

# Inside Ann Arbor

## Peacemaking Court

*A new county program brings tribal peacemaking principles to the state court system.*

“It sounds soft,” admits judge Timothy Connors about the Washenaw County Peacemaking Court, which was launched last October in his courtroom with the “full engagement of the state court system, with the blessing and encouragement of the state Supreme Court.” In fact, Connors says, peacemaking is “harder than the traditional model because you have to be honest, make amends, and forgive.”

Guided by the Native American principles of respect, the importance of relationships, and responsibility, the program aims to replace traditional adversarial decision making with more comprehensive solutions and a focus on healing relationships. Potential cases are selected by Connors and transferred to the peacemaking court only if all parties agree to participate and to abide by any resulting agreement.

Instead of Connors hearing a case from the bench, trained peacemakers meet in a circle with participants. All members of the circle have a “collective responsibility” to reach a resolution, Connors says. A “talking piece” is passed from hand to hand, and when a peacemaker poses a question about the issue in dispute, the person holding the talking piece is free to speak without interruption. “All participants have relinquished control to the talking piece,” explains Connors.

The court developed from Connors’ relationship with tribal judge Michael Petoskey, who introduced the concept to Michigan’s tribal courts. Although most peacemakers in the county program are trained mediators, Connors says peacemaking court differs from court-ordered mediation because a facilitator does not control the process and outcome—“the circle itself” does. Right now Connors is considering juvenile, family, elder law, and business cases. “We’re not considering serious injury, sexual assault, or domestic violence cases,” Connors says. “Ultimately, as people become more comfortable [with peacemaking], there may be more applications.”

On a weekday morning in late February, about fifty people gather across the hall from Connors’ chambers for peacemaker training. Many are trained mediators from Ann Arbor’s Dispute Resolution Center, and some are private practitioners. Court employees, members of Friend of the Court, and law students also attend. Tribal leader and peacemaking expert Paul Raphael and the Grand Traverse Band of Ottawa and Chippewa Indians is among the trainers.

“Your movement is the same movement we’ve been doing,” Raphael tells the group. “We’re trying to create pockets of



MARK BIALEK

Claire Tinkerhess, peacemaking court director Susan Butterwick, and court reporter Lucile Kirk-Malcolm. One participant wrote Butterwick a thank-you note, saying that the peacemaking sessions “ended years of pain.”

peacemakers around the world ... We’re born with this gift of innocence and knowing what the truth is, and somewhere deep inside the people we’re working with, that piece is still there.”

Raphael then leads the group in a “talking circle.” He poses a question and passes the talking piece. It takes nearly two hours to complete the circle. In peacemaking court, the time frame is open-ended as long as the parties continue to work toward consensus—which can take anywhere from a few hours to a couple of days.

Peacemaking court director Susan Butterwick—an attorney and mediation professor at Wayne State—has worked on the first cases and will mentor new peacemakers. She and a co-peacemaker have completed an estate case, a guardianship case, a child-custody case, and a post-divorce child visitation case. Connors, she says, is “picking family cases where he feels that parties could benefit and would want to repair relationships ... This is voluntary for everybody—no one is ordered to be there. That’s a great gift to have people there who really want to be there.”

Peacemakers follow up on each case—and participants may reach out to them as well. Butterwick recalls that one participant wrote a thank-you note and said that although she was “skeptical going in,” the peacemaking sessions “ended years of pain.”

Connors and Butterwick see great potential with juveniles. The peacemaking program, Butterwick says, helps young offenders “understand the effect [their actions] have on others and then tailors the solutions to what they did. It’s not a cookie-cutter punishment.”

Belinda Dulin, executive director of the Dispute Resolution Center, which is a partner in the program, explains that “it’s about people learning how to fix their own problems. What’s fascinating about [peacemaking court] is that it’s a journey that can bring about more satisfying

results.” Butterwick notes that data from similar models show a high satisfaction rate among all parties and a drastic reduction in repeat offenses.

Connors says the court is getting a lot of interest from other states, including Texas, New York, and South Carolina—and even as far away as England. “I view it as planting the first acorn in the state system,” says Connors. “There’s a lot of power in the acorn.”