

PROBLEM GAMBLING DIVERSION PROGRAMS: A REVIEW OF IMPLEMENTATIONS AND CHALLENGES

*Frank Song**

I. INTRODUCTION

Problem gambling diversion programs provide defendants in the criminal justice system with an opportunity to undergo treatment for their gambling problems in lieu of incarceration.¹ This article discusses the origin of problem gambling diversion programs and reviews notable implementations of these programs in the United States through extant literature and interviews with three stakeholders: retired Judge Cheryl Moss; Stefanie Hui, a court coordinator for the Eighth Judicial District Court in Nevada, who played a key role in establishing the district's gambling treatment diversion court; and Maureen Greeley, the executive director of Evergreen Council on Problem Gambling, who helped create the problem gambling treatment track at the Pierce County Drug Court in Washington State. The article concludes with an exploration of challenges in establishing and sustaining problem gambling diversion programs.

II. BRIEF HISTORY OF PROBLEM-SOLVING COURTS

The concept of a problem-solving court originates from the area of legal scholarship known as therapeutic jurisprudence, which studies the role of the law as a therapeutic agent.² The term "therapeutic jurisprudence" was first used by David Wexler, a law professor at the University of Arizona, in 1987 when he

* Clinical Psychology Ph.D. Candidate, University of Washington, 2025. I want to thank Maureen Greeley (Evergreen Council on Problem Gambling), Stefanie Hui (Eighth Judicial District Court, Nevada), Dr. Ty Lostutter (Department of Psychiatry, University of Washington School of Medicine), and Judge Cheryl Moss (Ret.) (Eighth Judicial District Court for Nevada) for providing their knowledge of problem gambling diversion programs, and Dr. Mary Larimer (Department of Psychiatry, University of Washington School of Medicine) for providing editorial support for this paper.

¹ Interview with Cheryl B. Moss & Stefanie Hui at the National Conference on Gambling Addiction & Responsible Gambling 2021 (July 14, 2021) (on file with author) [hereinafter Moss & Hui Interview].

² David B. Wexler, *Therapeutic Jurisprudence: An Overview*, 17 T.M. COOLEY L. REV. 125, 125 (2000).

presented on law and mental health at the National Institute of Mental Health.³ In the years that followed, the legal scholarship was expanded in subsequent publications by Wexler and Bruce Winick, a law professor at the University of Miami. They covered the extent to which substantive rules, legal procedures, and lawyers and judges can act as social forces that produce behaviors and consequences, both therapeutic and counter-therapeutic, for individuals who are involved in legal processes.⁴ Therapeutic jurisprudence seeks to identify the underlying causes of an offender's criminal behavior, offer treatment to help correct the behavior, and rehabilitate the offender so that they can be a better member of society.⁵ The idea of therapeutic jurisprudence has contributed to the development of so-called problem-solving courts, which apply therapeutic jurisprudence principles to provide appropriate treatments and engender more positive outcomes in court.⁶

The first problem-solving court in the United States was a drug-use treatment court that Judge Herbert Klein established in 1989.⁷ Judge Klein and community members worked together to create a diversion court in response to the rise in crack cocaine addiction at the time in Miami.⁸ A court that provided treatment was a revolutionary concept at the time, as reported in a 2017 article chronicling the origin of drug courts:

The prevailing attitude toward drug addiction was that the justice system could, and should, punish addiction out of people. But without providing treatment, courts were just revolving doors for addicts. The judges and lawyers in Miami knew that something had to change, but they had no alternative process elsewhere to point to, and no funding at all to experiment with At the time, across the country, local

³ David B. Wexler, *Two Decades of Therapeutic Jurisprudence*, 24 *TOURO L. REV.* 17, 21–22 (2008).

⁴ Wexler, *supra* note 2, at 125.

⁵ Corey D. Hinshaw, *Taking a Gamble: Applying Therapeutic Jurisprudence to Compulsive Gambling and Establishing Gambling Treatment Courts*, 9 *GAMING L. REV.* 333, 336 (2005).

⁶ Charity Scott, *Judging In a Therapeutic Key: Therapeutic Jurisprudence and the Courts*, 25 *J. LEGAL MED.* 377, 378 (2004) (reviewing BRUCE J. WINICK & DAVID B. WEXLER, *JUDGING IN A THERAPEUTIC KEY: THERAPEUTIC JURISPRUDENCE & THE COURTS* (2003)).

