

# Unique Role of Judges in Healing to Wellness Court

Presented by the Tribal Law & Policy Institute

Presenters:

Judge Joseph Flies-Away

Judge Charlene Jackson



# Our Presenters



**Judge Charlene Jackson,**  
Judge, Town of Paradise Valley, AZ  
Manager. Jackson Law Firm; Associate  
Consultant, Tribal Law & Policy Institute



**Judge Joseph Thomas Flies-Away**  
Associate Justice, Hualapai Court of Appeals  
Consultant, Tribal Law & Policy Institute

# Overview & Initial Considerations

- A Healing to Wellness Court Judge

Real? Rare?

Maybe, but REWARDING

- Recently Refined Role Requiring a Resolve for:

- Restoration, Rehabilitation, Reconciliation, Recuperation, Reintegration, Recovery & Remediation

- Jurists & Judges (appointing professionals/people)

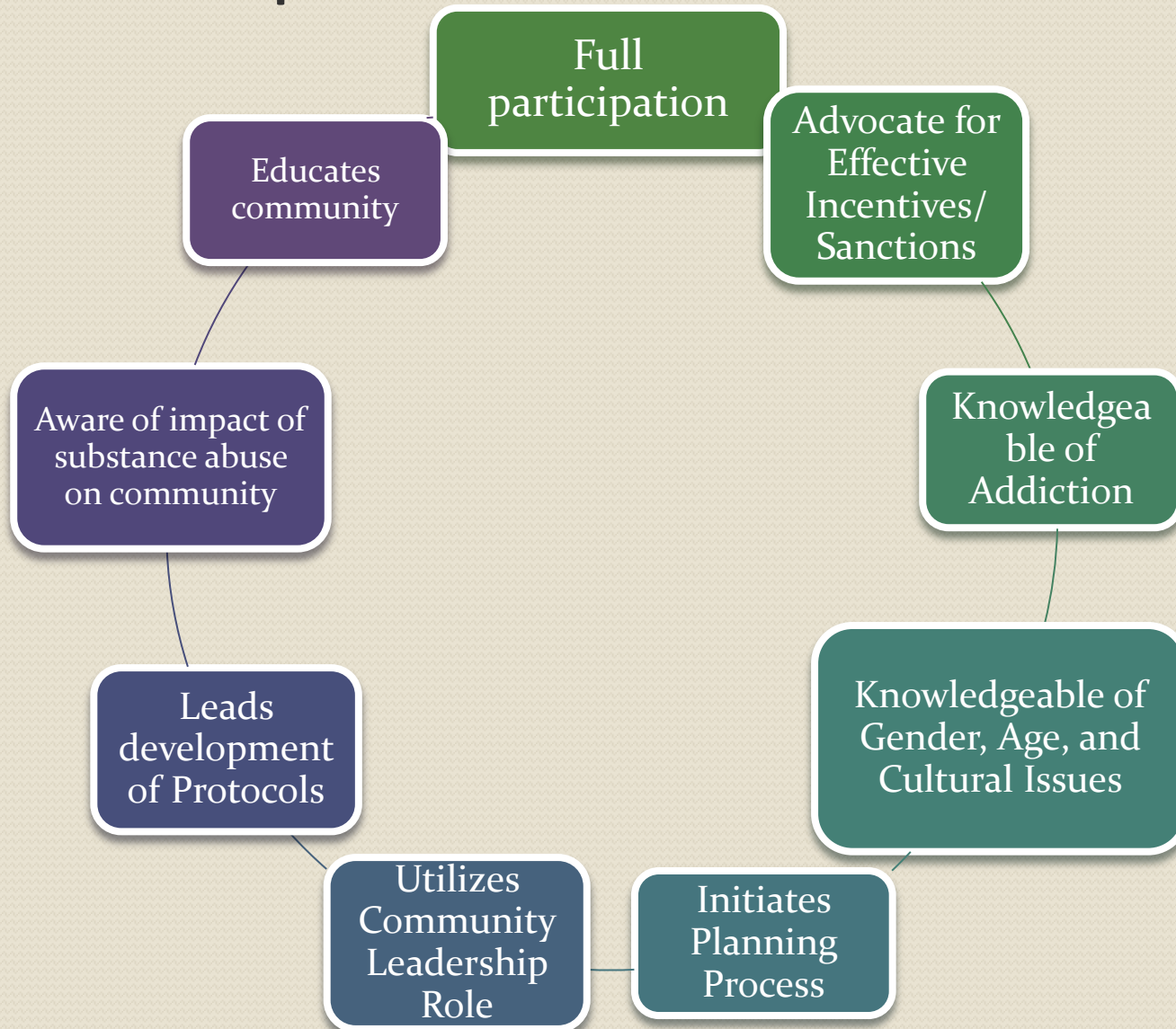
- Judge's Role re the 10 Key Components

The Foundation – Frame - Fuel

# The Healing to Wellness Court 10 Key Components & 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 intended purely as an illustration.

