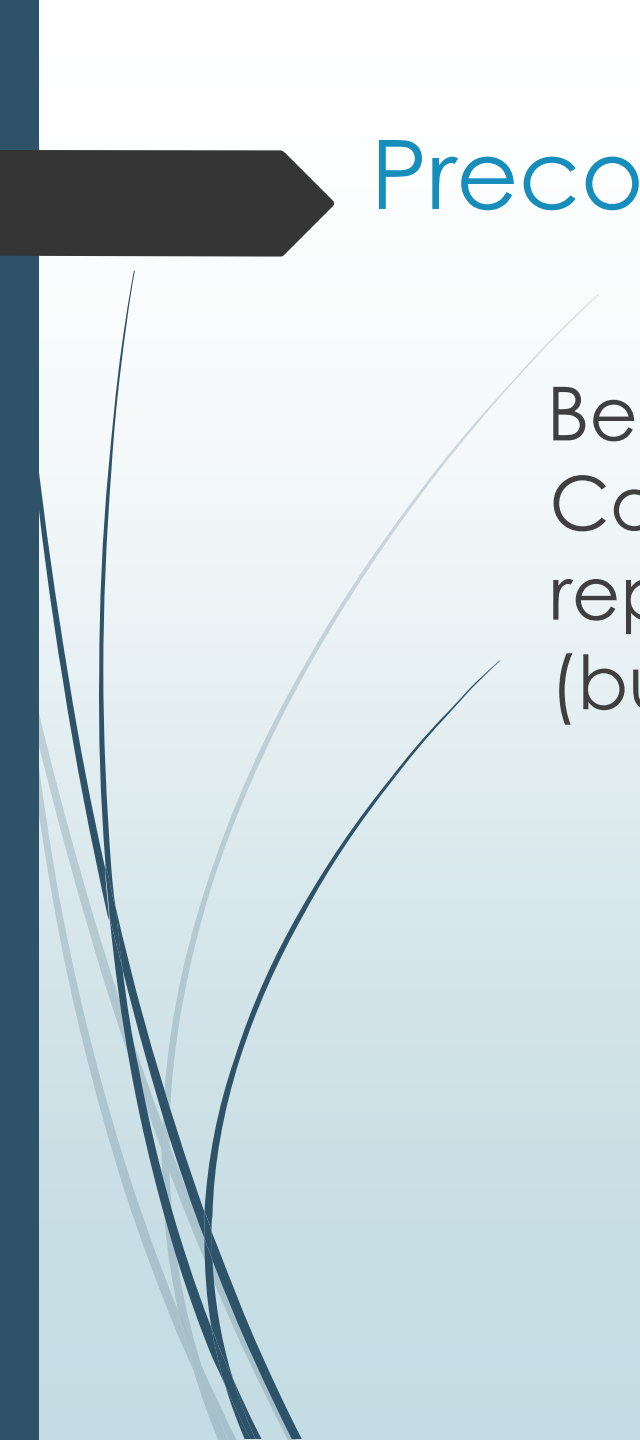
Correlates to higher cost savings and lower recidivism

Ex parte communication is just as much a “no no” in accountability courts as anywhere else (no open-door policies)

(But see, Georgia Code of Judicial Conduct, Updated 10/25/2018

Canon 2, Rule 2.9(A)(b)(5)

Judges may initiate, permit, or consider ex parte communications when authorized by law to do so, such as when issuing temporary protective orders, arrest warrants, or search warrants, **or when serving on therapeutic, problem-solving, or accountability courts, including drugs courts, mental health courts, and veterans' courts.**



Precourt Staff Meetings - fundamentals

Because Staffing Time is limited...

Coordinator should communicate **pre-staffing** report **with the whole Team** ahead of time **by email** (but remember confidentiality)

Avoid conducting major **policy discussions** at staffing

Can discuss at quarterly **brown-bag lunches** and **annual retreats**

Your entire **Team should have copies** of your **policies and procedures**, including sanction grid

Staffing

Judge - **don't be the first** to suggest a solution

Where appropriate, take time to **teach** a principle - (like, brief jail sanctions are more effective than longer ones, and why)

Ask the opinion of the team member who is NOT talking

Listen to the Team

Make sure they know you are hearing them

Remind them that ultimately your final decision comes only after you have spoken to the participant (See, *The Drug Court Judicial Bench Book* Section 10.2, CACJ Standard 7.9)

Keep it moving, within reason

Invite Defense Counsel, who is NOT regular Team member, to attend for that portion of staffing that involves their client (Make it as convenient as possible.)



