

OPENING REMARKS FOR THE *CUNY LAW REVIEW* 25TH ANNIVERSARY EVENT

By Rev. Dr. Yvette Wilson-Barnes†

On the evening of Friday, March 4, 2022, City University of New York (“CUNY”) School of Law commemorated the 25th Anniversary of *CUNY Law Review* (“the Law Review”),¹ originally named *New York City Law Review*.²

As the Associate Dean for Student Affairs at CUNY Law,³ I am a proud member of the graduating class of 1997,⁴ a former staff member of the inaugural issue published for release in the Winter of 1996,⁵ and a former Notes & Comments Editor for the Fall 1996 issue.⁶ Although the first issue of the *New York City Law Review* was published in the 1995-96 academic year,⁷ the Law Review’s steering committee made every effort to publish an issue called *CUNY Law Review* in the Spring of 1993.⁸ Failing to launch in 1993,⁹ the steering committee re-established itself in the summer of 1994, developing the Law Review’s strategic vision and operational infrastructure.¹⁰ Back then, the Law Review could not have “CUNY” in its name, due to former City University of New York regulations,¹¹ hence the name, *New York City Law Review*.¹² Law Review’s founders originally saw it as, “[a]

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¹ CUNY Law Review, *Celebrating 25 Years of CUNY Law Review*, YOUTUBE (Mar. 16, 2022), <https://youtu.be/Cdzaf6K4pic>.

² Jonathan D. Libby et al., *Introduction: A Journal of Law in the Service of Human Needs*, 1 N.Y. CITY L. REV. 1 (1996).

³ Rev. Dr. Yvette Wilson-Barnes, J.D., *Rev. Dr. Yvette Wilson-Barnes ‘97 Introduces Commencement Speaker Rev. Dr. William J. Barber II*, CUNY L. SCH. (June 14, 2021), <https://perma.cc/7CJM-S555>.

⁴ *Id.*

⁵ Libby et al., *supra* note 2, at 1.

⁶ 1 N.Y. CITY L. REV. (1996).

⁷ Libby et al., *supra* note 2, at 2.

⁸ *Id.* at 1.

⁹ *Id.*

¹⁰ *Id.* at 2.

¹¹ *Id.*

¹² *Id.*

[s]tudent-run, student-edited law journal”¹³ and “published by students at the only public law school in New York City.”¹⁴ *CUNY Law Review* is broadly interdisciplinary and welcomes articles, essays, book reviews, case comments, and notes that comport with our mission of “Law in the Service of Human Needs,” as well as works specific to New York City.

The 1994-95 steering committee included Okechukwu Athanasius Duru, Emily Barnes Cole, Anthony H. Mansfield, Anastasia Rivera, and Jonathan Libby as its Chairperson. Jonathan and Okechukwu served as Editors-in-Chief along with Emily as Executive Articles Editor; Anthony as Executive Notes & Comments Editor; Todd David Muhlstock as Managing Editor; Frank Ruggiero, Wendy Umscheid, and Joanna Piepgrass as Articles Editors; Oscar Odom III as Associate Editor; Christopher Fanning, Daniel Linehan, James Shook, Jr., Kenneth Spole, Marianne Stachtiarus, Marc Taylor, Selene D’Alessio as Notes & Comments Editors, and Professor Ruthann Robson as Faculty Advisor.¹⁵ Twenty-five of us were staff members and thirteen others also contributed to the production of the inaugural issue.¹⁶ There are so many more individuals to honor and extend our gratitude to, for supporting the establishment of *CUNY Law Review*. To those whose names scrolled across the digital screen¹⁷ as well as to our first sponsors,¹⁸ thank you for believing in all that Law Review could become.

It is important to note that we are currently in the 26th anniversary year, but because no volumes were issued in 1997 and 1999, we are celebrating the Law Review’s 25th publication.¹⁹

While the inaugural issue was at the printer, we heard shocking news that Professor Haywood Burns, our former law school Dean serving from 1987 to 1994, and Professor M. Shanara Gilbert, Founder and Co-Director of the Defenders Clinic, passed away tragically while in Cape Town, South Africa attending a democracy and international law conference.²⁰ The Law Review team featured written memorials for them in the Winter 1996 issue.²¹ It is important to know that Professor Gilbert was the first subscriber and sponsor of the inaugural issue of *CUNY Law Review*.