⁷ Brent L. Probinsky, *Herbert Klein, Founder of Miami Drug Court, Dies*, *MIAMI TIMES* (Sept. 5, 2018), https://www.miamitimesonline.com/lifestyles/herbert-klein-founder-of-miami-drug-court-dies/article_6a61b8d2-b14e-11e8-9b71-b3ecd2d4961c.html.

⁸ *Id.* See also Samantha Jeffries, *How Justice 'Gets Done': Politics, Managerialism, Consumerism, and Therapeutic Jurisprudence*, 17 *CURRENT ISSUES CRIM. JUST.* 254, 255–56 (2005).

courts were trying to dream up better, faster ways to get offenders in and out of the system as quickly as possible. So it was rather radical for Judge Klein and his colleagues to propose a program that would take a year for each client to complete. Defense attorneys and prosecutors, accustomed to working in opposition to each other, to either lock up or dismiss offenders, would now work as a team—together, they would keep people in the program, treat their addictions, and then, ideally, dismiss their cases.⁹

The drug court model has since become popular in jurisdictions across the United States, aided by grants and initiatives from the Department of Justice.¹⁰ As of December 2020, 1,755 adult drug treatment courts and 308 juvenile drug treatment courts were active across all fifty states and Washington, D.C.¹¹ More than 120,000 people participate in drug court programs annually,¹² and about 1.3 million people have received services from drug courts to date.¹³ Other problem-solving courts have also been established across states, including veteran treatment courts, mental health courts, family treatment courts, and courts that focus on specific substance-use problems (e.g., DUI or opioid-specific treatment court).¹⁴ By the end of 2020, there were a total of 3,848 problem-solving courts throughout the country.¹⁵ Studies across multiple states suggest that drug courts are effective at reducing recidivism, substance use, and cost to the criminal justice system compared to jail sentences.¹⁶

⁹ Lauren Kirchner, *Remembering the Drug Court Revolution*, PAC. STANDARD (Apr. 25, 2014), <https://psmag.com/news/remembering-drug-court-revolution-80034>.

¹⁰ ADULT DRUG COURT GRANT PROGRAM: OVERVIEW, BUREAU OF JUST. ASSISTANCE, <https://bja.ojp.gov/program/adult-drug-court-grant-program/overview> (last visited Dec. 26, 2021).

¹¹ See TREATMENT COURT MAPS, NAT'L DRUG CT. RES. CTR., <https://ndcrc.org/interactive-maps/> (last visited Feb. 16, 2022).

¹² DRUG COURTS, NAT'L ARCHIVES AND RECS. ADMIN., <https://obamawhitehouse.archives.gov/ondcp/ondcp-fact-sheets/drug-courts-smart-approach-to-criminal-justice> (last visited Dec. 26, 2021).

¹³ Kirchner, *supra* note 9, at 3.

¹⁴ *Id.*

¹⁵ See TREATMENT COURT MAPS, *supra* note 11.

¹⁶ Christopher T. Lowenkamp, Alexander M. Holsinger & Edward J. Latessa, *Are Drug Courts Effective: A Meta-Analytic Review*, 15 J. CMTY. CORR. 5, 6 (2005); Meredith Emigh, *The Efficacy of Drug Courts*, EBPSOCIETY, (Sept. 17, 2017).

III. PROBLEM GAMBLING TREATMENT COURTS

Gambling disorder is a type of behavioral addiction that the DSM-V classifies as a mental illness.¹⁷ This condition is characterized by gambling-related symptoms, such as the need to gamble with increasing amounts of money to feel excitement, returning to gamble after losing money, and lying to conceal gambling activities.¹⁸ The prevalence of people with a gambling disorder is estimated to be between 1.2% and 1.5% of all adults in the United States,¹⁹ while the rate is estimated to be significantly higher among Americans aged fourteen through twenty-one, at approximately 2.1%.²⁰ For the remainder of the paper, the term “problem gambling” will be used interchangeably with “gambling disorder.”

A. *Town of Amherst, New York Therapeutic Gambling Treatment Court*

Following the model of other problem-solving courts, Justice Mark Farrell of the Amherst Town Court in New York established the first problem gambling treatment court in 2001.²¹ Justice Farrell had previously established other diversion programs, such as specialty courts for domestic violence and drug use treatment in Amherst, and was familiar with the problem-solving court model.²² He presided over matters involving problem gambling-related charges, ranging from stealing, embezzlement, and bankruptcy, to domestic violence.²³ Because he saw problem gambling as an illness, Justice Farrell created the

¹⁷ AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS: DSM-5 312.31 (5th ed. 2013).

