Restorative Justice in Law Schools: Exploring Ways to Shift Culture and Curriculum

Introduction

In September 2023, a group of prospective, current, and recent law students gathered virtually to discuss how restorative justice education could be implemented in law schools. Students shared ideas for including restorative justice in JD curriculum and utilizing restorative justice to positively impact law school community culture.

The idea for this event was sparked through a network of professors who teach restorative justice at law schools.[1] The group expressed a need for a virtual gathering to focus on implementing restorative justice curriculum and how restorative practices might be used to impact the law school environment.[2] The group agreed that the event would be most effective if students bought in as drivers of change.[3] The primary goal of the event was to center student perspectives, intentionally giving time and space for students to discuss the topics.[4]

The event was structured as a half-day, virtual symposium. It included two student panels focused on substantive questions: first, how can restorative justice be incorporated into JD curriculum, and second, how can restorative justice be used to impact institutional culture in law schools. Following both panels, attendees were invited to join breakout circles to discuss the panels and their ideas. The event closed with a career panel, during which three law school graduates working in the restorative justice field shared their experiences and advice.

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[1] The National Center on Restorative Justice, Restorative Justice in Legal Education: A Virtual Symposium (September 20, 2023), at 5 min., 14 sec., https://www.youtube.com/watch?v=GU2Qqt-JTP4.
[2] *Id.* at 5 min., 50 sec.
[3] *Id*. at 6 min., 33 sec.
[4] *Id*. at 6 min., 53 sec.

This paper begins with a discussion of the relevant literature related to restorative justice in law schools. The literature review first analyzes relevant publications on restorative justice in JD curriculum, then publications related to using restorative justice to impact law school culture. The paper then discusses the individual presentations from the symposium, and identifies themes across presentations. This is followed by a summary of the symposium career panel. The paper concludes with a discussion of key takeaways from the event and implications for next steps in advancing restorative justice in the law school context.

Literature Review

There is scant literature in the restorative justice field focused on integrating restorative justice into legal education, either to train lawyers in restorative practices or as an instrument for impacting school culture. While a growing number of law schools have taken steps to include restorative justice in their curriculum,[5] there is little scholarship describing the why and how of including restorative justice in legal education. The literature that does exist recommends implementing restorative justice as a key component of the legal curriculum to train future legal practitioners regardless of their future area of practice and also to train emerging restorative justice practitioners.[6] Even less literature touches on the use of restorative justice to impact the institutional culture of law schools. The only article identified on this topic focuses on the use of restorative justice as an alternative to the traditional honor code disciplinary system.[7]

I. Implementing Restorative Justice in JD Curriculum

[5] Danielle Maddox Kinchen, *Law Students Find a Role in Restorative Justice*, 47 Student Law. 7, 9 (2019).
[6] Janine Geske, *Why Do I Teach Restorative Justice to Law Students*, 89 Marq. L. Rev. 327, 328, 332 (2005); Rachel King, *Restorative Justice: How Law Schools Can Help Heal Their Communities*, 34 Fordham Urb. L. J. 1285, 1299–1300 (2007); Natasha S. Vedananda, *Learning to Heal: Integrating Restorative Justice into Legal Education*, 64 N .Y. L. Sch. L. Rev. 95, 112 (2019).
[7] Aishaah R. Reed, *Opportunities for Virginia Law Schools to Implement Restorative Justice Approaches in the Honor Code System*, 23 Rich. Pub. Int. L. Rev. 381, 391–92 (2019).

Three articles identified discuss the incorporation of restorative justice into JD curriculum. First, a 2005 article by Professor Janine Geske discusses her experience founding the Restorative Justice Initiative and teaching restorative justice at Marquette Law School in Wisconsin.[8] This initiative includes teaching restorative justice in the classroom through a workshop course, hosting conferences, and establishing a clinical program.[9] Students in the clinic facilitate victim-offender dialogues and collaborate with community groups to implement restorative justice programs.[10] Students also provide research and training support to groups working to establish restorative programming in a variety of institutions, including neighborhoods, corrections systems, and police departments.[11] A crucial goal of the initiative is to ensure law students are "academically and experientially prepared" to undertake restorative justice work.[12] Geske also discusses the reflection of the institutional values and philosophies in restorative justice: the underlying institutional philosophy of care for the whole person and a commitment to service creates an "ideal environment" to train students in restorative justice.[13] Geske discusses the benefit of restorative justice education to train students to engage in restorative justice work professionally and the benefit of exposing students to restorative justice work as part of a holistic education.[14] Students learn restorative skills that "are needed at all levels of client counseling and working toward settlement of claims," and can effectively utilize these skills as a mediator or negotiator.[15]

The second article, published in 2007 by Rachel King, provides a similar discussion on the importance of restorative justice education in law schools. King argues that law schools

[8] Geske, 89 MARQ. L. REV. at 327–28.
[9] Geske, 89 MARQ. L. REV. at 328.
[10] Geske, 89 MARQ. L. REV. at 331–32.
[11] Geske, 89 MARQ. L. REV. at 332.
[12] Geske, 89 MARQ. L. REV. at 328.
[13] Geske, 89 MARQ. L. REV. at 328.
[14] Geske, 89 MARQ. L. REV. at 330.
[15] Geske, 89 MARQ. L. REV. at 330.

