

NY DRUG COURT NEWS

The Journal of the New York Association of Drug Treatment Court Professionals

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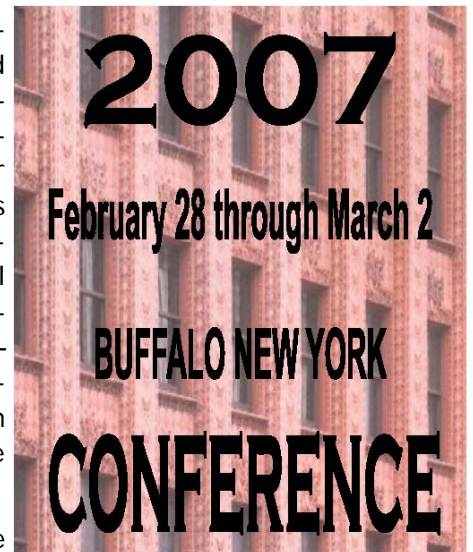
Register Online
www.nyadtcp.org

2007 Annual Conference Registration Begins

The New York Association of Drug Treatment Court Professional's Conference Planning Committee announced the beginning of registration for the 2007 Annual Conference. To make the registration process more convenient, NYADTCP is offering on-line registration this year at www.nyadtcp.org, although mail-in registration is still available. The conference will be held from February 28 through March 2, 2007 at the Adam's Mark Hotel in downtown Buffalo and the theme for this Ninth Annual Conference and Exhibit is "*Reaching Our Potential: Building and Sustaining Drug Courts.*" Registration information and an invitation to attend from NYADTCP President, Hon. Thomas Amodeo, were to be mailed by the middle of December 2006.

Following a "Call for Presentations," the Conference Planning Committee reviewed numerous submissions made by professionals throughout the drug court and substance abuse treatment fields. The following pages contain the preliminary schedule of events for this year's conference which include the Conference Planning Committee's decisions for the conference's extensive breakout sessions. The first day of the conference will feature a record breaking ten breakout sessions for both the morning and afternoon sessions.

This year's conference promises to be the Association's biggest and most exciting ever! All are encouraged to register early. And don't forget lodging! The Association has reserved a block of rooms at the Adam's Mark Hotel, be sure to mention NYADTCP when making reservations in order to obtain the Association's negotiated rate.



Conference and Exhibit Invitation

Dear Treatment Court Professionals:

I would like to invite you to the 2007 New York Association of Drug Treatment Court Professionals, 9th Annual Conference and Exhibit. This year's conference "Reaching Our Potential: Building and Sustaining Drug Courts" will focus on how our courts can improve, as well as build new partnerships, to assist with the development of drug treatment courts. This conference will give all those in attendance the opportunity to network with professionals from all areas of New York State, as well as from throughout the country. I look forward to seeing you at this year's conference.



- Hon. Thomas Amodeo, President, NYADTCP

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Preliminary Conference and Exhibit Schedule

Pre-Conference

Wednesday, February 28, 2007

Theme: Spirituality in Recovery

Morning Plenary

Date: 02/28/2007 Time:10:00 am to 11:30 am

Afternoon Plenary

Date: 02/28/2007 Time:12:30 pm to 02:00 pm

Breakout Session I

Cultural issues in Latinos

Speaker: Diane Padilla

Date: 02/28/2007 Time:02:15 pm to 03:30 pm

Drug court teams face the challenge of differing cultural perspectives when working with Latino clients. Understanding the range of cultural groups from Latino to Hispanic to Chicano and Puerto Rican is the first step in individualizing treatment. Across the country, practitioners work with Latino populations that share commonalities while at the same time demonstrating great diversity. Misinterpretations of the Latino's family issue, drug treatment views, criminal justice systems and other client perspectives can factor greatly in the perceived lack of willingness of the Latino client to succeed in the program. Recognizing how a client's cultural perspectives impacts their motivation is key to client completion of drug court programs. This presentation is intended to raise awareness as to how best provide an atmosphere that will enhance assessment, retention, and help towards reducing recidivism. Practitioners will recognize how culture influences behavior and begin developing strategies that can help facilitate this process with the Latino population.

