

COMMUNICATION IN DRUG COURTS: THE CONSENSUS-BUILDING ENHANCEMENT

Gerald Melnick — Harry K. Wexler — Mark Zehner

[12] Team Decision Making in Drug Courts—Successful Drug Courts encourage open communication among team members and a shared understanding of program policies, procedures, and best practices.

[13] Improving Team Communication in Drug Courts—The National Development and Research Institutes (NDRI) consensus training model appeared to enhance team communication and decision-making skills in six adult Drug Courts.

THE GOAL OF CONSENSUS training is to replace miscommunication and resistance to change with agreement and mutual buy-in. This facilitates better decision making and adherence to implementing and sustaining new practices. Encouraging expression of different points of view results in innovative solutions arising from a broader foundation for action. Consensus training is particularly suited to Drug Courts because they have shifted from the traditional, more adversarial approach of the criminal justice system to a more consensus-based system (Armstrong, 2008). This shift requires better consensus and thus better consensus-building skills among prosecutor, public defender, probation officers, treatment counselors, and all the members of the Drug Court team.

Conflicting perspectives often arise because of differences in training of the members of the Drug Court team. For example, focusing on public safety versus focusing on a participant's growth may yield different solutions. The public defender, prosecutor, probation officers, treatment professionals, judge, and any other members of the Drug Court team must work together to gather and weigh all infor-

mation. Successful Drug Courts must work toward a shared understanding of recovery and a consensus regarding suitable candidates for Drug Court, program leverage, and other program requirements (Shaffer, 2011). To do this, the Drug Court team members require consensus-building skills.

To improve the function of Drug Court, the Center for Substance Abuse Treatment (CSAT), a division of the Substance Abuse and Mental Health Services Administration (SAMSHA), initiated a technical assistance project that combined NIATx (formerly the Network for the Improvement of Addiction Treatment) change teams with consensus training delivered by a team from the NDRI. This article reports selected aspects of this effort, specifically, the use of consensus training to improve the functioning of Drug Court change teams and to facilitate the adoption of new practices.

APPROACH

In brief, the NIATx approach¹ involves the formation of change teams that follow five principles for organizational change:

- Understand and involve the client (in this case, the Drug Court participant)
- Fix key problems
- Pick a powerful change leader
- Get ideas from outside the organization or field
- Use rapid-cycle testing to improve program functioning in areas such as increasing admissions, reducing waiting time and no-shows, and continuing in treatment

For the Drug Court project, the NIATx process began with a walkthrough of the service to be improved in which the staff attempted to replicate the experience of the Drug Court participant. The change team used the walkthrough to identify problems and to propose and implement solutions. The changes were evaluated in a rapid-cycle testing sequence on a small scale over a brief period. Depending

¹ For a complete description on NIATx and the methodology followed, see the *Drug Court Review*, Volume VIII (Wexler et al., 2012).

on the results of the test, the team either accepted a change and proposed its adoption or tested another solution.

The change teams in this project generally comprised representatives from Drug Court administration, the prosecutor's and public defender's offices, the probation division, and substance abuse treatment. Change team members fulfilled several basic roles. An executive sponsor, someone with substantial authority, provided leadership, in this case either a Drug Court judge or a high-level administrator. The executive sponsor identified the problems or issues in need of change and provided authority and resources to the change team. The executive sponsor appointed the change team leader, typically someone with Drug Court experience who had the respect and trust of his or her peers and the confidence of the executive sponsor. The executive sponsor and the change team leader selected the other members of the Drug Court change team and assigned their roles within the team, including a data collector to collect baseline and change data for the rapid-cycle testing process and a note taker to record meeting minutes. Teams generally comprised five to seven members.

