

A Brief History of Community Justice
Greg Berman's Remarks at the Opening of
the International Conference of Community Courts
January 31, 2012

So it is my pleasure to introduce a person I've known and admired since the 1990s: the great Laurie Robinson.

But before I get to Laurie, I want to beg your indulgence by spending just a minute or two talking about history. History has been very much on my mind in the run up to this conference. Perhaps this is because I grew up just a few miles from here. My high school prom was held in this very hotel my junior year. But that's not the history I want to talk about today. Instead, I want to talk just for a moment about the history of the community court movement, if it can be called that.

I recently calculated that I have spent 40 percent of my life working with community courts in one way or another. I started back in the early 1990s working for John Feinblatt as an intern at the Midtown Community Court while the project was still in the planning stages. Since then, I've been fortunate to have a ringside seat for any number of important moments. I was there when Attorney General Janet Reno visited the Midtown Community Court for the first time. I was there to see tough-on-crime New York City Mayor Rudy Giuliani embrace the Red Hook Community Justice Center as a way of improving public safety in Brooklyn. I was blessed to be able to visit Portland, Hartford, and Philadelphia to see some of the first adaptations of the model in the U.S. I also have had the pleasure of seeing community court spread overseas, with much fanfare, to places like North Liverpool. And we are so pleased to have Judge David Fletcher here with us today representing that project.

All of these were key events in the progress of community justice. But one of the most important moments didn't involve any political celebrities or media coverage. I'm talking about a key choice that was made back in the 1990s during Laurie's first stint at the Justice Department. Back then, in consultation with folks like Laurie, Tim Murray and Nancy Gist, we made an important decision. We decided not to codify or standardize community court. We decided that we would be in the business of spreading ideas, not rules. There would be no cookie cutter approach to community court.

This decision was made for all sorts of good reasons, most importantly a belief that communities are idiosyncratic and that if you are going to have "community" in your name, you've got to take that seriously and adapt yourself to the unique strengths and needs of your home environment. It wasn't clear at the time, but this decision would have far-reaching consequences for the field, both positive and negative. There is little doubt that the lack of a standardized model has put a significant brake on replication. There are in fact other criminal justice programs that have been more widely replicated than community courts. There are in fact other reforms with more political power on Capitol Hill.

But that was never the goal of community court.

Rather, the goal was to address discrete public safety problems in places like San Francisco and Seattle and Dallas while serving as laboratories for ongoing innovation.

The evidence suggests that community courts have done just this. As you will hear over the course of the next couple of days, community courts have tested new approaches to the delivery of justice, improving the way that courts respond to minor offending, the way they work with social service providers, and the way they reach out to local residents. Community courts have also had a demonstrable impact on the ground, including reducing the use of incarceration in the Bronx, making justice speedier in Minneapolis, and reducing re-offending in Harlem.

As powerful as these impacts are on the local level, I think they add up to something much larger when you take a step back and view them in the aggregate. I was thinking about this last week when my copy of the New Yorker arrived in the mail. I don't know how many of you saw it, but there was an interesting piece by Adam Gopnik reviewing several recent criminal justice books. This included Frank Zimring's book on how NY got safe, which is worth checking out because it goes part of the way towards explaining how New York has managed to reduce both crime and incarceration simultaneously over the past 10-15 years. In the piece, Gopnik writes:

Epidemics seldom end with miracle cures. Most of the time in the history of medicine, the best way to end disease was to build a better sewer and get people to wash their hands. 'Merely chipping away at the problem around the edges' is usually the very best thing to do with a problem; keep chipping away patiently and, eventually, you get to its heart. To read the literature on crime before it dropped is to see a kind of dystopian despair: we'd have to end poverty, or eradicate the ghettos, or declare war on the broken family, or the like, in order to end the crime wave. The truth is, a series of small actions and events ended up eliminating a problem that seemed to hang over everything. There was no miracle cure, just the intercession of a thousand small sanities.

I like this formulation: the intercession of a thousand small sanities. Because I think that's what community courts perform each and every week: a thousand small sanities.

As you know, these projects aren't dealing with major index crimes. These aren't the kind of legal matters that will end up being the subject of law school textbooks or TV movies. But I think community courts have shown that if we can get it right in these cases – if we can handle these defendants with dignity and respect and figure out meaningful sanctions so we are not just mechanistically defaulting to fines and incarceration over and over again – then we can begin to forge a more rational and effective justice system.

All of which is a good segue to introducing Laurie Robinson, because this is what Laurie's career is all about: pushing and prodding and cajoling the justice system to live up to its highest ideals. I won't recite her resume to you or all of the accomplishments she has had at the ABA, the University of Pennsylvania and the Justice Department. But I will say this: over the years, I have seen Laurie operate in a number of different settings from politics to academia to working with ground-level practitioners. And what she has brought to each of these settings is exactly what community courts have brought to the field of criminal justice: a thousand small sanities.

Laurie is a woman of remarkable decency who runs the Office of Justice Programs with intelligence, common sense, and vision. As a non-lawyer working in criminal justice, I owe Laurie a particular debt of gratitude -- I have learned an enormous amount from her example.

I was thinking about how we might best pay tribute to Laurie today given that she has recently announced that she will soon be stepping down as Assistant Attorney General. And then it occurred to me that really this entire conference is our tribute to her because it embodies so many of the values that she has fought for over the course of her career. Laurie's influence can be seen in the panels that seek to bridge the worlds of research and practice. It can be seen in the presentations that bring together attorneys, judges, police officers and others to talk about issues of common concern. And Laurie's influence can be seen in the discussions that attempt to open the windows of the criminal justice system to allow in insights from other fields and other disciplines.

So it gives me great pleasure to introduce the woman who has inspired and supported not only this conference but so much of what we do at the Center for Court Innovation...Laurie Robinson.