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## **How A Missionary Kid Ended Up Working On Mental Health Prison Reforms:A Speech To A Symposium**

JUSTICE EVELYN LUNDBERG STRATTON, RETIRED\*

### DATA MOVES PUBLIC POLICY

I am excited that the law school is focusing on this issue because there is a real convergence of resources between conservatives and liberals, and all sorts of folks that are finally starting to pay attention to our very broken system. You have a good mix of speakers because you have research scientists speaking who study the issues. And without that data, without understanding what works and doesn't, from a research position, we aren't really able to move public policy and make change with legislation. You also have speakers like Judge Michael and I who don't do a lot of research, but do a lot of real life application of what works. We often are the laboratories to experiment with.

### HOW I CAME TO AMERICA

My speech is going to be a lot more practical. Part of what I want to do is try to persuade you that every one of you has the ability to make part of this change. This ten-year plan is only going to happen if everyone in this room takes a little piece of it and does something with it. I'm going to start really with my life story, because I think it will inform why I do what I do and how I got here.

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\* Justice Evelyn Lundberg Stratton retired from the Supreme Court of Ohio after 23 years in the judiciary to pursue criminal justice reforms, particularly as they relate to mental health, juveniles, and veterans. Justice Stratton earned a Juris Doctor degree from The Ohio State University College of Law and began her legal career as a trial lawyer in the courtrooms of Central Ohio. In 1989, she was the first woman to be elected Judge of the Franklin County Common Pleas Court, where she became known as "The Velvet Hammer" for her approach to sentencing in serious felony cases. Her success on the trial bench led to an appointment in 1996 to the Supreme Court of Ohio, where she was elected to a third term in 2008. Since retiring from the bench, she works through EStratton Consulting, LLC on criminal justice reforms and is also Of Counsel to the firm of Vorys, Sater, Seymour and Pease LLP. Justice Stratton formed the Supreme Court of Ohio Advisory Committee on Mental Illness & the Courts, which was composed of mental health, law enforcement, and criminal justice professionals who were dedicated to mental health initiatives in the court system. That committee has now merged into the Attorney General Task Force on Mental Illness and Criminal Justice, and she still serves as co-chair along with Attorney General Mike DeWine. Nationally, Justice Stratton is a co-founder and former co-chair of the Judges' Leadership Initiative, a professional association that supports cooperative mental health programs in the criminal justice system. Her latest focus, in Ohio and nationally, is on establishing veterans courts to help those returning veterans with Post Traumatic Stress, Traumatic Brain Injury and other issues, whose problems may lead to involvement in the criminal justice system.

My father was a Minnesota farm boy who in World War II was a bomb demolition expert serving in the New Hebrides Islands. My mother was very involved in the Salvation Army. When the war came, she worked at a Grumman air factory making air parts for the war airplanes. When the war was over, they both knew they wanted to be missionaries. My father had become very involved with missionaries in the New Hebrides Islands.

So they went to a Bible college in Nyack, New York where they met and decided they wanted to go in the mission field. My father really wanted to go back to the New Hebrides Islands but we had lost a couple missionaries to cannibals. It was not too good of an idea to send fresh missionaries over there. So they decided to go to Siam, which is now Thailand. But our mission required that they serve two years as pastors, under the theory if you didn't make it as a pastor, you probably weren't going to make it as a missionary. So they sent them to a church in Prattville, Alabama, for two years. My dad made \$50.00 a week as pastor, but he had to raise \$1,000.00 for the passage to Thailand, which at that point was by boat. Well, my mom is a prayer warrior. She believed in prayer. She prayed God would send the money.

One day there was a couple in Toledo, Ohio, a place I had no association with, who wrote out a check for \$1,000.00 from a list of mission candidates, and sent it to my parents in Alabama. That is how they got to Thailand. So you never know what thing you do, what kindness you share, what check you write for a charity, may make a difference in someone's life somewhere down the road. That's how my parents became missionaries to Thailand.

#### GROWING UP IN THAILAND AND SOUTH VIETNAM

I grew up in Thailand, I was born there. I lived in a little town along the Laotian border. We didn't have running water, electricity, telephones, or television. But I never felt deprived as a child because we had a fairly nice house by Thai standards and we had one of the only two vehicles in the province, a Land Rover. So by comparison, I felt wealthy. I had a pretty typical missionary upbringing; I swung on vines, rode elephants, played in the dirt. Things my kids now do in video games.

But my life changed very dramatically when I was six. I was sent to a mission-run boarding school in South Vietnam, before the Vietnam War started. And as a child, we freely roamed the mountain side. We were on a very beautiful mountain setting.

As the war became worse and worse, the President of South Vietnam visited our school the week before he was assassinated. The Vietnam War became very serious. We became confined to campus. The military

ordered all U.S. dependents out of South Vietnam. Our little boarding school was still there. I had actually been pulled out in '67 because I had to have braces and there was no place to have braces there. So I lived with a missionary family in Bangkok. But my father was in charge of the evacuation that happened in '68 because of the TET Offensive. The military said we are no longer going to be responsible for your school. You have to evacuate. They flew the entire school out; dorm parents, teachers, kids, forty tons of materials. My dad set up an emergency school in Bangkok where I rejoined the school.

