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RESTORATIVE JUSTICE ORIGINS, APPLICATIONS, & FUTURES

Voices from the Criminal Justice Law Review's 2021 Symposium

In November 2021, the UCLA Criminal Justice Law Review, in partnership with the UCLA Law Criminal Justice Program and several cosponsors, presented the symposium series *Restorative Justice Origins, Applications, & Futures*. The focus of the series was restorative justice, a concept derived from diverse indigenous community traditions around the world that include peacemaking, talking circles, and community healing. Remaining cognizant of these roots is essential to practicing restorative justice in good-faith. Today, restorative justice focuses upon healing relationships, both between community members and within individuals.

A number of peacemaking principles and practical skills fall under the restorative justice umbrella. For example, practical skills include nonviolent communication, active listening, and understanding our own approaches to dealing with conflict. Among peacemaking principles, there is the importance providing time and space for healing, joint responsibility for one another, and identifying harmful actions' impacts and communal remedies. Restorative justice has also been referred to as a social movement, particularly in light of recent racial violence and the calls to defund the police. While we don't claim that restorative justice has all the answers to problems in criminal justice, it is a unique, genuine, and ongoing effort to find communal solutions to these problems. We hope this can be the first step of many in discussing restorative justice in law school and beyond.

The passages below feature the most relevant and explanatory discussions that occurred during the symposium sessions. The transcripts have been edited for length and clarity.

Hannah Cooperman, Chief Symposium Editor
Kevin Shang and William Baker, Editor-in-Chiefs

I. Building and Creating Communities of Healing and Accountability

The Honorable Chief Justice Robert Yazzie, Navajo Nation

To me, restorative justice means that the people, and not the courts, own and resolve their own problems. However, when the Europeans settled, my community was forced to adopt the US style of the justice system, straying from our practice of our own ancestral fundamental law.

In 1982, restorative justice became a national movement. The Navajo nation revived restorative justice. What restorative justice means to us is peacemaking. In 1982, a very influential Navajo leader highly encouraged the judges of the Navajo Nation courts to revisit the traditional method, because the modern United States system was not justly serving our people. There were too many cases pending without resolution. So, as judges, we adopted a Navajo nation peacemaking manual. The US system is still embedded in the Navajo nation, but we now have a peacemaking program, which we call the “original dispute resolution” (ODR).

Some places, there is a lot of concern about violence, especially when the violence takes place and then is not addressed correctly or at all. One day, I met an elderly man and he said to me, “My home is in disarray, my children, grandchildren fight all the time, they don’t listen to me. I need to do something to bring order to my home.” As a judge, when I hear these concerns, the only thing I can conclude is that the Navajo nation justice system is broken.

Here, we look at peacemaking, as something that gives people the opportunity to work things out and to maintain strong relationship ties. You may be in court, in a serious charge, but if you managed to somehow work through the relationship, once you can mend the relationship you’ve done a lot for problem resolution. As a judge, developing more peacemaking to bring more security and safety to the people, to the families, is something that we need to do as Navajo people. I see myself as a lawyer; I see myself as a judge; but I am a peacemaker. As a peacemaker, I see the need to reconnect ourselves to our culture. We need to learn and teach our core values to all our people. Our legal system remains very adversarial, but we need to make more room for peacemaking at the grassroots level.

I see great growth in restorative justice. Once upon a time, I didn’t see any restorative justice anywhere. The national restorative justice movement is rooted in the indigenous cultural worldview and practice, and I think that’s something to remember.

Earlier, I was saying that restorative justice means the people, not the courts, own and resolve their own problems. When you are peacemaking, you think outside the box. I think we need to bring different people from different places like law school, government, Navajo land, bring them together, and let’s talk about what peacemaking is and what the process looks like.

Sonya Shah, The Ahimsa Collective

I think what Justice Yazzie really intimates is a bigger umbrella of peacemaking, or call it restorative justice. But there is a way cross-culturally, cross-traditionally, cross-historically, we can find our ways into anyone in any community who chooses to truly work on resolving some harms and conflicts outside a system.

Recently, being more in touch with some folks in India and really learning about some of their practices, I've come across people who are really closer to their indigenous roots of what this looks like. An example is when I came across a young man in the northern part of India and he said that when there's a big dispute in their community, they don't actually even talk about it. They actually hold a party. And in their party, people basically sit together for two days, and that being together resolves the tension that is going on in the community.

