# Judge Laurel Beatty Blunt\_ What policymakers need to know about the criminal justice system (Audio ENG)

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0:00:01.2 Celeste Watkins-Hayes: Well, good afternoon, everyone. It is a pleasure to see all of you here today, and I know that we've got people visiting with us virtually, so welcome. Welcome to tonight's policy talks at the Gerald R. Ford School of Public Policy. To those of you in the room and to those visiting us virtually, I'm Celeste Watkins-Hayes, I'm the Interim Dean of the Ford School and I'm also the Founding Director of the Center for Racial Justice. I'm excited to get into this very important conversation at the intersection of social policy and criminal justice with my friend and colleague, Judge Laurel Beatty Blunt. What a moment for us to be in conversation together. So to give you a brief snapshot of the judge's very impressive resume, Judge Laurel Beatty Blunt is a distinguished litigator, legal expert, and public servant. After serving many years as a litigator and judge, in 2018, Judge Beatty Blunt became the first Black woman to serve on the 10th District Court of Appeals in Columbus, Ohio. She is a Towsley Foundation Policymaker in residence here at the Ford School, teaching a graduate course on the Supreme Court that examines the court's place in the American legal system, and I know many members of that class are here today.

0:01:21.5 CW: Yes. The class also looks at the processes and influences by which a case reaches the Supreme Court and the court's impact on public policy. Tonight's event is part of our Towsley Foundation lecture series, and I'd like to thank the Towsley Foundation for their continued support of this program that enhances our curriculum and strengthens our ties to the policy community. A reminder that there will be time at the end of the conversation for you to ask questions, and I encourage you to be thinking about questions that you'd like to ask. Those in the room can just raise your hands during Q&A, and we have staff members with microphones who will come to you. And those watching virtually can tweet your questions to #policy talks. I know we have an interdisciplinary audience today across policy, law, social work, and beyond, and I'm excited to say our questions definitely reflect that. There are questions I've already received. So with that, please join me in welcoming Judge Beatty Blunt to dive into what policymakers need to know about the criminal justice system.

0:02:28.6 Laurel Beatty Blunt: Thank you for having me.

[applause]

0:02:34.1 CW: So, Judge, you've had a really impressive career, and just to help people level set and walking us through, you've been a plaintiff's attorney, you've been a defense attorney, so you've been on both sides of the table, you've been a state lobbyist, you've been a common pleas judge, and now you serve on the 10th District Court of Appeals in Columbus, Ohio. And I'd love to kick off our discussion by asking about your initial impressions of the criminal justice system when you were first charting your career. As we have so many students in the audience that are imagining the institutions that they're going to be coming into, what were the assumptions and perceptions that initially influenced and guided your thinking about the criminal justice system, and did those evolve over time?

0:03:27.2 LB: I think when I first started... Thank you for having me. When I first started, I think I looked at crime way more black and white. Very right, wrong, boom, it's over. And that absolutely evolved over time because I think as a judge, what shaped me the most was those 10 years in the trial court. It's called Common Pleas Court in Ohio. Here in Michigan, it's called Circuit Court. And so my jurisdiction was felony criminal cases and civil cases over $15,000. So the first thing I did realizing that while I had been on the plaintiff side and the defense side, it was all civil law. And so the first thing I did as a judge was to go to all the places that I thought touched criminal law. So I went to a prison, I went to a jail, I went to a mental health facility, I went to... In Ohio, we call them community-based correction facilities, but they're most popularly known as halfway houses. And it was incredibly helpful for me to not only go there and see the places, but also to meet the people. So then you fast forward to I start sentencing defendants. I even have a picture in my head of where I'm sending someone.

0:05:01.7 LB: And then as far as the evolution of looking at things as black and white, you come to realize that oftentimes in a context of revenge, something done out of revenge, while that person might be doing something horrific, they think they're right. Because they feel like they're getting retribution or whatever. And so it isn't necessarily so black and white. I had always had a good awareness that people grew up differently than I did, but as I was... During my judicial career, even that changed because first of all, I recognized how fortunate I was to have the parents that I had. Because when you start realizing little things like even the fact that I woke up and I saw parents going to work every day influenced me, and that's a very small thing, and so I think a really big part of being a judge is seeing what's happening in your community. Because even if you have good intentions, if you don't know what is going on in your community and with different people, and recognize the million ways people wind up in front of you, even with good intentions, you might not get it right.

0:06:34.9 CW: What's so interesting about what you said, from what you said about going to the different institutions to also thinking about the influences within people's lives and what you had perhaps taken for granted is, social context matters.

0:06:51.0 LB: Oh, 100%.

0:06:52.4 CW: And this idea of adjudicating the law or thinking about public policy, the importance of social context, so from an institutional perspective, it's so interesting that the first thing you wanted to do was go look at institutions. Because many of the students in our class, Racial Foundations and Public Policy, we've talked about... A guiding theme in our course was micro interactions, micro-level, interpersonal interactions, individual experiences are embedded within institutions, and those institutions are embedded in larger structures. So what did you gain? Walk us through, take us on a brief tour of the different institutions that end up being key to your work within the criminal justice system. What was it like when you went to the prison? What did you learn differently from when you went to the jail? What did you learn differently from when you went to the halfway house, the rehab facility, and how did that framework help you as you were thinking about where people needed to go?