Staffing: Knowing who to target

Part of staffing is devoted to considering referrals

Requires a Risk/Need Assessment

Make sure you have a Level of Service - Case Management Inventory (*LS-CMI*) (or equivalent) ahead of time

Apply it honestly

NEVER mix lower risk need offenders with higher risk/need offenders - You do not want to make someone worse!



Considerations for Admission

“Risk” means risk of committing new crimes (**recidivism risk**)

- Drug offenses

- Property offenses

- Forgery, theft, etc....

“Need” refers to **treatment need** and need for basic resources

- None or little family support, ie, BRIDGES BURNED

- No Job

- No Drivers license

- Insufficient education/training, etc...



Who CANNOT participate? (Objective standards)

Legally screened out, using **objective standards** by ADA:

Drug Traffickers

"Dealers vs "Dealers"

Offenders with significant violence, **gang members**

Sex offenders

But D.A. has NO ABSOLUTE VETO (Don't forget- Separation of Powers/Judicial Independence)

If person legally screens in but D.A. cannot agree to their participation, a **non negotiated, ("blind") plea** is the best way to handle that. Let the chips fall...



Other considerations for admission

The **home check** – What does surveillance see/say?

Objective standards!!!!!!!

Has the sheriff been making undercover drug buys there?

Treatment's recommendation

Is your court supervised, outpatient program a good match for your client's treatment needs?

Do they need long term in-patient treatment first/instead? RSAT?

Other Team/staff input



Sanctions, incentives and service adjustments

Incentives to sanctions = at least 4:1 ratio (10:1?)

Be creative – lots of ideas at Treatment-Court-Institute at Allrise.org

For sanctions, make sure you leave yourself plenty of room to incrementally increase

Responses to conduct should be swift and certain

Jail has diminishing returns

Best practices says 5 days max

Short bursts, most effective, least disruptive way possible

(Adult Treatment Court Standards (2026), p. 144)

Ask yourself, if you have exhausted all options before terminating anyone

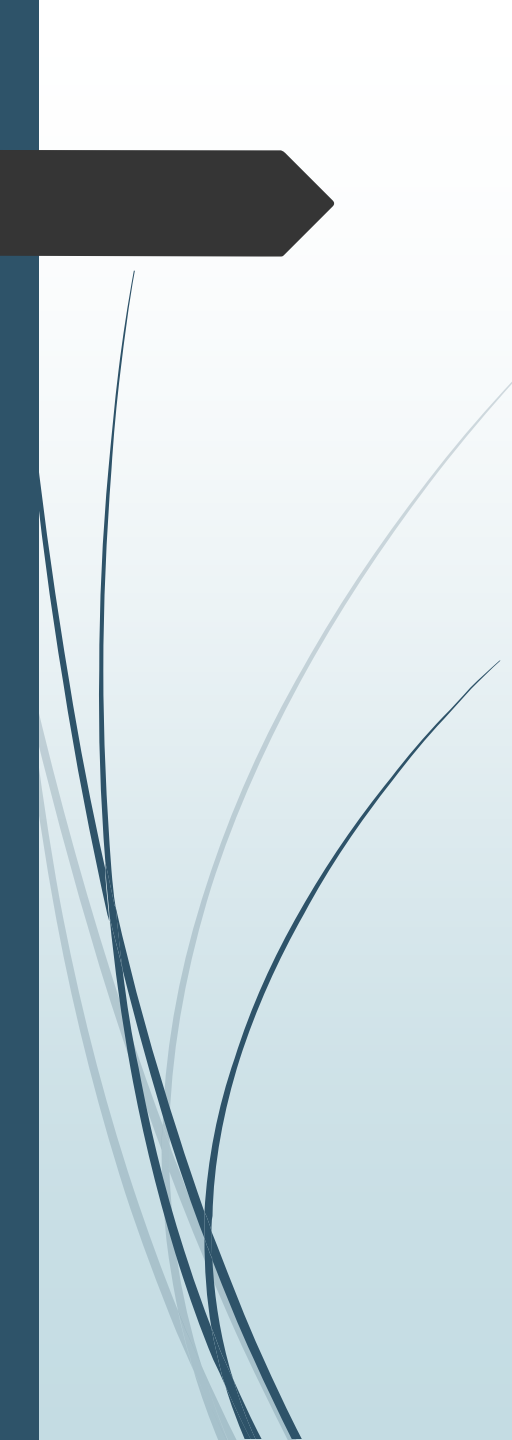
Do you have all the information you need to respond effectively?