So this idea of restorative justice is so nuanced and intertwined in a cultural context. Often times what happens in the urban area, is that we hear these tribal and indigenous stories, and we don't know what to do. But the essence of taking what is the most urban form of this idea of the alternative—the idea of looking inside yourself and your community to resolve harm, and how do we apply that in an urban setting. Something that we do is that we have a whole process we call “restorative justice in the community.” We basically take every single person's call who has an impulse to say “hey, I don't know what I need but I'm trying to do something differently, can you help me?” and we see if it's appropriate to work it into some sort of restorative process. Most of the time it's support for survivors, a lot of the time it's accountability and healing support for those who have done harm, it might be referrals to therapy or the health system, but the essence of it is that we're trying to create something outside of the criminal legal system to try and actually address the harm that is happening in a community.

I definitely didn't intend to start an organization, it was sort of we're doing a project and it turned into an organization. But then that work is so much culture-building, it's so much about creating a culture really rooted in transforming harm, and accountability, and being trauma-informed, and compassion, and being non-shaming, and nonjudgmental, and having agency. These things are not part of our broader culture, at least in the West.

We do face dialogues with post-incarcerated people, people who are survivors, folks who've done pretty severe harm. We have this RJ and community process, which leads to direct dialogues, or they lead to different kinds of processes, depending on what happens. We do a lot of groups with people who are incarcerated, deep healing and accountability work, to recognize the causes of why somebody might have committed a crime. We do a lot of work with survivors just in terms of different support groups or one on one. We kind of meet the moment with what we've got, so for us it depends on the community that we're interesting with, and sometimes it's inside prison and sometimes it's outside in the Community. We have a re-entry house based in Oakland. It's become a little bit of a center spot for us. I think there can be a really deep network of people doing this kind of work that you draw more and more people in, like with Malachi's work.

People often don't want to talk about sexual violence. It doesn't have the same space in the kind of criminal justice reform conversations. There's all this kind of invisibility around sexual violence that sort of recreates a cycle of silence and shame experienced by both survivors and also people who've done harm to actually come forward and start to deal with it. We do a lot of work with folks who have done sexual harm.

With this restorative justice in the community piece, there's two huge things we need lawyers or those involved in policy work could do. One is, can we create protection and confidentiality for people out in the community who want to come forward but are afraid to because if they share that they've done harm, the possibility of being prosecuted is present. This is an incredibly important intervention that a restorative justice-type person at UCLA Law could do. It's really about working more deeply with community to figure out what this looks like. We also should not have this intertwining between the DA's office and survivors of crime. There should be a place where survivors are outside of those sort of spaces.

We need everybody. We need all the legal folks to be pushing on the system to be able to take these things apart, especially when folks in the community don't have the bandwidth to do that. Any time we are taking power away from the system and giving it back to the people, that's what we want. There's so much room for lawyers to do that.

Gary "Malachi" Scott, Restorative Justice for Oakland Youth

Restorative justice does not have to look a certain way. Doing community restorative justice in Oakland, I worked with a woman whose son was murdered several years ago. She came to the counsel wanting to have a ceremony to honor her son's life. When we did that, she felt so touched by it, she decided to actually join the Open Restorative Justice Council. When she came on board, I allowed the process to happen naturally.

It took some years for her to get to the point where she felt she was able to write a letter to the person who killed her son. She wrote the letter, she showed it to me, and in this letter she talked about forgiveness. She even went into the courtroom, in tears, and forgave the person. She had this powerful moment that she probably never imagined. However, because of the district attorney's negligence, she read the letter to the wrong person. When she found out, it was really hard for her. But I just hold on to the moment of her being brave and courageous. That she was willing to go forth with that, and so she's in good spirits now and she is still part of the council to this day.

We definitely have this punitive culture. But, in the process, we bring trainings and events and conversations to where we can actually open up and learn about this new way of being and seeing. We love doing events, because it's based upon relationship building and neighbors getting to know each other. We try to do it in a way that isn't reliant upon city government and police. We know the people in the community willing to

engage using restorative justice principles. We get emails or calls where there's a shooting, where there's a conflict between neighbors, and we figure out a way to approach that. Just like Sonya said, sometimes it may just be support for the person that was harmed or support for the person who caused the harm. But we're still growing and I'm really appreciative of it.

From the time we started talking about it to now I do believe that it's come a long way. The first time I had to ever share about the worst thing that I ever did in my life, it was so scary, and I was just in sweat. After I shared that, that was one of the hardest days in my life when I was incarcerated when I shared that. So, for me, restorative justice is not easy, but it is transformative.