# Core Competencies



Sustained  
Team, Community &  
Nation Building

Team, Community &  
Nation Building

Entry

Enduring Knowledge &  
Experience

***THE TRIBAL HEALING TO WELLNESS  
10 KEY COMPONENTS***

Eligibility

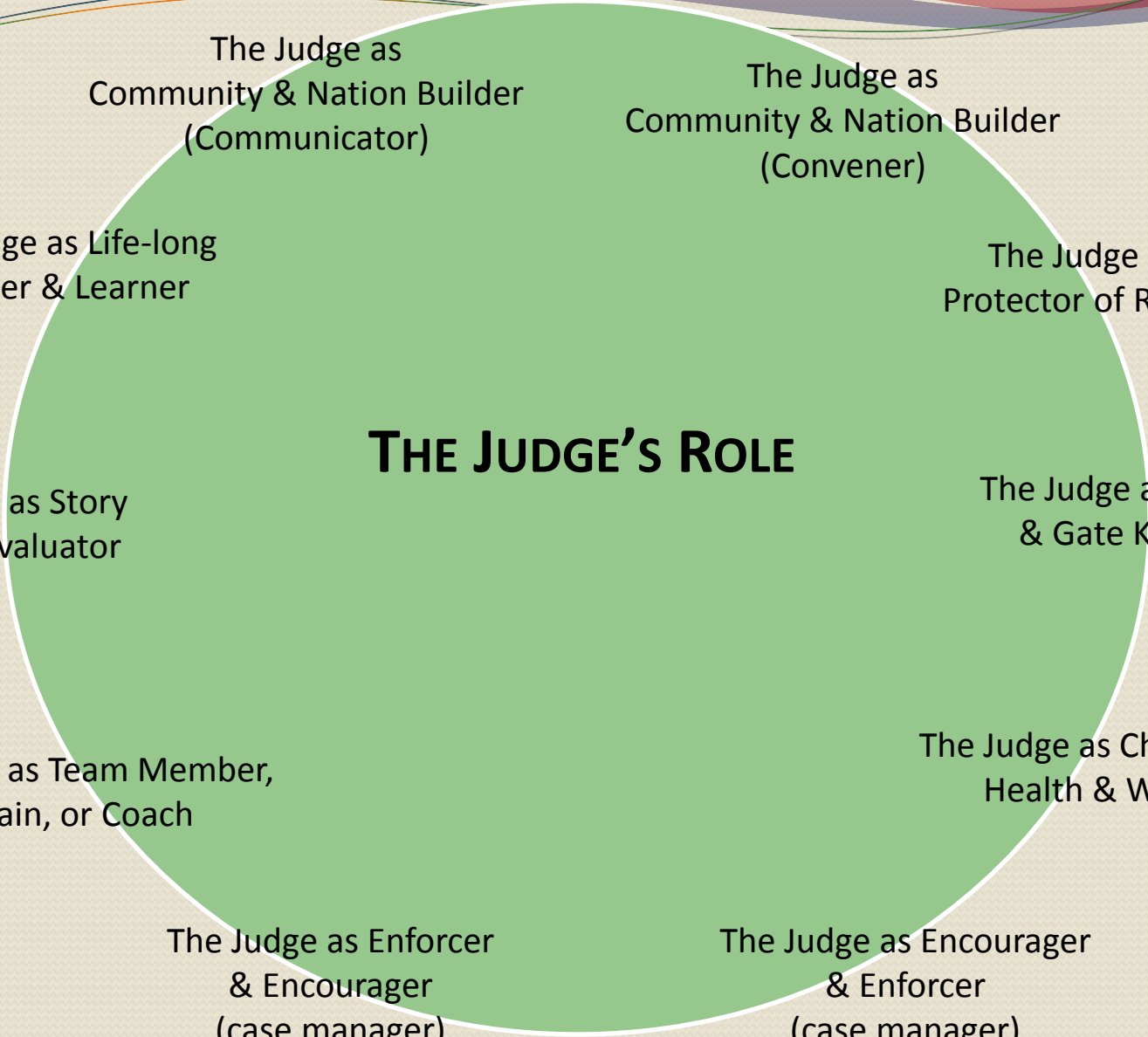
Keeping &  
Telling Stories

Healing &  
Treatment

Respectful  
Communication

Discipline &  
Encouragement

Support &  
Supervision



The Judge as  
Community & Nation Builder  
(Communicator)

The Judge as  
Community & Nation Builder  
(Convener)

The Judge as  
Protector of Rights

The Judge as Sentry  
& Gate Keeper

The Judge as Champion for  
Health & Wellness

The Judge as Encourager  
& Enforcer  
(case manager)

The Judge as Enforcer  
& Encourager  
(case manager)

The Judge as Team Member,  
Captain, or Coach

The Judge as Story  
Teller & Evaluator

The Judge as Life-long  
Teacher & Learner

# THE JUDGE'S ROLE

NADCP Core Competency #5

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 innovate solutions.”

## Team, Community & Nation Building (Convener)

### Judicial Roles and Responsibilities

#### Court Capability:

Gather healing resources to implement Wellness Court  
Promulgate alternative processes and procedure

#### Leadership:

Organize team members

#### Community Connection:

Introduce and frequently present Healing to Wellness Court to community members and Tribal government

### Key Component # 1

#### *Individual & Community Healing Focus*

Tribal Healing to Wellness Courts brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant and to promote Native nation building and the well-being of the community.



NADCP Core Competency #7:

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

Entry  
(Protector of Rights)

- Formalized, Written Referral Process
  - Process is institutionalized
  - Team members, community, and the participant are aware of how one enters Wellness Court
- Participant Notice
  - Participant’s due process and civil rights are protected
- Creative Referral
  - Collaboration with other agencies
- Exercise of Sovereignty
  - Transfer protocols are followed with other sovereigns, including formulations of MOUs

**Key Component # 2**  
*Referral Points & Legal Process*

Participants enter the Tribal Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant’s due (fair) process rights.

