



Posted on Wed, Sep. 30, 2009

Drug courts evade pitfalls

BY RON SYLVESTER
The Wichita Eagle

Wichita has avoided most of the traps in its drug courts that are plaguing similar programs nationwide, local judges and lawyers said Tuesday.

Those involved in drug courts in Wichita and Sedgwick County District Court said they see little in common with the problems pointed out Tuesday in a two-year study by the National Association of Criminal Defense Lawyers.

That study concluded that such problem-solving courts have weakened the role of lawyers to represent defendants and forced the accused to give up their rights.

Drug courts provide an alternative to jail for people who have substance abuse problems.

The defense attorney who represents clients in Sedgwick County drug court says he doesn't feel like he plays a diminished role.

"Our drug court is unique in that a defense attorney is always a part of the team," said attorney John Sullivan.

Sullivan said he has argued against people being released from the program and won.

"If he's supposed to be quiet, no one has told John about it," said Judge Joe Kisner, who presides over the drug court.

Part of the difference is that Sedgwick County's drug court was developed with the help of criminal defense lawyers in Wichita.

Lacy Gilmour, a public defender, and Jim Pratt, who works for the law firm of Monnat & Spurrier, served on a commission that made the rules.

"We actually had two defense attorneys and one prosecutor," Kisner said. "We included the defense from day one."

That's not the case nationwide, the study said. Many of the 2,100 drug courts that have been established in the past 18 years were put together by prosecutors, the study said.

The discrepancies between drug courts in Wichita and elsewhere in the country is part of the problem.

"There are no uniform standards," Cynthia Orr, president of the National Association of Defense Lawyers, said Tuesday.

Sedgwick County's drug court is a voluntary program for people who are already on probation for a felony and have violated the conditions of their release because of a substance abuse addiction.

"We are taking the ones we believe are higher-risk felons," Kisner said. "They are already on probation, had at least one probation violation and are headed back to jail."

The main requirement in Sedgwick County is that defendants remain on probation, so they will be free to receive treatment.

Currently, drug courts run for misdemeanor offenders in the city of Wichita and for convicted felons in Sedgwick County are one of the few ways people who can't afford treatment can get it.

"As long as these cases are being funneled into the criminal justice arena, courts and judges will be looking for ways to effect the best outcomes for the defendant and the community at large," said Wichita Municipal Judge Bryce Abbott. "Right now we are experiencing the best outcomes in our community through the use of specialty courts."

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