I did want to come in about lawyers in their role and what they can do, and I look at my personal life. I was tried as an adult, and sentenced to 15-years-to-life, so I've been in the criminal justice system in the juvenile courts all the way to the adult courts. And one of the reasons that I'm out right now is because of people who decided they wanted to change some policies around how we deal with young people. All of a sudden, you start seeing these changes. Someone decided to represent me for free, because I couldn't afford it, and this helped me to be out here this very day. What I get from that is, even though I believe this system is rooted in racism and in capitalism, I do believe since we have people inside and outside impacted by these systems, there's always a way to engage and support this movement that we are in.

II. Restorative Justice Interventions After Harm and Violence Has Occurred

Kempis “Ghani” Songster, Host of “Move it Forward” Podcast of the Amistad Law Project

What I bring to this work might not be any particular expertise, but I probably bring a perspective from what I've witnessed and experienced as a person who caused harm myself as a child and did 30 years in prison for that harm. I know what it's like to plunge myself deliberately into dangerous situations trying to get street cred, trying to overcompensate for inadequacies, as a young person. I ran away from home at 15 years of age, the week before completing the ninth grade. I joined “unsavory company”: a gang, if you will, and then eventually participated in the taking of a human life. I was 15, he was 17. So I know what it's like to in some way see causing harm and even death as a rite of passage. I bring that perspective.

I believe healing justice work is not exclusively the responsibility of any one segment of the society. We all bear the responsibility of making life more livable and safe and healthy for everybody. And people who cause harm, like myself, not only bear a great responsibility but also can be very effective in communicating the value and power of accountability and vulnerability to others who have caused harm or who might be thinking about causing harm.

Our facilitators are youth organizers who are formerly adjudicated and incarcerated young people, and we were all responsible for some kind of harm and did time. We don't want that to define us. We are more than what we were sent to jail or prison for. So I bring a burning sense of responsibility and accountability.

I think it's important for us to remember some things when we take a dive into the question of the relationship between restorative justice and abolition. Abolition is generative, not destructive. It's not just about tearing things down. It's about what we want to create in our world to make life more livable for everyone. It's also about freedom, and restoration of humanity, all the things that restorative justice is about.

Restorative justice has some of the same roots as abolition. We know that restorative justice is rooted in indigenous principles, philosophies, practices, and ways of living and being. We know that we're about facilitating healing after harm, but we also don't lose sight of the larger cycles at work. Don't lose sight of the creation of violent tendencies in our community. We take care to not allow restorative justice to become this new holistic tool for fixing our children, right, because we don't believe that our children need fixing. What needs to be fixed is the world that they're being born into. Even though we use the term restorative justice, we understand the limitations of the term. We know the way it has been defined doesn't address let's say, traumas and addiction and poverty. It doesn't address, for instance, racism, gentrification, or should be more aptly called ethnic displacement. So its these micro issues that create violent tendencies that perpetuate cycles of violence that we have to address. So there has to be an abolitionist or revolutionary aspect of our work.

I entered restorative justice through more organic processes, through a black radical tradition. We work for the day when we can be free of the state's definition of how these cases are dealt with in terms of who's an offender and who's offended. Sometimes it might be mutual harm and it needs to be apologies on both sides. But we are still confined to this thing where one person apologizes and one person has to be apologized to. We navigate that the best we could, and what success looks like for us is when we can do this work without cases being referred. When the district attorney's office and the courts no longer have all these cases. And this is the fundamental pessimism is one that we can walk down the street whistling a happy tune that we finally have awoken to.

I'm starting to really consider the role that nature has to play in our restorative or transformative justice model. It's important that we see nature as a character in our justice process. For instance, in one of our cases, we had a youth, we got connected with an organization, and they run a horse farm. They use their horses for trauma treatment or for treatment for those with mental health issues. We started thinking about, can there be some kind of collaboration with our diversion program? Maybe we can have young people come up to the farm and interact with the horses. We were thinking about that and maybe it can even be part

of our restorative plan for a young person. They have to tap into something themselves to try to get other creatures to get along, and so on and so forth. So sure enough, we brought one of our young people up to the farm, who had a very hard time expressing, and needed a lot of support. But when she got up on this farm with these horses, she was a totally different person. She was interactive and very expressive with the horses. So incorporating nature in our justice process may be something we have to consider.