NADCP Core Competency #4:

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

Assure effective screening  
(target population - *Readiness to Change?*)

Eligibility  
(Sentry & Gate Keeper)

Timeframe is identified & monitored

Ensure participants promptly placed

Facilitate discussion of Eligibility issues/mods

Legal and clinical screening are distinguished

**Key Component # 3**

*Screening & Eligibility*

Eligible court-involved substance-abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Wellness Court.

NADCP Core Competency #8:

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.”

Judge is familiar with treatment

Judge is familiar with specific program and phased treatment

Judge is a community role model

Healing & Treatment  
(Champion for  
Health & Wellness)

**Key Component # 4**

*Treatment & Rehabilitation*

Tribal Wellness Court provide access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

NADCP Core Competency #3:

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.

Promote effective case management -

Enforces Case(TX) plan Compliance  
encourage & discipline (drug tests)

Judge is familiar with drug testing

Court’s monitoring method is consistently practiced

Encourages wellness activities

Support & Supervision  
(Encourager & Enforcer/  
Co-Case Manager)

**Key Component # 5**

*Intensive Supervision (Case Management and Alcohol/Drug Testing)*

While participants and their families benefit from effective team-based case management, participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use.

NADCP Core Competency #2:

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.”

Judge ensures compliance reports are made available to the court seamlessly

Sanctions and incentives deemphasize punishment

Sanctions and incentives are distributed fairly and consistently

Sanctions and incentives are tailored to suit participant’s motivations and circumstances

Sanctions include a transparent and fair process

Sanctions are made immediately

**Discipline & Encouragement  
(Enforcer & Encourager/  
Co-Case Manager)**

**Key Component # 6**  
*Sanctions & Incentives*

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with Tribal Wellness Court requirements.