Format: Presentation

Audience: ALL

Breakout Session II

Understanding and coping with relapse as a drug court practitioner

Speaker: Joe Luniewicz

Date: 02/28/2007 Time:02:15 pm to 03:30 pm

As Drug Courts move from start-up and initiation of services to stabilization and on-going evaluation, longer-term issues for team continuity, maturity and growth take on increased importance. Practitioner turnover has become a significant issue for these more established courts. A more informal work environment, increased accessibility in the context of a dual criminal justice and drug treatment environment and the difficulties of coping with relapse, issues of counter-transference, and the impact of vicarious trauma. Practitioners learn about participant histories of drug abuse frequently accompanied by violence and trauma is a part of the engagement process. The vicarious impact of these histories can have a cumulative effect on any worker. Dealing with a chronic illness for which the client is prone to relapse requires a further understanding of the relapse process and a re-examining of a practitioner's standard of success. As a mitigating factor, practitioners need an awareness of how counter-transference affects their reaction to individual participant relapse and trauma. Self-care and overall team care around these issues will be key to long-term team survival and continued effectiveness.

Format: Presentation

Audience: All

Conference Kick-off Reception

Adam's Mark Hotel Grand Ballroom

Date: 02/28/2007 Time:06:00 pm to 09:00 pm

Conference

Thursday, March 1, 2007

Day 1

Continental Breakfast

Date: 03/01/2007 Time:07:30 am to 08:30 am

Morning Plenary

Team Building

Speaker: Janiece Siegerist

Date: 03/01/2007 Time:09:00 am to 10:30 am

Thursday Morning Breakout Session I

Completing the treatment puzzle with mental health and vocational/educational services

Speaker: Hon. Marcia P. Hirsch (Peter Manzo, Kevin Felder, Shelly Cohen)

Date: 03/01/2007 Time:10:45 am to 12:00 pm

This presentation will provide helpful tools when working with the challenging MICA population and navigating through the vocational/educational community resources in New York City. In addition, the presenter will provide the outcome of these enhanced services described in the outcome evaluation. Finally, the Team approach concept and new linkages to strengthen services for the drug court clients will be covered.

Format: Panel Discussion

Audience: Adult and Family

Thursday Morning Breakout Session II

Life after drug court - maintaining and developing an alumni group

Speaker: Claudia McDuffie

Date: 03/01/2007 Time:10:45 am to 12:00 pm

Many drug courts struggle to develop and maintain a dynamic alumni organization. This session will describe the road to a successful alumni group. Components will include eligibility; formulating a mission statement; working with the community; maintaining membership; and the coordinator's role in an alumni group.

Format: Presentation

Audience: Adult and Family

Thursday Morning Breakout Session III

Drug Courts are from Mars, treatment providers are from Venus

Speaker: Mia Santiago (Christine Ruffino, Connie Pentony-Brown, Barbara Sarnelli)

Date: 03/01/2007 Time:10:45 am to 12:00 pm

This session will discuss the relationship between the drug court and the various treatment modalities. We will explore the differing needs and challenges of the drug court and the treatment provider as well as their similarities. The intent of this session is to increase communication and strengthen partnerships to reach our common goal of safer and drug-free communities.

Format: Panel Discussion

Audience: ALL

Thursday Morning Breakout Session IV

Planning to serve unique target populations in adult drug courts

Speaker: Dennis Reilly (Andrew Osborne)

Date: 03/01/2007 Time:10:45 am to 12:00 pm

It is critical for adult drug courts that are experiencing or contemplating a change in target population to conduct

Preliminary Conference and Exhibit Schedule

strategic planning to specifically address that population's unique needs. This is especially true if the target is dissimilar from the existing or the anticipated target population that was contemplated during the planning stages of the drug court. The adult drug court team, in partnership with community providers and stakeholders, must develop a strategic plan of action to effectively supervise and serve individuals with specialized needs. This involves clearly defining the needs of the target group and identifying barriers and obstacles to serving that population. Discussion will involve how focus groups have been utilized strategically to assess the needs of a marijuana dependent young adult population to determine their unique issues and to help build a new treatment, supervision and supportive service protocol to address those identified needs. This presentation will focus on issues of focus group composition, facilitation, development of discussion questions and utilizing systematic steps with defined protocols to gain maximum insight. A discussion on how to utilize focus group findings to identify evidence based interventions to build programming will follow.