We had a little tiny room about the size of this little area with triple decker bunks, six in each room so we could fit each kid in. Lean to shelters over the sidewalks for classrooms. Some of you may remember my school funding vote, so now you know where that came from. But it was not a good setting. So my dad and some other missionaries found another location in the mountains of Malaysia, a place called Tana Rata, and they moved the whole school there. Always kept the triple decker bunks. I was the skinny kid so I always ended up with the top bunk. That was where I graduated from. So I had a unique opportunity to go to school in three different countries. I was away from my parents nine months out of each year after the age of six. Imagine sending your kids away at age six to a boarding school in a different country with folks they've never met and kids they've never grown up with. But that was my life.

#### THE MILITARY AND THE WAR

I had no exposure as a child to mental health issues. I really never saw anyone other than what we called then the "village idiot," who was what we now would call a mentally disabled person. But the temple took care of him, and I didn't have much exposure to that in any school system. But I had plenty of exposure to the war. We saw the war up close and personal in South Vietnam. All the missionaries were like our aunts and uncles because we didn't know anybody in America, we only came back once every five years, a very kind of cocoon church setting. But when I was eight years old, my roommate's parents and our school doctor were captured by the Viet Cong and never seen again. And when I was in ninth grade, six of our missionaries in South Vietnam that worked at the leprosy center were killed by the Viet Cong.

So we were very, very exposed to the military and to the problems that they had. And in Thailand, where I would go home for a vacation, we lived right next to a large military base. And, in fact, the military bases really put in almost all the roads that we now have in Thailand. The Air Force would drop their bombs in the field because they were not suppose to land with

them if they hadn't dropped them in South Vietnam. We would always hear the rumblings of the bombs being dropped. The only real American men I ever knew were G.I.'s. My mother never let me date them, but of course I thought I was hot stuff because I was the only American girl with 4,000 G.I.'s around. That was my exposure to the military; very, very up close and personal.

#### RETURNING TO AMERICA

When I was 18, I graduated from school in Malaysia and it was time to come to America. My parents were in the middle of a five-year term, and did not have enough money to come back. So I came back to America alone. I had no connections here so I started at a school in Texas in nuclear physics. It's a long story how I got to law, a subject of another speech. But I came back here with \$500.00 that my parents had saved on their salary. They were now making \$100.00 a month each. So I came back, worked for a little while in Florida, and then at McDonalds. And so when I give high school speeches, I say, "now if you work at McDonalds, you can be a judge someday too." I would also like to point out that when I speak to people, they think, "Ok, you're a Justice, you're able to do all these reforms because you have all this big title." But I started somewhere. And I started at McDonalds. Everyone starts somewhere. Everyone can make a difference somewhere.

But I found out that America is a wonderful land of opportunity. There is so much that we have here that we don't even fathom, we can't even understand how poor other countries are compared to what we have here. I was able to work my way through college and law school. I worked at Lazarus. They said I looked like a cosmetic girl, so I sold make-up. I did make-up artist stuff. I graduated from college and I decided I wanted to go to law school. Law school was really sort of an answer to a dilemma as to what should I major in? So I played the piano for a quartet that recruited for the college in Texas and my chaperone said, "You like to write and you like to act. Why don't you become a lawyer?" And concurrent with the suggestion that I become a lawyer, came the idea I wanted to become a judge. Now I tend to have a very religious streak still, and I thought of this as my calling.

So from the day I went to law school I knew I wanted to be a judge. Unfortunately, there were no judges that were women at the time I was in Franklin County. One or two had been appointed but never had managed to keep their seat. And they were all in their 50's and 60's so it was a long term goal of mine. And I thought when I was in my 50's or 60's I would try to become a judge. But I figured out that I needed a plan to get there.

## DEVELOP GOALS FOR YOUR LIFE

So that's another lesson I wanted to give to you law students is to develop a plan and have a goal. I had a five-, ten- and fifteen-year goal, and I had this plan to become a judge. And it was three pronged. One, I needed to really get involved in the community issues, so I got involved with a group called Prevent Blindness Ohio and worked my way up to statewide chair. I got involved with Bar Association activities. I got a mentor in that field. Mentors are so, so important. For example, the Bar Association had all these different committees. Well, I wanted to be a hot shot. I wanted to be on the Common Pleas Court Committee. And my mentor said, well you also need to get on the noon luncheon committee. The noon luncheon committee simply got speakers for their monthly lunches. I'm like, why do I want to be on the noon luncheon committee? He said, well if you want to be a judge, you've got to do the noon luncheon committee. If you get the speaker, then the rule is you introduce the speaker. Now these people start getting to know you. I would never have thought of that on my own. But that was one of the best pieces of advice because I worked hard to get almost every speaker I could, so I could introduce the speaker, and then I started getting my name out.