0:07:56.1 LB: First, I want to share something that might be radical now, although I think it's only radical because our society is so polarized, and we are talking to each other with our backs to each other. I believe that there are people with a little help can be put on the right track, and I also believe that there are people from whom we need protection. And I think that both of those things are true. Depending on what political side of the spectrum, you might not agree with me. But I would ask and note to you that I spent 10 years... I was the one on the bench. I had the witnesses a couple of feet away from me. I had the victims crying in front of me. I read the reports about how people started and how they wound up in front of me. So I wanted to go every place because if I was going to take someone's liberty, I wanted to know not just in an abstract way where I was sending them. And then one thing that people don't consider is that when you're sentencing someone, one thing you can do is that, you know, if you think of, prison is your state institution where you can be sent anywhere in the state, whereas jail is more your county institution, so some options that you have, you can send someone to prison or you can put them on probation and have jail as a condition of the probation. Do you see what...

0:09:33.6 CW: To keep them local.

0:09:35.2 LB: To keep them local, to get their attention, lots of different reasons. But you have to know what the institutions are. And then very importantly, when I went to the community-based corrections facility, the biggest thing I realized was that largely what they were trying to do was teach people what I had parents and experiences to teach me. So say, for example, I play tee-ball, and in tee-ball, I learned that when you get frustrated, you can't hit somebody upside the head with a bat. But, everyone didn't grow up like me. And there are some people that grew up in an environment where how you resolve conflict is to hit somebody upside the head with a bat, and that's what they know. That's what they have seen. And so we have institutions that can help with that. And I'm always encouraged by that because it's that side where I think with the right help, we could put that person that learned as a small child some bad things, maybe change their thinking and they don't even make it to prison hopefully.

0:11:06.1 CW: One of the things that I also hear you talk about is this idea of nuance and this idea of a spectrum when we think about criminal justice, and your point that we're talking with our backs against each other. And we definitely in our policy conversations have people who really believe in those punitive tools and we have a lot of policy discourse around that, and then we have policy discourse around dismantling the tools, abolishing those kinds of tools, etcetera, because of the fundamental argument that the criminal justice system is so fraught and so problematic that it's really beyond repair. And in a just society, we really need to dismantle this infrastructure that has been built and built and built. So help us understand where we can find common ground. Help us understand the frameworks that you use to operate in a space of nuance on this particular issue.

0:12:13.6 LB: First is treating everyone as an individual and not saying, for example, "Oh, if you commit a property crime, I'm gonna throw you under the jail." Every case is different, every person is different, and I think that you have to consider everything that got them in front of you. The example that I used in a talk earlier today was, during the opioid crisis, Ohio was hit very hard with the opioid crisis, and so, you know the stories that you read in the news where someone had lived a law abiding life, they get in an accident, they get prescribed a certain drug and they like it, and it just goes from the prescription to the heroin, then possibly to crack, and so I have to look at and say to myself even, wow, this person, particularly ones with licenses, because all of us who have to get a license and then keep that license, we protect that license. So to say, wow, this person went to school, got this license, and sacrificed it. You can look at that as nurse, you abused your ability to have access to this drug, or you can look at it as addiction is so strong that you are willing to sacrifice everything you worked for, because that is how strong this addiction is.

0:14:03.2 LB: And so I have to look at that person one way. And following my example from earlier, I have to look at the person who received a vial of heroin for their ninth birthday from their parents. I have to look at them a different way. It's hard to even have one policy even that's gonna address both of those people. I have a lot of extreme stories, but it's very important I think that if you think that everyone should go to prison, I want you to hear my story about the person who said I saved their life by putting them in drug treatment. If you don't think anybody should go to prison, I want you to hear some of my more graphic stories that would very much shock you about murder, and about rape. And I'm not talking about these in the abstract. When you are in a courtroom, whether you're involved in the system or not, these are people. A rape victim, I hated that she even had to ask. She had a dog for protection after she had been horribly raped everywhere she could be raped, in front of her boyfriend. And I hated that she felt like she had to ask could she bring her dog in my courtroom.

0:15:41.9 LB: Because I'm like, you bring whatever you need to get through this. And so I think it's important to share the stories. And it's important not to talk about this topic like this, because you're ignoring what you don't want to see. And it's also very important that we distinguish, especially in the criminal justice area, it's so important that we distinguish between uncomfortable facts and opinion. Because especially when you're talking about crime, it's almost always uncomfortable facts. It's facts that make you adjust in your chair. And I also don't want to leave out civil law, because I will also never forget having a medical malpractice trial. And what happened was a woman was saying that her OB-GYN did not give her a C-section fast enough. And so the baby had, I think, some type of palsy. I'm not sure what it was, but the child could not see, could not hear, could not even swallow on his own. And so I will never forget the moment when that child came in the courtroom. And I realized there is nothing I can do to fix this child. And I had to have that realization. My job there was, there was a dispute as to whether the doctor was wrong or not.

0:17:30.7 LB: And I was the referee to get the situation resolved. But it couldn't really be resolved because, like I said, nothing was going to fix that little boy.

0:17:45.3 CW: Because of what had happened in that moment and what decisions got made in that moment.