Format: Presentation

Audience: Adult

Thursday Morning Breakout Session V

Transition and change in drug courts

Speaker: Daniel DeBruin (Diane Crewe, Amy Jarzyniecki, Myrna Ramirez)

Date: 03/01/2007 Time:10:45 am to 12:00 pm

This presentation consists of two parts. The first part will be a presentation concerning the dynamics of change on individuals, teams and clients and the potential problems and opportunities that are inherent with all change. The second part of the presentation will consist of drug court practitioners who have gone through transitions in their court. They will discuss the type of changes and how they have dealt with them as well as any ongoing concerns.

Format: Panel Discussion

Audience: All

Thursday Morning Breakout Session VI

JOB CLUB: Enhancing recovery through vocational participation

Speaker: Catherine Newton (Susan Chiappone, Kate Collins)

Date: 03/01/2007 Time:10:45 am to 12:00 pm

Job Club is a coordinated effort among the court, treatment and vocational services to provide a meaningful linkage to vocational services. The training will focus on incorporating vocational services into the drug court's dedicated service network. Drug court professionals will learn how to assess vocational needs, understand the importance of vocational participation in recovery, and assist the clients in setting vocational goals and the use of vocational achievement as an affirmation for recovery.

Format: Panel Discussion

Audience: Adult and Family

Thursday Morning Breakout Session VII

Sustaining through success: The attorney's role in advising and orienting the client

Speaker: Robert Lonski (Hollis Hite)

Date: 03/01/2007 Time:10:45 am to 12:00 pm

The critical role of the defense attorney as part of the drug treatment court team is sometimes overlooked or misunderstood. In this session, two veteran treatment court attorneys will discuss specific ways in which attorneys can function in their unique roles to ensure a more successful outcome for the client, thereby contributing to the ultimate sustainability of the treatment court itself. The presenters will address productive ways of interacting both with the individual client and with the rest of the team.

Format: Presentation

Audience: Adult and Family

Thursday Morning Breakout Session VIII

Vicarious trauma and compassion fatigue in the drug court setting

Speaker: Peter K. Navratil

Date: 03/01/2007 Time:10:45 am to 12:00 pm

This workshop will address issues related to vicarious trauma and compassion fatigue in the drug court setting and how these issues may impact the drug court professional's view of the world and oneself, including the ability to work effectively with drug court participants. This workshop will address techniques for recognizing and managing these stressors and coping with potential burnout.

Format: Presentation

Audience: All

Thursday Morning Breakout Session IX

Pre-trial diversion

Date: 03/01/2007 Time:10:45 am to 12:00 pm

What is diversion? How can this valuable tool be used by the court? Can early identification and referral to community resources address defendant behaviors and prevent recidivism without lengthy court intervention? This workshop will explore these questions and address the importance of pre-trial diversion.

Format: Workshop

Audience: Pre-Trial

Thursday Morning Breakout Session X

Rekindling the sacred fires: Understanding addiction, criminal justice, child welfare problems and healing within context of culture

Speaker: Valerie Staats

Date: 03/01/2007 Time:10:45 am to 12:00 pm

Format: Presentation

Audience: All

Thursday Working Luncheon

Date: 03/01/2007 Time:12:15 pm to 02:00 pm

Audience: ALL

Thursday Early Afternoon Breakout Session I

Utilizing cognitive behavioral therapy with probationers and drug court participants

Speaker: David Furman (Rick Geno)

Date: 03/01/2007 Time:02:15 pm to 03:30 pm

This presentation will provide an overview of the cognitive behavioral therapy groups currently operating in the Ontario County Probation Department via a partnership with Finger Lakes Addiction and Counseling Referral Agency, called Commitment To Change (CTC). Through this partnership and collaborative effort, a Probation Officer and a Substance Abuse Counselor co-facilitate a 20-week group at no cost to the participants. The group provides clients useful cognitive information into how their thinking lies at the root of their behavior and is often incorrect. They are then taught the most common thinking errors, as well as what tactics people typically use to block true change. Through this interactive, hands on process, they learn to identify their own thinking errors as well as tactics used, and are provided the opportunity to take positive steps in their own personal Commitment To Change their lives.

