



Department of Justice

NEIGHBORHOOD JUSTICE CENTERS:
Traditional Questions and New Issues

Remarks

by

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at the

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ACQUISITIONS

The Department of Justice's Neighborhood Justice Center program raises some traditional questions and may shed some new light on use of non-lawyers as judges in the United States. The Neighborhood Justice Center program uses community residents to resolve everyday problems at the local level.

The concern of the Neighborhood Justice Center program is with everyday disputes: a common nuisance such as a barking dog, misunderstandings between neighbors or relatives, or disagreements between landlords and tenants. People with these sorts of problems often feel they have nowhere to go to find justice. The courts are likely to be too slow and too costly. Many of the people such as justices of the peace, policemen on the beat, local political leaders, or church leaders who used to resolve these problems no longer serve this function effectively. The general public is often not aware of the mechanisms that do exist. In short, there are many everyday disputes for which people now have no effective means of redress.

The Neighborhood Justice Center program is designed to develop an inexpensive, expeditious alternative to the formal justice system of police, prosecutors, judges, and probation officers for the settlement of these relatively minor disputes. In its place, Neighborhood Justice Centers offer arbitration, mediation and conciliation by members of the community.

citizen disputes resolution is a recent innovation. To be sure, the existence of mechanisms for the informal resolution of community disputes is as old as civilization itself, but the implementation of the particular concept provided in the Neighborhood Justice Center program is a relatively recent phenomenon in this country.

In the course of the development of the Neighborhood Justice Center program, the Department of Justice commissioned a study of six existing programs located in Boston, Columbus, Miami, New York City, Rochester, and San Francisco.* The predominant type of dispute resolved by these programs involved disagreements arising between family members or neighbors. In addition, however, there was enough activity in these Centers with such matters as landlord-tenant disputes, bad check cases and other such disputes to suggest that the Neighborhood Justice Center concept has potential applicability to a broader range of matters.

The original impetus for the Department of Justice program came from a conference held in 1976 in Minneapolis. A distinguished group of judges, lawyers, and academicians gathered on the 50th Anniversary of Roscoe Pound's famous address, "Popular Causes of Dissatisfaction with the Administration of Justice." A follow-up

* McGillis, Daniel and Mullen, Joan. Neighborhood Justice Centers: An Analysis of Potential Models. U.S. Government Printing Office, 1977.

It is important that we develop such alternative mechanisms. Everyday irritants, small or large, if left unsettled can fester and grow. They can lead to breakdowns in otherwise harmonious neighborhood relationships, and they can even lead to crime.

Although this type of diversion may help court congestion, these types of cases are rarely heard by a judge. More often than not, they are summarily handled by police, prosecutor, or court clerk who has little time or training for these demanding cases.

The Centers should be accessible to and utilized by a cross-section of the community they seek to serve. They should be relatively quick and inexpensive for their clients. Hopefully, they will be open evenings and weekends.

The idea of Neighborhood Justice Centers has been growing in recent years. A number of projects have already been developed which are similar to the three Neighborhood Justice Centers just funded. These predecessors often employ social work staff, make referrals to social service agencies, and conduct fact finding and related functions.

Virtually all of these earlier projects are of recent origin. The Columbus Night Prosecutor Program, the forebear of many of the current projects, was established only in 1971. Similarly, the pioneering work of the American Arbitration Association and the Institute for Mediation and Conflict Resolution in applying labor-management conflict resolution techniques to

task force chaired by Griffin B. Bell recommended the creation, on an experimental basis, of Neighborhood Justice Centers.

When he became Attorney General, Griffin Bell directed the newly created Office for Improvements in the Administration of Justice to develop a Neighborhood Justice Center program. Building on the Pound conference report and on information from existing similar programs, this Office began the development of a Neighborhood Justice Center program. We have worked closely with the National Institute of Law Enforcement and Criminal Justice which has a special mandate to improve the administration of justice at the state and local level. The result has been centers in Los Angeles, Kansas City, and Atlanta, and a single independent evaluation of all three projects.

The three Centers have many common features. They are all located in an identifiable neighborhood of their particular city. The centers are not located in court houses but are in an office building, a home, and a store front.

The neighborhoods, ranging in population from 53,000 to 90,000, are basically residential with some commercial activity. They contain a mix of persons with middle and lower incomes.

Their populations are also racially diverse. In Atlanta, the white population of the neighborhood is 46%, while blacks comprise the remaining 54%. In Kansas City, minorities comprise 42.5% of the neighborhood (31.6% black, 9% Hispanic, and 1.9% other minorities), and 57.5% of the population are white. In Los Angeles, the ethnic breakdown is roughly 10% black, 10% Asian-American, 30% Hispanic and 50% white.

The Centers have a director and four or five full-time staff persons. In addition, between 24 and 35 members of the community have been recruited to serve as mediators. They are available on a case by case basis. These people have been trained for 40 to 70 hours in mediation techniques. Each panel brings together a group of people with a variety of backgrounds who will be paid \$10 to \$20 per case for each case they are called upon to mediate or arbitrate.

Each Center was given general guidance that the type of cases for which arbitration and mediation would be most appropriate are family disputes, disputes between neighbors, landlord-tenant disputes, and consumer disputes involving local merchants and community members. In pursuit of these general case types, each Center has begun making arrangements with the local courts, police, and community agencies for referrals of matters suitable for handling by the Center. Because another function of the Center is to refer to appropriate agencies matters which the Center itself is not capable of handling, the Centers are arranging to make as well as to receive referrals. The Centers are also promoting walk-in cases.