Significance of three minutes

Confidentiality is ensured

Judge facilitates Team

Judge ensures procedural fairness

Respectful Communication  
(Team Member)

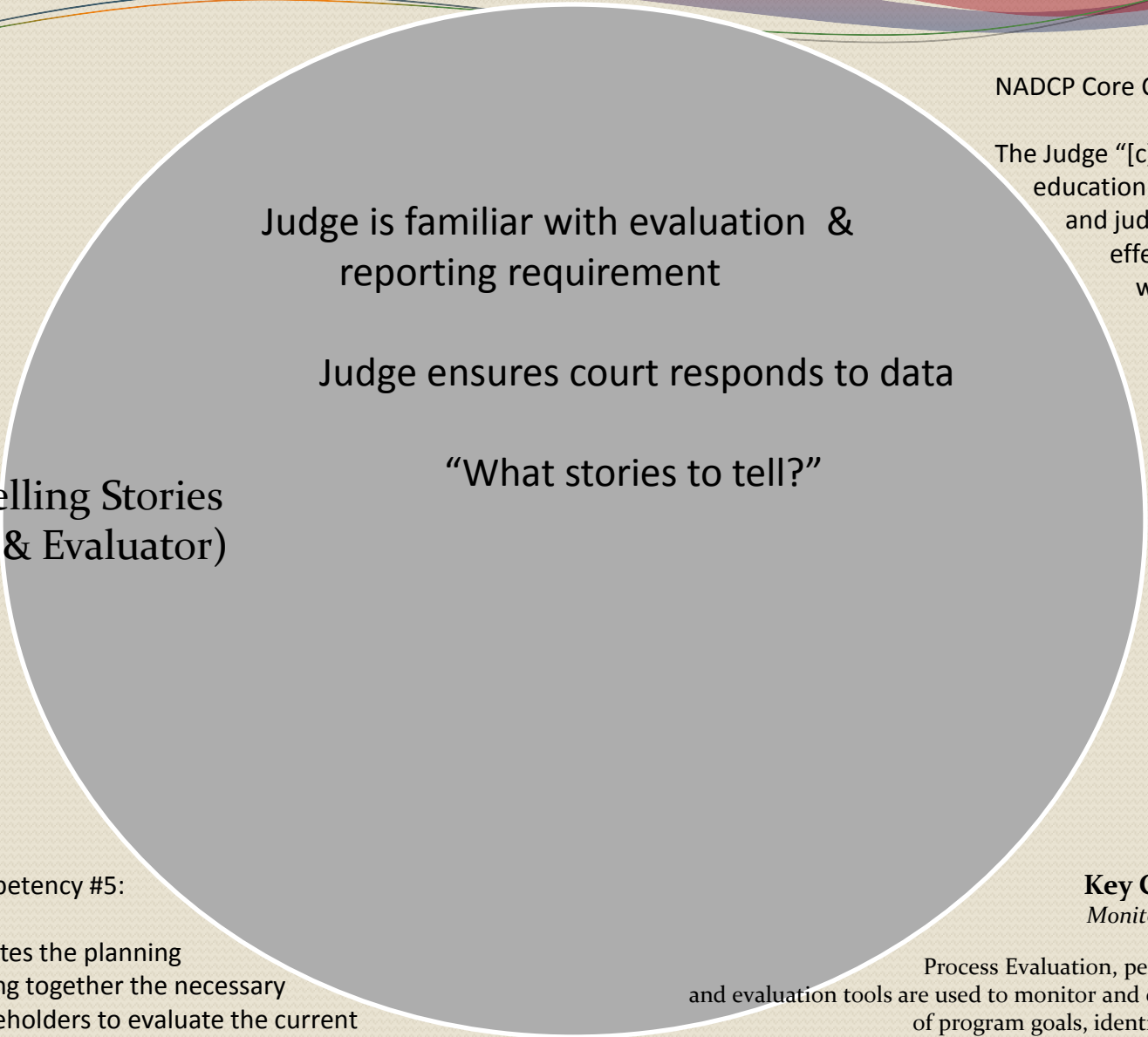
NADCP Core Competency #1:

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.”

**Key Component # 7**  
*Judicial Interaction*

Ongoing involvement of a Tribal Wellness Court judge with Tribal Wellness Court team and staffing and ongoing Tribal Wellness Court judge interaction with each participant are essential.

Keeping & Telling Stories  
(Story-Teller & Evaluator)



Judge is familiar with evaluation & reporting requirement

Judge ensures court responds to data

“What stories to tell?”

