

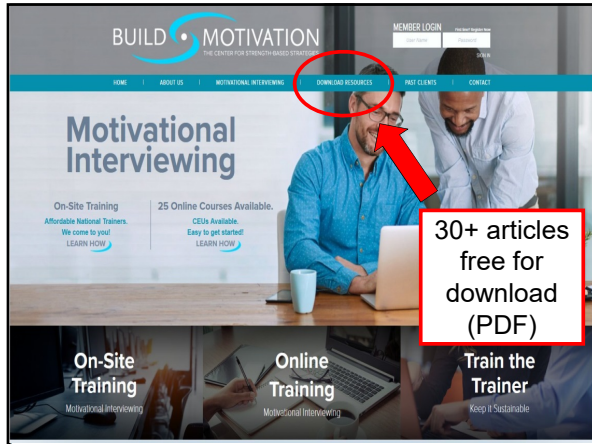
Brief Techniques
for the Specialized Docket Judge:
Strategies for
Compressed Time Frames

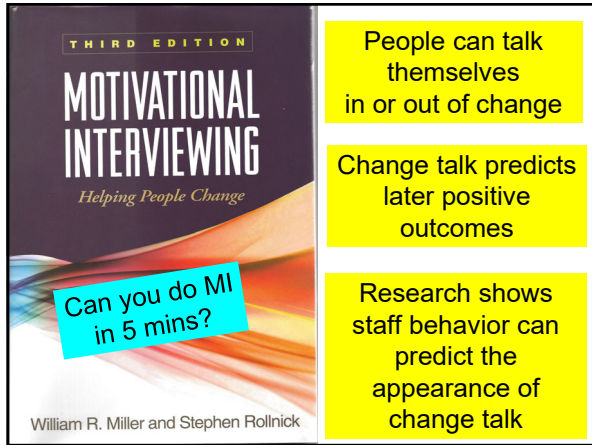
Michael D. Clark, MSW
Center for Strength-Based Strategies
Email: mike.clark.mi@gmail.com
website: www.buildmotivation.com

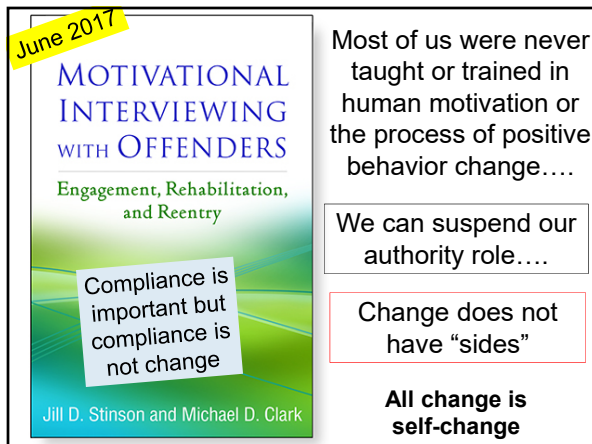
A Six-Pack of Epiphanies: What Treatment Court team members find out when they learn Motivational Interviewing

1. We can make our work harder. If you push, the program participant pushes back. "Getting right to it" and telling a program participant *how* to solve their problems only lengthens our work.
2. Much can be covered in a 10 minute encounter.
3. Behavior change is driven by motivation, not information. "We only change people who give us permission to do so."
4. Almost every piece of advice you might offer has already been thought about, mulled over, and rejected by your program person.
5. Participants will share a lot, quickly, with empathic, attentive listeners.
6. Motivated people solve their own barriers, including those facing mental health and/or AOD challenges.

Reniscover 2007







The Spirit of MI (P.A.C.E.)