should establish restorative justice programs to provide law students first-hand experience in restorative principles alongside traditional legal tools.[16] King first explains the underlying principles of restorative justice[17] and argues that law schools should be involved in developing restorative justice programs.[18] King contends that these programs would benefit all students, noting that if there had been restorative justice education in her law school, "it would have made [her] more sensitive to the needs and interests of victims and offenders, therefore making [her] a better lawyer."[19] [20] She recommends that law schools create a restorative justice clinic running in tandem with a traditional criminal justice clinic where students could be trained to facilitate victim-offender dialogues or family group conferences in addition to representing clients in the traditional legal system.[21]

The third article, published in 2019 by Natasha S. Vedananda, argues that law schools should incorporate restorative justice into legal education in order to train law students who are interested in becoming restorative justice practitioners.[22] This training should include encouraging law students to develop their own professional philosophy and should include increased availability of experiential learning.[23] According to Vedananda, fundamental in training restorative justice practitioners is the development of a "philosophy of lawyering"[24] to assist future attorneys in navigating their various roles and the tensions that may arise from these

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[16] King, 34 FORDHAM URB. L. J. AT 1289.
[17] King, 34 FORDHAM URB. L. J. at 1289.
[18] King, 34 FORDHAM URB. L. J. at 1297.
[19] King, 34 FORDHAM URB. L. J. at 1298.
[20] At the time of publication, King was a legal research and writing professor at Howard University. She previously worked for the American Civil Liberties Union in the Capital Punishment Project, and was a lawyer for the U.S. House of Representatives Judiciary Committee. She passed away in 2008. *See In Memory of Rachel King: July 2, 1963–August 25, 2008*, American Civil Liberties Union, https://www.aclu.org/news/smart-justice/memory-rachel-king-july-2-1963-august-25-2008 (Aug. 27, 2008).
[21] King, 34 FORDHAM URB. L. J. at 1298–99.
[22] Vedananda, 64 N .Y. L. Sch. L. REV. at 98.
[23] Vedananda, 64 N .Y. L. Sch. L. REV. at 98.
[24] A "philosophy of lawyering" is an aggregate of principles a lawyer uses to make discretionary decisions and which drives their practice. Vedananda, 64 N .Y. L. Sch. L. Rev. at 108.

roles.[25] A holistic philosophy of lawyering can assist students in determining how they will approach their tasks as lawyers.[26] Restorative justice practitioners must have a holistic approach to justice and be adept problem solvers; these problem-solving skills are not a key aspect of traditional legal education, Vedananda avers.[27] She additionally notes that restorative justice emphasizes process over outcome, making experiential learning opportunities critical for training future practitioners.[28]

These three articles all point to the essential role restorative justice education should play in the training and preparation of future lawyers. All three articles emphasize the need for an experiential component to restorative justice education, either in addition to traditional academic course work or as a stand-alone offering. Geske and King argue that restorative justice education teaches students "how our legal system affects real people,"[29] and creates an environment where students can develop skills necessary to be "agents for change and servant leaders in the community."[30] Vedananda argues that law schools over-emphasize competitive advocacy and fail to dedicate resources to the development of other skills necessary for a lawyer's contributions and responsibilities in practice, particularly considering the recent growth of collaborative and humanistic legal work.[31] These articles all discuss the role of restorative justice education as part of a holistic approach to legal education, and Geske and King explicitly discuss the role of restorative justice education in training lawyers to effectively serve their clients.

Looking to the future, the three authors suggest implementing restorative justice education through coursework (either as a stand-alone restorative justice course or integrated into

[25] Vedananda, 64 N .Y. L. Sch. L. Rev. at 108.
[26] Vedananda, 64 N .Y. L. Sch. L. Rev. at 108.
[27] Vedananda, 64 N .Y. L. Sch. L. Rev. at 106.
[28] Vedananda, 64 N .Y. L. Sch. L. Rev. at 107.
[29] King, 34 Fordham Urb. L. J. at 1288.
[30] Geske, 89 Marq. L. Rev. at 329.
[31] Vedananda, 64 N .Y. L. Sch. L. Rev. at 107.

other relevant courses such as Criminal Law, Criminal Procedure, or Alternative Dispute Resolution) as well as experiential learning opportunities such as clinics. In experiential learning settings, students gain firsthand knowledge and skills through working with other professionals and communities.[32] Students could gain knowledge and skills through dedicated restorative justice clinics[33] or as part of other, existing clinics. In the traditional classroom setting, restorative justice could be taught in conjunction with other forms of alternative dispute resolution to allow students to develop overlapping skills and understand the distinctions.[34]

