



**Drug Court Advisory Committee Meeting  
Bernalillo County Metropolitan Court  
8<sup>th</sup> Floor Conference Room  
Friday, May 29, 2009  
11:30 am to 2:30 pm**

**Draft Minutes**

The Drug Court Advisory Committee (DCAC) meeting was called to order at 11:44 am on Friday, May 29, 2009, the Honorable Cristina Jaramillo presiding.

Attending were:

The Honorable Cristina Jaramillo, Bernalillo County Metropolitan Court  
The Honorable Douglas Driggers, Third Judicial District  
The Honorable Sandra Grisham, Twelfth Judicial District  
The Honorable Teddy Hartley, Ninth Judicial District  
The Honorable Peggy Nelson, retired, Eighth Judicial District  
The Honorable Stephen Pferrer, First Judicial District  
David Eisenberg, Public Defender's Department  
Cynthia Ferrari, Thirteenth Judicial District  
Richard Gilsdorf, Twelfth Judicial District  
Brad Ullrich, Eleventh Judicial District  
Peter Bochert, Administrative Office of the Courts

Also attending were:

Ginger Sloan and Lupe Sanchez, First Judicial District  
Catherine Hartman, Monica Roybal, and Mark Pickle, Second Judicial District  
Anna Lujan, Fourth Judicial District  
The Honorable Gary Clingman, Rita Johnson, Christina Quaelas, Mary Rogers, and Sheri Buie, Fifth Judicial District  
Jim Helgert, Sixth Judicial District  
The Honorable Sam Sanchez, Eighth Judicial District  
Louis Moore, Ninth Judicial District  
Francisca Palochak, Eleventh Judicial District  
Greg Ireland, Joseph Rinaldi, and Karen McCutcheon, Thirteenth Judicial District  
Angela Peinado, Administrative Office of the Courts

Overview of Congressional Earmarks: After introductions of committee members, Peter Bochart was asked by the chair to provide an overview of current and prior congressional earmarks awarded to the AOC. Peter listed the four earmarks received since 2003, and he summarized the AOC's direct involvement with Senator Jeff Bingaman's office in securing the last earmark of \$254K, still in use by the courts, and this current earmark of \$250K under review today. The AOC had worked closely with Senator Bingaman's office in each case, submitting proposals that identified the general purpose any funds would be put towards on behalf of the state's drug court programs.

Last year's award had started as a much higher request, and included some funding to help the AOC with its administration of the growing number of drug courts statewide. By the time the request had worked its way through the federal budget process, it had been reduced to \$254K. The AOC determined to pass the entire amount through to the courts, and after a review process in April 2008 exactly like the one planned for today, DCAC helped determine recommendations for distributing that funding among eleven different programs.

This year's request also started as a larger request, and again included some administrative funding for the AOC. The final award this year was recently announced as \$400K. After reviewing its request with the Senator's office, the AOC has determined to retain administrative funding as originally planned and use \$150K of the award to hire a contract Management Analyst for approximately a two-year period. The analyst will work with Peter in examining the courts' collection and tracking of data, calculation of performance measures, and overall operational analysis, with the aim to help the programs ensure they comply with the 10-Key Components and the NM Judiciary Drug Court Standards, while they work to improve the efficacy of their operations.

AOC's Request: The Director of the AOC, Artie Pepin, has therefore asked DCAC to solicit and review funding requests from the courts for the remaining \$250K of the award, and to make recommendations to him as to which requests should be honored and for what amounts.

Peter reiterated that this process is the same as the one used last year, and for almost exactly the same amount. He also explained that just like last year at this time, we do not yet know when the funds will be made available and what the term of the award will be. Last year's official award letter was received in September 2008 and was for approximately 18 months (backdated to July 1, 2008), so it would be reasonable to assume that this year's will be awarded in the early fall and be of a similar term. Peter also reminded the courts that the AOC will enter into an MOU with each court receiving



some of the funds, and that the program has to spend its own money and then seek reimbursement—all just as has been the case with the previous earmarks.