Format: Presentation

Audience: Adult

Preliminary Conference and Exhibit Schedule

Thursday Early Afternoon Breakout Session II

Understanding the immigration consequences of drug court dispositions for non-citizens

Speaker: Manny Vargas (Alina Das)

Date: 03/01/2007 Time:02:15 pm to 03:30 pm

Non-citizen defendants, many of whom are longtime New York residents and have citizen spouses and children, often seek the opportunities for rehabilitation and reintegration that drug treatment courts provide. Their communities, and New York State as a whole, benefit from the reduction in drug use and drug-related crime that drug treatment courts produce. However, non-citizen defendants can face harsh immigration consequences due to certain drug treatment court dispositions, hindering the effectiveness of these courts in immigrant communities. This presentation will explain what those consequences are and how alternative dispositions can facilitate the effectiveness of drug treatment courts in immigrant communities.

Format: Presentation

Audience: All

Thursday Early Afternoon Breakout Session III

Smoking and Treatment, a dialogue with different perspectives

Speaker: Deirdre Rice-Reese (TBA OCA and OASAS)

Date: 03/01/2007 Time:02:15 pm to 03:30 pm

There may be some concern that a smoking ban in residential treatment might raise the risk of non-compliance and put criminal justice clients at greater risk of incarceration. There are obvious health benefits of a smoke-free environment, particularly one where the health of so many residents is already compromised and the incidence of upper respiratory conditions is high. Which risk is safer?

Format: Panel Discussion

Audience: All

Thursday Early Afternoon Breakout Session IV

Determining the appropriate level of care in substance abuse treatment

Speaker: Kevin Wadalavage

Date: 03/01/2007 Time:02:15 pm to 03:30 pm

People with substance use disorders can need different levels of treatment, depending on a variety of factors. This presentation will examine these varied levels of care and review clinical guidelines which assist treatment providers in determining who is appropriate for each level. Non-clinical considerations which sometimes impact on level of care decision-making will also be discussed.

Format: Presentation

Audience: All

Thursday Early Afternoon Breakout Session V

Brief strategic family therapy: Overview and success in outpatient chemical dependency

Speaker: Brenda Banach (Rick Salada)

Date: 03/01/2007 Time:02:15 pm to 03:30 pm

Children and adolescents, aged 6-17 years old, often present with early substance abuse and other risk factors such as, conduct problems at home and in school, oppositional defiant behavior, delinquency, association with anti-social peers, aggressive/violent behavior and risky sexual behavior. Through the use of Brief Strategic Family Therapy (BSFT), families are provided with tools to decrease these risk factors and improve family relationships and communication. Participants will hear an overview of the BSFT model and how it was successfully implemented in an outpatient chemical dependency program.

Format: Presentation
Audience: Family and Juvenile

Thursday Early Afternoon Breakout Session VI
Predicting success: lessons from 10 years in Manhattan FTC
Speaker: Hon. Gloria Sosa-Lintner (Susan Doherty)
Date: 03/01/2007 Time:02:15 pm to 03:30 pm

Over the past 10 years, the Manhattan Family Treatment Court has expanded and restricted our screening criteria numerous times. We have learned valuable lessons about the types of case best suited for a voluntary-type Family Treatment Court and which factors can and cannot be used to predict success. We have also learned to gauge success by many different criteria, helping sustain our commitment to the program.

Format: Presentation
Audience: Family

Thursday Early Afternoon Breakout Sessions VII
Juveniles with co-occurring disorders: developing a collaborative treatment plan
Speaker: Judge James Dillon (Terry McGinty)
Date: 03/01/2007 Time:02:15 pm to 03:30 pm

Co-occurring substance abuse and mental health disorders are a significant problem for youth in the juvenile justice system. Adolescents are in a stage of intense physical, hormonal and developmental change that presents challenges to the effectiveness of treatment of substance abuse and mental health issues. Erie County JTC works collaboratively with the Family Court Clinic/Mental Health Juvenile Justice Programs to provide case coordination and unique treatment planning for JTC participants. This session will discuss importance of comprehensive treatment planning for juveniles and their families who are involved in the juvenile justice system.

