Directing a Courtroom: A Qualitative Analysis
Research Methods Final Presentation
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Mass Incarceration of Drug Users

- In 2013 there were a total of 1,516,879 people in the U.S in State and Federal Prison
- 32% of that number were arrested on drug related charges

Lasting Consequences of Imprisonment

- According to one estimate, there are currently over 12 million ex-felons in the United States, representing roughly 8% of the working-age population (Uggen, Thompson, and Manza 2000). Of those recently released, nearly two-thirds will be charged with new crimes and over 40% will return to prison within three years (Bureau of Justice Statistics 2000).

- Imprisonment severely increases the risk that an individual will be incarcerated.

Drug Courts as an Alternative

- 1,518 adult drug courts
- Drug Court Results
  - 38%-50% drop in recidivism over three years –JCJ
  - Saves $1000 and $15,000 per participant – GOA
  - 1/3-60% retention –CCI

Origin of Drug Courts

- Important to understand the history of diversion courts
- 1989, Drug Courts, first diversion court
- 1997, Mental Health Courts, follow same procedures
- Diversion Court Patterns, established on community need.
- Admission standards differ, nonviolent, all require guilty plea
- Flexibility, up to a point

Research Question

- The proposed research involves 25 interviews with judges of drug courts as well as an additional 80 hours of observation which will build off of previous observations of drug diversion courts in Allegheny and Manhattan in order to answer the essential question- How do judges conduct a courtroom?

Existing Literature on Drug Courts

- """The influx of drug-related offenders into the court system staring in the early 1980's is not necessarily a reflection of increased "addiction" or even increased substance use but rather dramatic changes in drug policy" (Tiger 61). In "Judging Addicts"

- Drug courts are considered to be founded upon the principles of Therapeutic Jurisprudence, a term coined by Professor David Wexler.

- TJ – The study of how legal systems and those who enforce them either help or harm someone's wellbeing and mental health.

- TJ has previously been applied to the way various legal actors, lawyers ect play their roles and would inform the analysis of the ethnographic data gathered. The gap lies in using TJ to specifically analyze judges. Based not only off of observations but interviews as well.

Existing Literature on Studying Judges

- Two significant minds have delineated separate camps of thought on the decision making process for judges.
- Dworkin held that when deciding constitutional cases, judges should draw on a personal sense of morality.
- Posner value-laden judicial decisions cannot be pronounced right or wrong
- Even when judges are acting within their discretion and in a manner that seems fair from a legal standpoint the defendant may perceive their decision as unfair; particularly if it is a decision that they perceive to be inconvenient or unfavorable. The gap in the literature lies here, how do judges navigate this disconnect to best facilitate treatment?

Previous Research

- Drug courts necessitate procedural interactions
- Judge personalities differed greatly and interactions were coded based on the court environment
- Interviews with lawyers revealed a struggle to reconcile individual client experiences with the larger reality of the judicial system as they understood it.

Methods

- Gathering first person accounts from the judges who preside over cases in drug court, would give us invaluable insight into our often intentionally obtuse legal system.
- Interviews with judges
- Expanded ethnography
- Data gathered would be essentially an in depth ethnography with the goal of identifying patterns in conducting a courtroom.

Impact

- Once trends in conduct styles emerge the correlation to graduation rates will also be analyzed.

- If a reliable pattern were established between conduction styles and graduation rates drug court retention could be greatly improved