

## **Title**

***New Directions in Treatment Court Participation: Accepting and Serving Participants with More Serious Cases***

## **Presenters/Bios**

Douglas B. Marlowe, J.D., Ph.D. is the Chief of Science, Policy & Law for the National Association of Drug Court Professionals, a Senior Scientist at the Treatment Research Institute, and an Adjunct Associate Professor of Psychiatry at the University of Pennsylvania, School of Medicine. A lawyer and clinical psychologist, Dr. Marlowe has received numerous state and federal research grants to study coercion in drug abuse treatment, the effects of drug courts and other diversion programs for drug abusers involved in the criminal justice system, and behavioral treatments for drug abusers and criminal offenders. He is a Fellow of the American Psychological Association (APA) and has received proficiency certification in the treatment of psychoactive substance use disorders from the APA College of Professional Psychology. Dr. Marlowe has published over 125 professional articles and chapters on the topics of crime and substance abuse. He is the Editor-in-Chief of the Drug Court Review and is on the editorial board of Criminal Justice & Behavior.

## **Hon. David Rosenberg**

President, California Judges Association

**Current Term:** September 15, 2022 - September 14, 2023

**Membership:** Advisory member, appointed by Chief Justice Tani G. Cantil-Sakauye

**Internal Committee:** Rules Committee

Judge David Rosenberg is appointed to serve a one-year term as the 91st President of the California Judges Association. He was appointed to the bench by Governor Gray Davis in 2003. He has served as a judge of the Yolo court ever since and was elected for three terms as presiding judge.

Before joining the Yolo court, Judge Rosenberg was a supervisor in Yolo County, worked in private practice, and served as a senior advisor to Governor Jerry Brown and Governor Gray Davis. He was also mayor of the City of Davis from 1986 to 1988 and 1994 to 1996. Judge Rosenberg has authored five books, including three non-fiction, one fiction, and one autobiography. He is the author of a widely used treatise on parliamentary procedure, "Rosenberg's Rules of Order."

**Alameda County Superior Court Judge Charles Smiley** was appointed to his judgeship in 2012. From 2016 through 2019, he served as presiding judge of the juvenile courts. In July 2019, he left that position to prepare for his upcoming role as assistant presiding judge of the Alameda County Superior Court, where he will lead the county's collaborative and problem solving courts division. Smiley began his legal career as an attorney in the office of the county public defender. In 2007, he was selected by the judges of the Alameda County Superior Court to serve as a court commissioner presiding over family law, restraining order, traffic and small claims cases.

Outside of the courtroom, Smiley worked as adjunct faculty at his alma mater, UC Hastings College of the Law and presently serves as a lecturer at the University of California, Berkeley, School of Law. In 2016, he joined the faculty of the state's judicial ethics program. Smiley has served on statewide legal committees, has helped lead various bar associations as an executive board member and received awards of distinction for his contributions, including the Hon. Thelton Henderson Judicial Excellence Award from the Charles Houston Bar, the 2018 Hon. Bernard S. Jefferson Judge of the Year Award from the California Association of Black Lawyers, and the 2019 ICWA Implementation Champions Award from the Tribal Justice Collaborative. Smiley completed his undergraduate studies in 1989 at UC Berkeley.

**Jonathan Raven** currently serves as the Chief Deputy District Attorney for the Yolo County District Attorney's Office. He was appointed Assistant Chief Deputy in 2007 and was promoted to Chief by District Attorney Jeff Reisig in 2010. Raven previously served as Director of the Office of Victims' Services from 2002 to 2007 for the California Department of Justice under Attorney General Bill Lockyer. He also served as deputy district attorney for the Yolo County District Attorney from 1995 to 2002.

Raven is a board member and past president of the board of the Yolo County Sexual Assault and Domestic Violence Center and is Co-Chair of the California District Attorneys Association Victims' Rights Committee. He is an adjunct professor at the University of California at Davis Law School where he teaches trial advocacy. Raven received his Juris Doctorate from Loyola Law School.

Length: 2 hrs

### **Session Description**

This Plenary would challenge and excite attendees with the need for Treatment Courts to accept more serious cases to adapt to criminal justice reform. It would encourage serious discussion about the important role for Treatment Courts in Criminal Justice Reform and possibilities for expanding Courts through this change. It would also discuss the concerns court teams and partners may have in making the change, and how to address the concerns. The session would consider the impact on equity/inclusion when more serious cases are included. It would be presented in a 'Yes We Can!' style to inspire Courts to be open to this needed change and would include an interactive segment to allow Courts to express concerns regarding challenges they are facing & solutions they are trying. We specifically would like to address that probation ([AB1950](#)) has been shortened in California to two years and use and possession of drugs has been decriminalized ([Proposition 47](#)). Judge Manley would work with NADCP to organize a CA based panel that would discuss specific changes being implemented in CA Courts.

### **References**

Assembly Bill No. 1950 CHAPTER 328 An act to amend Sections 1203a and 1203.1 of the Penal Code, relating to probation. [ Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020. ] LEGISLATIVE COUNSEL'S DIGEST AB 1950, Kamlager. Probation: length of terms.

The Drug Court Judicial Benchbook, Updated 2017, Chapter 7, Applying Incentives and Sanctions.

Proposition 47: The Safe Neighborhoods and Schools Act; [courts.ca.gov](https://courts.ca.gov):

Overview- Proposition 47 implemented three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from felonies to misdemeanors. Second, it authorizes defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions. Third, it authorizes defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors. Felony convictions resentenced or reclassified as misdemeanors under the proposition are considered misdemeanors for all purposes, except that such relief does not permit the person to own, possess, or have in his or her custody or control any firearm.