Format: Presentation
Audience: Juvenile

Thursday Early Afternoon Breakout Session VIII
Buprenorphine: an effective medication to treat opiate addiction
Speaker: Maria Pasceri
Date: 03/01/2007 Time:02:15 pm to 03:30 pm

This presentation will give an overview of the prevalence of opioid addiction and the rationale to utilize medication as an effective means to treat this population. The presentation will discuss the opioid receptor types in the brain and how the medication suppresses opioid withdrawal and reduces cravings. The presentation will identify key components in developing a Buprenorphine treatment program, including necessary treatment contracts, assessments and medication management tools. Lastly, the presentation will include lessons learned from our program, outcome statistics and (hopefully) a self disclosure from a successful consumer who is involved in the NY Drug Court.

Format: Presentation
Audience: All

Thursday Early Afternoon Breakout Session IX
The scope of pre-trial services
Date: 03/01/2007 Time:02:15 pm to 03:30 pm
What post-arraignment services do pre-trial programs provide? How can courts benefit from them? Can specialty courts use them at a lower cost than duplicating services independently? In this workshop, programs from around the state will report on their initiatives and discuss the use of pre-trial programs as specialty court sanctions.

Format: Workshop
Audience: Pre-Trial

Preliminary Conference and Exhibit Schedule

Thursday Early Afternoon Breakout Session X
Tribal healing to wellness courts: Restorative justice in action
Speaker: TBA
Date: 03/01/2007 Time:02:15 pm to 03:30 pm

Format: Presentation
Audience: All

Thursday Late Afternoon Breakout Sessions
Breakout by discipline
Date: 03/01/2007 Time:03:45 pm to 05:00 pm

Audience: All

Conference

Friday, March 2, 2007

Day 2

Continental Breakfast
Date: 03/02/2007 Time:07:30 am to 08:45 am

Final Plenary
Speaker: West Huddleston III
Executive Director NADCP
Date: 03/02/2007 Time:09:00 am to 10:00 am

Final Breakout Session I
Best practices for co-occurring mental health and substance use disorders
Speaker: Jay A. Swarthout
Date: 03/02/2007 Time:10:15 am to 11:30 am

This workshop will provide participants with an overview of co-occurring disorders including: prevalence and incidence rates, differential diagnosis, subtypes of co-occurring disorders, strategies for categorizing individuals based on level of need, strategies for engagement and evidenced-based co-occurring disorders treatment models. The presenter will explain local, state and federal initiatives around co-occurring disorders and the impact those initiatives will have on treatment court providers including: The New York Model, No Wrong Door, screening standards, American Society of Addictive Medicine Patient Placement Criteria 2-R Dual Diagnosis Program Guidelines and Integrated Dual Disorder Treatment Fidelity Scales.

Format: Presentation
Audience: All

Final Breakout Session II
What drug court professionals need to know about gambling
Speaker: Renee Wert (Judge Mark Farrell)
Date: 03/02/2007 Time:10:15 am to 11:30 am

There is high co-morbidity between gambling problems, mental health problems and drug and alcohol problems. Gambling problems can be more easily hidden than chemical addictions, there may be undiagnosed pathological gamblers in your drug court. This can be a factor in unsuccessful outcomes. Learn from the experiences of the nation's only gambling treatment court.

Format: Presentation

Audience: All

Final Breakout Session III

Effective practices in family treatment courts: Coming to consensus

Speaker: Hon. Nicolette Pach

Date: 03/02/2007 Time:10:15 am to 11:30 am

Many drug courts struggle to develop and maintain a dynamic alumni organization. This session will describe the road to a successful alumni group. Components will include eligibility; formulating a mission statement; working with the community; maintaining membership; and the coordinator's role in an alumni group. For the past year, the Office of Court Drug Treatment Programs, in partnership with New York's family treatment court practitioners and the Center for Court Innovation, have been exploring effective family treatment court practices in New York State and nationally. The project includes an advisory committee, a national literature review, analysis of data from New York's Universal Treatment Application, and structured site visits to family treatment courts. The panel will present the results of this effort to date, and welcomes comment and input from the conference audience.