0:17:51.0 LB: Right, right.

0:17:52.9 CW: Yeah, let me ask you about even not just nuance, but putting things in more kind of bite-sized pieces in our policy conversations around criminal justice. And I can think of it in kind of three streams. This question of, should we be building more facilities to incarcerate or should we have more investment in other kinds of institutions? The second question of, what do you do about the folks who are already incarcerated? And what do you think about, for example, people who were incarcerated on marijuana possession charges who are still in prison, even though, as you drive through Ann Arbor, there's several places...

0:18:39.4 LB: Yeah, yeah.

[laughter]

0:18:40.2 CW: Right. But, but, but, but the the people from the Clinton era are still in jail.

0:18:49.4 LB: Yeah. Yeah. They don't get to... There's this one billboard right when you cross the state border. It's called the House of Dank and they're really excited that they deliver.

[laughter]

0:19:00.2 LB: You know, coming from Ohio where it's not legal, it's really like, oh, wow.

0:19:07.0 CW: Right. Right. Right.

0:19:07.7 LB: But...

0:19:09.9 CW: Yeah, so where do we think about, where should our future investments go in terms of building facilities? What do we do about the people who are already incarcerated? And then what do we do about the individuals who may find themselves institutionally involved? 'Cause I think that when you think about the discussion, part of it is about the philosophy around building more institutions. And many of us have heard the stat of, they determine how many jails to build based on test scores, third grade test scores. And then we think about the people who are currently incarcerated, and then you think about the people who will need to cross your threshold, and what do you think about in terms of preventative? So I just wonder if you can kind of walk through all three of those in the conversation and how you think about them.

0:19:58.4 LB: First, I'm going to say that these are my personal opinions. At the end of the day, any judge has to follow the law. So it's not like I can just throw statutes to the wind and do what I want. Obviously, my personal opinion is very much in the middle. So I do... I'm not a big fan of private prisons because it just seems like a slippery slope when a for-profit entity is in charge of prison because there's incentive to send people to prison. So I do think we need prisons because I do think... No, I know that I have seen with my own eyes and experienced people that I don't want to send back into anyone's neighborhood. I also think that there are... Money is well spent in those alternative sentencing spaces. So I'm squarely in the middle. And I also think that we need to think... You can almost look at this and we're here, there are economists here, even if you come at this issue from an allocation of resources and spending money perspective, because... So I was a trial court judge in an urban county and I would go to judicial conferences and the resources, the options that I had for sentencing were infinitely more than in a rural county...

0:21:40.3 CW: Of where you could send people based on their circumstances.

0:21:42.7 LB: Oh, yeah. Because in a rural county, sometimes it's prison or probation. And there's nothing in the middle. And so that can be a hard choice. But even within that, I could only give people so many chances because I couldn't create more beds. And so at some point I had to say, I can't give you any more chances because there's somebody else that needs that bed in the mental health hospital or someone...

0:22:16.3 CW: Or treatment facility.

0:22:16.4 LB: Yes, that treatment facility or someone who needs that space at the community-based corrections facility. So it's about how we allocate not only our people, but also our money. At one time too, and I'm not sure I haven't checked the numbers recently, but at one time it was more expensive to house someone in a prison than it was tuition at Ohio State. And doesn't that sound backwards?

0:22:40.9 CW: Right. Totally.

0:22:43.2 LB: So I think that we need to make up our minds, do we want to be rehabilitative or do we want to be punitive? And then we allocate our resources accordingly.

0:22:56.5 CW: What about people who are currently incarcerated and what do you think about, should we be revisiting sentences for people on, say, marijuana charges? Should we be looking at reduced sentences? Should we, you know, during COVID, a number of people were released, are there ways that we should be thinking about the current prison population and jail population?

0:23:20.9 CW: Well, let me ask you a question.

0:23:21.7 CW: Yeah.

0:23:23.3 LB: Do you want to be judged for something that you did at 20?

0:23:29.7 CW: Given that we went to college together...

0:23:30.0 LB: That's why I ask.

[laughter]

0:23:42.3 LB: Yeah. Yeah. You don't ask questions you don't know the answer to. So, yeah. Yeah. Yeah.

0:23:47.9 CW: Given that night at the World Bar on my 21st birthday...

0:23:48.2 LB: Oh, yes. Oh, yes. My 21st birthday left marks on the wall. Anyway, but you see what I'm saying.

0:24:00.4 CW: Yeah, yeah.

0:24:00.5 LB: So like, you know, from that era you had people with a little bit of weed that are still incarcerated and they had a little bit of weed at 20 and they're still in there at 40.

0:24:10.7 CW: Oh, my gosh.

0:24:12.5 LB: And certain certain crimes are bad enough that somebody should do something at 20 and still be there at 40, in my opinion. But there are others that I don't think that they they should. Because I know personally... Well, I look back at myself and I was one person at 18, another at 25, another at 30, another at 35, and now, honestly, at 48, I know my strengths and weaknesses and I know what's going to change and what isn't. And the thought of, you know, you had a dime bag three times in your 20s and now you're still in your 40s in prison, that's kind of tough to swallow. It doesn't make a lot of sense. And it's not necessarily how I want my tax dollars spent.