CONSENSUS TRAINING

Consensus training teaches skills that create a climate of psychological safety important in eliminating task conflict and promoting high performance (Bradley et al., 2012). It is grounded in the idea that the introduction of new or altered procedures is most productive and lasting when those charged with carrying out the change reach agreement regarding the value of the new practices and the method of implementation (Sagie, 1995; Sagie & Koslowski, 1994; Wanberg & Banas, 2000). Consensus training encourages divergent views to maximize the amount of information to be considered when solving problems, increasing the probability of more satisfactory solutions and greater acceptance of new procedures. High levels of consensus increase the likelihood staff members will follow the procedures and deliver consistent treatment to Drug Court participants, thereby creating reliable expectations between staff members and between staff members and participants (Martin, 2002). Consensus across staff

members is particularly important in service organizations (Tulchinsky & Varavikowa, 2000). For example, a high degree of consensus among staff members has been shown to increase client engagement with treatment (Melnick et al., 2006) and to improve one-year treatment outcomes (Melnick et al., 2008).

Consensus develops from open communication within an organization. Research has shown that organizations fostered high levels of consensus when they cultivated freedom to conduct open and frank discussions of differences, gave serious consideration to different points of view, and resolved disagreements fairly (Melnick et al., 2009). The same research showed other activities that one would expect to promote consensus, such as training and supervision, had little effect on consensus. Staff characteristics, such as years of experience and education, similarly had little effect. Other research has documented the contribution of communication to the success of change teams. For example, Hülshager and colleagues (2009) conducted a meta-analysis of 104 studies over three decades of organizational research and reported that the ability to communicate freely is the most important factor for successful change team functioning. These findings suggest that linking consensus training with the NIATx change team process is an important integration of the two approaches.

How Does Consensus Training Work?

Consensus training was designed to replace *ego-centered* and *downward communications*, which inhibit positive change, with *substantive communication* to facilitate clear understanding and consensus. Ego-centered communication occurs when a person focuses more on him- or herself or his or her feelings about others, creating an emphasis on interpersonal issues, such as “winning” or being “right,” rather than finding the best solution to a problem (Carnevale & Probst, 1998; Jehn, 1995). This type of communication frequently leads to rigid positions and disagreements. Ego-centered communication often prevents appreciating the value of alternative points of view, limits the amount of information exchanged, and interferes with creating new solutions.

Downward communication, one-way communication that flows from superiors to subordinates, limits the exchange of information and can diminish opportunities to reach consensus. Research on downward communication has shown that supervisors typically assumed subordinates had more knowledge or information than they actually had (Likert, 1961) and that supervisors tended to overestimate how well they communicated with subordinates (Callan, 1993). These two weaknesses of downward communication contributed to misunderstandings that interfered with implementing new practices and resulted in inconsistent application. Subsequently, staff members worked at cross-purposes, failed to instruct new employees properly, and engaged in passive resistance (Kassing & Avtgis, 1999).

In contrast to these ineffective forms of communications, consensus training reinforces *substantive interchanges* (Jehn, 1995; Shalley & Gilson, 2004) that focus communication on the course of action rather than on the participants. Unlike ego-centered and downward communications, consensus-building communication encourages the free exchange of ideas and information, leads to the raising of important issues, and explores differing opinions. In so doing, consensus-building communication avoids satisficing (which often results in choosing the first solution even if it is not the best solution; Simon, 1956), clarifies misconceptions, and facilitates identifying common ground, which frequently leads to new ideas and consensual emergent solutions. In general, consensus-building communication ensures ideas and concerns are heard and acknowledged, creating greater buy-in. Greater buy-in, in turn, promotes fidelity to the implementation of new practices and helps to sustain them over time.

Attentive Listening

Consensus training develops communications skills designed to facilitate substantive communication and consensus. It was developed from research on open communication and the organizational development literature. Training begins with a central tenet of consensus training that facilitates understanding how others perceive threats to their needs and goals—*attentive listening* (AL).

Consensus training stresses attentive listening as the overall context for any communication. People too often divide their attention and begin to formulate responses before the speaker has finished. Attentive listening requires attending closely to what the speaker is saying (or trying to say) in its entirety, separating his or her words from one's own perspective, and looking at the situation and the communication from the other's point of view.

PRIISED Consensus-Building Communication Skills

The PRIISED communication skills are additional tools used to promote substantive interchanges:

Positive Reinforcement—This skill promotes encouraging other Drug Court team members, agreeing with at least some part of opposing points of view, or, at a minimum, pointing out that an important problem is being raised. *Positive Reinforcement* functions to encourage others to provide information and can mitigate some of the interpersonal tension that accompanies disagreements.