Going back to what Iri said, we are in the work of liberating justice because right now justice is held hostage in these concrete buildings called city halls, and criminal justice centers, and juvenile courts. The very concept of justice is held hostage in these buildings and we can only go to them when we commit trespasses against each other. We're engaged in the process of bringing justice out of these spaces, out into the open world, and having the open world be a part of our process of healing.

Rage is a natural feeling, and it's about how you channel it. One of our community members had a rage room where we give young people or anybody sledgehammers and baseballs, and they can take it out on a car, and they feel better. We have to become creative in how we ask people to channel their emotions, like channeling it through creativity or through writing.

At our first restorative community conference, we were threading this line because things have gotten so emotionally charged, and it gets so unpredictable. Now that you're threading this line of wanting to run to your manual and wanting to throw your manual in the trash, because there is no real manual for this. And that is the beauty of this process. This is a process that is corresponsive to the needs of every individual and every individual situation. So there's no script to this. We run the risk of being dogmatic with this. That's how the system functions, in a straight-jacketed way. And this is a very free process. When a child is not embraced by a village, he or she will burn it down to feel its warmth, and that's what's happening in our communities. So, through this process we're about creating spaces that allow every child to feel embraced and every family to feel embraced in a unique way.

Tanisha "Wakumi" Douglas, S.O.U.L. Sisters Leadership Collective

I come to this work as a survivor and as a person who is currently surviving the legal system, having done 33 years on the outside with my father. My relationship to this work is deeply personal, and also deeply ancestral. My people are Maroon Africans who fled captivity from Jamaica. So my people have always been freedom fighters and to me, this work is freedom fighting work. As we all know, there are similarities between the current punishment system and enslavement and Jim Crow. They are very interconnected, and so this work around restorative justice, finding pathways for our people out of these systems and creating more healing rooted ways to attend to harm is absolutely freedom fighting.

I also come to this work as someone who really just truly believes that we can do better. I'm a black social worker, a community organizer, and I'm deeply spiritual and I bring all these skills and gifts and ways of being into our work.

In terms of the relationship between restorative justice and abolition, abolition requires an entire ecosystem of interventions that involve the state, that don't, in the streets, direct actions, organizing, policy, legal work...there's all kinds of work that is required in order for us to achieve abolition. So I think what we want to stay away from is putting each other's work down. We have to understand there are lots of different roles to play here and they are all important.

I think about the underground railroad as a metaphor for this. Everyone who was part of the underground railroad had a very different type of role, from lighting the lantern to feeding people. There's so many things that had to happen to get our people to freedom. Also, we have had four-hundred years of this. It's going to take us time. We have to give ourselves grace and understand that, and that we're going to make mistakes, and there are going to be harms as we attempt to get to freedom. And then we get to contend with those and learn that lesson and get wise and sharper and better and keep it moving. My work with S.O.U.L. Sisters Leadership Collective took time, took relationship building, and took us being bold in our asks of the State. So we had to do some contracting with the state to set up protections for the young people. That took two years to get to, lots of conversations. State actors are also people, judges, DAs, these are human beings, these are people.

So one thing I learned in our work with the S.O.U.L. Sisters and getting to know the diversion program is that we had to build a relationship with the humans that work in the state attorney's office. Those conversations were incredibly helpful when we needed them to get to agree to the stuff we needed them to agree to. So, we have to see each other as people. It's important.

We introduce young people to herbs and plant-based medicines in our work, essential oils, things like that that seem very innocuous; things we might take for granted, but young people connect very deeply to these tools. It really helps to bring them forward and bring them in the room and help them to open up. One of the things we witnessed during the pandemic was young people using restorative practices to address family conflict and friend conflict in their homes, where they were more because they were quarantining, to prevent state involvement. We had numerous stories of young people setting up ad hoc processes just to prevent people from calling police. Numerous young people went and facilitated processes, but they didn't even call it that. They were just using the skills and tools that they learned through S.O.U.L. Sister's work. We want to make sure young people are not just receivers of these processes, but also that we are cultivating their gifts and skills so that we can move these tools

forward so they can penetrate more into our communities because young people have a lot of power in that way.

The other thing that comes up for me is thinking about people behind the walls and the powerful work that is happening. One of our staff talked about when they became aware of the term of restorative justice they said they were doing this before the term was even known. People do this behind the walls and are engaging in this sort of relation of telling stories, taking account of how they got to be in prison, all of these sorts of things, and that's very powerful: how can we continue to cultivate and nurture those sorts of grassroots people powered interventions that aren't programmed or whatever the case may be.

