

Key:

M = Chief Judge Ricardo Martinez

M: Hello. I am Judge Ricardo Martinez from the Western District of Washington, currently the Chief Judge sitting in Seattle. In two months from now, I will have completed 30 years on the bench; 9 years as a Superior Court judge in King County, the county Seattle sits in, and then 21 years now in the federal system. During that period of time, I've had the extreme good fortune to have operated two drug courts. I started the very first drug court in King County, in the State of Washington. At that point in time, we were the 12th drug court to start up in the entire country. There are now currently thousands of them.

I also had the good fortune to convince the Department of Justice that we needed to start up a drug court in our federal system. We were actually the fourth drug court to start up in the federal system, and by drug court, I mean a deferred program right up front, where someone would be in to the program, assuming they successfully graduate after a year or two at the most, then the charges against them would be dropped entirely. The indictment would be ripped up, and they could go on with their lives having no type of conviction.

I think one of the things that judges have to understand about people that come before us that are suffering from substance use disorder as it is known, is that it's a disease. It's a chronic, relapsing brain disease. It takes three to five years with several relapses before the average user can maintain any sort of long-term abstinence. Many times, trauma tends to be a most common gateway or contributing factor to a substance use disorder. If we don't address both the mental health and the substance use disorder, then you are going to have problems down the line. The way I like to think of it, it's almost like a DNA helix, in that those two disorders are circling around each other, and without addressing both of those at the same time, you're always going to have imbalance, and it's going to be very, very difficult to have any kind of continued success. We've learned from the experts in the field that medically assisted treatment can be very effective in dealing with it.

One of the concerns that we as judges have, and the judges have expressed to me is, wait a minute, aren't we just substituting one drug for another? And the answer is, no, we're not, because the drugs we are giving people to reduce that opioid craving are totally different than the drugs that they would be using themselves out in the street to get high, as with any other disease. If someone walked into our courtroom and they had cardiac issues or they were diabetic, you wouldn't think twice about giving them the

proper medication to be able to help them. Medicated-assisted treatment is a science-based intervention that is statistically proven to save lives and reduce harm. It is not substituting one drug for another.

As judges, we are used to ordering people to behave a certain way, under the threat that if they do not follow our orders, then we will take whatever necessary steps we feel are necessary to make them follow those orders. One of the things that we have learned, especially in the drug court systems, whether they be state or federal, is that the presence of that judicial officer, the encouragement of that judicial officer, the help at every step along the way by that judicial officer goes much further than making kind of threats to these individuals. Remember now, their lives are already not very good. They're already having problems with their families, having problems with their jobs, they can't stay in their community, they can't stay sober, they can't stay clean. When we add to that shame, it does not help them in any way, shape or form. What you need to do is understand what it is that they are going through, and then try with your encouragement as a judge, using your position as a judge, get them to deal with the concerns that are occurring at that point in time, and hopefully move them along in a progressive way.

One of the things that we as judges have to take into account is how to handle our calendars. I understand that every one of us is busy; we have multiple things to do. But sometimes, when dealing with people that have substance use disorder, one of the best things we can do is, instead of having a hearing once every three months, is to order them to come back and see us at a much more regular basis. That's actually what drug courts do. That allows for several different things to happen; number one, they get a routine. They understand that part of checking in and part of the recovery has to do with checking in with that judicial officer. Number two, if you get them to buy into the process, they don't want to disappoint you as the judicial officer. That goes a long way. But knowing that on Tuesday morning they have to be in front of the judge, or every Tuesday morning for the next four weeks, they have to be in front of this person that is taking an interest in their lives, can go a long ways towards helping them progress in the way that you want them to progress. If we think about substance use disorder as the kind of disease where it is very common to take two steps forward and one step back, then maybe as judges we can understand a little bit more about how to make sure that we are being helpful to those individuals, rather than having them taking two steps back for every step forward they might be taking.

In my almost eight years of running drug courts, both in the state court system and in the federal system, I've had some amazing things happen to some of those individuals in front of me. We had one individual in the state court system -- this is years ago -- who was a tech worker -- I'm from Seattle, it's a tech-based town. This young man would have been, in my opinion, on the road to tremendous success, making himself rich. He

had an opioid addiction. One of the things that these drug courts do, obviously, is we check all the time to make sure that they are not using drugs. So, we have UAs that are done on a regular basis to make sure we're catching this. He was passing all those UAs. He was well on his way towards graduation. And then one day, he just did not show up to court.

One of the things that we had available to us at that point in time was a dedicated officer who would actually go out and check and see where they were, and be able to find them and bring them in, even under a warrant, if necessary. So, we asked that officer to go out and find this young man. He found him. He was in his apartment, and he had overdosed. And he was dead. In checking the refrigerator, he had lots of little bottles containing urine samples that he got, of course, from someone who was helping him evade the process. He had built a little device that he used to make sure that he was not caught when being asked to give a UA. And it was a constant -- it was a reminder to me, to everybody else that was working in the system, that while you can have a certain amount of trust of what's going on with individuals, you have to really be extremely careful, to work very carefully with them, and make sure that you truly are understanding what is happening in their lives, and make sure that things like that cannot take place.