## EARLY DAYS AS A WOMAN TRIAL LAWYER

And I got a mentor in the practice of law. I got a job in a law firm where they actually let me try cases. I was one of the first women to try civil cases in the Common Pleas Court. We had women that did domestic and criminal but very few that did civil. I was one of the very first to try a case pregnant. It's frankly a very handy thing to be pregnant and try a case because I literally had attorneys, in my eighth month, asking the judge to continue the case saying it was totally unfair to make them try it against me. I took full advantage of it. If the witness got too long, I would raise my hand and look most pitiful and say, "Can I take a little break, your honor." The lawyers did not dare be the least bit nasty toward me. So I recommend it highly.

So in the practice of law, I was mostly a civil lawyer. I didn't do any criminal law at all except my own traffic ticket, which I lost. So I wanted to be a judge. I had an opportunity to run for Municipal Court, but I was doing mostly Common Pleas work, and I was pregnant, and I didn't really want to run for Municipal Court at that point. So I waited and ran for Common Pleas. They had six openings and they needed a token woman, frankly. And so I had done a lot of this ground work which I was doing on my twenty-year plan, but I ended up running for judge at the age of thirty-four because all that ground work had put me in a position to run. And so I beat

out an incumbent who had been a federal prosecutor. I simply outworked him and surprised him. It was too late by the time he woke up.

#### FIRST ELECTED WOMAN JUDGE

So I became a woman judge. I was the youngest by ten years. I was the only one with small children. It was a challenge because at that point I had two small children. Once, I had a big medical malpractice trial. I had two doctors coming from Boston. Big muckity mucks, they could only be there on that Monday afternoon. So I had everything arranged, took a lunch break, the doctors were going to be on that afternoon, and I get that dreaded call from daycare “your son is sick, please come get him.” So I’m trying to call everybody to try and find somebody to take the kid. Trying to call my husband and can’t find anybody. So I go tearing up to the daycare over my lunch break. I was supposed to have lunch with a federal judge so I cancelled that. I walk into the daycare and my three year old looks at me and says, “Hi, mom, I have bugs in my hair.” He had head lice. Now I never had head lice in Thailand. So I had no idea what to do for head lice. And they said, “Well, you take him and give him the shampoo and then you can bring him back tomorrow.” And I said, “If I shampoo him now can I bring him back now?” “I suppose you could.” So I run to the drug store with this kid, take him home, give him this shampoo, get him back to school with wet hair, drive back down, get on the bench, and get the doctors on and off. Now that’s a working woman for you.

#### SEEING MENTAL HEALTH ISSUES ON THE BENCH

But that is the first time I ran into mental illness. Here I am on the bench and I’m having all these people in front me who clearly have mental health issues. Many of whom have never been diagnosed, but you know they have a problem. Our mental health system in Franklin County did not talk to the drug and alcohol system. The drug and alcohol system worked some with the courts, but the mental health system did not. There was all this huge disconnect. I was very frustrated and I foolishly thought like a lot of people do, well I’ll put them in jail because they’ll get some treatment in jail. So that’s what I did. Because I didn’t know any better.

But I had a real heart for it and I got involved in the community corrections board and I was the liaison to our probation department. I really wanted to do something, but had no idea what to do. Meanwhile I was working nationwide on a lot of adoption reform work. I started a whole statewide court security program. I was now President of Prevent Blindness Ohio.

## APPOINTED TO THE OHIO SUPREME COURT

I was then appointed to the Supreme Court, we had a vacancy. I knew that the good Lord must be having something to do with all of this because not only being elected at thirty-four, I was appointed out of eight hundred judges to the Supreme Court to fill Justice Craig Wright's spot. And that just doesn't happen by chance. Yeah, I worked hard and I hopefully earned the spot, but still, I was picked out of eight hundred judges. And that was a very, very important moment. And so now I am on the bench, I have been appointed in March. But guess what, the kicker is, you have to run in November to keep your seat. I had just won re-election in Common Pleas and had a nice, safe six years and now I'm on the Supreme Court and I have to run a statewide race and I've done absolutely nothing to prepare for that, because my second goal after I got elected judge was to become a federal judge. Lifetime appointment, nice raise, don't have to run for office. Now I got the Supreme Court. You know, I have to take a totally different direction out of my goal plan. But I must have done something right because I won eighty-six out of eighty-eight counties in my first campaign. I have really no idea why I won because my campaign platform was a better education for new judges. Which is a totally worthless campaign platform to have. Nobody is interested in it. But that was my platform.

Actually, my missionary background came in very handy. Despite what everybody says about how much money you spend on elections (most of the governor races spend \$15-20 million), we're lucky if we get to spend even a million. Usually \$800,000, which includes running all your staff and five major media markets because Ohio unfortunately doesn't have just one, like some states, we have five. So you have to buy split fifteen second commercials, to split with somebody else, to try to just get name recognition. And because my nickname, given to me by a prosecutor, was the Velvet Hammer, my ads consisted of Velvet Hammer/Missionary Kid. Law and order. Tough on crime. Ethical. Moral. Yep, perfect message. So that was my message for my fifteen second commercial. Actually, my background growing up in Thailand won me almost every single ethnic organization in Cleveland. I won Cleveland as a first-time Republican candidate, which is highly unusual. But all the ethnic newspapers said vote for Clinton, Sikora, and Stratton. They were two Democrats and Stratton. Of course we don't have any label on the ballot in Ohio for the general election, which is a good thing.

