

Ethics and Effectiveness of Practice in Treatment Courts
June 11, 2010
Seattle University School of Law
901 12th Avenue, Sullivan Hall, Fred H. Dore Courtroom
Seattle, WA 98122

WSBA Activity Approval Number: 259298
6.25 Ethics CLE Credits Approved

This seminar is supported by a generous contribution from the
Fred T. Korematsu Center for Law and Equality.

Program Chairperson and Moderator: Bob Boruchowitz

Course Description:

Courts around the country have established a wide range of “problem-solving” or treatment courts designed to provide alternatives to traditional prosecution of a variety of crimes for defendants who have substance abuse or mental health issues. Washington was one of the first states to develop mental health courts and drug courts and King County Superior Court also has a family treatment court. This seminar will address how lawyers can respond to the ethical challenges that can arise from the collaborative “team” nature of these courts.

All presentations, panels and role plays will highlight RPCs surrounding competence, scope, diligence, communication, clients with diminished capacity, advisor, candor toward tribunal, Special Responsibilities of a Prosecutor, Advocate in Non-adjudicative Proceedings and Truthfulness in Statements to Others.

This program will provide an introduction to the various types of treatment courts and will examine how lawyers can be effective in those courts and maintain their ethical obligations. It also will review the implications of the growing trend to establish “collaborative” approaches to litigation in family law and in other areas of practice. And it will discuss ideas for alternative approaches to complement these courts.

Agenda

8:30am – 9:00am Registration & Coffee Service

9:00am to 9:30am: Role-play of first client meeting and the first hearing with a judge.

Participants: Honorable Michael Trickey King County Superior Court / Dana Brown, ACA Attorney / Denis O’Leary, Deputy Prosecutor / Law Student to play the client.

9:30am to 10:45am Discussion of NACDL report and the response to it.

Speaker: Gail Shifman, member of NACDL Task Force that produced “America’s Problem Solving Courts: The Criminal Costs of Treatment and the Case for Reform”.

Panel to respond and discuss: Honorable Theresa Doyle, King County Superior Court / Honorable Michael Trickey, King County Superior Court / Leesa Manion, Chief of Staff King County Prosecutor / Lisa Daugaard, Deputy Director of The Defender Association

10:45am to 11:00am Break

11:00am to 12:10pm Hypothetical situations ethical and practical questions presented by panel

Panelists: Russell Kurth, ACA Attorney and SU Clinic teacher / Stephen Connolly, Probation Counselor / Rick Lichtenstadter, Defender Association / Manka Dhingra, Prosecutor / Honorable Mike Finkle, King County District Court

12:10pm – 1:10pm Lunch provided—no speaker/ opportunity for small group discussions

1:10pm to 2:20pm More hypothetical situations ethical and practical questions presented by panel

Panelists: Honorable Harry McCarthy, King County Superior Court / Rob Wyman, Defender Association / Erik Applebee, Family Treatment Court Social Work Supervisor / Dana Brown, ACA.

2: 20pm - 2:35pm Break

2:35pm - 3:20pm Ethical implications of collaborative law

Speaker: Professor John Strait, Seattle University School of Law

3:20pm - 3:40pm Presentation on law enforcement diversion of drug case program

Speaker: Lisa Daugaard, Deputy Director of The Defender Association

3:45pm to 4:45pm A final panel to lead an interactive discussion of ideas to change, expand, improve existing specialty courts in relation to ethical standards and client advocacy.

Honorable Theresa Doyle, King County Superior Court / Leesa Manion, Chief of Staff King County Prosecutor

4:45pm Evaluations & Adjourn