



Fundraising and Ethical Considerations

A focus on Judicial Ethics

June 3, 2016



Meet our Panel Members

- **Phil Breitenbucher**, *Moderator*, Director, Children & Family Futures, Co-Founder, CA Collaborative Justice Courts Foundation
- **Dr. Shannon Carey**, Co-President and Senior Research Associate at NPC Research
- **Deborah Cima**, Treatment Court Coordinator, Superior Court of California, County of San Bernardino
- **Judith Guthrie**, Chair, Yuba County Friends of Drug Court, SUDS Prevention Services Coordinator for the Options For Change, Licensed Advanced Drug and Alcohol Counselor
- **Dianne Marshall**, Therapeutic Courts Administrator, (ret), Mendocino County Superior Court, Co-Founder & President, CA Collaborative Justice Courts Foundation
- **Judge Richard Vlavianos**, San Joaquin County Collaborative Courts, CA



Hats off to the 15+ States with “Friends of Drug Court” options...

- Alabama
- California
- Georgia
- Hawaii
- Indiana
- Louisiana
- Massachusetts
- Michigan
- Missouri
- New Hampshire
- Tennessee
- Texas
- Virginia
- Washington
- West Virginia
- If you are here, please give Dianne your business card before you leave. If we don't have your state on our list, tell us that, too!

Learning Objectives



- Present how a Non-Profit Partner can provide needed ethical distance from the Courts
- Identify “unmet needs” for your participants
- Discuss how a Non-Profit Partner helps you raise needed funds to tackle those needs
- Demonstrate how partnering with a Non-Profit is supported by The Ten Key Components, Best Practices and Design Features
- Focus on successful fund-raising

Canons



- Judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary
- Judge shall not lend the prestige of the office to advance pecuniary or personal interests of the judge or others

Education

- Judges are allowed to educate the public about the administration of justice and improvement of the law
- You are allowed to educate about your court and the results!

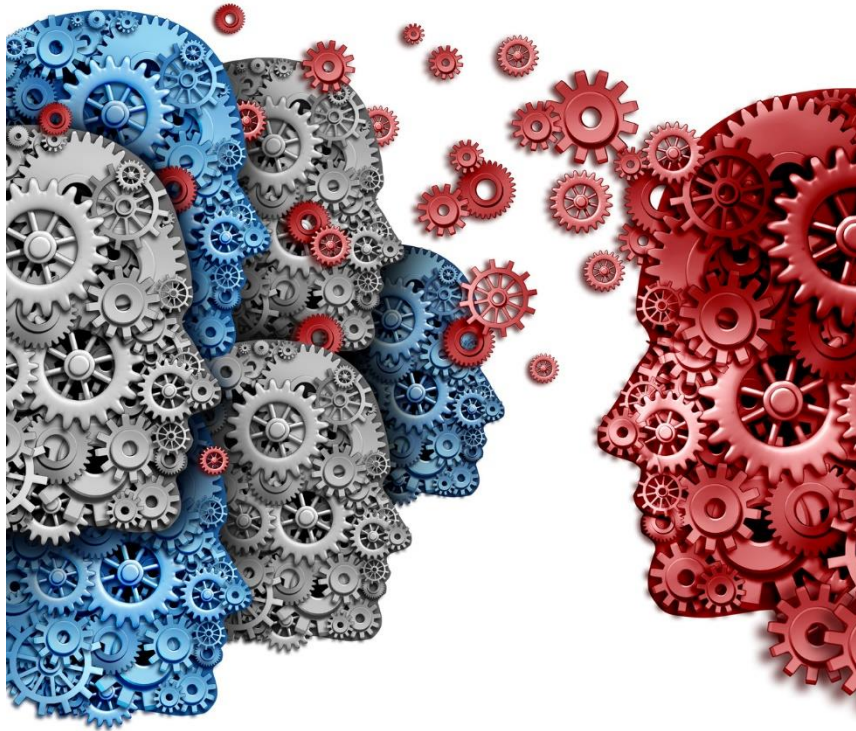


Solicitations

- Who are judges allowed to solicit from?
 - Family
 - Other bench officers over whom the judge has **no supervisory position**
- Who should judges not solicit from?
 - **Everyone else**