## STARTING MY MENTAL HEALTH WORK

So now I'm on the Supreme Court. I'm finishing up all these different projects. I still really care about this issue of mental health, but I have no



idea what to do. I received some letters from the Department of Mental Health about jail diversion projects. But the only places those diversion projects really were working were in the courts where the judges were involved. So I wrote a letter to the Department. I started getting involved. And I put together a committee.

So I started my first committee, my Advisory Committee on Mental Illness and the Courts (ACMIC). I had ten people. And I looked at these ten people and I said I have no budget. I have no staff. I have no background or training in mental health. I have no idea really what I'm doing, but I've heard of this thing called a mental health court. There's two in Ohio and six in the country. And I've heard of this thing called a Crisis Intervention Team where they train police officers to respond to people who have mental health issues and there are one hundred of them, mostly in Akron at this point and in Toledo, the two cities that really had the training. And I said we're going to do something, but I have no idea what.

We made a lot of progress in the last 18 years. That committee of ten became a committee of fifty. We started a national organization. We got funding for getting other states to do the same type of committee we did in Ohio. We funded thirteen other Chief Justice initiatives based on what we did in Ohio. We went from 100 CIT trained officers in Ohio to 7,500 trained officers today. We have trained them in all of the schools, colleges and campuses. We even trained those before Virginia Tech happened. I started the first CIT Conference in Franklin County. We then did two joint Mental Health CIT conferences. That CIT is now an International CIT Association with a conference that has over one thousand people. And we did that step by step, inch by inch, piece by piece, advocate by advocate, person by person.

A lot of this did not get started because I did something, but because somebody that went to a conference, who was a probation officer or a police officer or a social worker or a mental health worker, and they came back and they said to their boss I heard of CIT. I heard of a mental health court. I heard of something. We should start doing this in our county. And they would go to their judge.

An example I love to give is there is a judge in Fairfield County, former prosecutor, tough on crime. He was not going to do this mamby pamby social work on the bench; that was not his cup of tea. His probation officer kept coming to him and saying well, we just had this person arrested for the fourth time and they've really got a serious mental health issue and just putting them in prison your honor is not going to . . . the long and short is he became one of our leading mental health court judges. He became the representative on my ACMIC committee for the Municipal Judges

Association. It started with a probation officer, not with the judge. So that's something where you all can make a difference.

#### NATURE OF THE REVOLVING DOOR

Now what is this mental health problem? Well, in the 1950s there were about five hundred and fifty thousand people in mental health hospitals. You've seen stories; you've seen movies how horrible it was. Some of the conditions were really terrible. There was a very well meaning social movement to close down these mental health hospitals and put them into the least restrictive environment. Well, the problem was that they didn't create the least restrictive environment. President Kennedy planned a very big budget to create a lot of free standing clinics for this population. Unfortunately, he was assassinated. The Vietnam War came and that plan never got funded. They closed a lot of the prisons. I sat on the Supreme Court on some of the mental health closure cases and they didn't reinvest the money. They put it into the general fund to fund all sorts of other projects. And so gradually that population dwindled down to seventy-five thousand nationwide in mental health hospitals, most of whom are there because they were forensically sentenced.

Instead you have over three hundred and fifty thousand in jails and prisons. Los Angeles County Jail is the largest mental health facility in the country. Rikers Island is second. The Ohio prison system is our largest mental health facility. So we basically institutionalized them into the worst possible setting for this. My belief that they would get some treatment in jail was totally false. Jail has no idea how to treat them except to isolate them. No meds. No continuity of meds, if they even know they have meds. Most of these people have never been diagnosed. They self-medicate.

#### MENTAL HEALTH COURTS: A SOLUTION

The mental health model, which we really push and promote in Ohio and especially the docket model, really works like this. You have a defendant, he comes into your court, and he's been arrested five, six, seven, eight times. But it's minor misdemeanors, not too serious. So you say, ok, I'm going to put you on probation again. I want you to go get mental health treatment because you obviously have a problem. I want you to get drug and alcohol treatment. You need a job and you need a house. Where do you think that person is going to go? Under the bridge. They don't even have a calendar. They don't have transportation. How are they ever going to make any of those appointments?

Melissa Knopp, who is going to follow me, speaks about the issue of Bridges Out of Poverty. It's one of the most impactful things you can read

and understand. To understand how somebody who is raised in poverty doesn't think and understand and work like we work. And so this whole idea of a mental health court is that you bring the whole team in. I've sat in and watched some of these team meetings and the judge will say ok, we got Joe. Now Joe doesn't have a house. Can we get him some sort of place to live because if we don't get him a place to live, there's no point in doing any of this mental health treatment? Is there a way we can get some mental health treatment? Can we get him diagnosed? Can we take him to our clinic? Can we get him drug and alcohol treatment?