0:25:04.8 CW: What about for that third group? And this is when we think about preventative mechanisms. And you and I have had a lot of discussions where you get this sentencing report that I akin to like a sociological exam, an examination of a defendant's life.

0:25:21.4 LB: Yeah, it's so much information in there.

0:25:24.2 CW: And there's a whole report compiled before sentencing of a person's life history and the extenuating circumstances. You also look at the victim impact statement. There's all of this kind of information that is contextualizing information, both about the crime in question and the victims, but also the defendant. And you have said to me as you've read those reports, there were so many different points of intervention that could have happened. And as you read the report, it's like no intervention there, no intervention there. So talk to us about the kinds of interventions you wish you would see that can inform our policy thinking about what could be preventative now.

0:26:10.0 LB: Because part of the issue when you're sentencing adults, sometimes you feel like you're starting at the wrong end. At least in Ohio, when you're sentencing, you get an amazing amount of information. You get education history, military history, mental health history, substance abuse history, and you even get history about the defendant's parents, had they ever been convicted of a crime? People that the defendant have children with or associate with, do they have criminal records? Does the defendant's children even have criminal records? And there are certain points, you know, the most difficult to deal with, quite honestly, are, you know, where you see mother was prostituting to support her drug habit, to mask her mental health issues. And so she doesn't know who dad was. And you just can't help but feel that that person was going to have an uphill battle literally when the sperm met the egg. Literally. Because of the... I mean, even if you think about the circumstances in the mom's body, if she was taking drugs while she was pregnant or if the father was taking drugs when the baby was conceived.

0:27:47.3 LB: And so it's hard to think of it that way because it just seems like that person was just going to have an uphill climb before they even came here. But then you also see things like people dropping out of school in middle school. We hear more often of people dropping out of school in high school, but it seems like if someone's dropping out of school in middle school, it's almost like no one must be watching either at home or at school. So that's a point of intervention. If somebody had even noticed that somebody wasn't coming to school and lots of things like, you know, I would say parents who go on vacation, because I also think that a lot of people have this misconception of that crime is something that happens to poor people, and rich people commit crimes too. What oftentimes makes the difference are the resources to deal with it, because your parents might have the money to pay the defense attorney that charges $10,000 to walk in the door. So you have to look at each person individually, but also recognize crime, domestic violence, things like that do not see class.

0:29:20.2 LB: And the difference a lot of times is the access. And it really goes into social determinants of health because you see zip codes where the life expectancy of someone is like 10, 15 years less than the zip code right next to one. And they have different access to education and they have different access to health care and different access to even healthy food. And so all of that comes into play, possibly even in different intervention points. So I think that we have to take all of that into consideration because I'm really convinced that if we did, it would land us in the middle where I am.

[laughter]

0:30:09.4 CW: And it would create a radically different experience for judges.

0:30:14.1 LB: Yes.

0:30:15.1 CW: So are there times where you were sitting in the courtroom and you would feel yourself between a rock and a hard place and you would say, I wish policymakers understood X before they did Y, because now I've got to navigate the reality of the situation?

0:30:34.9 LB: I wish every policymaker would understand that you can go not to federal court, you can go to your state court and learn so much about the health of your community.

0:30:51.4 CW: Hmm. Interesting.

0:30:52.7 LB: Because... And I wish every policymaker would spend a day in court because, again, we're talking about people. And it's very easy in the policy space to kind of crunch numbers or sit and be smart, write a really good article. But going someplace and seeing it, seeing what happens in a courtroom, having the experience of a sentencing where a defendant speaks for himself and the victims speak for themselves, going to a prison, and seeing a prison and jail is really an assault on every sense you got, oh, it's cold, it stinks, it's everything, it's ugly, everything's cold to the touch even, and understand, go to the places and meet the people about the policy that you're making. And again, it helped me so much. So here's an example. I had one case where it was a case where the... In Ohio's Twin Valley Behavioral Health is what I'm dealing with. So Twin Valley filed a motion so that they could forcefully medicate someone. And so this man, and he was probably about 6'4, 250, he was a big guy and he had schizophrenia. And what happened, though, was that he firmly believed that they were taking his blood not to monitor his medication, but he firmly believed that they were taking his blood and giving it to vampires.

0:32:34.4 LB: Now, that might make some people chuckle, but when you take a minute and realize if you really thought that was happening, how terrifying that must be. I had never come across that before. You know what I mean? I was doing a whole lot of big company A versus big company B. So it was so helpful... That was my first case like that, so it was so helpful to be able to say, okay, I've been to Twin Valley and I remember Dr. Cukor explaining how this works. And I remember Dr. Cukor, who was the head psychiatrist at the time, I remember him showing me the different wings at Twin Valley. So I know that this person would probably go over in this wing and be with these people. So I had just not an abstract view of what I was doing, I actually could picture in my head what I was doing and where I was sending somebody.

0:33:34.9 CW: Yeah.

0:33:35.3 LB: And that was so helpful to me as a judge. And I'm convinced that it will be helpful to policymakers, too.

0:33:43.0 CW: I think it's such great advice in terms of really making the investment and caring enough about what you're doing to make the investment, to really understand the context and the consequences of the choices you're gonna be making.

0:33:57.8 LB: Yes. Yes.