H

How We Decide

- Responses to behavior
- Changes in treatment
- Changes in supervision





Court Sessions

- Practice **Procedural Fairness**
 - listening and reflecting back
 - applying incentives, sanctions and service adjustments consistently
 - explaining your rationale (for everyone!)

Court Sessions

- The judge presides and is the predominant voice
- Team members chime in where appropriate

The **courtroom becomes a therapeutic classroom**

In 3-7 minutes the **judge seeks rapport**

- **listens** and reflects back
- **Asks** about their recovery progress
- **applies** incentives, sanctions and service adjustments
- **explains** rationale (for everyone!)
- **Ends on a positive, hopeful** note

Court sessions - 3 minutes seems like a long time! ***What's on your mind today?***

Get Treatment to suggest talking points

- “What kind of thought went into your decision to **change jobs**? How is this different than how you made decisions in the past?”
- “I understand that in your **Seeking Safety class** you have talked about never giving up and keeping commitments. In what ways to you feel like you are improving in these areas? Can you share a few ways you have been able to honor commitments since you've been in this program?”
- “What step are you working on in **MRT**? Tell me about that **step**. How does it apply to you?”
- “When making **big decisions**, why is it important to look at the **steps of problem solving** and come up with as many solutions as possible?”
- “When someone else is involved in a problem, why is it important to **keep their feelings in mind** when discussing the problem?” Can you share an example?”
- “Tell me about your **relapse prevention plan**.”

Court sessions - 3 minutes seems like a long time! ***What's on your mind today?***

- “What have you been pondering about that you heard in a **recent recovery support meeting**? How are you applying that to yourself?”
- “What do you consider to be **your biggest challenge** to successful long-term recovery? How are you addressing that challenge?”
- “Give me an example of a **long-term goal** you have, and tell me what you have done to break that goal into **bite-sized manageable steps**.”
- “What are you working on right now?”
- “What are some **signs** you might notice if your **medication is no longer working** like it should for you? Please turn around and talk to our friends about what they should do if they discover their medication is no longer working for them?”

Court sessions – communicate clearly

Motivational Interviewing - OARS

O – Open-ended questions

- Avoid questions they can answer simply “yes” or “no”

A – Affirmation

- Notice and praise progress (even slight progress!)

R – Reflective listening

- “Give me some more details about...”

S – Summarizing

- “What I hear you saying is....”

Court sessions – seek thoughtful responses

Scaling Questions

- **“On a scale of 1-10 how important do you think it is for you to broaden your support network?”**
“Why?”
- **“On a scale of 1-10 how confident are you that you have mastered anger management?”**
- “What skill do you plan on practicing to make it less likely you will have a problem next time someone makes you mad?”

Court sessions – what if...?