In alignment with these recommendations from the literature, there are a growing number of law schools implementing restorative justice education around the country. For example, Vermont Law and Graduate School has built extensive restorative justice curriculum covering theory and practice and offers both a Masters and Professional Certificate in Restorative Justice alongside the JD program.[35] The John Marshall Law School in Chicago (now part of the University of Illinois Chicago) hosts a Restorative Justice Project that trains students by evaluating case law on restorative justice.[36] The University of Wisconsin Law School houses a dedicated restorative justice clinic, where six students are trained each year in victim-offender dialogues.[37] Students at Marquette University develop restorative justice skills in a dedicated formal restorative justice clinic and in a small claims mediation clinic.[38]

II. Implementing Restorative Justice to Impact Institutional Culture

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[32] Geske, 89 MARQ. L. REV. at 329.
[33] Vedananda, 64 N .Y. L. Sch. L. REV. at 111.
[34] Geske, 89 MARQ. L. REV. at 330; Vedananda, 64 N .Y. L. Sch. L. REV. at 112.
[35]https://go.vermontlaw.edu/restorative-justice-degrees?campaign=MARJ&creative=&keyword=&matchtype=&network=x&device=c&gclid=CjwKCAiAvdCrBhBREiwAX6-6UrbXN_uUoZL7R6YPmw-Pvj4QtoGlZevwdCg0jICg3hgeRWLuMJFdpxoCL_AQAvD_BwE
[36] Maddox Kinchen, 47 Student Law. at 9, *see also* https://law.uic.edu/experiential-education/restorative-justice/.
[37] Maddox Kinchen, 47 Student LAW. at 9, *see also* https://law.wisc.edu/fjr/rjp/#:~:text=Through%20our%20Restorative%20Justice%20Dialogue,committed%20a%20crime%20against%20them.
[38] Geske, 89 MARQ. L. REV. at 330, *see also* https://law.marquette.edu/andrew-center.

While there is a significant body of literature on the use of restorative justice in schools to impact institutional culture, this literature almost exclusively focuses on K-12 education with a recent growth in literature on the use of restorative justice in colleges and university settings.[39] Only one article, however, was identified that focuses on how restorative justice could be used specifically in law school communities. Aishaah R. Reed proposes incorporating restorative justice principles into the honor code disciplinary process.[40] She argues law school honor code procedures imitate the traditional criminal legal system, but schools instead should give students an opportunity for growth and restoration.[41] For example, students who violate the honor code by cheating or plagiarizing would be permitted to make amends between themselves, their professor, and their other classmates whose trust was breached.[42]

This alternative approach to honor code violations has the potential to shift institutional culture and to create a more responsive disciplinary process. Currently, regardless of the severity of the violation, all law schools in Virginia must report an honor code violation to the Virginia State Bar.[43] This is typical in the legal profession, where generally "bar authorities inquire at an applicant's law school as to whether a student has been involved in misconduct," though schools vary in what type of misconduct they report.[44] A restorative process would permit students to repair harm, learn from the experience, and fulfill restorative obligations without bearing the consequence of a report to the state bar.[45]

As noted *supra*, there is considerable literature discussing the use of restorative justice in K-12 and undergraduate education. While much of this programming and literature focuses on

[39] David R. Karp, The Little Book of Restorative Justice for Colleges and Universities 6, 57 (2nd ed. 2019).
[40] 23 Rich. Pub. Int. L. Rev. at 391–92
[41] Reed, 23 Rich. Pub. Int. L. Rev. at 391–92.
[42] Reed, 23 Rich. Pub. Int. L. Rev. at 393.
[43] Reed, 23 Rich. Pub. Int. L. Rev. at 393.
[44] Elizabeth Gepford McCulley, School of Sharks - Bar Fitness Requirements of Good Moral Character and the Role of Law Schools, 14 Geo. J. Legal Ethics 839, 856 (2001).
[45] Reed 23 Rich. Pub. Int. L. Rev. at 393.

the use of restorative justice as an alternative to punitive "zero tolerance" discipline and the school-to-prison pipeline, a whole school approach to restorative justice includes proactive and reactive processes that could be applied to the legal education setting.[46] Restorative justice practices not only provide an alternative to punitive disciplinary processes, but also create a greater sense of connectedness and relationships.[47] Certainly, law schools have unique values and institutional culture, but could learn from efforts in K-12 and university settings to draw on proactive restorative approaches to positively impact school culture.

Ultimately, there is a need for discussion on how restorative justice can be implemented in legal education, as both a tool to train emerging practitioners of restorative justice and of the law generally, and as a method for impacting the culture of law schools.

Symposium Themes

The virtual symposium in September 2023 centered around two main topics: first, how restorative justice might be integrated into JD curriculum; and second, how restorative justice might be used in law schools to impact institutional culture. The event concluded with a career panel, during which three practitioners discussed their paths through law school and into their current professional roles and how they work in the restorative justice field.

The following sections provide an overview of the symposium mirroring the panel presentations. The first section discusses the panel focused on how restorative justice can be incorporated into JD curriculum, summarizing each individual presentation and identifying key themes from the discussion. The second section discusses the panel focused on how restorative

[46] González, 41 J.L. & EDUC. at 302.
[47] Woods & Stewart, 1 INT'L J. Restorative Just. at 90.

justice can be used to impact law school culture, summarizing each individual presentation and identifying key themes from the discussion. The final section summarizes the career panel.