0:33:58.7 CW: Right. So part of what I hear you saying is you really absorbed the gravity of what you were doing in that process and really wanting to know as much as you could about the conditions, the circumstances, the implications of the choices you'd be making every day.

0:34:17.8 LB: Right. And I would also add, also understanding what it means to have a felony. It is a scarlet letter F. It absolutely is. And you can talk about that abstractly or you can go talk to somebody who has a felony and see what they're going through. It's one thing for you to read about it, it's another thing for someone that you are looking at that you can touch to tell you, I have a felony, so I'm having problems getting a job. I'm having problems getting housing. I can't live with my mom because she lives in certain housing that won't allow a felon to live with her. All these different things that people go through when they have a felony. It's one thing to read it, it's another thing to either do it or talk to someone actually affected by it.

0:35:13.9 CW: Yeah. I wanna shift gears and ask you about some of the other kind of policy issues you've been thinking about, talking about during your time here as a Towsley. And I know that you and Professor Ann Lin did an amazing session on the Supreme Court and the affirmative action cases. You've been involved in conversations about the Dobbs decision and all of the different hot topic voting rights, voting access, and at one point you worked for the Ohio Secretary of State. I just wonder what policy issues are you following really closely right now? And what perspective are you bringing to them as someone who's had the professional background that you've had?

0:35:56.9 LB: One policy issue that I'm very interested in is expungement, because, again, like I said, having those experiences where I didn't think somebody should be paying at 50, paying for it at 50 for something that they did at 20. So that is absolutely a policy interest of mine, as well as those alternative sentencing options, because I think that prison is strictly punitive, at least the way that it's set up now, it is strictly punitive. It doesn't have anything else to offer because most places aren't putting their money into the programming in prisons. And so a lot of times with prisons, people are coming out the same way that they went in. But I still think there are people we need protection from. So I'm not getting rid of the prison, Celeste.

[laughter]

0:36:55.9 CW: Yeah, I hear that. It's been fascinating 'cause we've had a lot of conversations about this. And I want to ask you about the Dobbs decision. And I remember when it came down, I listened to Betsy Stevenson and a professor from the medical school, and they were talking about, Professor Stevenson was talking about the implications of the Dobbs decision from an economic perspective in terms of women's economic mobility prospects and what this might mean for that. And then the professor from the medical school was talking about some of the unintended consequences as it relates to providing health care services for women, how doctors are trained, can we train doctors around abortion access at the medical school and all of the things that the institution now had to think about in the Dobbs decision. This was before the midterms when Michigan was trying to figure out where our state would go. And you were just talking about the kind of unintended consequences or perhaps intended consequences on the criminal justice system. And you were saying that the courts are not necessarily set up to implement a law like Texas' law, for example, where someone can be prosecuted for seeking an abortion.

0:38:17.3 CW: People can turn other people in, etcetera. And it just raises such an interesting question for me in terms of, in these hotbed policy issues where the issue itself is a really important policy conversation, but then there are these ripple effects that also need to be talked about in terms of its impact potentially on institutions like the criminal justice system, the legal system, the education system, the health care system, etcetera, labor markets, and I wonder if you can just talk about how a debate on, say, abortion access intersects with criminal justice in a way that people might be surprised to think about.

0:38:56.6 LB: Well, here I think the most surprising thing stems from, you know, when you're a policymaker, not only do you have to think about the policy, you also have to think of the abuse of that policy. And so say, for example, is it going to be okay if one day someone walks out of the house and they're pregnant and their neighbor sees them and then a week later they walk out of their house and they're not pregnant? That neighbor then calls and some very personal circumstances are delved into, because, okay, maybe that woman did have an abortion and maybe that is illegal where she was, or maybe she had a miscarriage and now you are adding insult to injury, is it going to be, you know, what we call discovery, the exchange of evidence, is it going to be discoverable, like how a lot of women now use apps to keep track of their menstruation cycles, you know, menstrual cycles rather, is that fair game in discovery? And then when you think about doctors, typically, especially in a hospital setting, they're being advised by lawyers whose job is a lot of risk management.

0:40:29.2 LB: And so... And then you also have the conflict between legal terminology and medical terminology. So in the case of statutes that prosecute doctors, what is that doctor going... And we're also thinking about things that happen very quickly, so what is that doctor going to do and how is that doctor going to be advised if, say, for example, the standard is abortion is illegal except to save the life of the mother? So as policymakers and legislators, that line has to be drawn. But until then, the hospital lawyers have kind of a risk management view. And so they're going to say, you do nothing until it is very clear, unequivocally, that the mother's life is at risk, or if there is no exceptions, if the law is that there are no exceptions for rape or incest or life of the mother or whatever, how is that conflicting with what doctors all promise to do, which is do no harm? And does that lead to lawsuits, even civil lawsuits against doctors? Because my class was so awesomely set up, what we did with Dobbs was, of course we talked about the opinion.

0:42:08.6 LB: We talked about the fact that it was sent to the states. We even talked about when that happened, you have two states, Michigan and Ohio, that went two very different ways on the issue, and so then what we did when we were talking about policy implications, we got policy implications from the point of view of Planned Parenthood. And we got policy implications from the point of view of Ohio right to life.

0:42:37.8 CW: And you brought both conversations into the classroom.

0:42:39.7 LB: In the same week.

