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Improving the Human Condition

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Improving the Human Condition

I recently attended a roundtable discussion at North Carolina Central University on the topic of Restorative Justice. The meeting convener, who is the chair of the department of Social Work, started the meeting by introducing herself and then uttering these words: “The point of all we do in the school of social work is to improve the human condition.”

My immediate thought was that improving the human condition should also be the point of our work as lawyers and as professors who are molding the next generation of lawyers. No one has a better opportunity to improve the human condition than lawyers. Conversely, no one has a better opportunity to make a mess of it either.

The organizers of this year’s *Campbell Law Review* symposium recognize that we have great opportunity to improve the human condition in our profession. For this reason, they looked toward a higher and nobler calling for lawyers—a calling that humanizes clients and looks for methods to address thorny issues in a way that can bring healing to human beings. Imagine that—lawyers leading the way in the healing process.

As a criminal defense attorney, I was often frustrated with my inability and the inability of the system I worked in to bring healing to people who had been injured by crime. It was this frustration that led me to explore ways to bring people together so that they could share their pain, their needs, and their stories in powerful ways. From these stories, they could explore ways to address the harm caused by criminal behavior. I later learned there is a name for this practice: Restorative Justice.

Restorative Justice differs from our traditional system of criminal justice in several significant ways. One of those ways is focusing on the harm rather than on the offender. Another of those ways is solving the problem by addressing the needs of those who have been injured rather than by punishing the offender. It gives voices to victims, and it allows offenders to hold themselves accountable. Ultimately, it helps to create stronger people and better communities.

At Campbell Law School, one of the ways students learn to improve the human condition is through the Juvenile Justice Project. The JJP is a clinical program of the law school in which law students learn to facilitate dialogues between victims and offenders, as well as between students in public schools, who experience conflict with each other that would typically lead to office referrals, suspensions, and sometimes arrest. Law students lead participants in discussions to discover what and why a bad thing happened, how people were affected, and how those people can work together to try to make things right.

Our work focuses on the actions of juveniles, but Restorative Justice reaches further than that. One of my first exposures to Restorative Justice during my training as a facilitator was through a documentary about Linda White. Linda met with Gary Brown, who had kidnapped, raped, and murdered Linda's daughter. Linda went through a Restorative Justice process and eventually met with Gary while he was serving a fifty-four year sentence in a Texas prison. I thought, then, that the meeting was one of the most powerful things I had ever seen, and I knew I wanted to be a part of that process. When I watch it now, I still marvel at the magnitude of the human spirit to do remarkable things when given the space and time.

That same remarkable human spirit was on display during the last panel of the Law Review symposium when Andy and Kate Grosmaire, Michael and Julie McBride, Sujatha Baliga, and Howard Zehr took the stage to tell a story of terrible human tragedy and the miraculous human capabilities of love and forgiveness. Tears filled my eyes as Andy described looking down at his daughter Ann as she was holding onto the last fragments of life; he said that he could not distinguish between where Ann ended and Christ began. He had both a very human and very divine moment. He was able to let go of his daughter because he knew he was passing her into the arms of Jesus.

That same human and miraculous spirit came together again as Andy and Kate decided that they could not be satisfied with a traditional and expected criminal sentence—one that would have simply put Conor away for the rest of his life. They saw such a sentence as a waste because they believed Conor now had an obligation to live for two people—not just for himself but also for the life that was lost. The story that followed about how they met with Conor, his parents, the attorneys, and the facilitator is the story of Restorative Justice. In the end, the Grosmaires did not get all they wanted, but they came close. Because the prosecutor listened to their needs, because all the people affected had the ability and courage to sit down with each other, and because they were willing to “become human”

to each other, all benefited. In a letter written by Conor after the process, he wrote:

During the victim/offender circle, I heard in intimate detail from the parents of the victim all the pain I had caused. Ann's parents did not spare me. They told me of their hurt and sorrow over the loss of their daughter, and so the harsh reality of my crime was impressed upon me. I then had to tell the events of the shooting to Ann's parents—the people affected most. It was one of the hardest things I have ever done. There was no avoiding the fact that I was responsible. The truth was there was no one to blame but myself. This was especially true because the circle allowed me to see the prosecutor not as an enemy but as a man doing his job. He was not out to get me as so many defendants feel, including myself prior to the circle, but he was fulfilling his duty to protect society. I could not hide and imagine myself the victim of the system; my pain was nothing compared to that of Ann's parents, let alone Ann's, and the State hated my crime, not me. So, the responsibility, the blame, and the shame were mine and mine alone. I was able to accept that because Restorative Justice saw me as a person who messed up. I had made a terrible mistake, and I needed to improve myself; also, I needed to give back to the community I had harmed. Thus, I was not sentenced to life, but rather I have an opportunity to do right and make amends. Restorative Justice has given me the hope, the means, and the self-awareness to better myself and help others to prevent this from ever happening again.

Conor is currently serving a twenty-year sentence for his crime. Upon his release, the Grosmaires, the McBrides, and the community expect Conor to give back and begin living the life of two. The Grosmaires and McBrides have received a measure of healing that could not have been experienced in the traditional system. The community of Tallahassee was supportive of the process. Lawyers played a pivotal role, and the human condition has been improved.

And thus was the aim of the Law Review symposium titled “The Virtuous Lawyer: Seeking Justice and the Common Good.” As was said in the introductory and concluding remarks that day, the presenters and the works presented in this issue set out to explore the ways in which the law can bring about healing. Whether it comes through Collaborative Law practices with medical error or in Restorative Justice practices with crimes, a lawyer wields the power to bring healing—as the servant to his client and as the healer for both the individual and the community.

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