The first steering committee always wanted “CUNY” included in the publication’s name.²² It was not until 2010-11 that the Law

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Supra* note 6.

¹⁷ *Celebrating 25 Years of CUNY Law Review*, *supra* note 1, at 1:08-3:33.

¹⁸ Libby et al., *supra* note 2, at 2.

¹⁹ *Front Matter*, 25 CUNY L. REV. (2022).

²⁰ *Front Matter*, 1 N.Y. CITY L. REV. (1996).

²¹ *Id.*

²² Libby et al., *supra* note 2, at 2.

Review’s executive committee officially changed the name of the publication to *CUNY Law Review*.²³

CUNY Law Review is at the epicenter of progressive ideas, innovation, envisioning, and reimagining what justice is and can be—it challenges every fiber of our being as to what justice should be and will become. James Baldwin, in his 1963 *A Talk to Teachers*, said, “The paradox of education is precisely this—that as one begins to become conscious one begins to examine the society in which they are being educated.”²⁴ The Review is not just words in a journal or an academic exercise. Law Review calls the writer and the reader to enter a process of learning, examining, considering, reexamining, reconsidering, and proposing the imagining of something different—to critically engage and experience transformation, by the information it conveys. Every issue, and its articles, look to do this in a way that invites its readers to go more deeply. This is especially true of the current volume.²⁵

For this *CUNY Law Review* celebration, we did just that—unpacked a proposition to use the tools and practices of restorative justice to address sexual harm²⁶ as recommended by authors and guest panelists Alexa Sardina, Ph.D., Assistant Professor in the College of Health and Human Resources, Division of Criminal Justice at California State University-Sacramento,²⁷ and Alissa R. Ackerman, Ph.D., Assistant Professor of Criminal Justice in the College of Humanities and Social Sciences, Division of Politics, Administration, and Justice at California State University-Fullerton.²⁸ Their article, entitled *Restorative Justice in Cases of Sexual Harm*²⁹ underscores that sex crimes policies and practices do not effectively reduce sexual violence,³⁰ nor do they offer a “culturally responsive, trauma informed, survivor-centered or evidence-based approach”³¹ to healing and preventative measures³² that restorative justice methods may provide in cases of sexual harm.³³

CUNY Law Review has always produced pioneering and trailblazing articles. Our articles are cited in journals, court cases, and discussed at symposiums. Considering our panel discussion on restorative justice in cases of sexual harm, there are three articles over *CUNY Law Review*’s history worth mentioning that discussed

²³ *Introduction to the CUNY Law Review*, 14 CUNY L. Rev. 1 (2010).

²⁴ James Baldwin, *A Talk to Teachers*, SATURDAY REV. 42 (Dec. 21, 1963).

²⁵ *Front Matter*, *supra* note 19.

²⁶ Alexa Sardina & Alissa R. Ackerman, *Restorative Justice in Cases of Sexual Harm*, 25 CUNY L. REV. 1 (2022).

²⁷ Dr. Alexa Sardina, AMPERSANDS RESTORATIVE JUST., <https://perma.cc/WC7G-8PDY> (last visited March 19, 2022).

²⁸ Dr. Alissa R. Ackerman, AMPERSANDS RESTORATIVE JUST., <https://perma.cc/W9C7-3XFB> (last visited March 19, 2022).

²⁹ Sardina & Ackerman, *supra* note 26.

³⁰ *Id.* at 21.

³¹ *Id.* at 55.

³² *Id.*

³³ *Id.* at 40.

restorative justice as a model for ending gender-based violence. The first article, *VAWA @ 20: Introduction* by Nishan Bhaumik,³⁴ noted that aggressive criminal justice measures promote and perpetuate cycles of violence against marginalized communities while restorative justice approaches seek to mitigate that harm.³⁵

The second article, *Stalled at 20: VAWA, the Criminal Justice System, and the Possibilities of Restorative Justice* by Leigh Goodmark,³⁶ claims that the Violence Against Women Act (“VAWA”) has not done enough to offer alternative justice seeking options.³⁷ Instead VAWA has mandated states with funding and adopted pro-arrest policies which include arresting and incarcerating women who would prefer not to testify against their partners or to have them arrested.³⁸ Goodmark shares, there are factors that inform why a victim/survivor would want alternative options.³⁹ It may be because of their religious beliefs, children, immigration status, financial adversities, or community sanctions.⁴⁰ Goodmark also argues that restorative justice gives a victim/survivor of violence far more power and control over the outcome than the criminal justice system can offer.⁴¹ Goodmark’s position is that a victim/survivor would rather have the harm repaired than the crime punished.⁴²