Reframing—This skill focuses on ideas over people. Reframing allows team members to move a discussion from an emotional, ego-centered mode, where interchanges are rigid, to one centering on substantive issues.

Identifying Common Ground—This skill focuses Drug Court team members on naming common underlying goals to provide a common target for a discussion and to keep the discussion focused on substantive issues to be resolved.

Inclusion—This skill encourages all team members in a meeting or discussion to have their say. Silence is not necessarily agreement. When all views are presented and addressed, inclusion maximizes the amount of information available to the Drug Court team and mitigates negative feelings.

Showing Understanding—This skill emphasizes periodic, nonjudgmental paraphrasing to confirm one's own understanding, to provide a mutually agreed-upon summary of what has been said, and to demonstrate the words of team members have been attentively received.

Empathic Listening—This skill is about putting one’s self in another’s place and acknowledging the perspectives and feelings of team members.

Discussion—This skill entails reviewing all factors influencing a decision and addressing differences of opinion in a balanced manner, so Drug Court team members recognize that their inputs and concerns have been given serious consideration even if the decision does not go in the direction they would have preferred.

Consensus training emphasizes that PRIISED skills are not intended to be used in any set sequence or in every instance. Everyone has a personal style—consensus training encourages people to use those skills that best suit their own way of communicating. Thus, the choice of skills depends on personal style, the individuals involved, and the circumstances accompanying the communication. To emphasize attentive listening as the starting point, or context, the seven PRIISED communication skills are referred to as *AL-PRIISED*.

METHOD

NDRI provided consensus training utilizing AL-PRIISED to six Drug Courts across a two-year CSAT-funded NIATx collaborative involving two cohorts of Drug Court grantees. Each cohort participated in a 12-month NIATx learning collaborative (see Wexler et al., 2012). In the first year (Cohort 1), ten Drug Courts participated in the NIATx collaborative. NDRI delivered consensus training to three of the ten Drug Courts. In the second year (Cohort 2), NDRI delivered consensus training to three of five participating Drug Courts.

NIATx selected Drug Courts for the collaborative using a six-item scale to determine the likelihood that the Drug Court could successfully apply the NIATx change team approach. Examples of items include the following:

- Walkthrough experience is well articulated.
- The executive sponsor and change team leader appear appropriate.
- Enthusiasm for the project shows in the application.

Items were rated on a ten-point scale with 1 being the lowest rating and 10 the highest. NDRI staffers then used an eight-item scale (Melnick et al., 2009) to choose a subset from the previously selected programs. The NDRI survey measured two domains: openness to change (e.g., one item read, “This program is open to new methods and techniques”) and openness of communication (e.g., one item read, “We actively seek out a variety of opinions”). Items were scored on a five-point Likert scale ranging from 1, strongly disagree, to 5, strongly agree.

The lowest-scoring Drug Courts—those with an obvious need for communication skills and enhanced openness to change—were selected for the intervention. Although not a criteria for selection, the chosen Drug Courts represented a diverse geographic distribution that included the Midwest, South, Southwest, and Pacific Coast. Two were in large urban areas, two were in moderate-sized cities, one was in a suburban area, and one court represented a smaller town and rural area.

The NIATx intervention consisted of expert coaching, including a site visit and coaching calls with the change team leader and other change team members. Consensus training consisted of a one-day, on-site training workshop with follow-up coaching calls. After participation in the study concluded, a follow up call was made to determine if the consensus training was sustained. In Cohort 1, the call occurred ten months after the intervention ended. In Cohort 2, the follow-up occurred during the last coaching session. Each participant responded to open-ended questions about whether the AL-PRIISED communication skills were still being applied and in what context.