Working With A Non-Profit



- You can speak at an event to educate individuals on the administration and improvement of justice – your court
- You cannot participate in any solicitation of funds for the non-profit
- Educate on the court and leave

Separation

- Non-profit organizations are separate from government agencies
- Fundraising conducted by a non-profit partner provides separation that the Court must have
- The non-profit is asking for donations, not the judges



Summary



- Generally - education is okay, solicitation is not!
- Judicial ethics must be kept in mind at all times.
- Resources
 - State Code of Judicial Ethics
 - Judges Association and State Bar Ethics Opinions
 - ABA Formal Ethics Opinion 08-452: *Judges Soliciting Contributions for Therapeutic or Problem-solving Courts*

Judges as Key Allies

- When sending out fund raising letters or invitations, judges may help by contacting other judges.
- ❖ They may not and will not reach out to the general public.
- Judges are excellent for speaking engagements and they will ***NOT*** ask for money. That will be up to you or other members of your fund raising effort.
- They may serve on your fund raising committee without benefit of title and without expectation that they will “make the ask.”



How Do Incentives and Fundraising Tie into the Drug Court Model?



10 Drug Court Key Components

6

A coordinated strategy governs drug court responses to participants' compliance

10

Actively demonstrate local efforts towards program sustainability

DWI Court Guiding Principles

5

Forge Agency, Organization, and Community Partnerships

Quality partnerships fulfill three main purposes within the DWI court setting. In particular, they beget: increases in services for program participants, thereby increasing the likelihood of their long-term success.

8

Ensure a Sustainable Program

Community mapping systematically reviews the availability and stability of the widest possible range of existing resources and identifies new resources. In addition to funding, resources include the existence of appropriate treatment and rehabilitation services, recovery support activities, facilities, in-kind contributions, partners, and program supporters.



Best Practice Standards

4

Incentives, Sanctions and Therapeutic Adjustments: Consequences for participants' behavior are predictable, fair, consistent, and administered in accordance with evidence-based principles of effective behavior modification.

...addressing basic life needs (food, shelter, clothing and other needs long neglected) allows your participants to focus on program requirements.

Behavior Modification

Reinforcement works better in the long run than punishment....(*and we're in this race for the long run.*)

Effects of punishment are temporary, behavior returns when punishment possibility is gone.

Punishment is **MOST** effective when used in combination with other behavior modification techniques such as positive reinforcement.