Format: Panel Discussion

Audience: Family

Final Breakout Session IV

Mental illness and drug courts: Improving operations and outcomes

Speaker: Carol Fidler (Valerie Raine, Hon. Patricia Marks)

Date: 03/02/2007 Time:10:15 am to 11:30 am

How should problem-solving courts address the needs of defendants with co-occurring mental illness and substance abuse disorders? Many drug courts wrestle with adapting their programs or creating separate tracts to meet the challenges presented by offenders with co-occurring disorders. Of the 12 mental health courts scheduled to be in operation in New York State by the end of 2006, some are closely coordinated with the drug courts in their jurisdictions and others operate completely independent of the drug courts nearby. This workshop describes these different approaches and offers an alternative strategy for managing these offenders.

Format: Panel Discussion

Audience: Adult

Final Breakout Session V

Is your planning process working for you?

Date: 03/02/2007 Time:10:15 am to 11:30 am

Criminal justice planning, whether it is for an entire jurisdiction or for a single agency, must take many factors into account. But, after all is said and done, are we still spending unnecessarily and negatively impacting the lives of defendants? Are we thinking outside of the box and considering pre-trial services as a viable option? What factors must be considered for cost accounting, correctional management, managing jail population, and developing programs and services for defendants prior to the disposition of their case? This workshop's panel will explore issues that are essential in addressing the broader criminal justice planning process needed within criminal justice agencies and county government.

Format: Panel Discussion

Audience: Pre-Trial

Final Breakout Session VI

Court appointed special advocate (CASA) in Indian country

Speaker: National CASA office/TBA

Date: 03/02/2007 Time:09:15 am to 11:30 am

Format: Presentation

Audience: All

Conference and Exhibit Information

Date

February 28, 2007, 2007

Where

Adams Mark Hotel
120 Church Street
Buffalo, NY 14202
United States
(716) 845-5100

Hotel Information

Hotel reservations at the Adam's Mark Hotel in Buffalo, NY are on a first come first serve basis. Please access the Adam's Mark reservations system via www.adamsmark.com and be sure to tell them that you will be attending the Conference!



Registration

Conference registration may be completed online by visiting www.nyadtcp.org. Please note that you do NOT have to pay online to register for this event. If you would rather mail the registration and pay by check or money order, you or your organization should do the following: After filling out all of the appropriate information on the registration website, copy the Conference Purchases section and print out for your Purchasing Department. Then simply by-pass the order section and click on submit, attending. Your purchasing department may then send the appropriate payment via check MADE PAYABLE TO NYADTCP INC. and mail to Jennie Cunningham McManus, 28 Edge Park Avenue, Buffalo, NY 14216. YOU WILL NOT BE CONSIDERED REGISTERED UNTIL PAYMENT IS RECEIVED BY THE PLANNER.

Conference Fees:

Conference Participant Ticket (register on or before February 20, 2007)	\$175
Conference Participant Ticket (register after February 20, 2007)	\$195
Exhibitor Registration (includes 2 tickets to conference and program)	\$450
Additional Exhibitor Participant Ticket	\$175
Conference Sponsorship—Gold	\$5,000
3-5 minute discussion of company at opening reception, double-sized booth and full page in conference brochure	
Conference Sponsorship—Silver	\$3,000
Double-sized booth and full page in conference brochure	

Contact (Conference Planner)

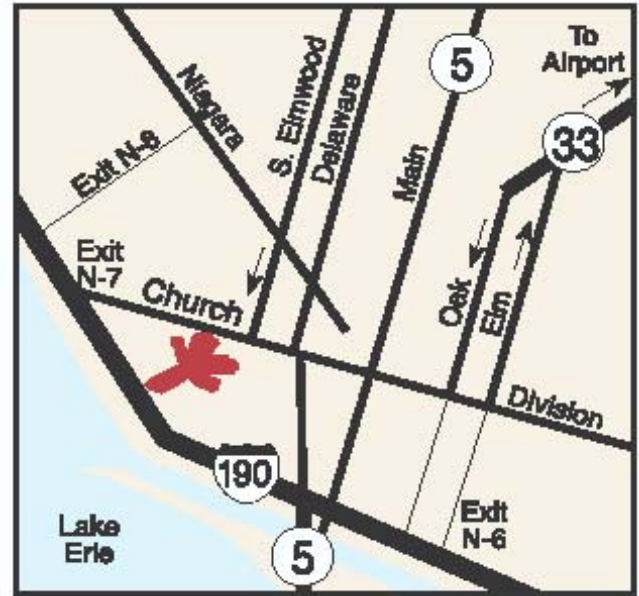
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E-mail: nyadtcp@detailsdetailsevents.com