The panelists were current law students and recent law school graduates from law schools in the United States. Most panelists were still in law school, in their second or third years. Several panelists were recent law school graduates who had attended law school in the last five years. The career panelists were all law school graduates who now work professionally in the restorative justice field in a variety of roles and organizations throughout the United States.

I. How Can Restorative Justice Be Integrated Into JD Curriculum?

A. Indigenous Roots and Unique History Of Restorative Justice

The first presentation focused on how restorative justice can be incorporated into JD curriculum to expose students to a restorative justice framework and train students already interested in restorative justice. Ana Puente Flores rooted the discussion in the ancestral practices and Indigenous roots of restorative justice. She highlighted the importance of centering ancestral practices in restorative justice education. Puente Flores noted that restorative justice is often marketed as a novel idea, rather than an ancient way of being practiced by Indigenous peoples since time immemorial.[48] These Indigenous peacemaking practices are richly diverse, but often mirror cycles of the Earth (sometimes referred to as Universal Law).[49] As one example, Puente Flores described the "Four Directions Method," the Navajo peacemaking model following Universal Law.[50] She explained that in this method, each direction is marked by an animal with a personality and a story to tell used to facilitate participants' reflection on their attitudes and

[48] The National Center on Restorative Justice, Restorative Justice in Legal Education: A Virtual Symposium (September 20, 2023), at 14 min., 8 sec., https://www.youtube.com/watch?v=GU2Qqt-JTP4.
[49] *Id*. at 19 min., 12 sec.
[50] *Id*. at 20 min., 12 sec.

behaviors.[51] As an additional example, Puente Flores discussed the practices of the Muisca people, whose peacemaking practices follow the tobacco plant.[52] In this process, a Tyba or "wise person" leads the process, but first consults with the tobacco plant about the diagnosis of a problem to be resolved. The Tyba seeks wisdom from the plant, which operates in harmony with the Earth.[53]

In conclusion, Puente Flores discussed the value of Indigenous technologies that emerge throughout different Indigenous peacemaking practices.[54] The use of circles, the four elements, plants as guides, and a leader of the circle as a steward or intermediator for conflict resolution, are all examples of elements of restorative justice practices derived from Indigenous Peacemaking.[55] It is crucial, she explained, that the ancestral practices be accessible to all people.[56]

This presentation grounded the overall discussion in the Indigenous roots of restorative justice and emphasized the importance of these roots in considering the next steps in restorative justice education in law schools.

B. Utilizing Restorative Justice to Meet Required Standards in JD Curriculum

In the discussion of how to include restorative justice in JD curriculum, a major theme that emerged was strategically utilizing restorative justice to meet mandated standards. First, Grace Woodward discussed how restorative justice could be used to meet the American Bar Association's Accreditation Standard 303(c).[57] Next, Jennifer Grubman argued for the

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[51] *Id*.
[52] *Id*. at 21 min., 2 sec.
[53] *Id*. at 21 min., 26 sec.
[54] *Id*. at 23 min., 34 sec.
[55] *Id*. at 23 min., 45 sec.
[56] *Id*. at 24 min., 30 sec.
[57] *Id*. at 27 min., 39 sec.

incorporation of restorative justice education into the required first-year course Civil Procedure.[58] Finally, Jordan Stark proposed including restorative justice education into Alternative Dispute Resolution (ADR) courses, particularly because ADR will be included on the 2026 Bar Exam.[59] Stark also proposed including restorative justice teaching in Professional Responsibility courses, which many students take in preparation for the required Multi-State Professional Responsibility Exam.[60]

First, Woodward discussed the updated ABA Accreditation Standard 303(c), which now requires law schools to teach bias, cross-cultural competency, and racism.[61] Woodward proposed that law students advocate for a required restorative justice process, such as a circle, to meet this accreditation standard.[62] In this circle, students would sit in an equal position without tables or desks blocking the view of each other.[63] Each person would have a turn to speak or to pass.[64] Woodward argued that Standard 303(c) mandates liberation work, and because restorative justice is inherently liberatory, it would be an effective vehicle to meet Standard 303(c).[65]

Finally, Stark noted that the 2026 Bar Examination will test students for competency in advising clients on alternative dispute resolution, which also appears in the context of the Rules of Professional Conduct.[66] He argued that this is an opportunity to expose and educate students on restorative justice as they prepare for licensure.[67] He noted first that the Rules of Professional Conduct have evolved and now require that attorneys have the requisite knowledge and skills to

[58] *Id*. at 38 min., 38 sec.
[59] *Id*. at 1 hour, 1 min., 0 sec.
[60] *Id*. at 1 hour, 1 min., 0 sec.
[61] *Id*. at 27 min., 53 sec.
[62] *Id*. at 28 min., 9 sec.
[63] *Id*. at 32 min., 20 sec.
[64] *Id*. at 32 min., 40 sec.
[65] *Id*. at 31 min., 35 sec.
[66] *Id*. at 1 hour, 1 min., 00 sec.
[67] *Id*. at 1 hour, 1 min., 00 sec.