¹⁸ *Id.*

¹⁹ See NAT'L GAMBLING IMPACT STUDY COMM'N, NATIONAL GAMBLING IMPACT STUDY COMMISSION FINAL REPORT 4–5 (June 18, 1999), <https://govinfo.library.unt.edu/ngisc/reports/4.pdf>; Analucía A. Alegría et al., *Disordered Gambling Among Racial and Ethnic Groups in the US: Results from the National Epidemiologic Survey on Alcohol and Related Conditions*, 14 CNS SPECTRUMS 132–42 (2009).

²⁰ John W. Welte et al., *The Prevalence of Problem Gambling Among U.S. Adolescents and Young Adults: Results from a National Survey*, 24 J. GAMBLING STUD., 119, 119 (2007).

²¹ Anne Neville, *Mark G. Farrell, 72, Amherst Town Judge Who Ran Innovative Therapeutic Courts*, BUFFALO NEWS (Aug. 28, 2019), https://buffalonews.com/news/local/mark-g-farrell-72-amherst-town-judge-who-ran-innovative-therapeutic-courts/article_27cad83f-118f-5adb-bed1-0b3642e5ffd8.html.

²² Michael Petro, *Former Amherst Judge Brought New Approach to Court*, BUFFALO BUS. FIRST (June 12, 2016), <https://www.bizjournals.com/buffalo/news/2016/06/02/former-amherst-judge-brought-new-approach-to-court.html>.

²³ *Id.*

problem gambling treatment court to ensure “treatment is a mandated part of sentencing and . . . prosecutors, defense lawyers, and health care professionals cooperate to that end.”²⁴ Farrell sought assistance from experts on problem gambling in setting up the court and partnered with Jewish Family Services, an accredited gambling treatment service provider in the Buffalo metropolitan area, to provide treatment for court participants.²⁵ The court’s participants grew in number from a handful in 2001 to several dozen by 2007, which coincided with the opening of two new casinos in the Buffalo area.²⁶ The diversion court program remained active until 2013, when Justice Farrell retired from the Amherst Town Court.²⁷ The court staff said in a 2007 interview that more than half of its 100-plus participants completed the program and only one was arrested again, on a charge unrelated to gambling.²⁸

B. Gambling Treatment Diversion Court at Eighth Judicial District Court of Nevada

In 2009, the Nevada State Legislature established a criminal diversion program for defendants with gambling problems.²⁹ The program resulted from a bill sponsored by the Nevada Department of Health and Human Services, a state agency tasked with promoting public health and well-being.³⁰ Specifically, Nevada Assembly Bill No. 102 created a pretrial diversion alternative for certain criminal defendants whose problem gambling contributed to the crimes with which they were charged.³¹ The bill was passed and went into effect in October 2009.³² Subsequently, the state codified Nevada Revised Statutes Chapter 458A, which details the eligibility and structure of a rehabilitation program for problem gamblers who committed a crime in furtherance of their problem gambling.³³

Although the legal groundwork was laid in 2009, it was not until 2018 that Nevada established its first gambling diversion court.³⁴ Led by Judge Cheryl Moss, the Eighth Judicial District Court in Clark County established the state’s first gambling treatment diversion court, modeled after the popular adult drug

²⁴ *Id.*; Hinshaw, *supra* note 5, at 335.

²⁵ Petro, *supra* note 22.

²⁶ Ken Belson, *New York Gambling Treatment Court Stresses Help*, N.Y. TIMES (May 1, 2007), <https://www.nytimes.com/2007/05/01/nyregion/01gamble.html>.

²⁷ Petro, *supra* note 22.

²⁸ Belson, *supra* note 26.

²⁹ Moss & Hui Interview, *supra* note 1.

³⁰ *Id.*

³¹ *Id.*

³² Anthony Cabot & Jennifer Roberts, *Almost a Specialty Court: Nevada Problem Gambling Diversion Program*, PROBLEM GAMBLING AND THE L.: AN INFORMATION AND RESOURCE GUIDE (2010), at 8.

³³ NEV. REV. STAT. § 458A (2009).