Although local conditions resulted in variations, the consensus training workshop typically comprised an initial morning meeting with the executive sponsor and the change team leader to discuss the plan for the day and to identify specific communication issues among the change team. A subsequent meeting with the change team identified any additional concerns. This was followed by the first training session, a workshop for the Drug Court change team focused on applying AL-PRIISED communication skills to build consensus and create solutions to the identified issues. The afternoon started with a

debriefing of the executive sponsor and change team leader, who discussed any additional concerns to be addressed during the afternoon session. The debriefing was followed by the second training session, which presented AL-PRIISED communication skills to the entire Drug Court as a means of establishing two-way communication with the change team. Finally, the change team leader and executive sponsor reviewed that day's activities and developed a consensus-building plan. Coaching calls followed the site visit to support the application of the consensus-building communication skills. Each Drug Court received at least four 30- to 60-minute calls with additional calls provided as needed. These calls allowed the consensus trainers to follow up on plans made during the site visit, address communication problems, and discuss any additional concerns.

OUTCOMES OF CONSENSUS TRAINING

The challenges facing the application of consensus training fall into three areas:

- Communication challenges within the change team
- Implementing new practices
- Sustaining consensus training

Following are examples of the challenges the Drug Courts faced and the solutions they applied.

Communication Challenges within the Change Teams

Full participation by all members of the Drug Court change team is critical to gathering complete information, reaching decisions, and achieving buy-in by the departments represented by the change team.

Example 1: Overcoming the Role of a Dominant Leader—Having a powerful change team leader (a program director) was helpful in advancing the agenda of one member of the Drug Court change team, but intimidated other members. As a consequence, although the process was efficient, the range of ideas and enthusiasm of the team members was limited.

Resolution—To ensure the inclusion of all members and to enhance group process, the program director withheld any suggestions, assumed the role of note taker, and chose a new change team leader. The program director reported that he was extremely pleased with the response of the change team and their ability to identify problems and formulate creative solutions.

Example 2: Limited Participation at Meetings—In another group, the silence and lack of participation of an individual member deprived the team of important information regarding the perspective of the represented department. This resulted in resistance to implementing the practices the change team had proposed.

Resolution—The group turned the team’s focus from changes in the Drug Court to its own processes, emphasizing *inclusion*. The team discussed the need for all members to participate in the process and the importance of each member representing his or her department. After the quiet member agreed to be more active, the team queried whenever that person did not participate in discussions and provided *positive reinforcement*, acknowledging contributions. Repairing this situation took only a few reminders before the individual actively participated.

Challenges to Implementing New Practices

Communications between the change teams and the Drug Courts were particularly important since this interaction affected the buy-in needed for implementing and sustaining the new practices. The challenges facing each Drug Court differed depending on the Drug Court’s culture.

Example 1: Implementing Consensus Training in a Process-Oriented Drug Court—Although judges retained ultimate authority in the Drug Courts, some judges placed a heavy emphasis on the approval of the affected staff regarding any proposed changes. Thus, a number of influential staff members had an important say about the acceptability of the change team’s proposals. This meant the Drug Court change team had to work within the culture to obtain the buy-in of the other staff members outside of the change team.

Resolution—One Drug Court with a process-oriented culture involved the entire Drug Court in planning for changes and how the changes were to be implemented. Once the change team had decided on a new practice, they held a briefing session with the full Drug Court to elicit feedback that was then used to introduce the change. Doing this required using the gamut of AL-PRIISED consensus training skills. The Drug Court change team provided *positive reinforcement* for staff members who voiced concerns, *showed understanding* for these concerns, and *expressed empathy* with staff feelings by modifying the changes to make them more acceptable. After a one-month trial period, the change team held a debriefing session to reassess and modify changes where needed. This process worked within this Drug Court’s established culture to improve the new practices, making them more acceptable to the Drug Court, and developed a feasible implementation plan with the backing of the staff. Through these discussions, everyone in the Drug Court had a thorough understanding of the reasons for the change, what the change entailed, and how it might affect individual functions.

Example 2: Implementing Practices in a Drug Court with a Hierarchical Culture—One large Drug Court formed a change team comprising department heads. The change team reported directly to the judge, who also attended some of the meetings. The team identified problems, formulated solutions, and, in their positions as department heads and judge, implemented the changes. The hierarchical process was efficient for operating a large Drug Court, and the department heads and the judge felt it worked well. The consensus training stressed that including staff in the change process could produce additional benefits for the Drug Court.