In Kansas City, the center is an agency in the executive branch of government. The Atlanta center is overseen by a private group of court officers. The sponsor of the Los Angeles center is the County bar association. Each Center has a broad based policy-making board with representatives of the neighborhood being served.

Since the Centers are only a few weeks old, it is too soon to know exactly what kinds of cases will, in fact, make their way to the Centers and how they will be handled. I do have reports of some of the initial cases received by the Centers and results of the initial efforts to resolve them.

In one case, the complaining party and the respondent are married but currently in the process of obtaining a divorce. The complainant-husband wanted to get back together with his wife and wanted to see his daughter. The wife did not want to get back together, did not want financial assistance, and would not let the husband see the daughter. Both parties are unemployed and living with their respective mothers. The mediation session, conducted by one mediator, lasted more than three hours. The result agreed to by the parties was that they would separate permanently, the husband would not bother the wife, and the wife would let the husband see the daughter for two hours on each Sunday.

In another case, a tenant had paid \$800 for repairs to his apartment and was paying reduced rent until the cost of the repairs was offset. A new landlord took over the building and wanted the tenant to move out in order to allow the landlord to rent the premises to his personal friends. The present tenant did not want to move and wanted reimbursement for the repairs. The new landlord did not want to uphold the agreement made with the previous landlord. In a mediation session conducted by a single mediator, the tenant agreed to vacate the apartment within a specified period of time. The landlord and tenant also reached a settlement regarding an amount of money to be reimbursed to the tenant for the repairs.

Not all the disputes handled by these Centers, however, are this simple. In one case already handled, two neighboring families had had ongoing disputes between two generations of adults which stemmed from problems arising between the children and grandchildren of both families while playing together. There were several fights between the adults. This escalated into name calling, complaints to the police, harrassing phone calls, two attempted hit and run incidents, and finally a major brawl between the two families including the use of a piece of pipe, a pool cue, and a rifle. A mediation session was conducted by three mediators involving 12 disputants and lasting six and one-half hours. As a result, one of the families has decided to move, and both families have agreed not to bother each other until the move is completed.

If these examples are typical, the potential for the Centers as community dispute resolvers is substantial indeed. A national evaluation is being conducted by the Institute for Research in Reston, Virginia. The evaluators are documenting: (1) the implementation of the program, (2) the processes used by each Center to resolve cases; (3) the degree of success achieved in the resolution of cases by the Centers; and (4) the cost effectiveness of the operation of the Centers.

In addition to these traditional evaluation questions, a number of legal and ethical issues are raised by such informal dispute centers:

Enforceability of arbitration. What is the relation of Center negotiated agreements to state arbitration statutes and procedures? Are arbitration agreements signed under a Center's auspices enforceable in court?

Role of Established Law. Should statutes of limitation, statutes on fraud, uniform commercial code, etc. be applicable and, if so, under what circumstances?

Confidentiality of Communications and Records. Could a prosecutor or civil party subpoena the records of the Center or the individual mediator concerning what was said during the course of visits to the Center? If some client confesses a crime, is there a duty to report to authorities? At what point does a mediator possibly become a co-conspirator or accessory before or after the fact?

Mediator and Center Liability. Should they carry liability insurance? What happens if the Center or a mediator is sued, perhaps by a disgruntled complainant?

Coercion. Are the people in the program under any real or imagined coercion, especially when cases are referred by police or prosecutors? What is the relationship of the Centers to more formal adjudication agencies, such as the courts? For example, does the court have any monitoring obligation?

Helping v. Adjudication. Some administrative agencies and juvenile courts have been caught in the dilemma of whether their primary function is helping people or adjudicating their legal status -- to what extent will these centers be caught in the potentially inconsistent roles of social worker/doctor and lawyer/judge. Hopefully, their mediation role will provide a viable middle ground.

From the experience with these three Neighborhood Justice Centers and other experiments around the country, we hope to develop models for dispute resolution that may be offered for replication throughout the nation. In addition to the resources and programs of the Law Enforcement Assistance Administration, Congress may start a new program which would have an important impact on the resolution of minor disputes. A bill to be considered shortly by the Senate (S.957) calls for the creation of a Dispute Resolution Resource Center and the funding of research and demonstration projects. A total of \$15 million would be devoted to this activity over a five-year period. In addition, \$15 million in seed money per year for four years would be provided to the states to implement new and improved ways of dealing with disputes such as improved small claims courts or Neighborhood Justice Centers.

NEIGHBORHOOD JUSTICE CENTERS

Atlanta, Georgia

Neighborhood Justice Center of Atlanta, Inc.
Linwood Slayton, Jr.,
Executive Director
1118 Euclid Avenue, N.E.
Atlanta, Georgia 30307

(404) 523-8236

\$199,483 for 18-month duration (12/77 to 6/79)

Kansas City, Missouri

Kansas City Neighborhood Justice Center
Maurice F. Macey,
Project Director
One West Armour
Suite 305
Kansas City, Missouri 64111

(816) 274-1895

\$200,000 for 18-month duration (12/77 to 6/79)

Venice, California

Neighborhood Justice Center of Venice-Mar Vista
Joel Edelman,
Project Director
1527 Venice Boulevard
Venice, California 90201

(213) 390-7666

\$213,810 for 18-month duration (12/77 to 6/79)

National Evaluation Project

Dr. David I. Sheppard
Dr. Royer F. Cook
Institute For Research
International Center
Reston, Virginia 22091

\$347,000 for 24-month duration (12/77 to 1/80)

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