- **Partnership**
- **Acceptance**
 - Absolute worth
 - Accurate empathy
 - Autonomy-support
 - Affirmation
- **Compassion**
- **Evocation**

Technical vs Relational

- Past research: Treatment vs Provider
- **Almost all technical, very little relational**
- Does Treatment work? A "nuisance" (need providers to be uniform)
- Recent research: **technical AND relational**
- Warm, high quality working alliance Engagement
- Emerging research: Fresh ingredients and Chef
- **2 providers using same treatment approach**

Relational aspects in the Judge's role

Participants: Most Important Reasons for Entering the Drug Court

- 1. Chance to have charges dropped
- 2. Chance not to go to jail
- 3. Treatment for my drug problem
- 4. Get a job
- 5. Get back with my family

Relational aspects in the Judge's role? Yes!

Participants: Most important reasons for staying to graduate from the Drug Court

- 1. Ability to talk progress and problems directly with the Judge
- 2. Frequency of treatment sessions
- 3. Frequency of urinalysis
- 4. Possibility of Sanctions

Influence vs. persuasion

Suspend directiveness for a guiding style

Techniques for compressed time frames

17



Techniques from the Brief Therapy models & Motivational Interviewing

- 3 Types
- (A) Who are experiencing trouble or regressing,
- (B) For participants who are losing hope or are overwhelmed
- (C) Several techniques for participants who have made recent progress.

1. Survival Questions

- People learn more from mistakes - Explore the lessons from adversity
 “How have you survived thus far?”
- “Sarah, What did these troubles teach you about what to do now?
 – Setbacks are *guides*—helpful memories
- This question aids learning about their environment, external resources *and hope*.

2. Exception Questions

- Always a time the problem “doesn’t happen”
- Clients don’t notice exceptions
 - Case example “My husband’s a hermit”
- “Purposeful” exceptions
- Opposite of an exception question?
 - “*When does it start?*”
 - “*What makes it worse?*”
- Consider “change talk” vs. “problem talk”
 (sustain talk)



Change
Talk

Any speech that favors movement in the direction of change

I want to be healthy...
(approach)

I can't stand this anymore...
(avoidance)


Dr. Terri Moyers

“Change Talk”

2 mins

“Change talk and sustain talk.
Saying them both—and going back and forth
in a session—is really normal.”

3. Getting Unstuck / “Two Doors Metaphor”

- Mindset to kill, eliminate, defeat the problem
 - “Two doors” metaphor
- 
- Karen, “It’s okay to feel shy and it’s okay to go to the group therapy anyway”
 - Eddie, “It’s okay to feel hopeless and it’s okay to keep going”
 - George, “It’s okay to feel like you can’t do it and it’s okay to just keep coming back & try again”

4. “Split Brain” Place Bets On Competency

- Sarah, I’m really split about your near future, “1/2 of me” believes
- But the other half of me....
 - But Leave it with -
“Part of me feels that you’re
up to something big!”

5. Refer To The Problem As The "Outside Enemy"

- Find a name they use to represent the problem
- “Jim, when that ‘hassle’ of talking back to staff tells you to get into trouble, how will you not listen to it next time?”
- “Larissa, when ‘being stupid’ tells you it’s ok to miss important urine drops, how will you fight that so it doesn’t hurt you next time?”
 - **Don’t externalize *feelings*, only behavior**

6. If Appropriate – Be Playful

- Once you’re over the serious beginning, try to get them to relax
- Many therapist know that it’s not tears that are pivotal in therapy, it’s often laughter
- Levels the playing field, increases endorphins
- Mary, what would you like people to say at your funeral?
 - You know what I would like to say at your funeral?
 - “LOOK, SHE’S MOVING!”

