



For Immediate Release

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New Report from Square One Project Examines Judicial Resistance to Addressing Mass Incarceration

Boston, Mass. — An overlooked aspect of criminal justice reform is resistance from judges to even modest reforms, argues a new paper from the Square One Project at Columbia University. In "[Reimagining Judging](#)," author Nancy Gertner, a former United States District Judge for the District of Massachusetts, reveals why some judges are resistant to reform and makes recommendations for engaging the judiciary in the wider discussion about unfairness in the criminal justice system and its effects on poor communities and communities of color.

"When new federal laws or regulations are created and passed, it comes down to judges to enforce them," said Judge Gertner. "Unfortunately, for far too long, judges, even when given the new tools in their arsenal, have been hesitant to enact those changes from the bench. We must find ways to change this dynamic – judges must be willing to make different decisions for real change to occur. Judges and the courts themselves must step up and take full advantage of new reforms, actively involving them in revolutionizing the justice system. By reimagining judging, we can begin to reckon with past harms."

Among Gertner's recommendations:

1. **Judicial Selection:** Judicial selection should reflect not only diversity in race, gender, and sexuality but also diversity in socio-cultural experience.
2. **Judicial Training:** Judges should be trained in the effects of trauma, exposure to violence, poverty, and lack of access to schools, healthcare, employment, etc.

3. **Sentinel Event Audits:** Judges should conduct retrospective reviews, similar to doctors' independent "sentinel audits" conducted following a death or serious injury, when there is a wrongful conviction, recidivism, or an unexpected tragic event in a case.
4. **Statistical Reviews:** Judges' sentencing records should be subject to regular statistical analysis to identify racial bias.
5. **Community Engagement:** Judges should meaningfully engage with the communities in which they serve.
6. **Narrative Change:** Judges should attempt to change the narrative through opinion writing, shining a light on the humanity of individual people and the inhumanity of the criminal legal system.

This report is released through the Square One Project's Executive Session on the Future of Justice Policy, which seeks to generate and cultivate new ideas around the work to reimagine justice. Read the full report [here](#).

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About the Square One Project

The Square One Project at the Columbia Justice Lab aims to reimagine justice and create a pathway for reckoning in our country. Square One incubates new thinking on responses to racism, poverty, and violence; promotes equitable safety and community thriving, and advances narrative and cultural change. Learn more about the Square One Project at squareonejustice.org