[laughter]

0:42:41.3 CW: In the same week. And guest speakers, right?

0:42:44.6 LB: Guest speakers. Yeah. From Planned Parenthood and Ohio right to life. And so I think it was very interesting and it was very intentional for my students to see this one case and just how wide that ripple went. And then depending on which side you're on, what you think the policy implications are. Because when we talked to the person from Planned Parenthood, the policy implications were more of how do we get a referendum on the ballot? How do we help employers who want to help their employees get to Michigan or wherever else, versus when we talked to Ohio right to life, those policy implications were more of how do we improve the foster care system? And it was... They went two totally different routes. I would also note, though, and I think the people in my class would agree, it was very obvious that those policymakers were very rarely in the same room together. I don't know if that ever really happened.

0:43:58.5 CW: Interesting. Interesting. We are a few minutes out from ending, so it's time for us to make sure that we hear from you, the audience, and hear your questions. So I'm gonna invite folks to raise their hand and we've got microphones and we've got a good bunch of time to hear from you all.

0:44:20.3 LB: Can I make another point while someone gets the nerve to get that microphone?

[laughter]

0:44:22.5 CW: Sure. Exactly. Absolutely. Absolutely.

0:44:26.1 LB: I think that, you know, when I was listening to the arguments prepared for my talk with Dr. Lin, when I was sentencing adults, I couldn't help but to often feel like I was starting at the wrong end, but also couldn't help but to wonder how much would we even need any of this if we fixed K-12 education in our country?

0:44:56.3 CW: Yes.

0:44:56.4 LB: And when we talk about those intervention points, how many... If we hit those intervention points in K-12, how many of those people then don't wind up in my courtroom?

0:45:10.6 CW: Right. Right.

0:45:11.8 LB: I speak a lot against my job security, but that's okay.

[laughter]

0:45:15.7 CW: But that's okay, right? You'll find something else to do.

0:45:21.0 LB: Right. So we have to ask ourselves, crime is not an isolated thing. I never came across someone that woke up and said, I'm gonna be a criminal today or I woke up and I'm gonna get addicted to drugs today. And really, I think to fix things or even when you start thinking about reform, you have to think about everything that goes in around it. Again, the social determinants of health. Everything that goes in around that. And again, whether you're coming at it from the ethical thing to do or whatever, or you're coming at it from a money perspective, if you think about it, the pendulum just keeps swinging back and forth. Don't send anyone to prison, send everybody to prison. And it just keeps going back and forth. And it doesn't seem to have settled right here. And I think that someone really smart at University of Michigan, if they looked at it, this side of the pendulum is very expensive, because if you're not sending people to prison that the public needs protection from, it's all the property crimes and everything that comes from that, and then if you're sending people to prison that don't necessarily need to be there, then that's... No, excuse me, if you're sending everyone to prison, that's expensive too.

0:46:47.0 LB: Because, think about when you're sending someone to prison, you're dealing with health care, you're dealing with clothing them, you're dealing with feeding them and all of that. So it's very easy to say, let's send them to prison and then just forget about them. But you have to think about all that that means. You have to think about the cost of that. You have to think about, what happens after that, and even, can they get a job is definitely part of that.

0:47:14.0 CW: Right. Right.

0:47:17.4 Speaker 3: Talking about Dobbs, it started me thinking about, 'cause you had just talked about criminals, what is the implication of Dobbs in the different states in the criminal system? Like women get pregnant in prison, what happens when they don't want to keep the baby? Has there been an effect from Dobbs in the criminal justice system?

0:47:39.3 LB: As far as pregnant women in prison?

0:47:42.4 Speaker 3: Yeah, what's the medical implication?

0:47:45.4 LB: You know, that's a really good question because I don't really know whether abortion was available to women in prison or not. So I can't answer your question, unfortunately, because I'm not sure if that was ever an option for them. I know in Ohio, there was a warden over the Ohio Women's Prison that was doing some really good work, but she was dealing mostly with people who were in prison who were pretty far into their pregnancies. And so it was all about parenting. So I'm not... But that's a really good question, though. I don't know the answer.

0:48:32.5 Caroline: Hi, I'm Caroline. I'm a second year MPP student. Thank you so much for being here. I'm curious what you think, 'cause you talked a lot about how judges need to consider their context and the consequences of their decisions. And so I was wondering, what do you think is the best way, I guess, from a policy perspective of how to get judges to be more conscious of those contexts and consequences as well as biases? There's so many biases. And I don't remember the source, but there was some kind of study that showed that judges are more likely to give harsher sentences in the hour before lunch because they're hungry.

0:49:11.6 LB: That's human.

0:49:12.0 Caroline: Right, there's like genuine human biases. And then sort of one additional kind of Part B question is, if you have any thoughts on whether judges being appointed or voted in, kind of what your thoughts are on the consequences of that on judges' decisions.

0:49:33.4 LB: Girl, if you come up with the solution to that, you can run this school.

