

John Caher: Welcome to “Amici,” news and insight from the New York Judiciary and Unified Court System. Today, we bring you Greg Berman, Director of the Center for Court Innovation.

The Center for Court Innovation is a public, private partnership that works to reduce crime, aid victims and improve public trust and justice. It pursues these goals through demonstration projects that test new approaches to justice through hands-on training and technical assistance with criminal justice reformers around the world and through the dissemination of cutting edge research and ideas about how to improve the justice system.

Mr. Berman was involved with the Center from the get go and helped build it from the startup in 2002 to a \$29 million organization it is today. A graduate of Wesleyan University and a former Coro Fellow in Public Affairs, Greg was previously Deputy Director of the Center and lead planner of the Red Hook Community Justice Center. In the early 1990s while working for the New York Foundation, Greg created the New York Common Application, a universal form designed to expedite the foundation grant proposal process for community groups in the New York area. He has also worked in development and as a freelance journalist.

Mr. Berman has authored and co-authored numerous books and articles on criminal justice and problem-solving courts. He has served on numerous boards and task forces including the New York City Board of Correction, the New York City Criminal Justice Agency, the Wesleyan Center for Prison Education, Coro New York, the Centre for Justice Innovation, the Sloan Public Service Awards, Poets House, Police Foundation, Mayor Bill de Blasio's Public Safety Transition Team and Manhattan District Attorney Cy Vance's Transition Team.

First, could you briefly describe what the Center for Court Innovation is, how it started and what its mission is?

Mr. Berman: The Center for Court Innovation is a not-for-profit organization that exist to try to reform the justice system, and we try to do that in several different ways. First and foremost, we try to reform the justice system by creating and implementing demonstration projects. These are new projects that attempt to try to solve a difficult problem within the courts. We run more than two dozen such projects across all five boroughs of New York City. We also run projects in Newark, in Syracuse and Westchester — all trying to test a new idea about making the justice system more effective and more humane. That's the core of what we do at the Center for Court Innovation.

We do more than that as well. We also have a team of more than a dozen social scientist on staff full-time, researchers who are evaluating our own experiments

but also evaluating other experiments and justice reform across the country and around the world. We go out and provide what is known in our business as technical assistance, which is essentially consulting services and that is going out to the judge in Des Moines, the prosecutor in San Francisco, the community group in Idaho that's heard about this interesting stuff that we're doing in New York and wants to do something similar. We help them create new programs from soup to nuts basically, from planning through implementation through evaluation. That's what the Center for Court Innovation is about in a nutshell.

Our model of change is to work very closely with government and we have court in the name and so that involves having an intimate relationship with the New York State Court System. Many, but not all, of the operating programs that we run and the work that we do is work that's performed in conjunction with the New York State Court System where they have asked us to explore a thorny challenge, they've asked us to take on a problem and look at it and we will research that problem, come up with a way to address it and then go out in the world and try to implement it. That's, in a nutshell, what the Center for Court Innovation is all about.

John Caher: How and when and where did it all get started?

Mr. Berman: Our roots go back to the early 1990s and a single experiment in judicial reform and that experiment was known as the Midtown Community Court and the Midtown Community Court was created in a different time and in a different era. An era where it felt like New York City was really struggling and losing, frankly, the war against crime and disorder, where a lot of Broadway theaters were dark. Over the decade of the '80s, we saw close to a million people leave New York City. It was a time when New York City was losing population, as compared to now. It is sometimes hard to remember from the perspective of today, when New York City is booming.

Anyway, there was a sense of crime and disorder particularly in the streets of Midtown Manhattan which really were ... The two precincts, Midtown North and Midtown South, had more misdemeanors. They were the busiest precincts in, not just New York City, but in the entire country in terms of misdemeanor crime. There was the idea of coming up with a project that would really focus on misdemeanor crime in Midtown Manhattan and try to do two things. Number one, try to drastically reduce the use of incarceration. Instead of defaulting to jail or nothing which, I think, was what was happening all too often misdemeanor cases back then, what the Midtown Community Court tried to do is drastically expand the array of alternatives, dispositional alternatives that were available to judges. Again, between jail and nothing, we created community restitution sentences, drug treatment, job training, mental health counseling and the idea

was if you build it, they will come. If you create these dispositional alternatives, judges will make use of them and that has proven to be the case.