The judge works as the catalyst. The judge gets people talking. The judge gets people collaborating. I've tried to push over and over and over the idea that judges can be agents of social change. I push this nationally. I push this locally. Actually, they buy it in Ohio. We have over one hundred and eighty specialized dockets, all in different stages of certification under our new program that the current Chief Justice instituted. But we are leaders in the concept of judges being leaders and agents of social change in Ohio. So we are very, very blessed. And every one of those mental health court dockets involve Crisis Intervention Teams, involve the police taking them somewhere else other than jail. But then you have to have the resources in the community. You have to have some place to drop them off. So it's a multi-issue problem.

#### USING CAMPAIGNS AS A PLATFORM

So I had two more campaigns on the Supreme Court. I'm now wised up on the political world. But I also understand that it's very boring to be a candidate as a judge because you can't say anything about what you would vote for or what your stances are on gun control or abortion or whatever. Nor do I ever want to. Every speech I gave when I campaigned, and I probably gave about one thousand speeches during a campaign cycle, so it's a lot of work, but every speech I gave, I talked about mental health courts. I talked about CIT. I talked about the need to change the paradigm. And that is part of what was able to really move the needle. If I go in and speak at a Republican County Woman's lunch, media would never cover it. But I would go and I would speak to the Rotary and I would stop and say to the paper, you have a judge in your county that's doing a mental health court and this is what's happening and this is how many CIT officers you have. Boom. Big article. Pushing the agenda constantly that way.

#### VETERANS TREATMENT COURTS

Then, I was in Washington giving a speech at a housing conference for persons with mental illness and I sat next to a gentleman, John Kuhn, from

the VA and he says, “We’re going to start veterans’ courts.” I said, “Well what’s a veterans’ court?” I knew about the Benefits Appeals Court that has the big backlog. And he explained it and I said, “Well that’s a mental health or a drug court with a vet. Why don’t you join our current movement because it takes a lot of work and a lot of pushing and a lot of advocacy and you’re basically using the same concept but you have a vet?” So I was put on a committee in Washington and we did a big presentation near D.C. to a whole bunch of VA folks. And we had mental health judges come in and we had some national groups come in, Council for State Governments and Public Research Associates, that had done a lot of work in mental health courts with me nationally and were behind the national organization we formed. We spoke to the VA about the principles of a mental health court and a drug court.

#### THE VETERANS JUSTICE OUTREACH PROGRAM

I was then appointed to a committee in Washington that set up a program called Veterans Justice Outreach. How many of you know what a VJO is, a Veterans Justice Outreach Specialist? We got one in the back, ok. This is a tremendous resource in your community. The VA had a very good program of employees going into prisons, finding vets, and connecting them with services upon reentry. But they had nothing for vets coming into the system. We put together this Veterans Justice Outreach Specialist that the VA promoted, and we said to them, please do not limit this to veterans courts because many jurisdictions will never have a veterans court, they don’t feel they have enough funding or whatever excuses they’ll give. They won’t have one. Any judge that has a veteran coming into their system should be able to call the VJO. The Veterans Justice Outreach Specialist’s sole job is to find the vet and hook the vet up with services with the VA. It cuts through all that red tape.

And in fact, in Judge Russell’s court, who started one of the very first veterans courts in the country, they come into his courtroom with their VA computer. They can tell right away if the vet qualifies for services, if they’ve been honorably discharged. And they can get their appointments set up right in the courtroom. Every single hospital system in the country now has a VJO. We have one hundred and fifty-nine hospitals. We set up one hundred and fifty-nine systems. Ohio had five hospital systems. We set up five VJO’s. They now doubled it, there’s ten VJO’s. So your judge in your county, Municipal Court, Common Pleas Court, whatever court, even Domestic Court, you can call the VJO and say I got Joe in my courtroom, I got Mary in my courtroom. He or she is a veteran. Can you come and meet with us and see if they are entitled to services? Because it’s

like a super probation officer. They have a ton of services available that we don't have.

I went to a national conference when we started training the VJO's and I wrote a program called Courts 101 because I had to explain to them the basic principles of what the court system is, how it operates. And I listened to all of these services: housing, mental health, drug abuse, employment. There are things called VASH Vouchers, Veterans Administration Supportive Housing. Ohio has a whole number of these. You can use them for a single housing, what we call scattered housing. And in a VASH Voucher, you can get your veterans public housing even if they're a felon, unless they're a sex offender. Most of your VA housing, your Section eight housing, will exclude felons. Here is a system where your veterans can get housing but almost nobody knew about it. So I learned so much about it. So I try to tell every single county, contact your VJO if you have a vet. Get those resources because every time you use one of those federal resources, then you free up the local resources for your defendants who don't have access to the VA. So that's something we really push.