Resolution—The change team devised a procedure to include the Drug Court staff in the change process while preserving the efficiency of the hierarchical structure. The judge, in conjunction with the change team, scheduled a one-day retreat for staff members to meet off-site to discuss ways to improve the functioning of the Drug Court. Staff members were organized into subgroups that included members from the different departments. Their objective was to identify functional problems within the Drug Court, propose solutions, and

communicate them to everyone at the retreat. In this context, staff members were *included* in the change process and received *positive reinforcement* for bringing problems to the attention of the department heads and the judge. The procedure leveraged the knowledge of staff members who were most involved in conducting the activities of the Drug Court and brought additional problems to the attention of the change team. The change team continued to determine and implement the most effective solutions.

Challenges to Sustaining Consensus Training

Consistent themes emerged regarding the continuance of activities beyond the project and the generalization of consensus training to new situations. These themes were awareness of the need to consider process amid the multitasking required to meet Drug Court demands, and the use of the AL-PRIISED communication skills to help staff members reach more nuanced decisions.

Example 1: Sustaining Upward Feedback in a Hierarchically Structured Court—The aforementioned hierarchical Drug Court was concerned about continuing to receive feedback from the staff.

Resolution—The court institutionalized inclusion by making the retreat an annual event, closing the court for a day so that all staff members could participate.

Example 2: Generalizing Consensus Training to Overcome Organizational Angst—Some of the Drug Courts' staff generalized consensus training to new applications outside of the duties of the change teams. In one such instance, structural changes in the lines of authority (which emanated from the county administration and had nothing to do with the project or the work of the change team) created turmoil among the Drug Court staff. The change transferred the process of making recommendations to the judge to a new group previously uninvolved with the Drug Court. The situation was further complicated by the new group having a different view of recovery and the appropriate response to relapse.

Resolution—At the time of the coaching sessions, the court administrator planned to use the AL-PRIISED communications skills

to help the affected staff back away from emotional or ego-centered perspectives. The plan included *identifying common ground* for improving the success rates of the Drug Court, *showing understanding* of differing responsibilities and perspectives of the departments, and using *empathic listening* to consider and ameliorate the feelings evoked in the situation. These skills would aid the Drug Court in reaching consensus about how they could continue to work productively to increase the rate of success.

Example 3: Generalizing Consensus Training to Improve the Functioning of Staffing Meetings—Two Drug Courts were concerned that staff members consider all views in staffing meetings in order to reach a consensus that captured the nuances of each case in an environment where everyone was under constant time pressure.

Resolution—In response to the problem, one Drug Court distributed a reprint of the AL-PRIISED skills at the beginning of each staffing meeting in an attempt to slow down and improve the communication process. They reported *empathic listening*, *showing understanding*, and *identifying common ground* were the skills most helpful in reaching a more nuanced consensus, with *positive reinforcement* close behind.

Another Drug Court described staff as “going 200 miles an hour.” This Drug Court put the AL-PRIISED skills on the agenda for discussion at staffing meetings on a monthly basis. Staff reported the greatest benefit was in fostering more informed judgments. *Empathic listening* and *showing understanding* were considered the most important skills, followed by *identifying common ground*. They reported consensus training focused people on listening to what others were saying, whereas *identifying common ground* slowed the pace and made people think about their responses. In general, Drug Court staff reported that better listening resulted in the utilization of more information, and this resulted in more accurate recommendations to the judge.

DISCUSSION

This preliminary report on consensus training reveals a need to consider the role of communication in the functioning of Drug Courts

and suggests the potential usefulness of consensus-building communication skills. Although the number of Drug Courts was relatively small, the sample offered an opportunity to observe how consensus training affects function in different cultures (both hierarchical and process oriented) across large, moderate, and small Drug Courts.