In working with survivors of sexual violence in particular, what I've experienced in the process is the more we sit and reflect back and ask heartfelt questions and create opportunities for folks to reflect, what I have often found is typically harming the other person doesn't actually resolve the hurt, where the hurt really is. What I will share is that there is no restorative justice utopia. That's not real. We're not going to use RJ and hold hands and heal the world. Things can get messy and sometimes we don't have a neat, tidy solution. Sometimes, we are just enraged. That is where we have met the process and that's where we remain.

Jennifer Llewellyn, Professor of Law at Dalhousie University and Director of the Restorative Research, Innovation, and Education Lab (RRIELab)

I have come into this work in restorative justice from a sense of deep responsibility to think about what my responsibilities are as a settler here, on the territory of the Mi'kmaq people, and alongside and in relationship with those who have been systemically harmed by historic injustices. Whether they've been the survivors of the Indian residential school system here in Canada, those who have survived institutional abuse in the home for color children here in my own province, or those trapped by the criminal justice system. We need to find ways that law is in service of justice. Restorative justice is about fundamentally seeing our need to be committed to just relations with one another, and all that would require of us individually and collectively.

We don't want to watch restorative justice itself institutionalized in a way that captures it in service of the current system. In Canada, we see restorative justice capturing and limiting our understanding of indigenous justice in ways that are much more broadly situated in world traditions than the piece that Iri describes.

I think we must take seriously where the real work of transformation gets done. It gets done in those places and spaces of relationship that are disorienting people, that are challenging the system, but not the people in the system, in the sense that you need to create some obligation, some sense of their pathways to either get out of the way of change or actually be part of it. In terms of what we want to be attentive to and really care about if we care about justice transformation is resisting the

very kind of definition of restorative justice. If restorative justice is actually a relational approach to justice that focuses our attention on justice, but content of justice being just relations, then it can't be about a return or in service of the current system. It must require us to look at: how did we get here? What is structuring these relationships?

This is kind of overly simplistic. Programs and practices and descriptions of restorative justice as the victim, the offender, the Community in the room to kind of hold the moral majority and wag the finger, rather than to both be supportive and demanding of the kind of structural and systemic change that needs to come from seeing what's going on in these relationships where harm is caused. So I kind of want to push back on that idea of how we educate people about what restorative justice is. If we can destabilize the system enough to think about what justice has to look like, what it requires, who it requires, all those questions, then it's an easier step to say why we define some things as crimes and other things as not. And then, having to ask the question about when does that shift in terms of our relationship with one another, the collective responsibility for what structures the relationships between and among us.

In Nova Scotia, for example, we've seen that because we approach it not just as an alternative to get the work of the criminal justice system done but as an alternative justice pathway, we started to bring people into these processes that made assumptions that this is what justice should look and feel like when we have harms.

One of the other things I've been thinking about a lot is law students and lawyers. I wind up in rooms with young law students who come up and ask how they can do restorative justice stuff. But I find myself more regularly wanting to say to them, "do your job restoratively." It isn't the case that what we need is only lawyers and law students and those who aspire to be lawyers to add to their roster of skills and become restorative justice facilitators. I'd rather them be thinking about how they can get out of the way, or be allies of helping government figure out how to work differently.

I send law students out into the world and I give them, I guess, an erroneous view of what it might mean to be a lawyer in the public interest, because they get into government and they become fairly overly paid risk managers who are there to keep their client out of trouble. But for those who can go into that and think about what does it mean to be an advocate of restorative justice in those systems, they can be extremely powerful. They can be less transactional, less worried about only liability and risk, and more worried about failing the very people they are meant to serve. We look for them to be catalysts of social change. We need to figure out what that lawyer identity looks like and how we can turn more of those folks out.

Iri Mako, Director of Te Whānau o Waipareira Kōrure Whānau (New Zealand Non-Profit Serving Indigenous Whānau People)

Restorative justice practices for me, we have a long history of colonization here, and that's actually what drives me. We need to restore our relationships with our own land because evidence shows the disconnection with our own culture and the disconnection with our land as one of the driving factors behind our huge overrepresentations in statistics. So I am here today to address the underlying racism that is affecting our youth and also our families in general.