³⁴ Moss & Hui Interview, *supra* note 1.

court.³⁵ With 2.2 million residents, Clark County is the most populous county in Nevada and Las Vegas is its largest city.³⁶

In accordance with Nevada Revised Statutes Chapter 458A, district court judges have sole discretion in determining the eligibility for the diversion court, upon a review of findings from a certified problem gambling counselor.³⁷ Key eligibility considerations are: (1) whether the defendant is a problem gambler; (2) whether the defendant committed the crime in furtherance or as a result of problem gambling; and (3) whether the defendant is likely to be rehabilitated through treatment. If the district court finds the defendant meeting all three requirements, the court may send the defendant to the diversion court program.³⁸ Furthermore, the offense cannot be a crime against a person or child, a sexual offense, or domestic violence, nor can the defendant have two or more prior convictions of these types, three or more prior felony convictions, or any pending felony offenses.³⁹ If the defendant is on probation or parole for a separate offense, they can request the gambling treatment diversion court for new offenses provided that either the probation or parole authority consents or the diversion court finds that the defendant is eligible after considering any objections from the authority.⁴⁰

Under Judge Cheryl Moss, the gambling court accepted nine participants between 2018 and 2021, when Judge Moss retired.⁴¹ The participants reported directly to Judge Moss twice a week and agreed to receive treatment such as counseling appointments, support group meetings, restitution programs, and random drug testing.⁴² A diversion court coordinator maintains constant communication with participants and oversees key duties such as tracking participants' financial activities.⁴³ The program typically runs between eighteen and thirty-six months.⁴⁴

Upon successful completion of the program, the defendant's conviction must be dismissed, unless they have two or more prior felony convictions.⁴⁵ If the defendant does not complete the program in the predetermined time frame,

³⁵ *Id.*

³⁶ *QUICKFACTS: CLARK COUNTY, NEVADA*, U.S. CENSUS BUREAU (2021), <https://www.census.gov/quickfacts/clarkcountynevada> (last visited Jan 25, 2022).

³⁷ NEV. REV. STAT. § 458A.230 (2009).

³⁸ *Id.*

³⁹ *Id.* § 458A.210.

⁴⁰ *Id.*

⁴¹ Video Conference Interview with Stefanie Hui, Court Coordinator, Gambling Treatment Diversion Ct., Eighth Jud. Dist. Ct. of Nev. (Apr. 22, 2021) (on file with author) [hereinafter Hui Interview].

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Video Conference Interview with Cheryl Moss, Judge (Ret.), Gambling Treatment Diversion Ct., Eighth Jud. Dist. Ct. of Nev. (July 7, 2021) (on file with author) [hereinafter Moss Interview].

⁴⁵ NEV. REV. STAT § 458A.210 (2009).

the case returns to the district court for sentencing.⁴⁶ Although a restitution program is often part of the program, full restitution is not required for the mandatory dismissal.⁴⁷

After Judge Moss retired, District Court Chief Judge Linda Bell took over the diversion court.⁴⁸ Judge Moss continues to advise the court's operation in an unofficial capacity.⁴⁹ In October 2021, the diversion court announced the first group of graduates from the program and reported that there are eleven current participants.⁵⁰

C. *Problem Gambling Track at Pierce County Drug Court*

Evergreen Council on Problem Gambling, a Washington State-based nonprofit providing problem gambling treatment and advocacy services, have tried to launch a dedicated problem gambling treatment court in the late 2000s and early 2010s, but budget deficits blocked its inception.⁵¹ Nevertheless, the organization successfully pushed for all participants in the Pierce County Drug Court to receive problem gambling screening using validated self-report measures, and more than twenty percent of people entering felony drug court were assessed as having gambling problems.⁵²

Pierce County is the second most populous county in the state of Washington with approximately 920,000 residents.⁵³ Since 1994, Pierce County Superior Court has been running a drug court program, and it has been more effective than jails in preventing relapses and further crimes, thus saving taxpayer dollars.⁵⁴ Building on the success of this drug court and recognizing the

⁴⁶ Hui Interview, *supra* note 41.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *New Grads from Only Gambling Treatment Diversion Court in the Nation Offer Hope for Problem Gamblers Facing Justice System*, EIGHTH JUD. DIST. CT. OF NEV. (Oct. 27, 2021), <https://eighthjdcourt.wordpress.com/2021/10/27/new-grads-from-only-gambling-treatment-diversion-court-in-the-nation-offer-hope-for-problem-gamblers-facing-justice-system/>.