Driving Directions:

From the Buffalo Niagara International Airport: Take Route 33 West 9.1 miles to Oak Street. Travel approximately 1.5 miles and take a right onto Division Street. Division Street changes to Church Street. There is a parking deck and parking lot on the left.

From Albany and points East: Take the NYS Thruway (Route 90) West to Route 33 West and follow the directions above.

From Erie, PA and points West: Take the NYS Thruway (Route 90) East to the 190 North. Take Church Street (Exit 7) - follow Church Street (slight right) to the Hotel.



Association Expands Options for Conference Exhibitors

With over 800 drug court professionals, government officials, law enforcement, chemical dependency and mental health professionals expected to attending each year, the NYADTCP Annual Conference and Exhibition has always been an ideal place for companies and organizations wishing to reach out to professionals working in the drug court and substance abuse treatment fields. Seeking to expand in Exhibition even more, this year the Association has decided to expand the options available to exhibitors. Along with regular exhibition registration, this year's conference offers Gold and Silver level sponsorship for exhibitors who wish to get additional exposure. Gold level sponsorship will bring participation in the conference's Opening Reception, along with a double-sized booth and a full page spread in the conference brochure. Silver sponsors will receive a double-sized booth and a full page spread in the conference brochure. Traditional exhibitor registration is still available.

Previous conference exhibitors and sponsors have found the experience an invaluable tool in getting their message across to a large cross-section of the drug court and substance treatment professionals in New York state.

For more information, see the facing page, log on to www.nyadtcp.org or contact the conference planner, Jennie Cunningham McManus, 28 Edge Park Avenue, Buffalo, NY 14216, (716) 435-5866, nyadtcp@detailsdetailsevents.com.





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Treatment Court Professionals**

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TO REDUCE SUBSTANCE ABUSE, CRIME AND RECIDIVISM BY PROMOTING AND ADVOCATING FOR THE ESTABLISHMENT, FUNDING AND ENHANCEMENT OF DRUG COURTS AND PROVIDING FOR THE COLLECTION AND DISSEMINATION OF INFORMATION AND MUTUAL SUPPORT TO THE DRUG COURT PROFESSIONALS IN THE STATE OF NEW YORK

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Association Files Amicus Brief

Last spring, the New York Association of Drug Treatment Court Professionals signed on as an amicus curiae ("friend of the court") in two cases where lower courts had held that Immigration and Customs Enforcement (ICE) could consider state felony drug possession charges an "aggravated felony," even if the possession charges would be considered a misdemeanor under federal law. This interpretation of immigration law is critical since non-citizen immigrants convicted of "an aggravated felony" face mandatory deportation from the United States. After judges on the Association's Board of Directors recused themselves from considering the matter, the remainder of the Board voted unanimously to sign on as an amicus to the brief prepared by the NYS Immigrant Defense Fund and faculty from New York University Law School.

The Association agreed to sign on to the brief since ICE's interpretation of the law would have had a significant detrimental effect on drug court participation by non-citizen defendants. Under ICE's interpretation, even successful completion of long-term drug treatment and vacatur of the plea would not stop deportation. Allowed to stand, this interpretation of the immigration law would drastically reduce non-citizen incentive to participate in New York drug courts.

On Tuesday, December 5, 2006, the United States Supreme Court, in an eight to one decision written by Justice David H. Souter, reversed the lower courts and held that state crimes fall under the term "aggravated felony" for the purposes of the Immigration and Nationality Act only if the conduct is punishable as a felony under federal law.

We're on the internet!
www.nyadtcp.org