advise clients on available dispute resolution options.[68] In the criminal context, Stark argued that criminal practitioners (both prosecutors and defense counsel) are ethically bound to have knowledge of non-imprisonment sentences and diversion programs.[69] He contended that teaching restorative justice is a way to abide by these ideals and ethical standards.[70]

C. Incorporating Restorative Justice Education Into Preexisting Curriculum

An additional theme that emerged during this panel was how restorative justice could be incorporated into existing curriculum. Grubman advocated for incorporating restorative justice into first-year Civil Procedure courses,[71] while Stark focused on including restorative justice into Alternative Dispute Resolution (ADR) courses and programs.[72]

Grubman explained that Civil Procedure courses are fundamentally about initiating and conducting civil suits, the core component of the civil legal system.[73] She contended that the idea that there are conflicts or circumstances not best resolved through the traditional, adversarial process is never challenged in students' first-year curriculum (or at all).[74] She further proposed incorporating Indigenous roots of restorative justice into Civil Procedure coursework, such as the Navajo peacemaking program, to demonstrate to students a method for resolving civil disputes outside of the traditional adversarial system.[75] Grubman did acknowledge that Civil Procedure courses cover a significant amount of material in a short time, but made several suggestions for how professors might fit restorative justice learning into a busy course.[76] She explained that Civil Procedure courses are driven by hypotheticals; she recommended including restorative

[68] *Id*. at 1 hour, 1 min., 10 sec.
[69] *Id*. at 1 hour, 2 min., 4 sec.
[70] *Id*. at 1 hour, 2 min., 24 sec.
[71] *Id*. at 39 min., 21 sec.
[72] *Id*. at 1 hour, 4 min., 37 sec.
[73] *Id*. at 40 min., 33 sec.
[74] *Id*. at 42 min., 14 sec.
[75] *Id*. at 44 min., 15 sec.
[76] *Id*. at 46 min., 37 sec.

justice-focused hypotheticals to elicit classroom discussion on the principles of restorative justice.[77] Grubman also invited professors to include optional readings on restorative justice or bring a guest speaker to discuss restorative justice.[78] Regardless of the format, Grubman indicated it is critical for professors to present opportunities for students to learn about other options for clients outside of the civil adversarial system.[79]

Stark also presented on how restorative justice could be incorporated into preexisting law school coursework. He explained that restorative justice and alternative dispute resolution share fundamental aspects and, therefore, ADR courses provide a natural avenue for restorative justice education.[80] While he acknowledged the distinctions between ADR and restorative justice, Stark noted that both ADR and restorative justice both prioritize autonomy and agency of the parties, a focus on relationships, and a customizable procedure.[81]

D. Key Panel Takeaways

Overall, the presenters offered several creative options for how to incorporate restorative justice into JD curriculum. There are a myriad of approaches for teaching restorative justice in law schools: from targeting students who are already interested in alternatives to the adversarial system by including restorative justice in ADR courses, to exposing new students to restorative justice in their first-year JD courses, such as Civil Procedure, to using a circle format to have discussions about bias in the legal system. Throughout all these proposals was a common thread: restorative justice education, regardless of format, must include explicit acknowledgement and knowledge of the Indigenous roots of restorative justice.

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[77] *Id*. at 46 min, 51 sec.
[78] *Id*. at 47 min., 29 sec.
[79] *Id*. at 47 min., 57 sec.
[80] *Id*. at 48 min., 40 sec.
[81] *Id*. at 51 min., 7 sec.

II. How Can Restorative Justice Be Used in Law School Settings to Impact Institutional Culture?

The second panel of the event centered on the question of how to use restorative justice to impact institutional culture in law schools. While several presenters rooted their proposals in restorative justice work in the more broad higher education context, each panelist made suggestions specific to the law school environment. The presenters' suggestions varied; the presentations recommended restorative processes for building community, processes for responding to harm, and how to build support to implement restorative processes.

A. Community Building Through Restorative Practices

Emma Theis first presented on how restorative practices, specifically circle processes, could be used to build community in law schools. She shared her experience as a law student, particularly the way that curve grading, ranking of students, importance of GPAs, an environment of competition, and a stark hierarchy between students and faculty, all made it difficult to find belonging.[82] Theis painted a picture of a more positive classroom environment, in contrast to the one she experienced, where students feel open to sharing, excited about participation in meaningful conversation, and supported through relationships.[83]

Theis advised that professors interested in creating a more welcoming learning space use a restorative circle[84] at the beginning of the semester to ground classroom discussion in shared values.[85] More long-term, she suggested starting or ending classes with a circle to review material in a way that discusses the impact on students.[86] This discussion of the nuances of the

[82] *Id*. at 1 hour, 30 min., 40 sec.
[83] *Id*. at 1 hour, 31 min., 55 sec.
[84] A restorative circle is a process based on Indigenous practices, where community members are brought together for a structured, facilitated discussion.
[85] *Id*. at 1 hour, 32 min., 34 sec.
[86] *Id*. at 1 hour, 33 min., 38 sec.

material, how it applies to the students' lives, or how the students relate to the material based on their experiences, would allow for a more robust analysis of material.[87] Theis further argued that a regular circle process could operate to bridge the hierarchical divide between students and faculty.[88] In a typical classroom utilizing the socratic method, the professor "cold-calls" students to answer questions on the spot– the professor maintains power and control over the classroom by deciding who will speak and when. In contrast, in a circle process, every member is equal. By giving students and faculty the opportunity to bring in and discuss their full selves, the classroom becomes a more caring community environment and classroom discussion is characterized by equality and voluntary participation.[89]

B. Community Healing Through Restorative Processes

Two panelists, Tayla Fauntleroy and Aishaah Reed Foster, focused on how law school communities could use restorative processes for community healing and repair. Fauntleroy discussed restorative practices as a trauma-informed practice. Reed Foster proposed implementing a restorative justice model to address honor code violations.

