

Interview

with Chief Administrative Judge Marks

NATIONAL JUDICIAL TASK FORCE TO EXAMINE STATE COURTS' RESPONSE TO MENTAL ILLNESS

Chief Administrative Judge Marks discusses the Task Force's work and goals.

In the second of eight interviews of the National Judicial Task Force Executive Committee members, New York Chief Administrative Judge Lawrence Marks, a Task Force co-chair, discusses why the Task Force is needed, what needs to happen for its work to lead to real change, and what New York is doing to help people with mental illness who find themselves in the state court system.

Q: Why do we need the Task Force?

A: The Task Force was established based on recognition of the reality that mental illness has an enormously negative impact on the work that courts do, across the board in criminal, civil, and family cases. Increasing numbers of litigants suffer from mental illness, a condition that more often than not is the reason they find themselves in court and repeatedly returning to court. Although more and more judges and court administrators have come to appreciate this, the courts lack the means—financial, legal, and otherwise—to address these underlying conditions themselves. That is why the task force membership includes not only judges and court officials, but physicians, behavioral health leaders, researchers, educators, attorneys, law enforcement officials, policy experts, and others. The ultimate goal is to greatly expand the diversion of cases and refer mentally ill litigants to adequately-funded and sufficiently-available treatment and services.

Q: How can we ensure that the Task Force's work leads to real change?

A: Real change will come about if court leaders and judges better understand and appreciate the magnitude of how mental illness presents such an enormous hurdle to the courts' ability to render fair, effective, and efficient justice. Because, ultimately, treatment and services are the answer, we need to convince local governments, the executive and legislative branches of state government, and the federal government to provide the resources that are needed to address the behavior health problems faced by court litigants. One way to do this is to explain how treatment and services can save money in the long run.

Q: What's the situation in your state as it relates to the needs of individuals with serious mental illness who find themselves in the courts?

A: New York was an early leader in testing out different approaches to handling cases with litigants suffering from mental illness. We now have 32 mental health courts in the state, with five more in the planning stage. That's great, but to some extent it's only the tip of the iceberg. New York is like other states in that it needs to do a better job of diverting far more litigants with behavioral health problems to treatment and services.