**Problem-Solving Courts:  A Growing U.S. Export**

*by James Cooper*

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As the trade deficit continues to balloon, the United States is exporting one product with great success:  judicial problem-solving mechanisms.  Judges from around the United States are traveling the world to educate fellow jurists on innovations that bring speedier resolutions and to share methods for administering more transparent justice.

This is an ideal time for members of our judiciary to share their successes with their colleagues globally.  Much of the developing world is moving away from inquisitorial criminal procedures and toward more adversarial or accusatory models.  Not only are oral advocacy skills at a premium, but judges are being asked to redefine their roles and assume new responsibilities to assist in the transition to greater transparent and participatory judicial proceedings.  Help is on its way.

A few years ago, Hon. Irma Gonzalez, a U.S. District Court judge, went to Ecuador to tour the Andean nation and educate jurists about mediation and diversion programs.  As the small country converts to the adversarial system in its criminal procedure, new forms of dispute resolution are required.  Judge Gonzalez, at the invitation of the U.S. Embassy in Quito, provided much-needed legal technologies to judges looking to find more efficient ways to clear up their swelling caseloads.

Working with funding from the Organization of American States, Hon. Michael Town, a Hawaii Criminal Court judge based in Honolulu, trained a group of Latin American judges and lawyers in Costa Rica in skills to promote new oral trials.  While in the capital, San Jose, he met with a group of judges to talk about compassion fatigue and the role that judges can play as coaches.  This role for judges has been increasingly recognized by the federal and state judiciaries in the last decade.  Judge Town continues to tour internationally to talk to his fellow jurists about their roles as problem solvers rather than mere adjudicators of disputes.

Last month, Hon. James Stiven, a U.S. magistrate judge in San Diego, met with Chilean lawyers and judges in Santiago and trained them on the methods of using constitutional law to solve disputes.  Teaching in a postgraduate program that is offered by a U.S. law school, a German law school, and a Chilean law school, Judge Stiven helped promote the active role that the judiciary makes in consolidating democratic governance.

This coming August, Hon. Laura Safer Espinoza of the New York Supreme Court will be working with the U.S. Embassy in Chile to facilitate a workshop of national judicial and civic leaders with a view to instituting drug treatment court pilot programs.  Based on the success of drug treatment diversion programs, one of which Judge Safer Espinoza administers in the Bronx, pilot programs are being rolled out around the hemisphere.  This initiative is a welcome alternative to the mixed results that the war on drugs has produced over the last 20 years.

In a post 9-11 world in which U.S. foreign policy has been defined by the war on terrorism and military action, the export of American know-how concerning problem-solving courts is a refreshing reminder that the United States can promote judicial tools that address societal ills and provide more efficient and better access to justice.  While free and fair elections are a start, nothing can promote democracy like the rule of law and innovations that empower the judiciary to solve the problems that plague society.

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