#### PTSD AND TBI

Ohio has nine hundred thousand veterans. We are the fifth largest population of veterans in the country. This is just post-9/11 statistics. We really don't have any accurate statistics of the Vietnam War because, often, if somebody had mental health issues as a result of the war, they gave them a dishonorable discharge. Of all those returning from the latest two wars, three hundred thousand are estimated to have serious post-traumatic stress or depressive disorders. And to me, what is even more significant is there are estimated three hundred and twenty thousand returning veterans with traumatic brain injury of some degree. Traumatic brain injury is just now becoming understood in the football context and the hockey context. They used to think that boxers got dementia or they got Alzheimer's. Then Boston University started dissecting brains of boxers, and they found a very different brain condition when they dissected these brains. When you look at a regular brain, even of an Alzheimer's, it's mostly white, the tissues mostly white. When you get an injury to the brain, the brain forms this brown substance around the injury called TAU. It's a long chemical name, but TAU for short. Every time you get another impact, more TAU forms. But the TAU keeps forming for the rest of that person's life. When they dissected a boxer's brain, it looked like mud scattered all over the brain. And then they started dissecting football players who died. And then they had football players who would shoot themselves in the stomach and donate

their brains. Hockey players who would kill themselves and donate their brains. Families who started donating their brains.

And at the last study I went to which has been, I'm sure there has been many, many more since, they had out of fifty brains, they had dissected a football player's and hockey player's, they had CTE, Chronic Traumatic Encephalopathy, is the name they gave this, in about ninety-five percent of them. They are dissecting brains of thirty year old hockey players who have committed suicide who have advanced CTE. If you have a kid in football, go to the Boston University site and please read about kids and head injuries and do not let your kid play football. I'm telling you that was the scariest thing I ever read about and heard about.

#### BLAST TBI

So that is something we don't understand with blast injury. Because in a football injury, it's a single shot. Boom. Boom. Boom. And this myth of the helmet just allows you to make more boom, boom, booms. And we've had advanced CTE in a football player who never had a reported concussion. But with a blast injury, which they have repeated blast injuries, it goes to the whole brain. It's a concussive injury that goes to the entire brain. And they only now understand it. I helped start an organization called Resurrecting Lives. If you're interested in that, [resurrectinglives.org](http://resurrectinglives.org). We tried to do a study comparing twenty-five veterans who had blast injuries to brothers as a control group who didn't go to the war, to understand what is the blast injury effect on the brain. That is something doctors don't know how to treat. Doctors do not understand, they don't even understand football or sports injuries or kids' sports injuries. And so that's a whole group coming back and they have all these symptoms that often look like PTSD but are physically caused. So if any of you do any veterans work, you need to get an understanding of PTSD but you also need to get an understanding of traumatic brain injury and the Boston website will give you a wonderful background and there's a ton of resources on that now.

#### HOW A VETERANS TREATMENT COURT WORKS

So now the VJO program has been in place for several years. We have doubled the number of VJO's. Ohio now has ten instead of five. The concept is bringing that team together to look at that person as a whole. Judge Heath is co-chair of a veteran's treatment court in Stark County. I went to one of her graduations and one of her pre-meetings. The pre-meeting was, again, the group getting together. Here we have Joe. How's Joe doing? Well, we got Joe a job at a factory. He's now actually been

promoted to supervisor. He's doing really well. We have Sam. Sam is really having some sleep problems. He's having a lot of bad dreams and a lot of night terrors and can we get him some psychiatric help? Just treat them as a whole.

Then we had the hearing. They had the vet come in and the judge said to every vet when they came up before her, "Thank you for your service." That's how she started her court. She then announced to the whole court that Joe had gotten a promotion, and the whole court cheered. A peer mentor program is a big component because vets talk differently to another vet than they do to somebody who's never been in the system. One of the committees for the Task Force, with Melissa Knopp, who is speaking later, is working on an online peer mentor program. But we really urge everyone who does a veterans court, or even if you don't do a veterans court, get a peer mentor because they make a huge difference.

#### COURTS ARE SUCCESSFUL

We now have about fifteen certified veterans courts in Ohio. We've got three or four or five in the process of forming. In Stark County, they have had theirs since 2011. They've had forty-eight graduates. It's usually a two-year program. So it's not a soft on crime issue at all. You have to really make a commitment and sometime we have to fight with public defenders to say ok, if you plead your guy out, he's going to get three months, six months, whatever, maybe a year. And he's going to come right back in the system. If you are willing to put him into this, because it's almost all voluntary in Ohio, we can change that paradigm. And since 2011, she's had forty-eight graduates, zero felony recidivism, and eight percent misdemeanor recidivism. And these are veterans who, most of them had really no legal encounters before the war, came back traumatized. There's no good readjustment program to society. Start self-medicating. A lot of flashbacks. I could go on for another hour or two about that issue but that's whole other speech.