At the same time, what the Midtown Community Court tried to do was re-engineer the relationship between the court system and the local community. Even back then we were talking about a sense of disenchantment between the communities and the justice system, a sense of decline in public trust and justice and we wanted to re-engineer and re-invigorate that relationship. We use the Midtown Community Court as a jumping off point for a range of crime prevention programs and we welcomed the community into the courthouse to serve on neighborhood advisory boards and community impact panels and as such.

This project got up and off the ground in 1993 under the direction of a brilliant guy named John Feinblatt and it was one of these projects that just kind of — well, I don't want to oversell it because there are all sorts of ways that it's imperfect — but the Midtown Community Court was one of these projects that everyone that worked there went on to bigger and better things, the independent evaluators came in and documented that it actually did have an impact both on local crime and on the incarceration rates and on neighborhood attitudes towards the justice system.

All the city newspapers endorsed it on their editorial pages and so John Feinblatt, who is the founding director, got it into his head, and I was part of the , planning team for this, got it into his head that, "Hey, we've done something unique here in Midtown Manhattan. Wouldn't it be interesting if we started to spread these ideas to other kinds of courts? Other kinds of problems?" Very quickly, we started planning a second community court in Southwest Brooklyn called the Red Hook Community Justice Center. We started planning a drug treatment court, New York City's first drug treatment court, the Brooklyn Treatment Court. We started planning New York first domestic violence court in Brooklyn as well. This is in the mid-90s, the years '94 to '96.

At a certain point, we were working on a variety of programs that were kind of based on the model of the Midtown Community Court but a lot of them were not located in Midtown, a lot more of them are located in Brooklyn and that we're trying to write variations on the theme and at a certain point, we went to then Chief Judge Judith Kaye and Chief Administrator Judge at the time, Jonathan Lippman and said, "You know, we're on to something here. We've tapped into a rich vein and we think that we can continue to be an engine, an ongoing engine for court reform. Is this the kind of thing that the court system might want to make an investment in?"

In their infinite wisdom, they were willing to make an investment and they gave us a little bit of money that enabled us to rent offices and hire a few additional people. At the same time, we went to the Justice Department, Janet Reno was the Attorney General. She was very interested in problem solving courts and said to her and her staff that we were just inundated with people from all over the country and all over the world that were visiting the Midtown Community Court that have heard about this thing and wanted to replicate it. So we asked the Justice Department for a little bit of money to help us deal with this influx of visitors and to develop tools to help them kind of do similar things to the Midtown Community Court and their jurisdictions.

It was really those two investments which really happened almost exactly at the same time where we got the federal government through the Justice Department to make an investment in us being a national technical assistance provider and we got the New York City Court System to make an investment on us as a kind of ongoing engine of court reform and it was really those two investments that gave birth to the Center for Court Innovation.

John Caher: You've said and I quote, "The Center stands at the crossroads of action and reflection, doing and thinking. Our job is to dream up new ideas and then go out and test them in the real world." Can you elaborate on that and just what do you mean by that?

Mr. Berman: I wake up every day and I think all the people who work at the Center for Court Innovation have been given a great blessing because our job is not in fact to keep the wheels of justice turning on a daily basis in the New York State Court System. Judge Lippman and Judge Prudenti and others have that responsibility and that's a weighty responsibility.

Our job, instead, is to look at the world the way it is and ask the question: "Can we do better than this?" I give thanks for that almost every single day because we don't have to accept the status quo ...

We have an institutional mandate to dream up new ideas, to ask difficult questions, to ask can we be doing things a little bit better? Because of our relationship with, not just the New York City Court System, but also the mayor's office here, also the local prosecutors, also local defense organizations, also the Department of Probation, we actually have the ability to move ideas and move research from pieces of paper or thorough and thoughtful reports into action and into new program ideas.