The application of the AL-PRIISED communication skills and the consensus training helped the change teams focus on communication both within the change team and between the change team and the Drug Court. In a hierarchical culture, the change team used their consensus training skills to promote upward communication, which revealed Drug Court functions in need of improvement. In a process-oriented culture, consensus training skills facilitated cooperation and buy-in. When asked about which of the AL-PRIISED communication skills were most important, respondents named *empathic listening*, *identification of common ground*, and *showing understanding*. The *identifying common ground* skill accentuated the shared interests and common goals important to building trust, while *empathic listening* was crucial for understanding other staff members' points of view so that important differences could be respected. *Showing understanding* demonstrated comprehension of other staff members' positions and served as a check against misinterpretation. These reports of the benefit of *empathic listening* were consistent with recent research showing the positive effects of considering others' perspectives on the creativity of teams with diverse members (Hoever et al., 2012).

Although communication is important in every organization, it is particularly important and perhaps more challenging in Drug Court, where different disciplines associated with somewhat different values and responsibilities to the public and Drug Court participants must coordinate their activities and reach common decisions. The AL-PRIISED skills are designed to improve two-way communication between staff at different organizational levels across different disciplines. Moreover, consensus training skills encourage a focus on substantive issues and on obtaining and sharing information from throughout the Drug Court so that all members of the staffing meeting have complete information. This sharing of information maximizes

the amount of information available and facilitates more informed decision making.

The limitation of the current paper is that it represents neither an experimental study nor a formal case study; rather, it is a report describing a practical application of a communications training designed to help Drug Court stakeholders improve consensus. Nevertheless, the results are consistent with extensive organizational development literature. In addition to improving the quality of the decision-making process, the open communication of the consensus-forming process is consistent with good management practices regarding the maintenance of staff morale, the avoidance of staff burnout, and the loss of experienced personnel through attrition. Participating in decision making, which consensus training encourages, creates a sense of control over work-related activities and actions, resulting in a sense of psychological empowerment (Spreitzer, 2007). This leads to a heightened sense of organizational citizenship through greater identification and satisfaction with the organization (Messersmith et al., 2011), promoting higher levels of innovation (Seibert et al., 2011) and superior task performance (Kirkman et al., 2011). Specific to Drug Courts, Rajan and colleagues (2012) found that open communication was the highest correlate of satisfaction with the Drug Court across the disciplines involved in the court.

CONCLUSION

The consensus training approach was well received. The Drug Courts in the project reported how useful this training was for promoting not only the functioning of the change teams but also other court functions. The Drug Courts in this project frequently described their staffs as going between 100 and 200 miles an hour. Under these circumstances efficiency was often paramount, favoring brief discussion, passing on orders, and accepting the first solution that appeared. This project illustrates how short-term efficiency does not always lead to long-term efficiency. Taking the time initially for communicating, gathering feedback, and two-way decision-making processes can provide greater efficiency over the long run by promoting better decisions, garnering staff support, and achieving better fidelity to

implementing and adhering to decisions and changes. The promising results of this project suggest the value of more systematic study of the AL-PRIISED skills in Drug Courts.

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Gerald Melnick, PhD, is a senior principal investigator at the Center for the Integration of Research and Practice (CIRP) at National Development and Research Institutes (NDRI). His research activities include the effect of organizational characteristics on the success of substance abuse treatment programs, the use of change teams to promote improved services in criminal justice settings, and matching substance abusers to the appropriate level of treatment.

Harry K. Wexler, PhD, is a senior principal investigator emeritus at National Development and Research Institutes (NDRI). During the last forty years, Dr. Wexler has acquired a national reputation in the areas of substance abuse policy, treatment, and research. His current work focuses on the effect of open communication and consensus on treatment effectiveness and organizational change. He has written numerous articles and has served as editor of special issues of the *Prison Journal*.

Mark Zehner is an associate researcher with the Center for Health Enhancement Systems Studies (CHESS) and NIATx at the University of Wisconsin–Madison. He is currently the project lead at the NIATx National Program Office for several federally funded improvement collaboratives for treatment capacity and quality. Mr. Zehner is also a NIATx coach and a faculty presenter for the NIATx Change Leader and Coaching Academies.

Direct correspondence to Gerald Melnick, PhD, Center for the Integration of Research & Practice (CIRP), National Development & Research Institutes, Inc. (NDRI), 71 W. 23 Street, 8th Floor, New York, NY 10010. (212) 845-4426. melnick@NDRI.org