Fauntleroy first noted the urgency of trauma-informed teaching in law schools: many students, particularly those from marginalized groups including first-generation students, students of color, and LGBTQIA+ students, come to law schools with trauma that can impact how they learn.[90] She explained that many students are motivated to begin a legal career because of their trauma, and are commended for those motivations, but are not encouraged to be transparent about the adverse effects that trauma has on their learning.[91] Without a learning

[87] *Id*. at 1 hour, 34 min., 15 sec.
[88] *Id*. at 1 hour, 35 min., 35 sec.
[89] Id. at 1 hour, 34 min., 00 sec.
[90] *Id*. at 1 hour, 44 min., 10 sec.
[91] *Id*. at 1 hour, 49 min., 40 sec.

environment sensitive to trauma and trauma responses, many students feel unseen in their law school community.[92] Teachers have the power to shift from a standardized teaching modality to a responsive one, Fauntleroy averred.[93] She proposed that schools utilize restorative practices to cultivate a more trauma-informed and trauma-responsive classroom environment.[94] Restorative processes in the classroom would allow students to feel safe and seen, promoting a more effective learning setting.[95]

Aishaah Reed Foster proposed implementing restorative justice processes and procedures as a format for healing community after an honor code violation.[96] She provided her perspective as a former participant in disciplinary proceedings, where she sat on the grievance committee in a prosecutorial role.[97] She explained that the current disciplinary system largely mirrors the adversarial criminal legal system, including a prosecutorial role, defense role, and a deciding body.[98] This system serves two purposes, Reed Foster argued: first, to regulate the academic environment, and second, to prepare students for practice in a self-regulating profession.[99] A restorative justice system would meet both of these goals by providing a procedurally just process and encouraging students to report honor code violations without fear of an overly punitive response.[100] This system would also restore the community after a violation, rather than perpetuating a competitive, punitive environment.[101] In that sense, Reed Foster argued, the disciplinary system would become truly self-regulating.[102] A restorative justice system would

[92] *Id*. at 1 hour, 47 min., 10 sec.
[93] *Id*. at 1 hour, 47 min., 28 sec.
[94] *Id*. at 1 hour, 5 min., 10 sec.
[95] *Id*. at 1 hour, 55 min., 40 sec.
[96] *Id*. at 1 hour, 48 min., 35 sec.
[97] *Id*. at 1 hour, 59 min., 10 sec.
[98] *Id*. at 2 hours, 5 min., 20 sec.
[99] *Id*. at 2 hours, 6 min., 28 sec.
[100] *Id*. at 2 hours, 14 min., 15 sec.
[101] *Id*. at 2 hours, 15 min., 10 sec.
[102] *Id*. at 2 hours, 15 min., 58 sec.

also serve to educate students and lend credibility to restorative justice by providing an opportunity for students to participate in a restorative justice process in law school.[103]

C. Movement and Organizing

Finally, Emilie Winter focused her presentation on strategies students could use to bring restorative process to their law schools.[104] Winter noted that it is critical to hold institutions, particularly those who publicize social justice missions and values, accountable to have systems in place that reflect those values.[105] She first encouraged students to familiarize themselves with their law school's handbook and disciplinary procedures to find opportunities to implement restorative justice.[106] Second, Winter invited students to look to other institutions for ideas on how restorative justice systems might be put in place.[107] Winter discussed different frameworks for restorative justice processes based on David Karp's *The Little Book of Restorative Justice for Colleges and Universities*: restorative justice conferences, circles, and boards.[108] Winter encouraged students to use this resource to investigate potential frameworks to advocate for in their own institutions and to analyze what framework might best fit the needs of their institution.[109] Finally, Winter discussed the importance of establishing buy-in from stakeholders: from students as well as administrators.[110]

III. Career Panel

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[103] *Id*. at 2 hours, 17 min., 40 sec.
[104] *Id*. at 2 hours, 19 min., 25 sec.
[105] *Id*. at 2 hours, 20 min., 35 sec.
[106] *Id*. at 2 hours, 21 min., 24 sec.
[107] *Id*. at 2 hours, 26 min., 5 sec.
[108] *Id*. at 2 hours, 27 min., 27 sec, *see also* DAVID R. KARP, THE LITTLE BOOK OF RESTORATIVE JUSTICE FOR COLLEGES AND UNIVERSITIES 6, 57 (2nd ed. 2019).
[109] *Id*. at 2 hours, 28 min., 15 sec.
[110] *Id*. at 2 hours, 35 min., 35 sec.