[laughter]

0:49:42.4 LB: You know, as far as appointed versus elected, I will tell you, I have been through an appointment process. I was appointed to my position first and then I was elected and then I was involved in an appointment process to be a federal district court judge. And I will say for me personally, election was very different because I could work my butt off and go around Franklin County, Ohio, tell people what I thought, what I stood for and hope that they voted for me. Now, the appointment process felt way more inside baseball. But one of the arguments for the appointment process is the fact that the electorate tends not to vote for judges. And so sometimes, some would argue that you get some judges that don't need to be there because they were voted in. So this was my personal opinion from my experience. I'm a fan of the election process. And that's just for me liking being a judge. What was the other part of your question?

0:51:03.4 Caroline: Like how to get judges to [0:51:03.8] \_\_\_\_ the context more effectively.

0:51:07.2 CW: Right, how do we get judges to do all the work that you did?

0:51:10.9 LB: Call me.

0:51:11.7 CW: Right. Right. Because it's so clear you went above and beyond. None of that was required, right? That you go and visit these institutions and build these relationships with the doctor at the hospital and etcetera, and get to know the prison warden and understand their programming. That's not required, but it should be, it sounds like. So how how do we think about that? Should it be required?

0:51:36.8 LB: I think so, 'cause it was of such benefit to me. But here is the thing, you all. I don't know a judge that doesn't want to do a good job. And so perhaps...

0:51:48.1 CW: And let me just pause and say, you've dealt with some judges who have been jerks, who've been sexist and racist, and to you.

0:51:57.1 LB: To me, yeah.

0:52:00.3 CW: We can have a whole set of conversations about how Laurel has been treated within the courtroom process by her colleagues and by other people in the courtroom. And yet you still believe that it's possible to align good performance with these kinds of required social context lessons and understandings. You think it would work?

0:52:22.9 LB: Because I want judges to be out of their bubble. You know, to be on that bench, potentially depriving people of their liberty, taking a family member out of the home, sometimes taking an income out of the home, it's a huge responsibility. And so the more information we give judges, the better, because, again, I think either, whether you're in the lock 'em up and throw away the key camp or you're never send anyone to prison camp, everybody wants to do a good job. So do give them the information to do that. And then I think for policymakers and people in academia study federal courts, but especially when you're talking about crime, most of that is in state courts, which I understand, though, makes it harder to study, but if you are to come into contact with a court, it is way more likely to be a state court, and it's most likely to either be criminal, particularly because traffic falls under criminal, or as a victim. Maybe you didn't even commit a crime. You might be a victim, or the other court that you are unfortunately most likely to come in contact with is domestic.

0:53:56.8 CW: Interesting. That sounds like a policy prescription to me in terms of thinking about how judges are trained and what's required. It's really interesting. Really interesting. Yes, we have two questions in the back. And I think those... And then we've got, I think I see a question here and those will be our last three.

[background conversation]

0:54:21.5 Speaker 5: Good evening. Thank you so much for being here. I was hoping we could circle back to your comments about K-12 interventions. I was a longtime teacher and school leader in Detroit and saw pretty intimately numerous occasions the ways in which the entanglement of the education and criminal justice system and the ways that that had pretty life altering implications for many of my students. And so as someone who's interested in working in that policy arena in the future, I was wondering if you could talk about what reforms you think would be most impactful in subverting those injustices and racial inequities. And would you focus those within the education system, criminal justice system, a combination or elsewhere?

0:55:07.6 LB: I think it should be a combination, but acknowledging that if you did some things in K-12, you wouldn't have to deal with it in a criminal context. You know, one time someone asked me if I could change anything about the criminal justice system, like if I had like a magic wand kind of thing, and I told them, honestly, it's not even changing prisons or sentencing laws or anything like that. You know what I would do? I would give kids parents that loved them and that encouraged them to do the right thing and did not encourage them or praise them solely for sports or encourage them to be a drug dealer, things like that. Because when you're in that courtroom, I promise you, you see parents that do that. And then if it's happening at home, sometimes if someone's lucky, they might come across a teacher or a coach, though, that can change that way of thinking or show them something different.

0:56:18.3 LB: And so, you know, I know this is tricky, but again, in our K-12 education, we have to talk about uncomfortable facts and we have to talk about consequences. And there's lots of areas that you can do that. You can even talk about consequences in the context of history. Because what I found even was a lot of people in the criminal system that had never been held to any type of consequence, so when I say that mom or dad had already always fixed things for them and then they might have just gotten passed through an education system, you know, even though they had low test scores or didn't do school or whatever, so they're still not even seeing consequences at school. Do you see what I mean?

0:57:21.5 LB: So when I say K-12 education, I'm not necessarily saying improve math courses. But well, I guess I am a little bit, because when you have a good education system that shows people career options versus the only way I can get out of my situation is to be a basketball player or a rapper, it can change their life. I've even had an experience where there was a program through the John Glenn School of Public Affairs that brought a lot of college age women and I would host them at my court and have all the women judges come talk to them. And one of my friends, her name is Kim Brown, she's from eastern Ohio, a more rural area, and one of those women stood up and said, thank you, Judge Brown, for being here because although I have made it into a master's program, I have never seen a woman judge from my area. And so just seeing her and hearing what she had to say made an impact in that woman's life.

0:58:31.5 CW: There was a question in the back row.