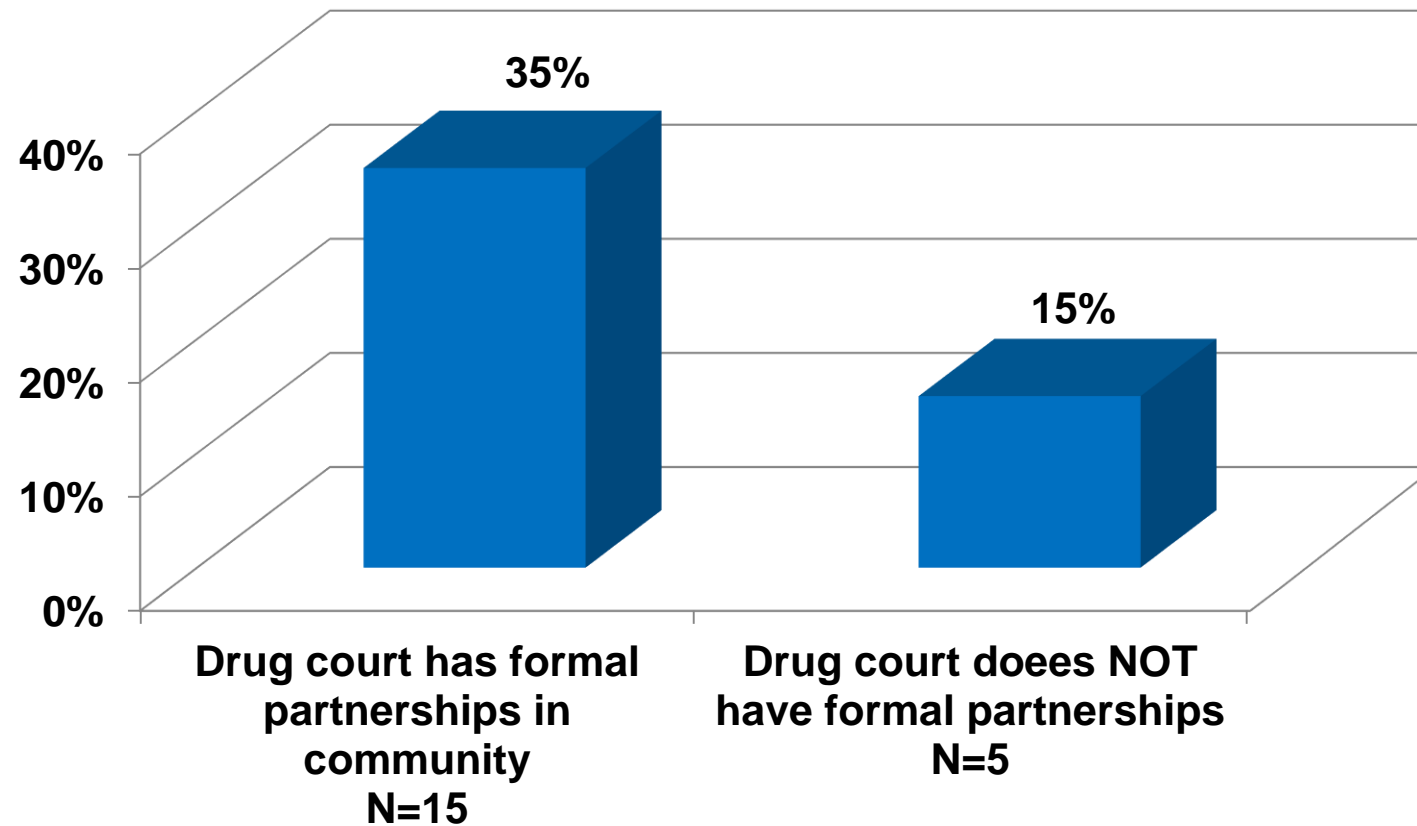
Behavior Modification and Drug Courts

- Drug Courts are more likely to be successful if they make positive incentives readily available to their participants (NADCP, 2013).
- In the MADCE, significantly better outcomes were achieved by Drug Courts that offered higher and more consistent levels of praise and positive incentives from the judge (Zweig et al., 2012).
- To be most effective, Drug Courts should describe to participants the expectations for earning rewards and the manner in which rewards will be administered (Burdon et al., 2001; Stitzer, 2008).



Best Practices Research

Drug Courts That Had Formal Partnerships with Community Organizations Had 133% Greater Cost Savings



SAMHSA Design Feature #7

- Contribute to securing aftercare and community integration by providing funds for GEDs, college textbooks, first month's rent, utility bills, tattoo removal and more.
- This is of importance when you are writing SAMHSA grant applications.



Facilitate Providing Incentives (SAMHSA Design Feature #3)

Judge Dave Nelson has worked with the Mendocino County (CA) Friends of Drug Court fund for the past ten years. Here is how he describes that experience:

“Our local organization, the Friends of Drug Court (FDC), provides another tool in the tool kit we use to help the participants in our drug courts achieve success.”

A Judge's Experience: Judge Nelson

The grants provided by the FDC to help clients are not incentives as such, and are not handed out by the drug court judges.

They are an integral part of a system of rewards and encouragement that helps people overcome barriers and change their negative self-image.

Many of the recipients are awed by the fact that the drug court community cares about them enough to provide help with clothes for kids, car maintenance or college books.

A Judge's Experience: Judge Nelson

The referrals to FDC come from the treatment staff, probation and the court drug court staff.

The judge is also aware of the opportunity and often reminds the participants of the availability of the grants.

The FDC is a non-profit that functions separately from the court process but it exists to support the drug courts.

A Judge's Experience: Judge Nelson

The FDC Advisory Board has historically included a judge and a collaborative courts administrator or coordinator to foster cooperation between the two entities.

The FDC has been successful in enriching the drug court experience and increasing the chances that participants will succeed in drug court and life.