For us, it all starts with thinking about a problem. I started off by talking about the problem, the misdemeanor crime in Midtown Manhattan. Right now, we're very focused on the problem of declining public trust and confidence in

Brownsville, Brooklyn. How can we solve that? How can we interrupt what people label the school-to-prison pipeline?

We will thoroughly research that problem, think about it, talk to a variety of stakeholders, look at the data and then we will proffer an idea for how you might address that. We will go to Judge Lippman, we will go to the mayor, we'll go to DA Thompson and say, "This is our idea. Give us feedback about it." But we want to move this idea from a piece of paper to an actual program that implements, that affects the lives of New Yorkers in fairly short order.

I think that we make, hopefully — and this is not self-flattery — I hope we make a unique contribution to the world on a variety of fronts. The front that I feel is our strongest and most unique contribution is the ability to move from concept to implementation quickly and thoughtfully. I think that that's — if you boil down what the nub of our contribution to the world is — I think, that's what it is.

John Caher: Can you elaborate a little on Brownsville? That, of course, was a focal point in Chief Judge Lippman's State of the Judiciary. What exactly is that and then, what were your role be in it?

Mr. Berman: What we're trying to do in Brownsville right now is create a neighborhood-based justice center that will, and for those of you who don't know, Brownsville is a neighborhood in Central Brooklyn that is among the violent neighborhoods, if not the most violent neighborhood, in New York City. It's a neighborhood that was ground zero for the stop and first debate. It's a neighborhood that has a number of issues and has multitude of strengths as well.

For this conversation, there are two issues that we're trying to address. The first is the sense of crime and disorder in the neighborhood that's quite serious. And the second is the sense of disenchantment with the justice system and disaffection primarily with police, but not just police, with the entire justice system.

What we're trying to do in Brownsville is create a Community Justice Center that will be a courthouse, a functioning courthouse with a dedicated judge, an official part of the New York State Court System that will handle low-level cases, primarily misdemeanors, but also selected low-level felonies, non-violent felonies as well.

What we're going to do in terms of the court cases is try to build off-ramps out of the justice system. Again, it's about not defaulting to incarceration. It's about creating alternatives to jail, and that includes paying back the neighborhood through visible community service projects. That includes linking young people to mentoring and tutoring. That includes linking addicted

individuals to drug treatment both on a short-term and a long-term basis. It will be a full-service courthouse that will have a richer and broader array of resources for the sitting judge than a normal courthouse.

At the same time, we want to launch an array of crime prevention programs in Brownsville that includes things like a youth court where we train local teenagers to handle cases involving their peers. That includes anti-violence programming, where we aggressively, together with both law enforcement and community leaders, send a message that violence is not acceptable in this neighborhood and we're not going to tolerate continued gun play in the streets.

It will be, I think when we're finished, and we've already started running programs on a pilot basis even before we have a fully functioning courthouse up and running in Brownsville, I think it have a profound effect on quality of life in the neighborhood and in the quality of the interaction between government and local residents. I think particularly given the moment that we're living through — a moment of heightened concern about police-community relations, a moment of heightened concern about the ills of Rikers Island — I think that that Brownsville, if we're successful, is potentially a game-changer. Not just for Brownsville but for the city of New York.

John Caher: Let's switch gears and talk about another of the Chief Judges' Initiatives, the new Pro Bono Fellowship Program. It's just getting off the ground. Can you briefly explain what that is and again, what your role is in that program?

Mr. Berman: We are on the brink of launching a new program called Poverty Justice Solutions and this is a program that builds on an initiative that Chief Judge Lippman created last year called the Pro Bono Scholars Program.

The Pro Bone Scholars Program enables a select group of law students to take off their last semester of law school, take the bar early, and not do classes for their last semester but instead do pro bono work in a variety of formats, including work directly with civil legal service providers in New York City.

I think that's a great initiative and at Judge Lippman's request, we started thinking in concert with a number of others, including the Robin Hood Foundation, is there a way to build on this? Is there a way to take the pro bono Scholars to the next level? The idea that we came up with is creating a fellowship program that would enable 20 pro bono scholars to continue their work at civil legal service providers for another two years.

