

# E-SJI News

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## STATUS OF FY 2008 APPROPRIATIONS

On Wednesday, December 19, 2007, Congress passed and the President is expected to sign H.R. 2764, the FY 2008 Omnibus appropriations bill which provides funding for the majority of the Federal government. The spending bill includes \$3,760,000 for SJI, which is an increase of \$305,000 (or 8.8%) over FY 2006 and 2007 levels. SJI recognizes the tough budget environment this fiscal



year, which makes the Institute all the more appreciative of the increase provided by Congress. SJI also greatly appreciates the time and effort of House and Senate appropriations staff and other Congressional staff who continue to support SJI's mission.

SJI will provide the final public law and any other appropriations information in the January E-SJI News.

## SCHOLARSHIP REIMBURSEMENT

In recent months, SJI has been carefully reviewing the Scholarship Program and making various changes which have been mentioned in previous versions of the E-SJI News.

SJI would like to remind both applicants and recipients that scholarship funding may not be used to supplant State funding for training courses. SJI scholarship funds were never intended to be used in lieu of funding that would have been contributed by the courts towards personnel training. For example, if a State already has training funds available to send a judge or court

manager to a class, then it would be supplanting State funds, should the individual apply for and receive a SJI scholarship. In other words, the State would be using SJI funds to "free up" State funds for other purposes.

SJI recently introduced a revised Scholarship Application Form (Forms S1 and S2) that specifically ask whether there are State funds budgeted to cover the courses, and if so, how much. In the past, some states have requested that SJI send the scholarship check directly to the court, because they were providing an advance to the individual to

allow payment prior to the program. Since this makes it difficult for SJI to determine if supplantation of existing court/state funds is occurring, SJI is now requiring that all scholarship funds be sent directly to the scholarship recipient.

To apply for reimbursement, the recipient should submit a Scholarship Payment Voucher (Form S3) to SJI, together with a certificate of attendance, a paid tuition statement from the program sponsor, a transportation fare receipt (or statement of the driving mileage to and from the recipient's home to the site of the educational program), and a

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## What's Inside

# THE ROLE OF THE COURT IN PROBLEM-SOLVING CASES

In 2006, the Department of Justice (DOJ), Bureau of Justice Assistance (BJA) and SJI held a two-day meeting of judges and court administrators to discuss how problem solving court programs function within, and are influenced by, the traditional court system. This group included members who did not directly work in a problem-solving court program, but who had extensive experience with court management issues within jurisdictions where problem-solving courts operate.

One of the questions that continued to be asked at the meeting was, “what is the role of the court in many of the problem-solving cases?” There is a general acceptance that drug courts work and the success of that approach has set a precedent for adopting more problem-solving approaches for other types of cases. Yet one of the first challenges from the traditional court perspective was determining whether the role of the court is to solve societal issues, or simply to adjudicate cases that come into the justice system. In some cases, moving the problem-solving approach into areas that were not normally a part of the system was viewed as problematic for the court, and would actually cause a net-widening impact. For example, the validity of homeless courts was questioned, given that being homeless is not illegal even though there may be some homeless defendants that do get involved in criminal activity. It was noted that in some homeless courts, individuals were being brought to court on public nuisance charges, which would not have resulted in the same action for an individual on the street who was not homeless. Some court personnel felt that courts should not have the same hold on these individuals as they would if a more serious issue was involved. In addition, it was also noted that using these charges for the homeless, even though it did provide some advantages for the defendant (placing him/her in a shelter, etc.), further raised the question of fairness. Are all individuals with the same types of charges being treated the same way by the court, or are the homeless being treated differently simply because they are homeless?

Some of the traditional court participants argued that courts were being pushed to become gatekeepers for social services or health concerns that should be handled by the relevant social service providers, not the courts. This was concerning to some of the partici-

pants, even though the individuals were receiving helpful services. Several participants noted that the loss of the adversarial approach in many of the problem-solving courts was also problematic for traditional court personnel. The participants agreed that they were not interested in simply promoting a contentious adversarial process that would slow the court system down, but they noted the importance of maintaining an approach that allowed different positions to be considered to assure that the full situation of the defendant was understood, and appropriate measures were applied. They wanted to be sure that the adversarial process would not be lightly put aside in problem-solving techniques, and that courts should always keep an eye on the fairness of the approach being used to assure that all individuals are being treated equally in the justice system.

The participants of this meeting agreed that there was clear evidence that judicially-supervised drug offenders have lower recidivism and better outcomes in many problem-solving courts, and it would be helpful to encourage continued use of the techniques that have been developed for these cases. However, they also wanted to be sure courts carefully consider the purpose and need for such programs and examine the fairness and appropriate role of the court in such efforts.

SJI staff has been advised by our Partner that the report from this meeting will be published soon. SJI will put a notice in the E-SJI News once the report is released.

## Scholarship Reimbursement

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lodging receipt. These should be submitted within 90 days after the end of the course. Recipients should keep in mind that scholarships are limited for payment of: tuition, transportation, and reasonable lodging expenses not to exceed \$150 per night, including taxes. Costs to pay for items such as meals, materials, transportation to and from airports, or local transportation at the program site, must be paid from other sources or borne by the scholarship recipient. Scholarship applicants are encouraged to check other sources of financial assistance and to combine aid from various sources whenever possible.

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The State Justice Institute is a private, non-profit corporation established by Congress in 1984 to provide support for projects to improve the quality of justice in State courts. SJI is governed by a Board of Directors appointed by the President and confirmed by the Senate.



## ANNOUNCEMENTS

The December 5, 2007, Federal Register provides the SJI Final Grant Guideline for FY 2008. A PDF copy is available on the SJI Website: [www.statejustice.org](http://www.statejustice.org).

As a reminder, beginning in FY 2008, Scholarship applications are no longer tied to educational programs within a specific quarter. Applicants may apply at any time for any program during the fiscal year. Scholarships will be considered on a first-come, first-served basis, rather than the previous method of applying for scholarships during the preceding calendar quarter for educational programs beginning in specific quarters. Applications are reviewed on a quarterly basis.

**Next Application Deadline:** Applications for all grants and scholarships must be received by SJI on February 1, 2008, to be considered for the second quarter of FY 2008. Please be advised this is NOT a mail date, but the date the application must physically be received by SJI. The Board will meet to make grant decisions in April 2008, so projects are cautioned not to have start dates before May 1, 2008.

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