Review of Materials: As this is the first DCAC meeting of 2009, Peter reviewed the binders provided to each committee member, which included the Supreme Court Orders related to DCAC’s creation and mandate, the current member roster and terms of appointment, the NM Judiciary Drug Court Standards, the 5-Year Plan for Growth of NM Drug Courts, and the specific materials for today’s meeting. Today’s meeting materials included the individual funding requests from the programs, as well as a document that graphs the last several years performance measures for each program for which such data was available.

Individual Program Presentations: Prior to the presentations, Judge Jaramillo asked if Peter could summarize the recent decision by the Budget Committee and Chief Judges Council to suspend the 5-Year Plan. Peter explained that the determination had been made to suspend the 5-Year Plan “for the current budget cycle,” meaning the unified budget process for FY11. The chair of the Budget Committee had further recommended that when the 5-Year Plan is reinstated, it should be treated as though we were starting year 4 of the plan. Peter further explained that the judiciary still supported problem-solving court programs, but would not entertain a separate bill this year; instead it directed each court to determine what priority to assign any requests for additional drug court funding within that court’s budget, which would then be presented at the August budget hearings. DCAC would therefore not be involved in a review of FY11 problem-solving court funding requests.

Judge Hartley explained that as a member of both the Budget Committee and Chief Judges Council he had voted against the suspension. He was concerned that the courts could lose the support they had worked so hard to gain for their problem-solving court programs. He understood the financial thinking behind the suspension, but said he felt the courts needed to be on alert and ready to promote the success and importance of their programs as part of the overall mission of the judiciary.

Peter referred to an email he had sent to the committee members earlier in the week, and reminded them that each member should refrain from voting on a request that’s from their own court. Cynthia Ferrari asked if that meant she could not present on behalf of her own program and the committee indicated she could present, just not vote on that funding request.

*Judge Jaramillo moved and Brad Ullrich seconded a motion that would prohibit a committee member from voting on funding requests involving programs at the court for which they worked. There were no objections and the motion passed unanimously.*

Rick Gilsdorf asked if the committee would consider the Replacement requests first, as that category has always received the highest priority. Brad Ullrich suggested we should hear presentations on all the requests since many had traveled some distance to get to today's meeting.

Peter displayed a summary spreadsheet on the screen, listing the individual court's requests and showing which category the court itself had assigned their request: Replacement, Expansion, or New Drug Court. Peter said he had listed them as the courts had indicated (with one exception—he had moved the 6<sup>th</sup>'s request from Expansion to New Drug Court since there wasn't a drug court program in the proposed location), though in reading some of the requests he wasn't sure the appropriate category had been assigned; he suggested the committee may want to make that a standard question of each presentation, an explanation as to the request category. He also pointed out that as DCAC determined its recommendations, the spreadsheet would calculate and display how much of the \$250K was still available.

Presentations by the individual programs followed, and during the presentations some courts asked that their requests be adjusted: in some cases where they had multiple requests, they requested that all but one be removed; in other cases they asked that all or some of their Expansion request be moved to the Replacement category. The committee asked questions of each presenter, and generally acceded to any requests for recategorization. The only non-court request was from the AOC which asked for \$20K to fund training statewide.

Upon completion of the presentations:

*Rick Gilsdorf moved that all the Expansion requests, and the one New Drug Court request, be removed from consideration. Peggy Nelson asked if she could add an amendment to that motion, namely that the AOC's request be left in for consideration. Rick agreed and Judge Hartley seconded the amended motion. There were no objections and the motion passed unanimously.*

Discussion followed as to how to evaluate the remaining requests. Peter pointed out that as the total of the remaining requests was just under twice as much as the \$250K available, the committee could simply multiply each request by 0.542 and the requests



would then total \$250K. Judge Grisham said she thought the committee needed to get the “most bang for the buck” and should consider the program performance measures supplied in the meeting materials. She stated that a program with a low cost-per-client relative to another program probably presented a better value. Others suggested that rural programs often have a higher cost-per-client due to the unavailability of services. Peggy Nelson suggested the committee set priorities, perhaps focusing on requests for treatment costs. Judge Grisham said that, based on some of the presentations, some of the courts should focus their efforts on securing Medicaid funding, and perhaps offset that with payments from the participants themselves. Peggy Nelson concluded that the committee needed to do engage in a more detailed analysis than simply applying a percentage decrease, as Peter had suggested, across the board.