As the last panel presentation of the symposium, three attorneys working in the restorative justice field discussed their paths through law school and to their current roles. The three panelists were: Tristen Edwards from Metropolitan Public Defender, Hannah Rose Groedel from Tulane Law Clinic's Women's Prison Project, and Erica Washington from Impact Justice.

The panelists first discussed their journeys through law school and to their current restorative justice roles. Tristen Edwards discussed her early exposure to restorative justice during her time in Rwanda, where the culture had been shaped by national implementation of restorative practices.[111] She was also influenced by Danielle Sered's work with Common Justice in Brooklyn.[112] Edwards attended law school with the goal of becoming a public defender in order to serve vulnerable communities against systems of oppression.[113] She noted that she was still interested in restorative justice during law school, but found it difficult to find ways to break into restorative justice work.[114] She then became a public defender in Portland, Oregon and spent the first several years of her legal career focusing on learning the legal system, becoming a strong defense attorney, and learning the needs of the communities she served.[115] During the summer of 2020, Edwards was appointed to join the Oregon state governor's racial justice council, where she proposed the idea of a restorative justice grant program to fund restorative justice alternatives to prosecution.[116] Edwards still works as an attorney for Metropolitan Public Defender, but no longer carries a felony caseload and instead is the lead attorney for restorative justice.[117]

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[111] *Id*. at 2 hours, 50 min., 20 sec.
[112] *Id*. at 2 hours, 51 min., 00 sec.
[113] *Id*. at 2 hours, 51 min., 15 sec.
[114] *Id*. at 2 hours, 51 min., 40 sec.
[115] *Id*. at 2 hours, 52 min., 20 sec.
[116] *Id*. at 2 hours, 53 min., 51 sec.
[117] *Id*. at 2 hours, 55 min., 00 sec.

Hannah Rose Groedel graduated from law school in 2015 and originally aimed to become a public defender.[118] She instead moved into civil legal aid doing domestic violence advocacy work for six years before becoming a fellow for the Women's Prison Project at Tulane Law School.[119] The project is a collaboration between the domestic violence and criminal justice clinics, and provides direct representation for women who are incarcerated for reasons related to their experience of survivors of domestic violence.[120] Groedel works specifically with counsel substitutes– individuals who are not lawyers, but who provide legal advocacy for themselves and for other incarcerated individuals.[121] During the year between her civil legal aid position and her current fellowship role, Groedel began learning about restorative justice and dedicated time to restorative justice education.[122] She brought this knowledge and perspective with her into her role working with incarcerated women.[123] While her fellowship role was not designed to be a restorative practices position, the clinic realized a restorative perspective in order to work effectively with its clients.[124]

Erica Washington explained that she went to law school to answer the question, "what is justice?"[125] She focused on criminal defense, working with the Equal Justice Initiative on capital cases in Alabama.[126] After law school, she worked at the Center for Death Penalty Litigation, representing individuals facing the death penalty in state and federal court.[127] During this time, she became interested in restorative justice after witnessing a disconnect between vulnerable,

[118] *Id*. at 2 hours, 56 min., 27 sec.
[119] *Id*. at 2 hours, 56 min., 44 sec.
[120] *Id*. at 2 hours, 57 min., 20 sec.
[121] *Id*. at 2 hours, 27 min., 50 sec.
[122] *Id*. at 2 hours, 58 min., 40 sec.
[123] *Id*. at 2 hours, 59 min., 05 sec.
[124] *Id*. at 2 hours, 59 min., 35 sec.
[125] *Id*. at 3 hours, 00 min., 50 sec.
[126] *Id*. at 3 hours, 01 min., 25 sec.
[127] *Id*. at 3 hours, 02 min., 15 sec.

human moments and a legal system that did not allow for such moments.[128] Washington connected with a community-based organization called Restorative Justice Durham.[129] During her time facilitating and organizing with Restorative Justice Durham, Washington utilized materials created by Impact Justice, where she currently works.[130] In her current role, she assists organizations and communities who want to implement restorative justice in creating and studying programs.[131]

Edwards, Groedel, and Washington discussed whether they felt their legal education enhanced their restorative justice work.[132] Edwards noted that a background in the law, and particularly the intricacies of the criminal legal system, has helped her advocate for restorative justice programs.[133] She also stated that, in her experience, having a law degree put her in partnerships with organizations across the state and gave her credibility in her policy advocacy work.[134] Groedel agreed with this sentiment, adding that having a JD provided her access to people she wanted to work with and places she wanted to do that work.[135] It allowed her to work directly with incarcerated women with the autonomy and freedom she currently enjoys.[136] Washington agreed that her JD has been helpful in granting her access to spaces and conversations around where programs can build "off ramps" out of the criminal justice system and into community-based restorative justice.[137] She also stated that her legal education has helped her better understand the intricacies of the legal system, which has enhanced her work in