#### GET INVOLVED NOW

I decided to leave the bench to work more on advocacy issues. And so I did. I've never looked back. I've never regretted it. I can advocate the heck out of anything I want now with no restrictions. And I thoroughly love the work that I am doing in this area. But what can you do that can make a difference? If you look at the veterans issue, if you're an attorney or a law student and you're interested in any of the veterans issues, if you join the Ohio State Bar Association, there is a Veterans and Military Affairs Committee. It meets every other month. And you can phone in. We have a

lot of projects we are working on: Defending veterans in a criminal court, civil issues on veterans.

#### JOIN OPERATION LEGAL HELP OHIO

I started a non-profit called Operation Legal Help Ohio (“OLHO”). We ask for volunteer lawyers who will represent veteran defendants and low income military for free. We have over three hundred lawyers signed up, so if any lawyer in this room is interested in joining, we would love to have you become involved in our project. We offer free CLE in return. It’s usually only one or two cases a year. It’s not a huge burden. But we do need a lot of lawyers up in this area, especially in the smaller counties. We’re working on a program now that offers low bono, is what we call it. It’s going to be more of a referral system to lawyers who will volunteer for low income active military who really can’t afford the full fees. We had a hard time finding any lawyers that would do domestic work for free. Legal Aid has the same problem. They are wrought with all sorts of difficulties. So we have actually funded a program where we pay two law firms who have agreed to take five cases at \$50.00 an hour, when they normally charge \$350.00 an hour, and take the fifth case for free. But there is no charge to the veterans. Right now, we really are focusing on veterans that have custody or child support issues. Legal Aid will only take them if they have domestic violence because their funds have been so cut.

#### BE A PEER MENTOR OR PUSH STARTING A SPECIALIZED COURT

You can be a peer mentor if you are a veteran yourself. You can go and volunteer at your court to be a peer mentor, whether or not they have a veterans court. You can encourage your judges in your county to start a specialized docket, whether it’s a veterans court, a mental health court, a domestic court, which you’ll hear about. Any number, we have a whole variety of specialized dockets, but it might take somebody like you going in and pushing your judge to do that. Again, if you’re interested in veterans, I contributed to a book that’s very thick, it’s about this thick, it’s \$200 to buy it. But it’s all about how to defend a veteran in military court. And we managed to get the Law Library Association to buy one for every law library. So in your county law library sits this very thick book that has a chapter on everything you’d want to know in defending veterans in criminal court. So you lawyers that want to do any of that, please go look at that book. The Department of Veterans Services has a wealth of information on their website, so I’d encourage you to look at that too.



## JOIN THE ATTORNEY GENERAL TASK FORCE

My Advisory Committee at the Court, before I even left the Court, I merged it with the Attorney General's task force. We created ten active sub-committees. You can be a lay person. You can be a lawyer. You can be a professor. You can be a student. And you can be a member of one of these committees. All you have to do is go to the Attorney General's website and just look on the column that says Task Force on Mental Illness and Criminal Justice and it will take you to the page. Mental Illness and the Courts, if you want to get interested in that. Veterans, we have a Veterans Committee. We have a Juvenile sub-committee that's working on a lot of issues. We're working on shackling. We're working on school resource officers, and a Memorandum of Understanding for that. We have a Research and Best Practices. So you professors that like all that high-faluting research, we could really use you on that committee. We have a Housing Committee. We have an Aging Committee. A huge issue coming up, getting bigger and bigger. We have a Law Enforcement Committee. We have Psychiatry and Treatment so if any of you have psychiatric or psychology or social work background that's a great one to join. Reentry and Diversion, a very, very active committee. And Policy and Legislation, if you like to work on legislation issues, we've got that. The Attorney General gave us \$500,000 two years ago to incentivize a lot of projects. That got us really going.

## GROUP HOMES PROJECT

And this year our unified focus, although each committee has special projects, is on group homes. Group homes are one of the main places that persons with mental illness and developmental disabilities stay and they are run in small, most of them are very small, family-run, mom-and-pop-run. They need so many resources. It's a huge issue. So we have challenged every single one of our committees to come up with something that we can do to make a difference in the group home situation.

## OR JUST ADOPT A VET

And something that you can do that's just very simple, if you don't want to do all this reform system changing, I would suggest adopting a vet. I'll use this example. A friend of mine, who's a lawyer, who actually helped me write a lot of the articles that are in the Ohio State Bar Association magazine, works for a company that decided they wanted to do a project with veterans. So they found a veteran who was needy and they went to cut his grass. That was their whole project, to cut his grass. When they went to cut his grass, they discovered that he had not been outside in

many years because his wheel chair couldn't fit through the door. His porch was in disrepair. They decided they better fix the door and fix his porch and put a ramp in. Then they started fixing all sorts of stuff up inside his house. They realized that there were resources in the community that they could connect him to that had programs for vets, social programs, and treatment programs. So they started connecting him with those programs. Each county has a veteran's services organization and transportation is one of the things they offer, so they could even pick him up and take him to these events. It became life changing. From one simple, we're going to cut his grass. So if you do nothing else, you can go cut somebody's grass and see what else they need. Whether they are someone with disabilities, somebody's who's aging, somebody who has mental health issues, or somebody who's a vet.