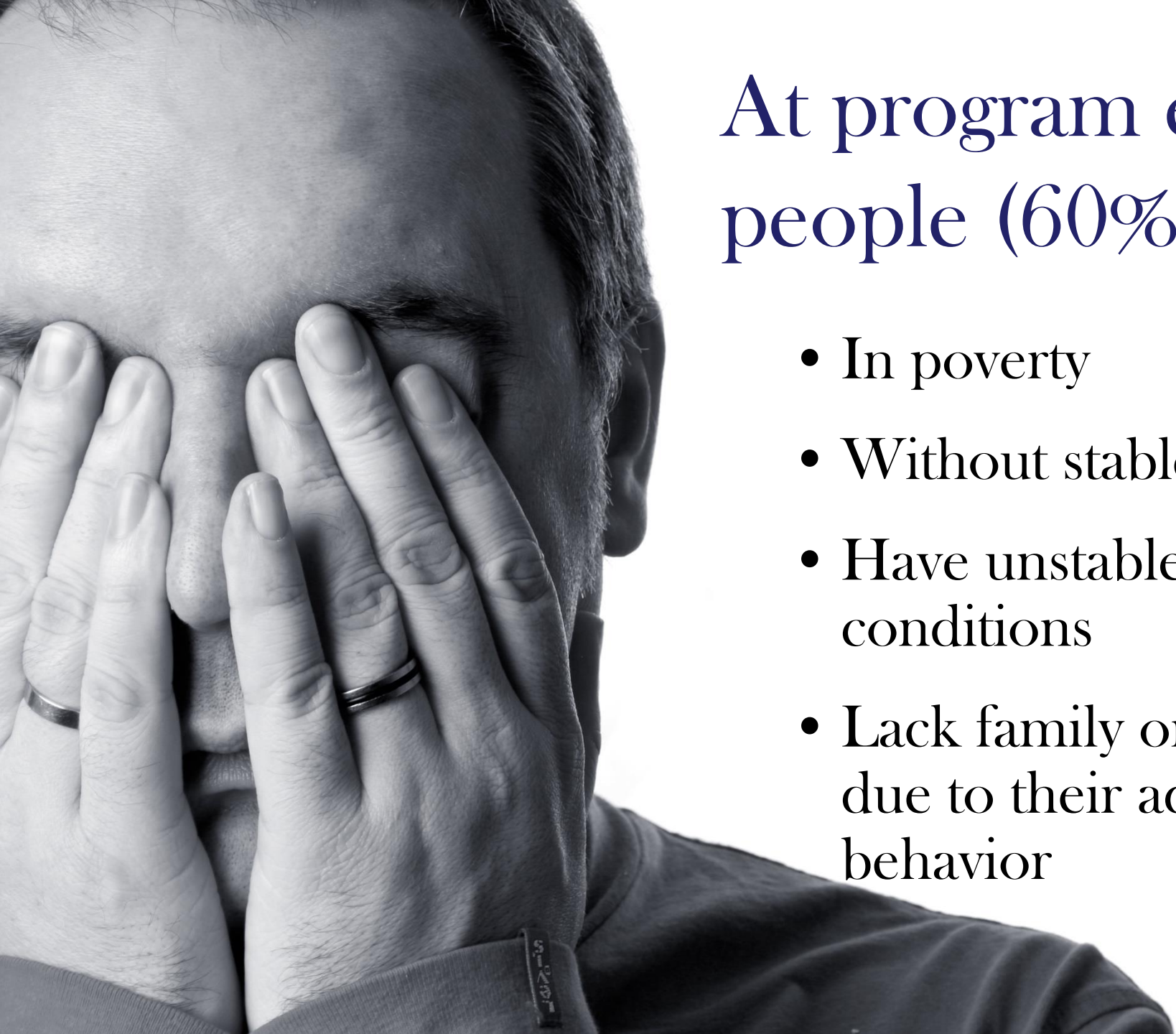
Raising Money...Why bother?

Three reasons:

- As collaborative court professionals we have witnessed “a persistent luminosity of spirit, an unquenchable resilience”* in our program participants.
- We know there are small, important expenses for which there are no other funding sources.
- We have reached into our own pockets to pay some of these expenses and its time to make those contributions tax deductible!

