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NEIGHBORHOOD JUSTICE CENTER PROGRAM

Introduction

Throughout the United States persons with grievances involving relatively small amounts of money or consisting of altercations with neighbors or relatives often are unable to find a satisfactory forum where they can seek redress. For disputes of relatively minor dimensions, the traditional legal procedures of the courts are generally slow and costly. Moreover, the adversary process is not always the best mechanism for resolving such disputes. Many of the more informal mechanisms for resolution of these grievances, such as the justice of the peace, the responsive ward committeeman or precinct captain, and the policeman on the beat, have faded from the American scene. Furthermore, many people are unaware of the formal mechanisms that have been created, such as small claims courts, and of other small dispute resolution services that may be available, such as consumer protection offices or family counseling services.

In response to this problem, the Department of Justice is developing a Neighborhood Justice Center Program. Through this program the Department is endeavoring to provide national leadership in this field by designing, testing, and promoting the widespread adoption of new and improved mechanisms to provide more just and efficient resolution of disputes arising in the course of daily life.

Summary Description

The Neighborhood Justice Center program will establish three pilot, experimental Neighborhood Justice Centers in order to develop a model center that may be replicated widely around the country. The Center should be an office in a community to which people can go with a wide variety of problems. The Center will offer to provide mediation or, where that fails, arbitration, through a panel of members of

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the community trained in mediation and arbitration for those disputes in which both parties are willing to participate. Where mediation is inappropriate or not agreed to, the Center will provide a referral service to the agency or court best suited to deal with the problem.

Statement of Purpose

The purposes of the pilot Neighborhood Justice Centers are:

1. To develop a proven mechanism, adaptable to the needs and conditions of individual communities throughout the country, that is effective in promoting the inexpensive, expeditious, and fair resolution of disputes that arise in the course of daily life. This is to be done by:
 - A. Establishing an office in the community that will seek to resolve local disputes at the local level through conciliation, mediation, or arbitration entered into voluntarily.
 - B. Providing a referral service for matters that cannot be resolved by the Center. The Center will thereby serve as a point of entry into the entire justice system for residents of the community with any type of grievance.
2. To enhance the quality of justice rendered to the community by:
 - A. Providing resolutions of disputes that are lasting and more responsive to the needs of people with continuing relationships than are resolutions achieved by court adjudication.
 - B. Improving the access of the members of the community to existing community and governmental services through the referral service.

3. To reduce the caseloads of local courts and other justice system agencies by directing matters to the Center for which the court process is not necessary or not best suited.

Organization

Location. The best location for the Centers will be in an existing municipal or other public building, other than a police station. The office should be physically separate from those of other agencies in order that the Center may have its own identity. Such a location:

- 1) will serve to minimize overhead costs;
- 2) is consistent with the conception of the Center as an extension of the local government in the community; and
- 3) will provide the Centers with an aura of seriousness and authority that will serve to convince the people of the community that the Centers can be effective enough to be worth using.

Police stations are excepted because some people may be reluctant to enter them for any purpose. In addition, the Centers will handle matters beyond the jurisdiction of the police. Locating a Center in a police station could produce the misconception that the Center only deals with police complaints. The actual location in a particular community will be dependent upon the location of available office space.

Staff. It is anticipated that initially each Center will have a director, one or two paraprofessional personnel, and a secretary-receptionist. Every effort will be made to recruit the entire staff from the community being served. The paraprofessionals will meet with the complainants, arrange mediation sessions, make referrals, conduct follow-up work, and maintain the files for their own cases. The director will supervise the paraprofessionals and, with the secretary-receptionist, handle the non-case specific work of the Center.

Mediators. The mediators will be recruited from the community by the director working closely with the board. They must either reside or work full time in the community. There are to be public announcements of the availability of the mediator positions. The mediators will be provided with approximately 40 hours of training and paid a limited sum on a per case basis. A training program will be developed jointly by the sites and the Department that will utilize local training resources to the fullest extent possible.

Center Board. In addition to the staff described above, each center will have a board consisting of representatives of the community being served and the local government. In addition, other appropriate parties should be included, such as academicians and representatives of the local bar association and legal aid offices. The board will be concerned with the entire operation of the center. Specific responsibilities of the board will include seeking to have the Center and, particularly, its mediation service endorsed by local business and community groups and appropriate local government officials, including the judiciary. In addition, the board may seek to reach agreements with local merchants and landlords and with local branches of chain enterprises for participation in mediation for specified types of complaints. The foregoing will all help to promote the legitimacy of the Center and will aid in its acceptance by a large portion of the population served. The board will also mount a publicity program in order to inform the people of the community about the Center and the services it offers.

Operation

Each Center will establish standard procedures for receiving people who come to the Center, identifying their problem, and assigning them to a paraprofessional. Written screening criteria will be prepared and followed. The Centers will handle walk-in cases and referrals from the courts, the police and other public and private agencies. Each Center will make arrangements with the appropriate local court, the police department, and any other relevant agencies for referrals to the center of matters that would be suitable for mediation. If a matter is proper for mediation (as

described below), the Center staff will contact the other parties to the dispute and invite them to participate in mediation. Mediation will be conducted by one or more members of the mediation panel at a mutually convenient time and place, including weekend and evening sessions where practical.

Mediation will be limited to matters presented by individuals relating to criminal and civil neighborhood, family, housing, and consumer problems. These limitations are necessary, first to ensure that the Centers do not attempt to mediate matters that are of such public consequence or have so much money or property at stake that a more formal resolution process would be more appropriate. Secondly, in order to properly train the mediators it is necessary to define the universe of cases that they may be called upon to mediate.

Where the mediation is successful, the mediator will prepare a written agreement that will be signed by both parties to the mediation and by the mediator. Where the mediation does not result in a resolution of the problem, the parties will be offered the option of binding arbitration.

Where the mediation, and any subsequent arbitration, is not successful, where one party will not agree to mediation, or where mediation is not appropriate, the Center will provide to the person with the grievance detailed information on the most appropriate public or private agency or court to deal with the problem. Each Center will identify all courts and public and private agencies to which referrals may be made. Complete information on each such agency, including services available, the procedures that persons seeking to utilize such services must follow, location, and the name and telephone number of a staff contact, will be kept in a written form. Through the referral service, in combination with the mediation component, the Center will serve as a point of entry into the public sector for citizens with problems that they cannot resolve themselves.

Each Center will develop a follow-up program for the cases that it handles. The paraprofessionals will contact the persons with grievances whose cases are successfully mediated or arbitrated approximately 30 days following the conclusion of the case in order to determine the results of

the resolution. The paraprofessionals will also make a follow-up telephone check on referrals made by the Center 30 days after the referrals have been made in order to ascertain whether the agency to which the referral was made has been responsive to the needs of the person with the problem. The Center staff will cooperate with the national evaluation staff in gathering data for longer term follow-up and on persons who fail to appear for hearings.

Each Center will develop a set of standard forms to be used as case files and records. These will be developed and revised in close collaboration with the program evaluation staff.

Evaluation

Each Center will have an evaluation component. Because these are pilot projects, it is important that as much as possible be learned about which aspects are effective and which are not. The Center design and the type of community for all the centers will be similar so that the positive results of the program will have a greater degree of experimental validity and can, therefore, be replicated with reasonable confidence that the replications will also succeed. A single evaluation of all three Centers will be conducted by an independent evaluator.

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