#### BUT DO SOMETHING NOW!

But what you should do is do something. Start somewhere. Start with that few people, like I did, ten people, with no budget, no background, no training, but a desire. When you bring people together who care about these issues, it is amazing how the ideas start flowing. How the ideas start generating. How you find more efficient ways to do things. Judges have done this over and over when they start their specialized dockets, getting communities together that all of a sudden find out that the way they were doing something was totally inefficient. I'm working on a jail study project in Franklin County involving mental health issues and one of the things we just instituted is, every day now, the jail sends a list of all their arrests to the ADAMH Board, the Mental Health Board. They match it with any clients they have who is working with a provider. They immediately call the provider and say your guy got picked up. Your gal got picked up. Franklin County Jail has them. Get down there. Find out what their meds are. Find out if they have meds. Find out if they went off their meds. Find out if they're going to get services down there. And immediately connect them instead of them falling through the cracks and getting the wrong medication or no medication at all. A very simple thing that just came from bringing people together and starting to talk. So somewhere, you can pick up the phone. You can go to a meeting. You can go to a seminar. You can go see a judge. You can do something.

#### START A LAW SCHOOL VETERANS CLINIC OR INCLUDE VETERANS

And something you should do as a law student, is you should start doing something with a veterans clinic. It could be in whatever clinic your law school already has, whether it's a domestic clinic. In Akron they have a

housing clinic so they really try to take housing cases for veterans. At OSU, they started a clinic that really works on veteran's benefits and appeals. Your law school can take in vets in whatever clinic you have or even start a clinic that works with veterans. And it's wonderful training and you have a wealth of resources for treatment that mostly don't exist locally.

I had a brother who was in Vietnam. He was actually stationed in Thailand, went into Laos. Was exposed to Agent Orange. He came back and has a construction company in Florida and when the recession hit, pretty much everybody in Florida that did construction went belly-up. And my brother who used to build one hundred homes a year, he was building only add-on additions, not a single home in the worst of it. So he had moved in with my mother. Lost his health insurance, and a friend of his said, "Well, you know, you probably qualify for VA benefits now. Why don't you go to the VA?" I didn't even know and I've been doing vet work for two years now and I didn't know this.

He went to the local VA and took his records. That's the first time we find out he has five medals he had never told us about. The VA said, "You qualify for all of this and you can get new eyeglasses and we'll do a colonoscopy. And by the way, what medicines are you taking?" And he said, "Well I was taking high blood pressure medicine, but I lost my insurance and so I stopped taking it." "Well, let's take your blood pressure before you head home." It was one hundred and ninety over something. So they put him in the emergency room right from there. Brought his blood pressure down. Got him stabilized. And then a year later he fainted and the tests discovered he had kidney cancer. And so he's had kidney cancer twice, been treated twice at the Tampa VA hospital. I've been down there to the VA hospital with him when he had his first kidney out. And I can't say enough good things about them and the system. So despite all the bad you hear, the VA also is a wonderful resource for veterans. And so many veterans don't go. I had no idea my brother was even entitled.

#### LIFE COMES FULL CIRCLE

I want to just finish with one last story about why I'm doing what I'm doing. When I was in private practice, I did a lot of wills and estate planning for people in my church. I had a little old lady named Ethel Morris, and she needed a will and I was helping her. So she came in one day with this letter in her hand and she was very distressed and I said, "Ethel, what is wrong?" She said, "I have a sister named Violet Moon." They were both elderly widows. "And my sister, Violet Moon, has this brain condition and they told her she has to have surgery, but they cancelled her insurance and we don't know what we're going to do." And I said,

“Well let me get involved and talk to the doctor.” So I talked to the doctor, the hospital, and the insurance company. I found out that short-term memory loss was a true medical side effect of her brain condition. So the doctor actually wrote a letter attesting to that fact. The insurance company said they would reinstate the insurance if we would pay the back premiums. So we did. Violet Moon was able to go forward, have her surgery, and it was very successful.

Well, my mom and dad were going to come visit, they were on furlough and they stayed in Florida because that’s where my grandmother settled from New York. So they always come up to visit me in Ohio and all the people from my church want to meet my missionary parents. I called up Ethel, because she and her sister were elderly, and didn’t always make it to church, and I said “Mom and dad are coming to church on Sunday. I want to make sure you make this Sunday so you can meet them because you’ve said you wanted to.” She said, “Well, I’m going to call Violet and see if I can get her to come with me.” So she called Violet Moon and said, “Eve Stratton’s parents are coming to church on Sunday, can you come with me and meet them?” And Violet said, “You know, I love missionaries; I know a lot of them. What are their names?” Ethel said, “Their names are Corinne and Elmer Sahlberg.” That was my maiden name. There was a pause and then Violet said, “That’s very strange. Thirty-five years ago, my husband and I gave Corinne and Elmer Sahlberg \$1,000 to go to Thailand.” I had no idea there was a Violet Moon in my life. So you see, I have to believe I’m doing what I’m supposed to be doing. Thank you.