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Restorative justice: a movement that looks beyond our current legal system

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Though I have no background or familiarity with restorative justice, I recently read "*The Little Book of Restorative Justice*" and found it dynamite (plus a quick read). The book accomplished exactly what its author, Howard Zehr, a founder of the restorative justice movement, prescribes: "Restorative justice requires us to change not just our lenses but

our questions." After reading this little 64-page book, I find myself with more questions than answers, but am nonetheless inspired to keep asking.

The book starts by defining restorative justice by what it is not. It is not, for example, an alternative to prison, nor a "criminal" mediation. What it is, is an attempt to expand the circle of stakeholders in criminal events beyond just the government and the offender to include the victims, members of the community and even the offender. It offers victims the opportunity to gain information, to tell their truth, to demand and receive restitution - even if just symbolically. It holds the potential for restoring the community that has been impacted by the crime. For offenders, it offers a means of accepting accountability, expressing both empathy and responsibility and encouraging a very personal transformation that ultimately leads them back to the community, if possible.

Restorative justice rests on principles that guide many cultures globally. It stems from the philosophy that we are all interconnected and that a break in connection affects all of us profoundly, and perhaps permanently, absent concrete efforts to restore the chain. Like civil mediation, restorative justice promotes "engagement" through dialogue in order to fully address the victims' harms and to hold offenders fully accountable for their conduct.

As I read the book, I was struck by the parallels as much as the distinctions between restorative justice and commercial civil litigation. Certainly both are designed to redress harm and sometimes restore relationships, but it goes beyond that. In an age when 97 percent of the cases filed never actually get to trial, we civil mediators in many ways function as "the community" each time we conduct a negotiation that includes holding offenders accountable to their victims. As the global economy changes, courts and governments may find they must increasingly rely on "the community" to pave the way towards justice as they can no longer function as the sole arbiter of who is right and what is owed.

What's more, what we civil mediators do in every mediation session mirrors the principles of restorative justice by bringing parties together to engage with each other. As Zehr observes, "A meeting allows a victim and an offender to put a face to each other, to ask questions of each other directly, to negotiate together how to put things right."

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Friday, January 20, 2012

Government Counties see more prisoner transfer expected

County probation departments across receiving a flood of former prison inmates to supervise as part of realignment - with counties receiving nearly three times the projected number.

Health Care & Hospital Law Drugmakers look to FDA for guidance on off-label marketing

The FDA has only recently made an attempt to clarify its stance on what constitutes off-label marketing, the illegal promotion of drugs for medical devices for non-approved uses.

California Courts of Appeal Same-sex custody ruling reversed on appeal

A 3rd District Court of Appeal decision gives family law judges a road map for resolving parental relationships within nontraditional families.

Judges and Judiciary 'Occupy' movement turns its focus on courts

Activists have planned "occupy the courts" demonstrations at 130 federal courthouses nationwide today to mark the second anniversary of a landmark U.S. Supreme Court decision allowing more money into elections.

Solo and Small Firms Small firm gets big break

For 31 years now, Shute, Mihaly & Weiskopf has thrived on representing public agencies, community groups, including longtime clients like the Sierra Club, East Bay Regional Park Authority, Save The Bay and University of California.

It is, indeed, a myopic system if our lenses are never focused on the impact that the offense had on its victims and the larger community.

Restorative justice relies on psychological principles as well. For example, in the context of domestic violence, many believe that "unresolved trauma tends to be reenacted" and that victims of domestic violence are far more likely than others to be abusers in adulthood. Spending the necessary time and resources to shift the balance between victims and offenders holds the potential of changing future behaviors in positive ways, perhaps for generations.

Zehr concludes by observing that restorative justice is like a river. It started as a tiny trickle in the 1980s and has gradually widened and deepened as far-reaching tributaries have tested the waters and contributed to the field. Indeed, members of the International Academy of Mediators have started an "IAM Initiative" highlighting the types of programs their members have created worldwide leading to a new way of responding to conflict; while the Women's Lawyers of Los Angeles has held it's own program recently called: "Hear Our Voices: Women Lawyers Taking Alternative Paths Towards Justice." These efforts will no doubt contribute to the conversation and add to the flow through innovation, inspiration and momentum over time.

The argument for restorative justice can be summed up this way: "[J]ustice will not be served if we maintain our exclusive focus on our current justice systems: What laws have been broken? Who did it? What do they deserve?" It is, indeed, a myopic system if our lenses are never focused on the impact that the offense had on its victims and the larger community.

In making these inquiries, lawyers and mediators are gesturing towards accepting Zehr's invitation to contribute to the broad field of restorative justice: by asking questions, by facilitating dialogue, by examining how justice is carried out. That's a powerful impact for a little book.

For purchasing information, please visit: www.amazon.com/Little-Restorative-Justice-Books-Peacebuilding/dp/1561483761/ref=sr_1_1?ie=UTF8&qid=1326314414&sr=8-1

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Law Practice

First Amendment endowed chair UCI School of Law

The UCI School of Law soon will have faculty member specializing in First A law, thanks to a \$1.5 million gift.

Litigation

Judge blocks cuts to in-home se

A federal judge in Oakland granted a injunction on Thursday to halt a 20 p Medi-Cal funding for in-home suppo

Health Care & Hospital Law

Universal health care bill passes Senate committee

The California Universal Health Care the state's Senate Appropriations Com Thursday.

Government

Senate Minority Leader cautions online piracy bill

Mitch McConnell, R-Ky., weighed in the side of technology companies fighting legislation that would make it easier for holders to squelch sites that host infrin material.

Intellectual Property

Alcatel-Lucent, Microsoft reach

Alcatel-Lucent S.A. has quietly settled contested and legally significant patent infringement lawsuit against Microsoft a patented feature included in its Out program.

Government

Alternatives to redevelopment a weighed

With local redevelopment agencies scheduled to dissolve next month, some have begun contemplate what economic development look like once they're gone.

Law Practice

Firm serves those who've served

Lawyers at Jacobson & Han say they've their appreciation for the sacrifice made by servicemen and women in the armed :

Three Luce Forward partners de down Carmel Valley office

After losing key partners within its criminal defense and intellectual property practices shortly before announcing it with McKenna Long & Aldridge LLP,