



FOR IMMEDIATE RELEASE

July 31, 2019

COMMUNITY DISPUTE RESOLUTION PROGRAM LAUNCHED IN BUFFALO CITY COURT

Erie County DA Flynn, The Center for Resolution and Justice, and The Legal Aid Bureau announce diversion program as alternative to criminal proceedings

BUFFALO - Erie County District Attorney John J. Flynn announces the establishment of the Community Dispute Resolution Program (CDR) in Buffalo City Court, a restorative justice alternative to criminal proceedings to resolve issues between parties. The diversion program will utilize mediation and conflict coaching to facilitate conversations between a complainant and defendant with a neutral third party to identify issues, clarify perceptions, and explore options for an acceptable resolution.

Members of the Western New York Chapter of the Women's Bar Association of New York (WBASNY), Assistant District Attorney Ashley Lowry, Rebecca Town (Legal Aid Bureau of Buffalo) and Julie Loesch (Child & Family Services Center for Resolution and Justice), began discussing the need to bring the dispute resolution program back to Buffalo City Court. District Attorney Flynn approved the launch of the program after being approached by the group at the WBASNY Criminal Law Committee "Meet Your D.A." dinner last spring.

Throughout the past several months, the attorneys met with other representatives from their offices to develop the program that Center for Resolution and Justice (CRJ) will implement in Buffalo City Court with funding provided by the New York State Unified Court System to support court-based Alternative Dispute Resolution (ADR). Through their coordinated effort, the Community Dispute Resolution Program aims to reduce the number of low-level criminal cases in Buffalo City Court by resolving disputes through mediation and conflict coaching.

Referrals to the program will be made by the assistant district attorney or defense attorney upon request of either party or during plea negotiations in a criminal case. Once referred to the CDR program, each party will meet with CRJ representative to schedule an initial meeting to discuss the issue.

The screening process allows each party to explain their side of the issue with an unbiased mediator who will determine the appropriate services for each party. Once both parties commit to proceed, a joint mediation session is scheduled. With the assistance of a mediator, the two parties will identify the issue(s) involved in the conflict, work to clarify perceptions, and explore options for an acceptable resolution outside of the criminal justice system.

If a complainant declines to participate in mediation or a restriction is found during the screening process, a conflict coaching session will be scheduled for the defendant. Conflict coaching is a one-on-one meeting with a trained coach who will work to increase the defendant's understanding of the conflict, address decision-making for future interactions, and teach conflict resolution skills specific to the individual.

The services provided by the Community Dispute Resolution Program are free, voluntary, and confidential. The program aims to support parties in resolving issues, encourage participants to strategize steps for positive interactions, and reduce future conflict.

Eligible Cases for Community Dispute Resolution Program:

- Cases including, but not limited to, harassment, criminal trespassing, criminal mischief, menacing, noise complaints, minor assaults, and property damage.
- Cases where parties are going to have an ongoing relationship such as family, colleagues, former friends, neighbors, etc.
- Cases where there is considerable law enforcement or criminal court history of ongoing conflict with the role of "victim" and "offender" often changing with the particular filing.
- Cases where anger management may have been raised during the plea conversation.

Cases Restricted from Participation:

- Domestic violence matters
- No-contact orders of protection involving the parties
- Allegations of child abuse, neglect, or any case that poses a danger to a child

Potential Results for Participation:

- An agreement is reached between parties, and the dismissal of the case is requested.
- An agreement is reached between parties, the dismissal of the case is requested, and the parties enter into a private agreement regarding future conduct, restitution, communication, etc.
- An agreement is reached between parties, and the case is adjourned in contemplation of dismissal (ACD), or ACD with the following possible conditions: restitution or an order of protection.
- No agreement is reached, the referral report will be submitted to the court, and the case will proceed on the criminal calendar.

Starting today, July 31, 2019, parties eligible to participate in the Community Dispute Resolution Program will be able to start the process in Buffalo City Court. The ECDA and The Center for Resolution and Justice has provided training to assistant district attorneys and public defenders. Additional training will be coordinate by the WBASNY WNY Criminal Law Committee and made available to all assigned counsel and Erie County Bar Association members in fall 2019.

"Whenever possible, I want to give people the opportunity to correct their wrongdoings. I hope that through the Community Dispute Resolution Program, people in the City of Buffalo can come to an

agreeable resolution on a conflict, and hopefully the problem can be resolved outside of criminal court,” said **Erie County District Attorney John J. Flynn**. “I want to thank The Legal Aid Bureau and The Center for Resolution and Justice for working with my office to return this program to Buffalo City Court.”

“When the underlying issues between parties involved in a conflict go unresolved, the situation can escalate resulting in one or both parties being charged with a crime. Due to our collaboration with the District Attorney, Legal Aid Bureau and Judge Hannah’s leadership in Buffalo City Court, eligible parties will be provided a unique opportunity to talk things out confidentially, in a safe space with the help of a trained neutral third party,” said **Julie M. Loesch, Esq., Director, Child & Family Services CRJ**.

“Sometimes a conversation about what went wrong and why; an apology; or a plan to prevent future conflict crafted by the parties themselves offers the sort of just remedy that simply can’t be found within the limitations of the adversarial justice system. We are fortunate that our partners in the criminal justice system understand the importance of providing people access to this broader form of justice.”

“Anytime we can limit the disruption in our clients’ lives while at the same time resolve their issues in a positive manner with positive future impact, we see that as a highly beneficial scenario. That is the essence of the Community Dispute Resolution Program. We’re excited to endorse their efforts,” said **Kevin M. Stadelmaier, Chief Attorney of the Criminal Defense Unit of the Legal Aid Bureau of Buffalo, Inc.**

“I referred many cases to CDR when the program was in Buffalo City Court previously and am pleased to support the relaunch of the new and improved CDR program today. I am pleased that the CDR program will provide early settlement options in criminal court as a tool for resolving minor criminal matters with roots in interpersonal conflict. Offering this diversion program to eligible parties in appropriate cases also helps preserve limited court resources for more serious matters,” said **Hon. Craig D. Hannah, Chief Judge, Buffalo City Court**.

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