⁵¹ Jim Leingang, *Starting the Conversation: Integrating Gambling Treatment and Drug Court*, EVERGREEN COUNSEL ON PROBLEM GAMBLING, 4 (Oct. 16, 2017), <http://wacodtx.org/wp-content/uploads/2017/10/C7-Problem-Gambling-and-Therapeutic-Justice.pdf>.

⁵² *Id.*

⁵³ QuickFacts: Pierce County, Washington; King County, Washington, U.S. CENSUS BUREAU (2021), <https://www.census.gov/quickfacts/fact/table/piercecountywashington,kingcountywashington/PST045221>.

⁵⁴ WASHINGTON STATE'S DRUG COURTS FOR ADULT DEFENDANTS: OUTCOME EVALUATION AND COST-BENEFIT ANALYSIS, WASH. STATE INST. FOR PUB. POL'Y 4, 11 (Mar. 2003), http://www.wsipp.wa.gov/ReportFile/827/Wsipp_Washington-

widespread gambling problem among the drug court participants, the Pierce County Superior Court launched a problem gambling treatment track within its adult drug court in 2012 to provide gambling addiction treatment to drug court participants who have also screened for problem gambling.⁵⁵ The program was funded with a \$125,000 grant from the Puyallup Tribe of Indians, which operates a casino in Pierce County, and a \$55,503 therapeutic justice program grant from the Department of Justice through the Bureau of Justice Assistance.⁵⁶ Evergreen Council on Problem Gambling provided crucial support in securing funding and coordinating the efforts of legal actors (judges, district attorneys, public defenders), community members, counselors, and local law enforcement.⁵⁷ Pierce County Alliance, a nonprofit substance use disorder and mental health treatment center, agreed to provide treatment for the participants.⁵⁸

The treatment track consists of mandatory meetings, individual counseling sessions, progress reviews and assignments specific to problem gambling.⁵⁹ These requirements are largely in addition to the non-gambling track drug court requirements.⁶⁰ A minimum of two self-help support group meetings or activities per week and one individual counseling session per month are required.⁶¹ Participants are given assignments on financial management and the court regularly reviews their progress.⁶² The number of support group meetings required per week is determined by the level of care; for instance, a participant who is designated a Level-of-Care (“LOC”) of 1.0 typically must attend two groups per week, while a participant with a LOC of 2.1 must attend three groups per week.⁶³ Participants must attend individual counseling sessions run by a certified problem gambling counselor and individual sessions with a chemical dependency counselor.⁶⁴

States-Drug-Courts-for-Adult-Defendants-Outcome-Evaluation-and-Cost-Benefit-Analysis_Full-Report.pdf.

⁵⁵ Video Conference Interview with Maureen Greeley, Exec. Dir., Evergreen Council on Problem Gambling, Olympia, WA (Apr. 27, 2021) (on file with author) [hereinafter Greeley Interview].

⁵⁶ *Id.*; Therapeutic Justice Program - Problem Gambling Court, BUREAU OF JUST. ASS’N, <https://bja.ojp.gov/funding/awards/2012-dj-bx-0469> (last visited Dec. 26, 2021).

⁵⁷ Greeley Interview, *supra* note 55.

⁵⁸ Leingang, *supra* note 51, at 3.

⁵⁹ Evergreen Council on Problem Gambling, *Integrating Gambling Treatment and Drug Court: Challenges and Solutions* (Nov. 19, 2015) (at PowerPoint presentation slide 9) (on file with author).

⁶⁰ *Id.* at 5.

⁶¹ *Id.* at 9.

⁶² *Id.*

⁶³ *Id.* at 10.

⁶⁴ *Id.*

By 2015, the problem gambling treatment track had served forty-seven participants.⁶⁵ Of the sixteen participants discharged, six successfully completed the track, five were unsuccessful, and five were neutrally discharged.⁶⁶ As of May 2021, the court has been inactive due to logistical challenges.⁶⁷

IV. CHALLENGES IN ESTABLISHING AND SUSTAINING PROBLEM GAMBLING TREATMENT TRACKS AND COURTS

A primary challenge for problem gambling treatment tracks and courts has been gaining the necessary support from key collaborators and stakeholders, who may be unfamiliar with problem gambling and its connection to criminal behavior or may not perceive problem gambling as a serious issue warranting a place in a problem-solving court system. For the Eighth Judicial District Court, low awareness of problem gambling among public defenders was a key factor in the nine-year delay in instituting the court.⁶⁸ Support from legal actors (such as judges, public defenders, and district attorneys) and law enforcement agencies (such as the police and parole departments) are crucial in ensuring that a gambling treatment program can launch within a problem-solving court system. By providing educational opportunities to these legal actors and law enforcement, they gain knowledge and understanding about problem gambling, which can be a crucial step in securing their support.