* Sabbath, page 41, Wayne Muller,





At program entry many
people (60%) are:

- In poverty
- Without stable employment
- Have unstable or unsafe living conditions
- Lack family or community support due to their addiction & criminal behavior

Addressing Personal Needs

There are no government agencies or statewide foundations that address the personal needs of children, individuals and families involved in collaborative justice courts in California.



Eric's Request

"For the last 2 ½ months I have been getting my teeth fixed with the help of a 'share-of-cost' plan. I've had 19 teeth pulled, 4 root canals and 4 crowns. Beginning in January my monthly share is \$778. I still need to get my top denture plate & my bottom partial".

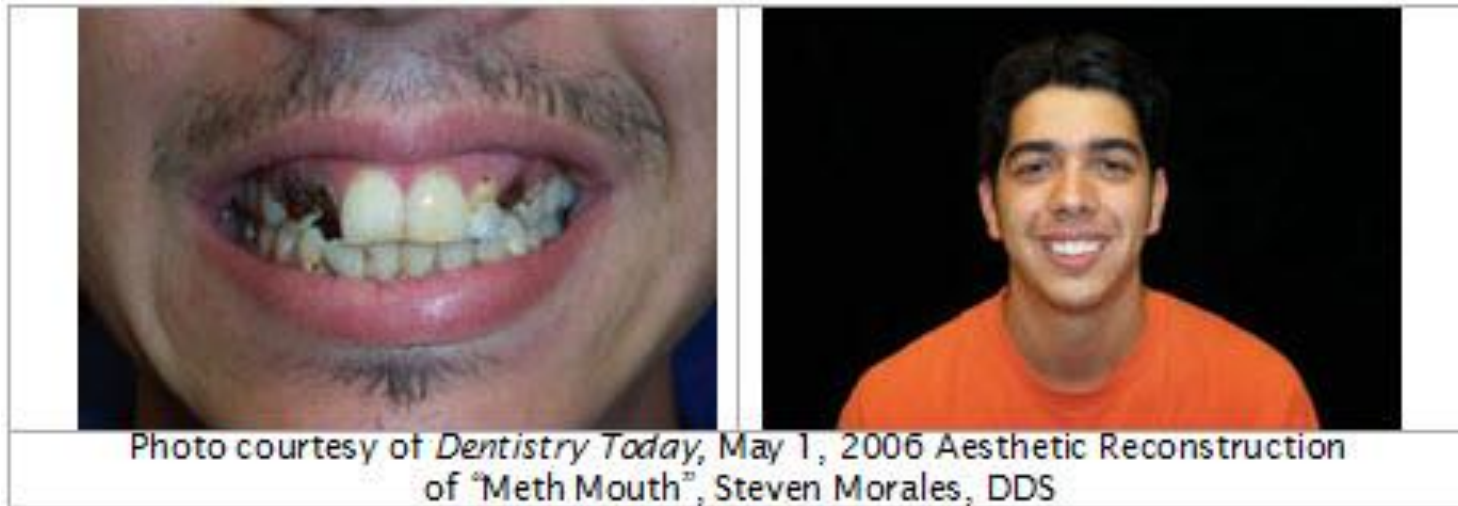


Photo courtesy of *Dentistry Today*, May 1, 2006 Aesthetic Reconstruction of "Meth Mouth", Steven Morales, DDS

Eric's Request

“The dentist said I will lose the bottom teeth he’s fixed if I don’t finish this. Also, I’ve been starting to feel better about myself as my mouth and smile have started to both look and feel better.

“Because of my job I’ve been able to save about \$550 over the past months. My problem is that I am still lacking about \$250 of my co-pay. I feel that I have come so far in getting my dental issues addressed, but need some help in seeing it to completion.”



Eric's Request

If awarded this money I could get my dentures without undue delay and finally get my smile back. I know that I came into this problem because of my own actions (i.e. my drug use), but I would really appreciate some help here.

Thank you very much for your time and consideration."

Eric's request for funding was approved by his local advisory board.



Photo courtesy of *Dentistry Today*, May 1, 2006 Aesthetic Reconstruction of "Meth Mouth", Steven Morales, DDS

Requests & Outcomes “Craig”

How will the money be used (please detail the problem and how it will be solved if these monies are awarded to you)?