Restorative justice, as it currently is, started in our community with a lot of church communities. It was just an ad hoc type process or system and it really was, if I'm talking about the justice sector, at the whim of a judge. So if someone requested it, they could get it, and they couldn't go through a restorative justice process. The institutionalization of indigenous restorative practices from our point of view can be dangerous because there is a tendency to pick and choose the parts of indigenous practice that suit the current legal framework or the policy.

The practice then becomes quite rigid in how you can address what restorative justice looks like. As a restorative justice practice facilitator, we have really good guidelines and skill-based training that practitioners can take away. It's quite hard to articulate, but the fact that it's very difficult if you're going to cherry pick some pieces of indigenous practice and then also put in Western ideas to try to make it a stronger practice, it's not helpful to anybody who is involved in that process. The western practice in my experience becomes "the practice." So my concern is that, when that occurs, it doesn't work as easily for the people who we're meant to be serving.

We're very focused on families having the right to choose themselves what their pathway looks like. When we are working with organizations or agencies, very much so we are "come with us, or get out of the way," because this isn't going to happen if you keep changing the goalposts, and understanding what that looks like for the family, we will advocate for families all the time. But they have the right to choose their pathway. It's not just righting the wrong or addressing what's happened in terms of maybe a crime they committed, but what's happening in that family that we can support the change moving forward. It's our job to help them find what will work for them.

We have to figure out how we support the family in a way so that they don't feel worse than when they came into the system. That's part of the wider restorative practice, and I think you talked about that Ghani earlier on, around it's not our job. You're right to follow the system. They are people. But as people, they need to understand "work with us, or move over," because what has been happening in this country for over 180 years is not working. If we keep doing the same thing we're going to keep getting the same outcome. That's the part of restorative justice that I enjoy working on, that I'm most passionate about: working on that

systems change, making sure families are able to choose their paths – not be told, there's only one pathway for you – youth to prison. That's not the pathway, that is the pathway that's been designed for them by people who aren't listening to them.

III. How to Incorporate Restorative Justice into Law School Classrooms, Clinical Teaching and Student Affairs

Annalise Buth, Northwestern University Pritzker School of Law

I'll talk a little bit about my work, both in terms of courses and then also the law school community. As far as classes, something that I really tried to do is not only focus on theory but also practice and giving students experiential opportunities for learning about restorative justice, because I think it's one thing talking about it, and another to practice and experience it.

For example, right now, I'm teaching a restorative justice seminar and in the spring semester we have a restorative justice community building and practice class, which focuses more on circle keeping and skills. Our approach is that restorative justice isn't just about "Oh, in the future, for your clients, or for other people," but it is that shift in paradigm in terms of how you think about relationships, community justice, accountability, and harm. Even now, something I've been sitting with and reflecting on this semester is how linear I am in my thinking about harm and trying to unlearn and liberate myself from that?

And just to share a quick story from class. There was one semester where, after we had finished, one of the students reached out to share with me. She said there was another student in class that she had actually had a pretty significant conflict with in her 1L year. She was a 3L about to graduate, and after the class ended she reached out and they have that conversation about what happened their 1L year. And now they're not friends, but they were able to move forward in a better way, and that was something that they worked through given the philosophy and framework of restorative justice.

One thing we do in our approach to restorative justice – there's a law school community group that I was part of co-creating about five years ago now called Northwestern Circles, and it's for law students and staff. The focus is on our community and getting to know one another slowing down spending time together. We have different topics that we talk about, whether it's something general like transitions or more specific in terms of what's going on in the world. Then, because we know one another, when we have a crisis situation on campus and there's a breakdown in relationships, we're already in a better position to talk because we've been working to engage with one another and thinking intentionally.

I think that's important in terms of approach to restorative justice. We want to make sure that we're also working on our own community

before looking outwards and sort of going to other communities. We want to work collaboratively within our own communities.

Jonathan Scharrer, University of Wisconsin Law School

I direct and run a clinic, so I teach in this space that's an immersive and experiential learning setting. The clinic models the restorative values of community.

I would get [students that] would be finished with their first year [of law school], so part of that first introduction in the clinic is deconstructing the 1L year and rebuilding them into the lawyer and professional that they want to be. [We] help mold and model the sort of individuals who can be restorative lawyers: that regardless of what they do, where they go, they are embodying some of those principles and values around this idea of connection and community building and trauma informed practice, holistic lawyering - that they're dealing with people, not case files. Nobody's going to walk in your office as a set of well settled facts. We're always dealing with people in difficult situations, oftentimes dealing with a great deal of trauma.

