

Final Report

Case Number: DA-101-21

Name of Case: OBELISK

1. Duration of Work

Common Ground received the “green light” to begin work on this case in late March, 2021. The work concludes with the date of this Final Report, September 16, 2021.

2. Scope of Work

The first order of business was to choose a team of co-facilitators to reflect the diversity of likely participants. The team consisted of Debra Oliver, CEO of Common Ground, Jeannette Jagles, member of Tesuque Pueblo and clinical social worker for Ohkay Owingeh Pueblo, and Marcela Diaz, Executive Director of Somos Un Pueblo Unido.

Once chosen, the team required team orientation and alignment prior to interacting with Persons of Concern (POC’s) and their attorneys. Our team conducted orientation intakes with all attorneys representing POC’s, to align them with the RJ process, clarify confidentiality protocols and to obtain permission to interact with their clients directly. There were ten defense attorneys representing POC’s. Their role was to step back unless needed to ensure client compliance with the process. Two exceptions were attorneys Eric Sirotkin and Larry Kronen, both mediators in their own practices, who were allowed to attend the actual Restorative Justice (RJ) conferences as non-participant observers and support persons.

The next step involved doing extensive intake with individual POC’s, to orient them to the RJ process and the expectations of the program and to hear the extent of their involvement in the events that resulted in charges. The average time for an intake session with each POC was 90 minutes. These were conducted by all three facilitators on Zoom, so that each had a first—hand impression of each POC and so that each POC could gain a sense of the facilitation team. This process spanned the period from mid-April to mid-June.

The next order of business was to identify, vet and do intake with potential Harmed Parties (HP’s). We created a process where people who wished to participate in RJ had to fill out a questionnaire, which was reviewed by the

facilitation team (Team) and sign a confidentiality agreement. Only then were they eligible to participate as HP's. Only then did the Team do intake with them.

While many people in Santa Fe may have wanted to participate, most were not willing to reply to the questionnaire and sign a confidentiality agreement. Also, we were seeking a plurality of HP's who were not only thoughtful members of the community, but who had significant ancestry in Santa Fe and who had ancestral ties, if possible, to persons or groups who were memorialized on the Obelisk.

This process of identifying, then doing intake with HP's took nearly two months. By early August, we had identified and done intake with a total of 7 HP's: one was an Anglo born and raised in Santa Fe and the remainder were Hispanic. Of the Hispanic HP's, two were direct descendants of Onate and of soldiers who fought in the Battle of Glorietta during the Civil War; one was a retired District Court judge; two were former city officials; one was a renowned New Mexico historian; one was closely affiliated with the Fiesta Council; two were women and five were men. Sadly, two days before our first RJ conference (Circle), the historian suffered a loss in his family and could not attend, though he proffered a written statement to be shared in the Circle. So, we had six HP's in the Circle.

We conducted the first RJ Circle on August 23, 2021. This was a 14-hour in-person conference with the POC's and HP's. Three Community Members (people who do not identify as POC's or HP's, but who have wisdom to offer to the Circle), also attended this first conference.

This marathon Circle yielded much understanding, mutual empathy, and many apologies all around. Yet, our work was not sufficiently ripe to yield a MOA. Because half the POC's had left New Mexico, we were forced to continue our work on Zoom. We conducted three additional Zoom sessions, for a total of eight hours. Between sessions, we produced draft MOA's to be distributed between all parties with requests for suggested refinements. After the final session over Labor Day weekend, we arrived at a proposed final draft, which was distributed to all POC's and HP's. After a few revisions in response to final comments, we arrived at the final draft provided herein.

This draft was distributed to all parties for their signature. All POC's signed the final draft; two HP's declined to sign. While none of the parties got everything they wanted in the final draft, these two HP's could not accept the compromises reflected in the final draft.

We spent a total of 22 hours in the actual face-to-face and virtual RJ Circle process.

3. **Cost of Obelisk RJ**

The initial 30 hours of work were charged to the District Attorney in the amount of \$15,000.

The remaining hours were charged to Ubuntuworks, the 501c3 account for the POC's.

The Team worked a total of 221.57 hours at the rate of \$50/hr for a total of \$11,078.50. For the RJ Circle, the Team worked a total of 58.75 hours at the rate of \$150/hr, for a total of \$8,812.50. The team provided 195 *pro bono* hours (no charge), at the rate of \$50/hr for a *pro bono* contribution valued at \$9,750.

Totals:

\$1500—District Attorney

\$19,891---Ubuntuworks

\$9,750--*Pro bono* contribution of Common Ground Team