- Craig is struggling to pay bills and eat. Craig's electricity will be shut off due to the delinquent balance of \$250.00

Who else has been asked for assistance?

- HEAP-they are paying for a partial amount of the bill



*Craig's Local
Fund
Committee
authorized the
requested
assistance.*

Sam's Request for Assistance

4. **How will the money be used** (please detail the problem and how it will be solved if these monies are awarded to you.) Please add another page if needed.

Outcome: Sam is doing well in his community college classes and appreciates being able to develop skills that will lead to employment.

5. **Who else has been asked for assistance?** The student applied for and received a Bog Waiver for tuition. He is on SSI currently and does not have the funds for his books or other required supplies.

Licensed Vocational Nurse



- Two years ago a woman, now 46, asked her Local Advisory Board for funds to further her college courses. She is now a Licensed Vocational Nurse and earned an AA degree in Psychology.
- She said, “I am absolutely grateful. Without those funds, I’m not sure where I would be today.”



The San Bernardino adult drug courts, and the Veterans Treatment Court, competed in a softball tournament that **brought 300 families together** to share fun, food and competition!

The CCJC Foundation was able to support this effort with a \$250 scholarship that was matched by Stater Brothers Markets to purchase the food and ice for the event.

A Welding Helmet

A 28 year old male requested funds for a welding helmet for welding classes. He is presently an 'A' student, also taking business classes and is a fulltime parent. He states he has many goals for his future and has never been so happy.



Housing Assistance

How will the money be used?

The applicant is participating in the Riverside County Veterans Court. The applicant is receiving treatment through V.A. Loma Linda; however, he required housing assistance. Requesting \$425 to pay for 1 month of sober living at Franks Place. The facility will provide a structured environment for the applicant to continue his treatment and transition into a grant per diem program or Independent Housing through HUD.



Why is Assistance Needed?

The applicant is not eligible for emergency housing through U.S. Vets as he was terminated from the program. Probation and VA Loma Linda has been unable to locate a program and his family is unable to pay for sober living.

This request for funding was authorized, not just once, but twice to assure housing until U.S. VETS housing became available.



Request for Assistance

Request for \$250 for tires for an FDC client. She is getting \$300 from Angel Fund, conditioned on funding from FDC. The Board voted unanimously to approve funding for \$200 as long as she can leverage that with Angel Fund donation. Check to be made to Ceja Tires.