The approach in this clinic has been filling many of the gaps that I see in the existing legal education. Things don't exist around educating people of working with victims – educating around recognizing and understanding trauma; understanding its effects on the brain and memory and neurobiology and thinking about the ways in which this is going to affect them later on. Recognizing the way that these pieces factor into how their clients show up. How do we remain present with our clients that allows us to practice in a trauma-informed way if we don't want to do more harm?

And then we model a student-centered approach towards teaching. In this clinic that is about building community, [the students] are sort of a group of support for themselves. Students get the opportunity to work with survivors of significant harm or trauma or surviving family members of homicide cases, as well as individuals who are responsible for that harm – whether they're incarcerated, not incarcerated, or on supervision.

[Students] gain that perspective on what both sides of this sort of criminal legal system would look like. We can help produce different types of lawyers that come in with a better view and vision of what does our system do to people. We can look at the harm it creates. We can look at the long-term impacts of that. Whether that's working with people, six months after a crime or up to 36 years after a crime to recognize the generational harm that exists from these things.

We allow them to think about: “How do I craft it compelling narrative?” Well, where does that sort of start? That starts in the interviewing process and being able to have difficult conversations and ask difficult questions, to have tough conversations to get to know them. To invest in your clients and demonstrate that, “I am here for you. I can't be the most effective advocate for you, I can't be the best lawyer without recognizing

and seeing who you are as a person.” That’s what looking through restorative lens is.

We allow students to develop pitch and develop their own projects. We allow them to focus on what are some of the shortcomings of our traditional legal system. We recognize the interplay between criminal justice and racial justice. We think about racial disparities and the way that restorative justice acts as a tool of empowerment and interruption. This has been an incredible living lab for them. It allows them to see both sides and see beyond a binary.

Tali Gires, Still She Rises

When I arrived at UCLA law, I was disappointed in seeing that there was a lack of restorative justice work happening. And there was a lot of discernible student interest. Through folks like Alicia Virani, those opportunities sparked up and through student organizing. I was grateful for that to be a part of that work.

I took [the class] *Re-envisioning the Lawyers Role: Trauma-Informed Lawyering and Transformative Justice*. In that course we went into restorative justice theory. We practiced justice skills-based learning and facilitation, so we were running circles. We also learned about trauma informed lawyering and client-centeredness. Taking that course really encouraged me, as a student, to think creatively about how to take harm and trauma perpetuated through the adversarial legal system and [how to] apply restorative justice and trauma informed practice to those issues.

While I was also at UCLA we organized a trip to the Bay area for students to be able to meet restorative justice practitioners and in real time observe how circles were done in different contexts. We visited circles at a middle school, at high school, and a went to San Quentin to see how circles are run there. The exploration of those different contexts was a really important learning experience for me. The idea was to hone what was being done and different versions of restorative justice practice and to come back to the law school with an open mind to that respect, and to talk through how we could basically apply restorative justice to school context and to various contexts that students were interested in.

After that trip we came back to campus and opened up that conversation a bit more broadly and explored restorative justice in the workplace, restorative justice in terms of the legal system, and got a chance to sort of talk through what that would that look like. It really encouraged us to see the possibilities of restorative justice in actual practice. I think that learning about restorative justice helped me to continue expanding my own abolitionist’s practice and sort of my own conceptualization of what are alternative responses to crime and harm and how our current legal system doesn’t actually address the harm at play, which brings me to my current work.

I work at an organization called Still She Rises. We are a holistic defender office in Tulsa, Oklahoma that represents women who are mothers

or caretakers of children in North Tulsa area, specifically. It's an area here that encompasses where the Tulsa race massacres took place.

I say that to note that this particular locale where I am thinking about these things is a location for trauma and that the legacy of intergenerational trauma is built in literally into the space. Oklahoma state incarcerates the most women per capita in the nation, and so, in my daily work, I see examples of the ways in which the legal system does not actually care about the harm that occurred. I see how actors within the system continue to perpetuate additional harms by not only not addressing the actual harm from that place but creating additional harms, by virtue of punishment that doesn't actually incorporate what occurred and what healing could potentially look like.

How I view my role now is as a disrupter. Seeing success happen in short justice circles and in my experience in law school has given me an increased confidence in my own abolitionist practice. It's given me an increased confidence that there are alternatives to actually address harm.