Joe participated in sober Frisbee golf, but was also late for curfew

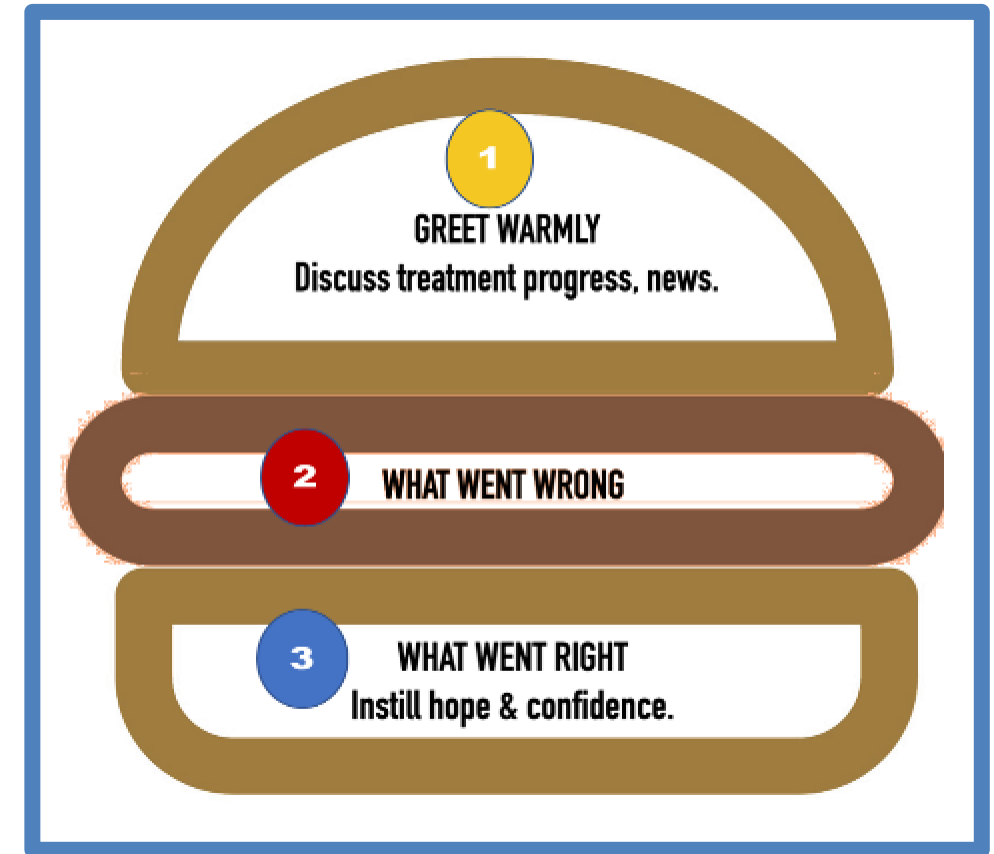
Does a sanction trump an incentive?

Is it possible to give both to the same participant on the same day?

Won't that just confuse everybody?

Receiving Both an Incentive and a Sanction? Yes!

- We never miss an opportunity to reinforce positive behavior – even if other things went wrong
- We will carefully explain WHAT behaviors we are responding to
- What do we want the participant to learn? Is our response the best way to teach it?



We avoid confusion by being SPECIFIC and helping clients see how change helps THEM achieve THEIR goals!

Court Sessions – Effective,

Court reporter -

Have one!

If no court reporter - have waiver in participant contract

The record is your friend!

Sanction Hearings -

Do them when requested. (Not needed very often.)

Termination hearings -

are conducted separately (like probation revocation hearings)

To recuse or not recuse?

Most do not recuse; have participant waivers in contract

I choose to recuse; personal preference (See *The Drug Court Judicial Benchbook* for a great discussion about *transference* and *countertransference*, p. 204. In short, some participants are more “likeable” than others. Teams should seek training on recognizing bias in ourselves and others.)

DELIVERING SANCTIONS: EFFECTIVE DISAPPROVAL

- “I am really disappointed that you (specifically describe **WHAT** noncompliant behavior occurred)
- Because (describe exactly **WHY** the behavior was harmful for the participant).”
- “Right now, **HOW** do you think this behavior has or could hurt you?”
- “Can you see how continuing (describe behavior) might cause any problems for you down the road?” (Guide participants to consider impact on *their* goals.)
- “Let’s discuss what you could have done instead, and how that would have looked.” (Guide participants to express their thoughts and ideas about their behavior.)
- “As a consequence, you have to (DESCRIBE SANCTION) for this behavior.”
- Instill hope: “I am confident that you are able to turn this around, and when you come back next time, I want to hear how about how well you are doing.”
- “Now, let’s talk about what went right.” (See reverse)