Restorative justice addressing violence against women comes with criticism that an offender will not be held accountable for the harm. However, in the third article, *VAWA After the Party: Implementing Proposed Guidelines on Campus Sexual Assault Resolution*, authors Mary P. Koss & Elise C. Lopez,⁴³ share that restorative justice principles in campus sexual assault and/or misconduct complaints are a framework for resolving these complaints while staying in compliance with VAWA.⁴⁴ Koss and Lopez point out the difference between the mediation method of neutrality versus restorative justices’ prerequisite to take part in the process if the offender takes personal responsibility for wrongdoing.⁴⁵ Their research showcases restorative justice as a victim-centered process, with the focus of the victim/survivor expressing their harm as an integral part of the plan for restitution.⁴⁶ Koss and Lopez imagined dialogues where

³⁴ Nishan Bhaumik, *VAWA @ 20: Introduction*, 18 CUNY L. REV. F. 1 (2014).

³⁵ Bhaumik, *supra* note 34, at 3.

³⁶ Leigh Goodmark, *Stalled at 20: VAWA, the Criminal Justice System, and the Possibilities of Restorative Justice*, 18 CUNY L. REV. 48 (2014).

³⁷ *Id.* at 48.

³⁸ *Id.*

³⁹ *Id.* at 49.

⁴⁰ *Id.*

⁴¹ *Id.* at 51.

⁴² *Id.*

⁴³ Mary P. Koss & Elise C. Lopez, *VAWA After the Party: Implementing Proposed Guidelines on Campus Sexual Assault Resolution*, 18 CUNY L. REV. 4 (2014).

⁴⁴ *Id.* at 5.

⁴⁵ *Id.* at 8.

⁴⁶ *Id.* at 9.

victim/survivor and the offender agreed to a facilitated discussion by a student conduct practitioner trained in using restorative justice models for cases where the actions of the accused offender did not commit a policy violation.⁴⁷ The authors argued for restorative justice resolutions during the investigative process, restorative justice separation, and community reintegration techniques in an effort to support the safety of the victim/survivor and the campus community.⁴⁸ Koss and Lopez encouraged VAWA to prioritize the voices of those harmed and to offer a diversity of options to address the harm.⁴⁹ These articles each call for restorative justice alternatives to the traditional carceral model in different contexts, the criminal justice system at large, in cases of gender-based domestic violence, and in cases of campus sexual assault. Our guest speakers tonight drew from these ideas in their *CUNY Law Review* article to apply them to the context of sexual harm—a thoughtful and novel idea.

Can you conceptualize a restorative justice approach to addressing sexual harm? This is the question we wrestled with as I co-moderated the panel conversation with third year law student Brittney Frey.⁵⁰ Ms. Frey is one of *CUNY Law Review's* Executive Articles Editors⁵¹ and an incoming Fall 2022 Assistant District Attorney with the Brooklyn District Attorney's Office with a vision for the progressive prosecution movement to implement more alternatives to incarceration, such as restorative justice approaches.

Professor Sardina and Professor Ackerman engaged us in a riveting and thought-provoking groundswell panel discussion. Read their article in *CUNY Law Review's* Volume 25.1.⁵² Reflect on it, imagine what a culturally-responsive, restorative justice approach can offer a victim/survivor of sexual harm and its impact on our criminal justice system,⁵³ and finally, ponder on what we can learn from restorative justices' Indigenous origin, wisdom, and community praxis.⁵⁴

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⁴⁷ *Id.*

⁴⁸ *Id.* at 10.

⁴⁹ *Id.* at 13.

⁵⁰ *Celebrating 25 Years of CUNY Law Review*, *supra* note 1.

⁵¹ *Front Matter*, *supra* note 19.

⁵² Sardina & Ackerman, *supra* note 26.

⁵³ *Id.* at 55-56.

⁵⁴ *Id.* at 26.