NADCP Core Competency #9:

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

NADCP Core Competency #5:

The Judge “[i]nitiates the planning process by bringing together the necessary agencies and stakeholders to evaluate the current court processes and procedures and thereafter collaborates to coordinate innovate solutions.”

**Key Component # 8**  
*Monitoring & Evaluation*

Process Evaluation, performance measurement, and evaluation tools are used to monitor and evaluate the achievement of program goals, identify needed improvements to the Tribal Wellness Court and to the tribal court process, determine participant progress, and provide information for governing bodies, community groups, and funding sources.

Enduring Knowledge &  
Experience  
(Life-Long Teacher & Learner)

Teacher = Learner

Responsive to Team Members

Continue individual and team training

Ensures team is responsive to evaluation findings

**Key Component # 9**  
*Continuing Interdisciplinary  
& Continuing Education*

Continuing interdisciplinary and community education promote effective Tribal Wellness Court planning, implementation, and operation.



## Team, Community & Nation Building (Communicator)

Leader over Manager

Sharing of Success Stories

Meet w/Community & Tribal Government

Written Commitments & Collaborations

### NADCP Core Competency #6

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

### **Key Component # 10**

*Team Interaction (policies and procedures, interagency, third-party, and intergovernmental agreements)*

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

Team, Community &  
Nation Builders  
(Communicator)

Team Community &  
Nation Builders  
(Co-Convener)

Life-long Teachers &  
Learners

Protectors of  
Rights

Story Tellers & Evaluators

Sentries & Gate  
Keepers

*Team Members*

Champions for Health &  
Wellness

Enforcers & Encouragers  
(co-case manager)

Encouragers & Enforcers  
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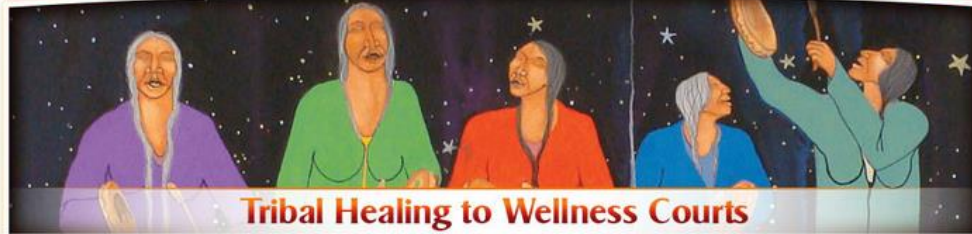
# Tribal Law and Policy Institute

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)

# WellnessCourts.org



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## Yurok Healing to Wellness Court Featured in LA Times

Highlights Yurok's novel wellness program that puts traditional Yurok values to work. [More](#)



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## Resources & Tools

[Wellness Court Resources](#) | [Tribal Key Components](#) | [Forms & Policies](#) | [Drug Court Research](#) | [State Resources](#)

## Search by Tribe:

[Indian Nations](#)

[Tribal Justice Systems](#)

[Tribal Wellness Courts](#)

[Tribal-State Collaborations](#)

[Wellness Court Collaborations](#)



# WalkingOnCommonGround.org

The screenshot displays the homepage of WalkingOnCommonGround.org. At the top, a dark blue banner features a logo with a scale of justice, a gavel, and a map of the United States, alongside the text "WALKING ON COMMON GROUND" and "RESOURCES FOR PROMOTING AND FACILITATING TRIBAL-STATE-FEDERAL COLLABORATIONS". Below the banner is a navigation menu with links for Home, Background, About Us, Contact Us, and Partners, along with a search bar. The main content area includes a featured article titled "Tribal-State Court Listserv in Development - Please Join!" with a "More" link, a photograph of a group of people, and a sidebar with buttons for News, Events, Promising Strategies, Resources/Tools, and BJA Tribal Technical Assistance (PDF). A horizontal menu below the article lists categories: Tribal-State Collaborations, Judicial, Law Enforcement, Detention, Multiple Agency Agreements, Child Welfare, and Other. The bottom section is titled "SEARCH BY TRIBE:" and includes a search bar, a list of search filters (Indian Nations, Tribal Justice Systems, Tribal Jurisdiction, Tribal-Federal Collaborations, Tribal Court Clearinghouse), and a map of the United States with state abbreviations.

# Questions?



# Tribal Law and Policy Institute



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