0:58:36.0 Speaker 6: Yeah. This morning in the smaller conversation, you had said, let's talk about cops. And then you got cut off. As you talked about responses to the opioid epidemic, how do you think the police... Do you believe the police are a good response when you have mental health and drug crises on the street? Do you think there could be an alternative response program? From the perspective of being a judge, how do you approach those situations from a law enforcement perspective? 'Cause the police obviously are not doing well, I would say.

0:59:09.2 LB: You know, another unpopular opinion, but based on my experience and what I've seen, just like any other group, there are good cops and there are bad cops. I have had cases where I thought the police treated Black people unfairly. I have had cases where the cops saved a Black person's life. But again, depending on what side you're on, you don't want to hear the opposite, right? So that's where I'm starting from, though. I also think that we ask a lot of the police, and I think that there are some really good ideas out there about, say, for example, mental health professionals responding with the police. Because especially when you're dealing with mental health and substance abuse, sometimes things get dangerous. And so I'm not going to say, mental health counselor, go out there by yourself.

1:00:09.6 CW: Oh, that's interesting.

1:00:09.7 LB: I also don't want to say, police officer, go out there by yourself. I would prefer for them to go out together because the police officer knows how to deal with the danger, ideally. The police officer knows how to deal with the danger, and the mental health professional knows how to deal with the mental health issues. Because again, my example of my force medication example, a mental health professional is going to approach that case differently. If it's a mental health professional that can recognize, for example, the signs of schizophrenia or something like that, versus him just being out there hitting people, so I like the idea of both. And I think there are good cops, and I think there are bad cops. And in my experience, my personal experience, the people that hate the bad cops the most are the good cops.

1:01:08.0 CW: This will be our last question.

1:01:14.7 Josh Ferguson: Hello.

1:01:15.9 CW: Hi.

1:01:15.9 LB: Hello.

1:01:16.1 JF: I'm Josh Ferguson from the Ross School of Business. My question is more so back to the getting more judges to consider more context. And I'm interested in hearing what role do you think diversity plays in that, getting people with different backgrounds, different identities to be a part of our criminal justice system? And then how do we improve that pipeline for people to actually have the opportunity to be in your seat?

1:01:43.7 LB: I think diversity is very valuable. And in my personal experience, here's why. Because I have been talking about the justice system to anybody who will listen for years, but after George Floyd, some people listen to me at all and some people listen to me differently as a Black female judge, not only as to the criminal justice system, but also to racism. Because there were a lot of people that, again, thought racism only happens to poor Black people. And that is not the truth. You know, one of the stories that Dean Watkins-Hayes is alluding to was, when I first took the bench, my chambermate, never to my face, of course, called me a nappy-headed girl to everybody, so even in educating people that racism sees no class, I think is effective. But also I think that even though I had been talking about it, someone like me has a special place because I can come here and I can tell you actually what happens in the courtroom. So I think diverse judges are very, very, very, very, very important.

1:03:14.0 CW: And how do we build that pipeline?

1:03:17.6 LB: Well, you know...

1:03:18.8 CW: Particularly... And let me just interject, particularly when when folks of color have had such a fraught relationship to the criminal justice system, how do we... Like we had FBI Director Christopher Wray here and we had a career discussion for people who were interested in the FBI, and one of the thoughts that I had was, how do we diversify the pipeline if there's been fraught relationships, either individuals who have experienced it or a historical legacy of a fraught relationship with an FBI or with law enforcement or with immigration enforcement, Office of Homeland Security, etcetera, all of these agencies that have been involved in policing, how do we think about diversifying that pipeline? How do we do that?

1:04:03.2 LB: I think that we have to remember, you know, when we look throughout history, say, for example, in the civil rights movement, we needed Martin and Malcolm. And so you if you want to create change, you need change outside the system, but it also is helpful to have change inside the system. And so that not only comes into play with Black judges or diverse judges, period, of any color, but it also comes into play because you also see Black attorneys not wanting to go into prosecutors' offices. But like if I could show you and I'm out of time, so I can't, but if I could show you all the points throughout the life of a case that a prosecutor is making decisions because the prosecutor is seeing a case a lot of times before even a judge is or before even a public defender is, and so, for example, you have to have diverse people in prosecutors' offices presenting information to the grand jury because the grand jury is the one that decides what someone is going to be charged with. And then when you get down the line to trials and plea bargaining and stuff, the starting point and I'm talking to this 'cause you said you're from the business school, but the starting point for the negotiation comes back to what happened in the grand jury and the indictment.

1:05:40.8 LB: You see what I'm saying? So if someone is over indicted, their negotiation point is not where it should be when you start talking about plea bargains and trials and stuff. So I think we have to, again, remember we needed Martin and Malcolm. And so that lends to, you also need people inside the system.

1:06:05.1 CW: I want to say, Judge Beatty Blunt, how amazing it's been to have you as a top Towsley policymaker in residence from your class. And I see many of the participants, your conversation with Ann Lin, the conversation you did earlier in terms of careers, you have been everywhere. Your conversation with me, you have been everywhere. And it has been so enriching and so illuminating. So thank you for bringing your brilliance. Thank you for bringing your passion. Thank you for bringing your empathy. Thank you for bringing your style. Thank you for bringing all of the things, the complete package that you bring to the Ford School and show us what it can look like to be a truly impactful policymaker. So thank you so, so much. Please join me.

1:06:53.2 LB: Thank you, thank you.

[applause]

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