[128] *Id*. at 3 hours, 03 min., 40 sec.
[129] *Id*. at 3 hours, 04 min., 03 sec.
[130] *Id*. at 3 hours, 05 min., 10 sec.
[131] *Id*. at 3 hours, 05 min., 50 sec.
[132] *Id*. at 3 hours, 06 min., 30 sec.
[133] *Id*. at 3 hours, 08 min., 23 sec.
[134] *Id*. at 3 hours, 08 min., 55 sec.
[135] *Id*. at 3 hours, 11 min., 30 sec.
[136] *Id*. at 3 hours, 11 min., 40 sec.
[137] *Id*. at 3 hours, 13 min., 53 sec.

building restorative justice alternatives.[138] Washington asserted that her legal background has helped her in developing memorandums of understanding to clarify relationships and expectations in program development, such as confidentiality, referral process, and eligibility requirements.[139] She named specific skills she developed in law school that have benefited her restorative justice work, particularly critical thinking, analytical skills, and advocacy.[140] Both Washington and Edwards explained that a legal background has better enabled their legislative advocacy, particularly in advocating for new laws to expand and enhance restorative justice.[141]

The panelists next discussed what advice they would give to current or prospective law students interested in restorative justice. Edwards encouraged students to become public defenders.[142] She explained that she has built valuable relationships with communities impacted by the legal systems, worked with survivors of harm (both named victims and clients who have experienced trauma), experienced the illogicity of the criminal legal system firsthand, and developed a unique perspective on accountability.[143] Edwards also discussed the importance of relationships to restorative justice and noted that, in her experience, public defenders are experts in relationship-building because they must build a trusting relationship with clients in the midst of the legal system.[144] Groedel's advice to law students was to apply restorative practices and trauma-informed practices regardless of their role.[145] She advised law students to find ways to incorporate restorative principles even if they are not in a formal restorative justice role.[146] Washington suggested students investigate what they still need to learn, and unlearn, after law

[138] *Id*. at 3 hours, 14 min., 32 sec.
[139] *Id*. at 3 hours, 16 min., 01 sec.
[140] *Id*. at 3 hours, 17 min., 00 sec.
[141] *Id*. at 3 hours, 17 min., 31 sec.
[142] *Id*. at 3 hours, 19 min., 07 sec.
[143] *Id*. at 3 hours, 19 min., 39 sec.
[144] *Id*. at 3 hours, 35 min., 52 sec.
[145] *Id*. at 3 hours, 36 min., 39 sec.
[146] *Id*. at 3 hours, 37 min., 09 sec.

school.[147] She stated that law school did not provide her with much of the learning she ultimately did to be successful in her current role.[148] Washington also encouraged students to explore other justice frameworks such as transformative justice, community accountability, Indigenous justice and peacemaking, and truth and reconciliation frameworks.[149] Finally, Washington invited students working in the legal system to find where the legal system needs to shift to a more restorative framework and then investigate how to work toward that shift.[150]

The panelists provided valuable insights to students who are interested in pursuing a career in restorative justice, encouraging students to apply a restorative justice framework regardless of their formal role, and advising students on skills to build.

Conclusion

This virtual symposium brought together students, academics, restorative justice practitioners, and community members, to discuss the future of restorative justice in law schools. The event centered student voices, and the student panelists made creative, insightful suggestions based on their knowledge of the field and their experience as students.

A key theme from the event was the sheer variety of opportunities for incorporating restorative justice into law school curriculum, either in a standalone class or in other coursework. Law schools can expose students to restorative justice in required courses such as Criminal Law or Civil Procedure, and provide opportunities for students already interested in restorative justice through more specialized courses such as alternative dispute resolution. While the presenters largely focused on incorporating restorative justice into traditional classroom curriculum,

[147] *Id*. at 3 hours, 39 min., 29 sec.
[148] *Id*. at 3 hours, 29 min., 52 sec.
[149] *Id*. at 3 hours, 30 min., 06 sec.
[150] *Id*. at 3 hours, 32 min., 19 sec.

existing literature recommends including an experiential learning aspect, such as a clinic. Taken together, literature and the event suggest providing exposure to restorative justice in required coursework, through, for example, supplemental readings or a guest speaker on restorative justice in a Civil Procedure class. Law schools should also consider a more robust option for students already interested in restorative justice through offering a standalone class or a unit in a class like alternative dispute resolution, as well as an opportunity for experiential learning such as providing victim-offender dialogue facilitation experience in a clinic context. Regardless of how schools incorporate restorative justice education, the curriculum should include the Indigenous roots of restorative justice.

Another key takeaway is utilizing restorative justice to impact institutional culture by building community through circle processes. This could look like a circle during orientation to discuss topics including inequality, race, and social justice, or could be part of a regular classroom custom to create an environment characterized by equal participation rather than a hierarchical power dynamic.

Restorative justice could also be used to respond to harm as an alternative to the current process for addressing honor code violations. This would provide an opportunity for healing and reparation of harm and would also combat the often punitive and competitive law school environment.

Incorporating restorative justice into schools should be student-centered and led. Students have a wealth of ideas and experiences in their own communities, and can be leaders or stakeholders in a movement to include restorative justice in law schools. Restorative justice can benefit law school community culture and education, with students at the center.