Finding available problem gambling counselors who can provide the crucial problem gambling-specific assessment and treatment services on a regular basis has been an ongoing issue, particularly for the Pierce County problem gambling treatment track.⁶⁹ Another challenge has been determining how to address problem gambling in conjunction with substance use disorder treatment.⁷⁰ While the International Gambling Counselor Certification Board offers a problem gambling counselor certification program, there are only 452 certified counselors nationwide,⁷¹ and in some regions of the United States, certified problem gambling counselors may not be available. Some states offer, or are preparing to offer, state-specific problem gambling counselor certification programs with less stringent training requirements.⁷²

Implementing a succession plan is another major challenge for the three problem-solving court systems discussed. The problem gambling treatment court

⁶⁵ *Id.* at 17.

⁶⁶ *Id.* at 15.

⁶⁷ Greeley Interview, *supra* note 55.

⁶⁸ Hui Interview, *supra* note 41.

⁶⁹ Greeley Interview, *supra* note 55.

⁷⁰ *Id.*

⁷¹ See *IGCCB The Registry*, INTERNATIONAL GAMBLING COUNSELOR CERTIFICATION BOARD, <https://igccb.certemy.com/public-registry/49cbc4c3-19e2-428c-8514-a1d781d706a9> (last visited Jan. 18, 2022).

⁷² Hui Interview, *supra* note 41.

in Amherst, New York closed after Justice Mark Farrell's retirement.⁷³ Nevada's problem gambling treatment court remains active following the recent retirement of Judge Moss, whose ongoing commitment to training and advising court staff members in an unofficial capacity remains an important resource for the court.⁷⁴ For the Pierce County problem gambling treatment track, the Evergreen Council on Problem Gambling's support was crucial in launching and sustaining the program.⁷⁵ Awareness and commitment from multiple members of the court are critical to ensuring the continuity of problem gambling diversion programs in the event of staff turnover. The court should create structured manuals for replicating its gambling treatment-related protocols.

Funding is a key issue in developing and sustaining any problem-solving court program. For a problem gambling treatment program, securing funding is especially difficult because of the relative novelty of the programs and scarcity of funding sources dedicated to problem gambling treatment. While the Department of Justice has supported the establishment of drug courts around the country for over two decades through thousands of grant opportunities,⁷⁶ the federal executive department has provided little funding to problem gambling treatment programs.⁷⁷ The Eighth Judicial District Court's family court program originally provided funding for Nevada's problem gambling treatment court, and then the diversion court tapped state funding for gambling research and prevention for partial coverage of its coordinator's payroll expense.⁷⁸ After great effort, the Pierce County Superior Court's problem gambling treatment track secured funding for the first three years through grants from a local tribal government and the Department of Justice, and later received funding through grants from a tribal government, local police department, and nonprofit organization.⁷⁹ States vary widely in their total budget allocated to gambling treatment services, which could be a source of funding for court-based problem gambling treatment programs. In Nevada, the annual budget allocation is approximately \$1 million per year, while New Jersey allocates about \$4 million, and Massachusetts contributes up to \$17 million per year.⁸⁰ Potential sources of future funding for problem gambling diversion programs also include state and federal health care agencies and operators of local legal gambling businesses

⁷³ Petro, *supra* note 22, at 5.

⁷⁴ Hui Interview, *supra* note 41.

⁷⁵ Greeley Interview, *supra* note 55.

⁷⁶ *Adult Drug Court Grant Program: Overview*, BUREAU OF JUST. ASSISTANCE, <https://bja.ojp.gov/program/adult-drug-court-grant-program/overview> (last visited Dec. 26, 2021); *FY 2021 Adult Drug Court and Veterans Treatment Court Discretionary Grant Program*, BUREAU OF JUST. ASSISTANCE, <https://bja.ojp.gov/funding/opportunities/o-bja-2021-46003> (last visited Dec. 26, 2021).