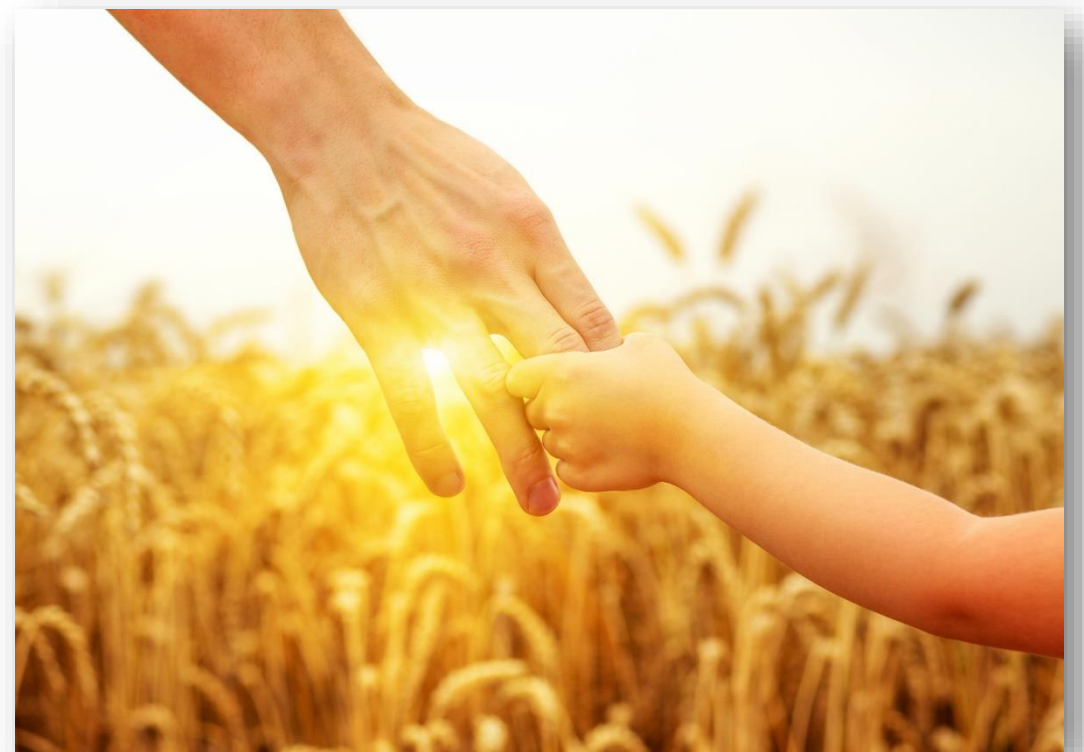


*From Meeting Minutes of the Friends of Drug Court Advisory Board, Mendocino County, CA

Yuba County, CA–Friends of Drug Court Fund

“We have helped participants meet their goals by providing financial support after all other community resources have been exhausted.”

- A father of six children aged 1 month to 12 years with sorely needed clothing provided as Christmas gifts.
- A mother with two sons aged 2 and 13, funded text books and gas card vouchers to get to and from college. She has now completed her AS degree and is hoping to continue her education.



Christmas Gifts for 6 Children made possible for an Adult Drug Court dad by the Yuba County Friends of Drug Court and some very careful shopping!



We have filled requests for participants for:

- Pre-paid gas cards that we purchased through a First 5* grant so that that the children could:
 - Get to school on time
 - Keep important medical appointments and
 - Attend community events the whole family could enjoy together
- Tattoo removal fees
- Co-pay for dental fees for tooth extraction so that a female participant could get new dentures
- Baby formula, diapers, and groceries



* First 5 California was created by voters under Proposition 10 to recognize that children's health and education is a top priority, especially in the early years of development.

Changing Lives Through Financial Support

Although these requests for financial support may seem a small thing, they have helped our participants make it through tough times. They have used our resources to move forward in their recovery and establish new hallmarks for themselves such as:

- Becoming a responsible parent,
- Meeting education goals,
- Becoming employable and finding work and being able to provide their families with basic needs.



501-c-3 : What Are My Options?

1. Partner with an existing 501-c-3 that is aligned with your collaborative courts
2. Establish a fund under your local community foundation or collaborative court foundation
3. Establish your own 501-c-3



Partnering with an existing 501-c-3



- Is there a local non-profit that is willing to maintain a fiscal account dedicated to your collaborative court participants?
- Would they be willing to function as your Fiscal Agent? Receive funds and write checks? Report to the IRS & state tax board?
- What administrative fees would they charge?
- Are they worthy partners?

Is there a Community Foundation in your Jurisdiction?

Possibilities here include:

- Field of Interest Funds
 - Established to make grants in a specified area of interest (e.g. the environment or human services) and/or a specific geographical area
- Donor-Advised Funds
 - The donor(s) who establishes the fund advises the parent organization how the funds are generally spent
- Designated Funds
 - Established to support specific organizations, such as a school or nonprofit group, through a perpetual endowment. This category also includes agency endowment funds opened by non-profit



More Community Foundation Possibilities

- Scholarship Funds
 - Opened by donors who are interested in helping students pursue higher level education or vocational programs, using criteria of the donors choosing
- Charitable Remainder Trusts
 - Allows the donor to receive income for the rest of his or her life, with the remainder at death being placed into a charitable fund



What is a Community Foundation?

- Community foundations (CFs)
 - are instruments of [civil society](#) designed to pool donations into a coordinated investment and grant making facility dedicated primarily to the social improvement of a given place.
 - Community foundations are a global phenomenon with 1700 existing around the world of which over 700 are in the United States.





COUNCIL *on* FOUNDATIONS

 ABOUT US

 CONTACT

SEARCH

RESOURCES

PHILANTHROPY EXCHANGE

PUBLIC POLICY & ADVOCACY

EVENTS

PROGRAMS & INITIATIVES

COMMUNITY FOUNDATION LOCATOR

<http://www.cof.org/community-foundation-locator>



<http://www.cof.org/community-foundation-locator>

You Should Know...