DELIVERING INCENTIVES: EFFECTIVE REINFORCEMENT

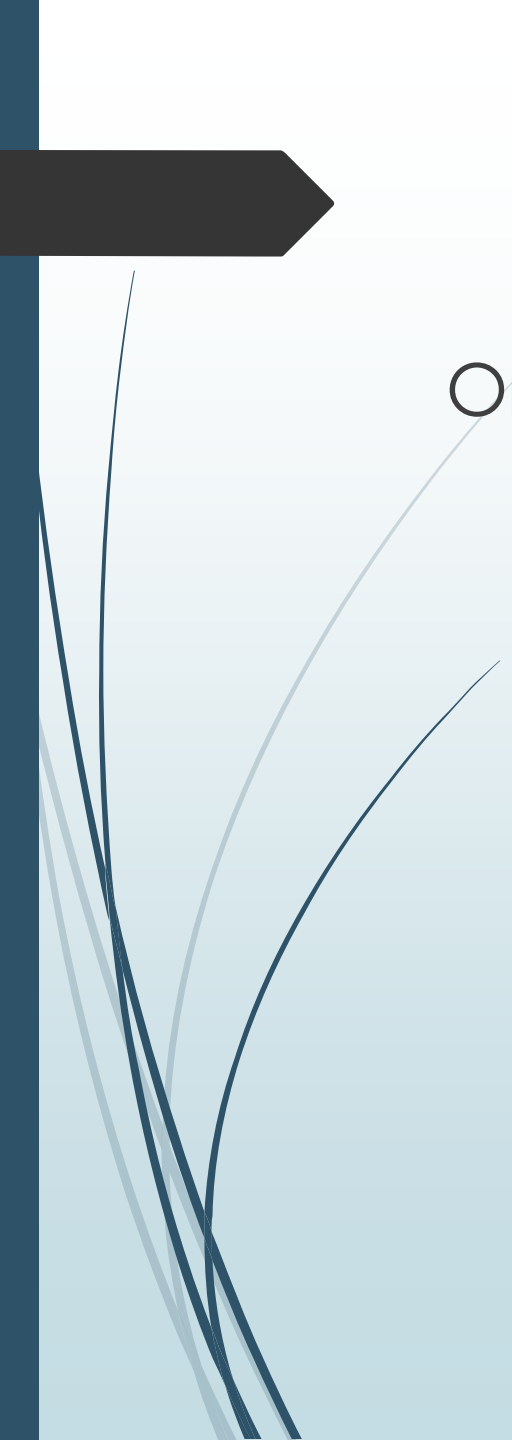
- “I really liked how you (specifically describe **WHAT** compliant behavior we are responding to)
- Because (describe exactly **WHY** the behavior was good for the participant).”
- Add verbal affirmation, acknowledging participant’s efforts:
“You should be proud of yourself; I know you have worked hard to change.”
- “Right now, **HOW** do you think this behavior has, or will, help you?” (Guide participants to express their thoughts and ideas about their behavior.)
- “Can you see where it might have any long-term benefits for you?” (Guide participants to see how continuing the behavior will help them achieve their goals.)
- “To celebrate your progress, I’m going to give you (DESCRIBE INCENTIVE) for this behavior.
- I’m really proud of you. You are doing great. Keep up the great work!”

Who
do you
see?



Who do you see?

- 'The former high school quarterback who got hurt then got hooked on pain pills
- 'The middle aged housewife who injured herself in a household accident and got hooked on pain pills
- Former state-champion wrestler who discovered meth helped him stay within his weight class
- 'The otherwise shy kid who found that he was no longer shy when he used alcohol
- 'The man in his 40s, whose mother took advantage of a great business opportunity, leaving him unsupervised at age 15
- 'The young woman whose father was in the business of manufacturing methamphetamine and gave her a first drink of alcohol when she was 8 years old



Who do you see?

Or, **do you see them for who they can become** -

a successful mother or father?

a valuable employee who excels at work

a successful business man or woman?

a future recovery counselor?

a future accountability court team member?

- Remember - mental illness and/or addiction affects generations, **but so does recovery!**
- Can you see it? If not, look harder!



Never forget: But for the grace of God...



Go you, or I,
or
Anyone we love

Parable of the Worthless Pear Tree





What is the Secret Ingredient?

LOVE. West Huddleston, Recovering Alcoholic, Former CEO,
National Association of Drug Court Professionals (n/k/a ALLRISE)



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<https://www.facebook.com/groups/TreatmentCourt>