⁷⁷ Greeley Interview, *supra* note 55.

⁷⁸ Hui Interview, *supra* note 41.

⁷⁹ Greeley Interview, *supra* note 55.

⁸⁰ Moss Interview, *supra* note 44.

such as casinos, card rooms, and sports betting organizations. Given limited available funding, Judge Moss has cited a critical need for leaders of future problem gambling treatment courts to take initiative and be innovative in navigating the logistical challenges of launching and maintaining the diversion court.⁸¹

Recruiting clients with a gambling problem to the treatment program is another challenge. For the Pierce County Superior Court, many clients expressed reluctance to agree to a treatment regimen lasting one year or longer.⁸² For Nevada's Eighth Judicial District Court, the problem stemmed from a lack of awareness of the program among the court system's staff, and as a result, opportunities were missed to refer potential participants to the problem gambling diversion court.⁸³

V. PROBLEM GAMBLING TREATMENT COURT VS. PROBLEM GAMBLING TREATMENT TRACK

The main argument for establishing a problem-solving court dedicated to problem gambling treatment is that even though gambling problems are often related to drug use problems, assessment and treatment for problem gambling are qualitatively different from those for drug use.⁸⁴ Nevada's problem gambling court provides its participants with an unprecedented range of problem gambling-specific services. The services include assessment by a certified problem gambling counselor, ensuring compliance with self-exclusion from casinos, performing location checks, problem gambling-specific counseling, support group interventions, and monthly financial checks, which include tracking bank statements, credit card statements, and tax filings.⁸⁵ Additionally, the diversion court participants benefit from the attention of a judge and a court coordinator who are familiar with gambling disorder.⁸⁶ A problem gambling track within a drug court or family court likely cannot provide a treatment plan that is as comprehensive or attentive.

A problem gambling treatment court is bound to be more resource-intensive per participant and logistically difficult to implement and maintain than a treatment track within a larger drug or family court diversion program. Because of the gambling-focused eligibility criteria, a problem gambling treatment court

⁸¹ *Id.*

⁸² Greeley Interview, *supra* note 55.

⁸³ Hui Interview, *supra* note 41.

⁸⁴ *See generally*, Renee M. Cunningham-Williams et al., *Problem Gambling and Comorbid Psychiatric and Substance Use Disorders among Drug Users Recruited from Drug Treatment and Community Settings*, 16 J. OF GAMBLING STUD. 347 (2000). *See also* David C. Hodgins et al., *The Association Between Comorbidity and Outcome in Pathological Gambling: A Prospective Follow-up of Recent Quitters*, 21 J. OF GAMBLING STUD. 255, 269 (2005).

⁸⁵ Hui Interview, *supra* note 41.

⁸⁶ *Id.*

cannot help people with gambling problems whose crimes were primarily motivated by issues unrelated to gambling.⁸⁷ Given that comorbidity, with other mental disorders, is reported among most people with gambling problems,⁸⁸ a problem gambling treatment system within a non-gambling-specific problem-solving court has the potential to reach these populations.

An integrative mental health court that can address participants' comorbidities and better personalize treatment plans was discussed as a long-term solution by the three stakeholders.⁸⁹ However, funding shortfalls and logistical challenges—such as the need for a correspondingly broad range of assessment and treatment personnel—were noted as significant hurdles to the implementation of a mental health court.⁹⁰ In the meantime, efforts to institute problem gambling treatment courts and tracks continue in jurisdictions across the country, notably in New Jersey, where Judge Cheryl Moss is leading an initiative to pilot a three-year program for a problem gambling court similar to the one in Nevada.⁹¹

⁸⁷ See NEV. REV. STAT. § 458A.210 (2009) (To be eligible for the problem gambling treatment program, a person must have “an addictive disorder related to gambling” and “been convicted of a crime and who committed the crime in furtherance or as a result of problem gambling”).

⁸⁸ Hodgins et al., *supra* note 84, at 256.

⁸⁹ Hui Interview, *supra* note 41; Greeley Interview, *supra* note 55; Moss Interview, *supra* note 44.

⁹⁰ *Id.*

⁹¹ Ed Silverstein, *New Jersey Gambling Treatment Court Supported by Nevada Jurist*, CASINO.ORG, <https://www.casino.org/news/new-jersey-gambling-treatment-court-proposal-supported-by-nevada-jurist/> (last updated July 15, 2021).