There are plenty of positive examples, just as well. In the federal system, I had a young woman, I'll call her Leslie. Leslie was 23 years old. Her parents were killed in a landslide that occurred in our area several years ago. As a result of that, she inherited some money, and then Leslie, very quickly turned and used that money with a boyfriend to buy a substantial amount of drugs, and try to sell them to other people as a way of making money. Leslie was not only dealing with her substance use disorder issues, she was also dealing with the grief of having lost both parents. Leslie came the closest in the three and a half years that I ran the federal program to being terminated from the program unsuccessfully, of the people that I worked with, because she kept using, could not stop.

At one point in time, our probation officer that was dealing and working with our people in that drug court program went to do a home visit, unexpected home visit, unannounced home visit. Found Leslie in the living room of the apartment that she was living in with 10 cans of a Dust-off inhalant around her, most of them empty. She was literally dying at that point in time. If not for the lucky intervention of that officer, that probation officer, Leslie would have been dead within minutes. Instead, called 9-1-1, they were able to revive her, short stay in the ER, and then she was out. And then Leslie turned everything around. She managed to make it through the program. Leslie ended up getting a job, ended up getting married. Leslie now has children, and her life is completely different than it would have been, but for that program and the people

involved in that program, and those steps that were taken to make sure that Leslie could be saved.

One of the things that is important for judges to understand is that we are not experts in this particular field. Make sure that there is someone on our probation staff that has the kind of training and background that will help us deal with these individuals in a much more knowledgeable way. Someone that perhaps has chemical dependency counseling in their background, someone that understands medically assisted treatment. Someone that understands the latest scientific breakthroughs in dealing with substance use disorder. Having that individual is critical, because that person is able to then help the judge make the best decision possible in dealing with this individual, rather than the decision sometimes that we, as judges, think might work the best.

Sometimes you may have someone appear in front of you who, after more than one attempt from you, from the court, from probation, you begin to realize that they really are not showing any interest in dealing with the disorder; they're anti-social, they're engaging in further criminal behavior, they're doing other things, except everything that you asked them to do. You may have heard the old adage about, you can lead a horse to water, but you can't make it drink. Drug court people tend to believe that if you throw the horse in the lake often enough, sooner or later it's going to have to drink. But you have to understand that there are times when someone is just not ready. Your ultimate responsibility is community safety, and trying to balance how to do something with an individual who is having great difficulties in dealing with all the orders of the court because of the substance use disorder -- you have to be extremely careful that you don't go too far the other way and enable that behavior. Because for many of these individuals, that's exactly what has been happening in their lives up until then. And if community safety really, truly is an issue, then it is up to you as a judge to say, you know what, you need a much longer time out, and you are just not ready to do this, or deal with this at this point in time.

One of the things that we learned, especially working in the drug court system, is that there are basically two major things that have to happen in a person's life before they can be successful, if they have a substance use disorder. One, it's good to have a job. It doesn't matter what the job is, just any kind of job that requires them to regularly show up and so something in a positive way. The other is having a clean and sober living situation. And that may be one of the most difficult things for them to do. Frequently, old associates using and drinking must be left behind. In order for them to truly move forward in a positive way, they need to make new friends. They need to make new, clear and sober networks that are needed then to help support them.

I believe that the best tip I can give new judges that are coming into this field, if you are watching this broadcast eventually, is remember that there is no manual, okay? But there have been a lot of us that have gone down this road before, and we have learned

many, many things. Take that into account. Try to learn about as much of this as you possibly can. It's different. It's different than what we typically have been used to doing. What have I heard in the past from other judges? Wait a minute -- this isn't our business. This is social work. This is not what we should be doing. Well, you know what I'd say? You know what my response is? My response is this: We are in the people business. Everything that we do as a judge impacts a person. Having that compassion from the bench, treating people as individuals, makes all the difference in the world.

There's an old story that's told by drug court judges around the country. One weekend, there is a violent storm, and after two days the storm subsides. The man comes out on his deck and he's looking out over the sea, over the shore, and he sees thousands of starfish littering the entire beach, and he sees the little boy walking among those starfish, about a 10-year-old little boy. And the little boy stops every few feet, he'd pick up a starfish, and he'll fling it back into the ocean. The man looks at him, and he yells at him, and says, "Hey kid, what are you doing?" The little boy says, "Well, the starfish are going to die, they're out here in the sunshine. So, I'm throwing the back in the ocean. The man says, "Kid, there are millions of them out here. You're not going to make any difference." The little boy leans down, picks up another starfish, flings it into the ocean, turns to the man and says, "It made a difference to that one." You can make a difference to that individual standing in front of you. Hopefully, you will be prepared and ready to do the best you can to make a difference to that one.