The courts were then asked if any were willing to lower their requests. Many did, but the total requested was still considerably higher than the \$250K available. A series of motions then followed, with each motion directed towards recommending a specific request or set of requests. As each motion was approved, Peter modified the displayed spreadsheet so the courts and the committee members could see which requests were left, as well as how much of the original \$250K was still available. During this process, courts continued to lower their requests. The motions were as follows:

*Brad Ullrich moved and David Eisenberg seconded recommendation of the request for \$38K from the 2<sup>nd</sup> Judicial District Adult Drug Court. No objections and passed unanimously.*

*Judge Grisham moved and Brad seconded recommendation of the request for \$25K from Bernalillo Co. Metropolitan Court. No objections and passed unanimously.*

*Brad Ullrich moved and Peggy Nelson seconded recommendation of the request for \$10K from the Administrative Office of the Courts. No objections and passed unanimously.*

*David Eisenberg moved and Judge Grisham seconded recommendation of three requests totaling \$25,968 from the 8<sup>th</sup> Judicial District’s Juvenile (Taos) and Adult (Taos and Raton) Drug Courts. No objections and passed unanimously.*

*Judge Hartley moved and Brad Ullrich seconded recommendation of two requests totaling \$45K from the 5<sup>th</sup> Judicial District’s Juvenile (Roswell) and Family Dependency (Hobbs) Drug Courts. No objections and passed unanimously.*



*Brad Ullrich moved and Judge Pfeffer seconded recommendation of the request for \$5261.61 for the 9<sup>th</sup> Judicial District Adult Drug Court. No objections and passed unanimously.*

*Judge Grisham moved and David Eisenberg seconded recommendation of two requests totaling \$40K for the 1<sup>st</sup> Judicial District Adult and Juvenile Drug Courts. No objections and passed unanimously.*

At this point in the process, there was approximately \$55.7K left available. Brad Ullrich moved that half of the remaining \$55.7K be given to the 12<sup>th</sup> Judicial District for its Adult Drug Court request. There was no second and the motion died.

*Brad Ullrich moved and Judge Hartley seconded recommendation of the request for \$8K for the 13<sup>th</sup> Judicial District Juvenile (Los Lunas) Drug Court. No objections and passed unanimously.*

*David Eisenberg moved and Judge Hartley seconded recommendation of two requests totaling \$20K for the 4<sup>th</sup> Judicial District Adult and Juvenile Drug Courts. No objections and passed unanimously.*

*Brad Ullrich moved and David Eisenberg seconded recommendation of the request for \$15K for the 2<sup>nd</sup> Judicial District Juvenile Drug Court. No objections and passed unanimously.*

Without a final formal motion as there was only one funding request still remaining, the committee indicated that the remaining \$17,770.39 should be given to the 12<sup>th</sup> Judicial District Adult Drug Court, bringing the total of the recommendations to the \$250K available.

Miscellaneous Business: The committee discussed the next proposed meeting date of June 26, originally scheduled in order to review FY11 problem-solving court funding requests. The suspension of the 5-Year Plan having pre-empted the need to provide such a review, the committee considered whether it needed to meet at all on the 26<sup>th</sup>.

Peter explained that DCAC still needed to meet to review the few comments received regarding the changes DCAC had approved to the Drug Court Standards regarding probation/surveillance officers and drug testing. After some discussion of the AOC's current review of the duties of court probation officers, the committee determined to wait

for further information regarding the AOC's conclusions before determining its next meeting date.

Judge Jaramillo adjourned the meeting at 3:17 pm.