I think that this program, once we fully implement it, and the goal is to get it up and running by this summer, I think that this will achieve multiple goals at the same time.

First and foremost, what we're trying to do here is close the justice gap and bring another resource to the table to represent low income, tenants who find themselves facing eviction in housing court. We know from hard-earned experience that the vast majority of low income New Yorkers in Housing Court go through their proceedings without representation and we're going to try to close that gap. At the same time, and I think that this is what attracted Judge Lippman to the idea of Poverty Justice Solutions, we are providing 20 young lawyers with jobs that, frankly, they may not have gotten otherwise given the quality of the legal marketplace right now.

Lastly, we are trying to send a very strong signal about the nature of the legal profession and kind of introduce an ethic of service into the legal profession. Obviously, it's always been there, but I think what attracted Judge Lippman to this project is that this is a way to continue to fan that flame. Poverty Justice Solutions, which the Center for Court Innovation will administer, will provide legal service providers with half the salary of these legal fellows. The legal service providers will have to go out and find money to pay for the remaining half of the salary. In that way, we're going to leverage the money that the Robin Hood Foundation has contributed to this program.

I think that when all is said and done, we're going to make a difference. We're going to help hundreds, if not thousands, of low income New Yorkers resolve their cases in Housing Court in a different kind of way and we're going to serve as a launching pad for dozens of entry-level attorneys and, hopefully, be the first step in what will be lasting careers in public service.

John Caher: It seems like New York is really a trendsetter in this. Do you see this going beyond New York borders potentially?

Mr. Berman: Absolutely. I think that certainly is Judge Lippman's vision. There's no reason why this couldn't be replicated. Our focus, at least at the start, is exclusively New York City, but I can easily imagine this project going, first, statewide and then to other jurisdictions around the country.

John Caher: Is it too early to say what students who are potentially interested in this should do or how they could pursue it?

Mr. Berman: Any student that's interested in this should reach out, first and foremost, to the Center of Court Innovation. Our e-mail address is info@courtinnovation.org. But they're going to have to connect with a legal service provider. The way the program is designed, the pro bono scholars themselves will not apply, the legal service providers will apply. We're going to have to make matches between the pro bono scholars and the legal service providers.

John Caher: Is this restricted to New York students — the students of New York law schools or could someone from another state apply?

Mr. Berman: Well, you could be from another state but you have to be at a New York law school.

John Caher: I see, I see. What else would you like people to know about the Center for Court Innovation that we haven't addressed?

Mr. Berman: I think we're at this interesting moment in time, as I've kind of talked about it in passing, in terms of concern about the relationship between the justice system and local communities, particularly communities of color, and a concern, frankly, locally and nationally about the misuse, what I would label the misuse of incarceration in this country, and these are issues that the Center for Court Innovation has been working on really for a generation now.

When we started working on these issues, frankly, we were tilting into a strong headwind. I think that we were operating in a very conservative policy climate where most people were interested in getting tough on crime and mandatory minimums and three strikes you're out and truth in sentencing. I think we're living through a moment where the winds have shifted considerably.

Now, that there's an opportunity to really make a difference on two issues that I think have been core to the Center for Court Innovations' mission for more than 20 years now. I'm enormously excited about the prospects for change in New York City, but I'm also enormously excited about the prospect for change nationally.

One of things that we're working on right now is working in concert with the MacArthur Foundation, which has launched in national competition to encourage jurisdictions to reduce the use local jail. The Center for Court Innovation along with other organizations is assisting in that initiative and I'm cautiously optimistic that over the next couple of years, we're going to see really a national movement to re-think the way we administer justice in this country and to re-think, particularly for non-violent offenders and particularly at the local level with the use of jail, , re-think the role the court system plays in feeding into jail and prison. I'm enormously proud of the Center for Court Innovation for helping, I would argue, to create the context for this work to happen and then also working in concert with major, major players like the MacArthur Foundation going forward.

John Caher: Thank you for listening to this edition of Amici. If you have a suggestion for a topic on Amici, call John Caher at 518-453-8669 or send him a note at jcaher@nycourts.gov. In the meantime, stay tuned.