



NADCP

**National Association of
Drug Court Professionals**

Position Statement on the Reality Television Show

“Last Shot with Judge Gunn”

On September 26, 2011, *“Last Shot with Judge Gunn”* — a reality television show purporting to depict Drug Court proceedings in Arkansas — will premiere in national syndication. Although details of the show have not been fully disclosed to the public, NADCP has monitored the publicly available information concerning its development and has concerns about the show’s representation as a Drug Court and its casting of individuals in substance abuse treatment.

Like other court-based reality television shows, great lengths are taken to give viewers the impression that they are watching an official court in action. Teasers for *Last Shot with Judge Gunn* imply that the show is set in an actual Drug Court.¹ A press release dated September 13, 2011, states that “the show features Judge Mary Ann Gunn’s drug court and the real-life consequences of individuals with criminal charges who are battling drug addiction and alcoholism.”²

In fact, *Last Shot with Judge Gunn* does not broadcast Drug Court or any other official court proceedings.

The Proceedings Depicted in *Last Shot with Judge Gunn* are NOT Drug Court

Mary Ann Gunn is not a state or federal judge. Ms. Gunn previously served as a Fayetteville, Arkansas Circuit Court judge. While NADCP recognized and appreciates her former service and contributions, she resigned from the bench in June of this year.³ Therefore, Ms. Gunn has no judicial authority over any official court, including any state or federal Drug Court.⁴

¹ <http://www.youtube.com/watch?v=RQfrdAfYFds&feature=related>;
<http://www.youtube.com/user/lastshotjudgegunn#p/a/u/1/7rfJoETREO>; and
<http://www.youtube.com/user/lastshotjudgegunn#p/a/u/2/RQfrdAfYFds>.

² “*Last Shot with Judge Gunn*” Takes Aim at Real-Life Drug Offenders in a New TV Show..., Globe Newswire, September 13, 2011. Available at <http://www.reuters.com/article/2011/09/13/idUS175627+13-Sep-2011+GNW20110913>.

³ Chris Freiberg, *Drug Court’s Judge Sets June Retirement*, Arkansas Democrat Gazette, May 14, 2011. Available at <http://www.arkansasonline.com/news/2011/may/14/drug-courts-judge-sets-june-retirement-20110514>.

⁴ NWA Media, *Bebe Announces Judge Gunn’s Replacement, Others*, Arkansas Democrat Gazette, June 7, 2011. Available at <http://www.arkansasonline.com/news/2011/jun/07/beebe-announces-judge-gunns-replacement-others>.

Similarly, although the show is taped in a Fayetteville, Arkansas courtroom, it is not an official proceeding. Instead, the show is taped on Saturdays and the show's producers pay the county several thousand dollars a year to rent the room.⁵

Likewise, any "deputies" or "probation officers" appearing on the show are functioning as actors and are not police officers, deputies, or probation officers employed by the Arkansas Department of Community Correction.⁶

And the "defendants" are actually post-adjudicated offenders who have been sentenced to probation, not to any state or federal Drug Court, and they have agreed to be cast on the television show.⁷

NADCP maintains that Drug Court professionals owe their primary, if not sole, allegiance to serving public safety and the needs of Drug Court participants. It is contrary to the Drug Court model for any decision, interaction or intervention to be influenced by extraneous considerations, including profit, entertainment value, television ratings, or publicity. Any effort to alter court proceedings for commercial aims contravenes the fundamental legal, ethical and clinical underpinnings of Drug Courts. Furthermore, by leading the public to believe it is an official Drug Court, *Last Shot with Judge Gunn* potentially threatens the integrity of real Drug Courts in the public eye and undermines over two decades of unprecedented success.

NADCP Does Not Support the Casting of Individuals in Drug Court

In 2010, NADCP convened a national panel of experts in ethics, law, treatment and the recovery community to carefully consider the ethics, benefits and potential risks of televising Drug Court proceedings. NADCP's Board of Directors concluded on the basis of these deliberations that any benefits that might accrue from broadcasting Drug Court proceedings are substantially outweighed by the potential for serious subsequent emotional, financial or legal harms to the participants and their families. Notably, both the Arkansas Judicial Ethics Advisory Committee and the Supreme Court of Arkansas reached a similar conclusion.⁸

⁵ Tony Hernandez, *Gunn Starts Show Production*, Northwest Arkansas Times, June 18, 2011. Available at <http://www.nwaonline.com/news/2011/jun/18/gunn-show-starts-production>.

⁶ Tracie Dungan, *Judge Real, Officers Not on Last Shot*, Arkansas Democrat Gazette, June 2, 2011. Available at <http://epaper.ardemgaz.com/WebChannel/ShowStory.asp?Path=ArDemocratNW/2011/06/02&ID=Ar00700>.

Chris Freiberg, *Probation Officers Withdrawn from Show*, Arkansas Democrat Gazette, June 2, 2011. Available at <http://www.nwaonline.com/news/2011/jun/02/probation-officers-withdrawn-show>.

⁷ John Brummett, *Gunning for Stardom in Fayetteville?*, Arkansas News Bureau, September 1, 2011. Available at <http://arkansasnews.com/2011/09/01/gunning-for-stardom-in-fayetteville/print>.

⁸ Prior to her retirement, on August 31, 2010, the Judicial Ethics Advisory Committee issued an advisory ethics opinion to Judge Gunn finding that the broadcasting of official drug court proceedings potentially violated a defendant's rights, the rights of witnesses and family appearing in those matters, and the integrity of those proceedings. The Judicial Ethics Advisory Committee concluded that Judge Gunn's then current televising of official drug court proceedings was inconsistent with the Administrative Rules and Code of the Arkansas Supreme Court. Re: Opinion No. 2010-01, Arkansas Judicial Ethics Advisory Committee, 2010 WL 6025342 (AR Jud Eth. Adv. Comm.) (August 31, 2010). Following the issuance of that opinion, on July 27, 2011, the Supreme Court of Arkansas reached a similar conclusion and amended the Administrative Rules of the Arkansas Supreme Court to specifically prohibit the broadcasting, recording, or photographing of any drug court proceedings. In Re Administrative Order No. 6(c), 2011 Ark. 317 (July 27, 2011).

NADCP Does Not Support the Casting of Individuals in Substance Abuse Treatment

Though *Last Shot with Judge Gunn* does not cast real Drug Court participants, it reportedly casts individuals in the early stages of their attempt to overcome debilitating drug dependence. Individuals in substance abuse treatment are extremely susceptible and vulnerable. Enticing them to appear on camera and have their struggle forever memorialized on video - and perhaps on the internet - places an unnecessary burden that could jeopardize their opportunity for successful, life-long recovery. At such a fragile point in their lives, they may not be in a reasonable position to weigh the potential risks and burdens they are being asked to undertake, including having such a difficult moment forever available for future viewing by their children, employers, school admissions officers, loan officers or other community members.

For these reasons, NADCP strongly objects to the representation that the television show *Last Shot with Judge Gunn* depicts a Drug Court, and it urges the actors and producers of the show not to jeopardize the welfare of vulnerable persons in substance abuse treatment.