7. If Appropriate – Be Playful

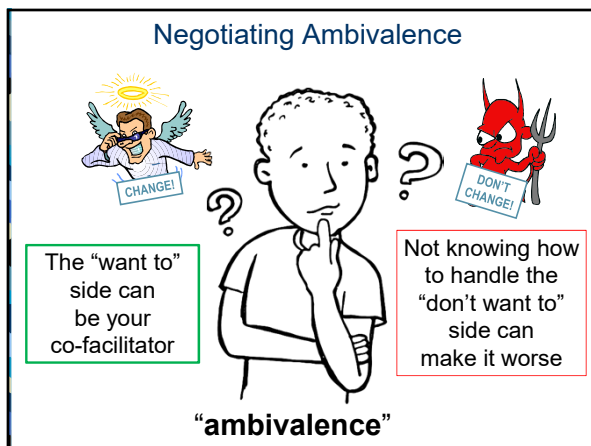
- Oops. Real quick, I want to make sure we have our records correct. “What is your DOB?
 - Was your mother with you when you were born?
 - What were you wearing when you were born?
- Program participants already know it’s serious
- If stuck “on the dark side” – humor can offer relief, frees up energy to move forward.
 - At some point the move beyond pain & problems must begin...

8. Percentage Questions

- “Bill, how much of this is you’re never going to change or that you’re just stuck right now?”
- Elizabeth, “How much is this that program staff is against you or how much is it that you just had a bad experience?”
- Julio, “Can’t stay away from your using buddies or that you just haven’t really sat down and talked with someone to figure out a way yet?”

9. Double-Sided Reflection

- You don’t want to attend that program ‘cause you don’t think it’ll help
 - But you’ve told me you know you’ve got some problems
 - Double-sided reflections ushers in “ambivalence” as significant condition to understand and negotiate



Negotiating the Ambivalence See-Saw

How comfortable is the provider in negotiating the client's ambivalence"

10. Relationship Questions

- People have trouble answering from first person ("I don't know" / "I'm not sure")
 - Yet they often answer from another's perspective.
- What would ____ say was different about you?
- Participant's *own* perceptions of themselves (good)
- Participant's belief of *others* perceptions of themselves. (better)

11. Use Metaphors

- Two ways to use metaphors
- (1) to elicit information, and (2) to teach
- Ask: What do you use? FB, Twitter...etc?
- Info: "If I had a video of you starting this....."
- Info: "Since you use Facebook? What post would you send to just a close friend, if you were starting to..."
 - "What would your Twitter post say if you had made a decision to end this?"

11. Use Metaphors

- Two ways to use metaphors
- (1) to elicit information, and (2) to teach
 - Teaching examples
- Older brother and younger sister
- Holy man on train / anger in pocket

- Resistance is lowered –it allows the listener to draw their own conclusion.
 - Conclusion belongs to them.

12. Repeat It Back (Write it down!)

- Defendants seldom leave our courtrooms with the exact info that are presented to them.

- Consider how confused they can be for multiple reasons.

- Help them out as best you can by asking them to repeat “what’s important” and writing these down for them to take with them and refer to.

13. Emphasize Personal Choice and Control

For tough spots

- 1. It’s your decision

- 2. Here’s what will happen if you.....
 - 3. But it’s still you choice, You have control over this.
(What do you think you’ll do?)

**14. Dissolve impossibility talk:
Spin Problems to the Past**

- Use past tense – push the problem back in time.
- **“I’m constantly upset”**
 - **“So, you’ve been really upset”**
- **“I can’t do ANYTHING right!”**
 - **So you haven’t done right so far.”**
- Doesn’t solve anything but softens it up
- Analogy is...
 - “Giving them a rock to stand on in the river”

**14. Dissolve - Variation:
Down a step / Move reality to perceptions**

- Bust down generalized statements.
- **“Nobody EVER listens!”**
- It seems really hard right now to get people to listen to you.
- **“My boss will NEVER change!”**
- Your sense is he can’t change.
- **“I ALWAYS leave everything to the last minute!”**
- Most of the time, you leave things to the last minute.

**15. Re-describe and
Blame for Success.**

- How did you do this?
 - How did you know that would work?
- How did you manage to take this important step to turn things around?
 - What does this say about you?
- Linger over success...my clinical work to “polish the nugget”

**16. Blame for Success - Variation
"Expert Consultant"**

- Two variations...
- 1. Teach others
- 2. Tell another program participant with the same problem?