- Community Foundations may require your **partner group to secure a local fiscal agent** to write checks.
- **Talk with your local Community Foundation.** They may be your perfect partner.
- **Reminder:** Any parent non-profit for your partner group's efforts will maintain the right to approve expenditures requested. They are the legal entity responsible to donors and government authorities for how funds are spent in their name.



Establish your own Partner Non-Profit



- There are about 20 Collaborative Court Foundations in the United States.
- As a 501-c-3, there is much to learn about:
 - Reporting requirements to governmental entities
 - Responsibility for how funds may be used.
 - Time that is needed to make it all work: Board meetings, Policy Development, Donor Cultivation

Volunteer Partner Fundraising Committee

Who do you know who can help you:

- In your recovery community who is comfortable telling his/her story and is a person of standing in your community?
- Who is a family member of a program participant who is also comfortable telling his/her story and is a person of standing in your community?



Volunteer Possibilities



- Current Drug Court Judges[1]
- Retired Drug Court Judges
- Active or Retired
 - Probation Staff
 - Treatment Staff
 - Defense Attorneys including Public Defenders
 - Prosecutors
 - Peace Officers
- Drug Court Graduates
- Family Members of Program Participants
- Prominent Community Members whose sobriety efforts are already known in your community.

Potential Donors

- **People you know**
 - Friends, relatives, colleagues and church members who respect your work
 - Don't forget Facebook Friends, also!
 - Our personal relationships with those we ask for money is vital to our success!
- **People you don't know**
 - Anonymous donors who read your story in the paper
 - City Council members who reach into their own pockets after City Council has denied you



More Potential Donors



- Your state association for drug court professionals
- Your Sheriff and District Attorney who may share asset forfeiture funds if you ask
- Sheriff's Deputies Associations
- Grocery Stores with donation programs
- Panda Express and other restaurants
- Lens Crafters (eye glasses!)

Your most likely donors are

The people with whom you have relationships!!!!



Fundraisers that work

- Local restaurants who will give you a percentage of an evening's income (Guy Fieri – Diners, Drive-ins and Dives, pizza restaurants)
- Mark L, the comedian
- “Community cards” from local grocery chains
- Have a “rent party” with local musicians to raise rent money to give to participants



Side Benefits for Fund Raising Efforts

When was the last time your collaborative court programs were featured in your local media?

- Fund Raising (annual letter and events) give you the chance to tell your community what you are accomplishing.
- National Drug Court Month in May & Recovery Happens in September are 2 more opportunities to share stories and request donations.

Keeping your community informed contributes to assuring general public support (aka tax dollars) aligned with collaborative justice.

Press Releases work! People you don't know are willing to give.

Planned Giving

another fund raising tool

Provide your 501-c-3 with the names of people you know who are committed to drug courts so that they may ask them to include your fund or Foundation in their estate planning!



Business Donors want ROI

Examples...



OraSure Technologies, Inc.

Include business logos in programs and publicity

CCJC Foundation's ROI includes:

1. Links on the homepage of website
2. Distribution of information at statewide court coordinators' meetings and at this workshop



Share your story and have your Non-Profit Partner ask..

The California Association of
Collaborative Courts



SCRAM of California, DUI Court partner



Collaborative Courts are Communities

- Have your non-profit partner reach out to that community.
- Build relationships with the people who give to your effort.
 - Take time to listen to them!
- Always stress what is in it for the donor...
 - “This is your opportunity to assure that the public safety issues represented by our program participants are addressed.”



For all the extra hours you work on our behalf...



Picture taken after a shared Thanksgiving Dinner hosted by the Riverside Center for Change, Riverside, CA, and funded by their Local Fund Committee under the care of the CCJC Foundation.

The image features a collection of wooden geometric blocks, including squares, triangles, and trapezoids, arranged in two rows on a grey, textured stone surface. The top row consists of five blocks: a large right-angled triangle, a parallelogram, a square, a smaller right-angled triangle, and a large square. The bottom row consists of five blocks: a large right-angled triangle, a parallelogram, a square, a smaller right-angled triangle, and a large square. A horizontal teal band with a subtle texture runs across the center of the image, containing the text 'Q&A Discussion' in white, bold, sans-serif font.

Q&A Discussion