– What would you tell another person *who might have to go through this?*

17. Pre-session Change Question

- From the time of setting up the first appointment and showing up...
- Research at the BFTC (Milwaukee) >66%
- "Pain and problems get the ball rolling...."

Interviewing Traps with Treatment Court Participants (P)

Trap	What NOT to Say	What TO Say
<p>“Premature Focus Trap”</p> <p>Premature focus on Change (per the helper’s agenda)</p>	<p>This issue with your friend is a big problem!</p> <p><i>WHY: Label of “problem” is made by Judge with no mutual discussion or acknowledgement by the treatment court participant (P).</i></p>	<p><i>Ultimately you’re the one who has to decide whether you want to stay in this relationship with your using friend.</i></p> <p><i>* What’s the good about staying with this person? * What’s the not-so-good about staying with this person</i></p>
<p>“Confrontational-Denial Trap”</p> <p>Arguing the Positive Side</p>	<p>You need to stop making excuses and find a job.</p> <p><i>WHY: Sets up an antagonistic relationship, encourages (P) to give the counterargument.</i></p>	<p><i>How would things be better for you if you found a job?</i></p> <p><i>You mentioned needing a new apartment. How might a job help?</i></p>
<p>“The Labeling Trap”</p> <p>Using labels to try and gain an edge – use labels to push change</p>	<p>“C’mon look at your history! Admit it, you’re an alcoholic”</p> <p><i>WHY: Sets up counterargument. See above</i></p>	<p><i>Labels are one thing. But I’m interested in what you think.</i></p> <p><i>Let’s move past what some people are calling you. I want to hear your thoughts.</i></p>
<p>“The Blaming Trap”</p> <p>Asking Dead or Backwards questions</p>	<p>Why did you go to that party when you knew it was going to get you in trouble?</p> <p>Did you really think this Team was going to buy that argument?</p> <p><i>WHY: Questions in this format encourage the P to give arguments in support of past behavior.</i></p> <p><i>“Why” questions are actually “who” questions that look to <u>place blame</u> and the session spirals downward</i></p>	<p><i>It sounds like that situation really got you in trouble.</i></p> <p><i>What can we do this week to get this class taken care of?</i></p> <p><i>You believe you got “railroaded” and unfairly convicted by the treatment court. That leaves you frustrated. How can we use that frustration or what can we do to get the court off your back?</i></p> <p><i>They placed you in this group, so what can we do to get them off your back and on your way?</i></p>
<p>“The Expert Trap:”</p> <p>Giving Unsolicited Advice</p>	<p>You don’t have a job because you’re not putting in enough applications.</p> <p><i>WHY: Sets up an antagonistic relationship, encourages P to give the counterargument.</i></p> <p>You need to get up first thing in the morning, get a cup of coffee, and go in to fill out that application.</p> <p><i>WHY: Encourages P to give the counterargument; Doesn’t encourage P to think about the plan, and thus makes it less likely that P will follow through.</i></p>	<p><i>What ideas do you have as to how you might get a job?</i></p> <p><i>If you decided you wanted to put in a job application, how would you go about that?</i></p> <p><i>Getting a job can be difficult. It’s hard to get into action. So, let’s back up. When you think of getting a job, what do you think about?</i></p> <p><i>You’ve had jobs before. How did you go about getting them?</i></p>
<p>“The Question-Answer Trap”</p>	<p><i>Using repeated questions without the use of OARS interspaced.</i></p> <p><i>Why: DTC team member is doing the talking. P is placed in a passive role of answering</i></p>	<p><i>Avoid the “triple-trouble rule” which cautions helpers not to use more than 3 questions without a reflection.</i></p>

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For copies of (2019 - 2020) articles, email request to mike.clark.mi@gmail.com

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