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When Fortune Shines Its Light

By [Joel Cohen](#)

With the philosophy that no one should be defined by the worst thing he ever did, The Fortune Society advocates for, and represents the true benefits of, restorative justice.

There is an old Phil Ochs song, covered by, among others, the great Joan Baez:

Show me a prison, show me a jail, Show me a prisoner whose face has gone pale
And I'll show you a young man with so many reasons why
And there but for fortune, may go you or I.

—“There but for Fortune,” 1963

When one looks to The Fortune Society, Phil Ochs’s words take on renewed meaning. Founded in 1967, Fortune began as an educational vehicle which sponsored talks around the country about incarceration. An uncomfortable subject, to be sure. But its founder, David Rothenberg, knew it to be necessary from producing the evocative Off-Broadway play, *Fortune and Men’s Eyes*, which dealt frankly with a man’s experience in prison.

Fortune soon expanded its reach, and began providing direct services. When drug laws saw a surge in prison sentences and prisoners, Fortune became a core resource for people re-entering society after having been incarcerated. It began programs for employment services, alternatives to incarceration (community service) and substance abuse treatment. It serves approximately 7,000 people a year, many of whom are persons of color, or who suffer from substance abuse, mental health issues and little to no income.

But Fortune does much more than that. It is rare that you find an organization so prepared to stand by its mandate—it not only offers programs, but a large percentage of its employees are formerly incarcerated, as are members of its board, including its chair, Dennis Kozlowski, former Tyco CEO who served 6 ½ years for misusing corporate funds. Think about that for a second. Who better to understand the population it serves than those who have been there—literally. And isn’t it important for one about to re-enter society to know that the person they are speaking to has, himself, successfully re-entered?

With the philosophy that no one should be defined by the worst thing he ever did, Fortune advocates for, and represents the true benefits of, restorative justice. If someone violates the law, they should pay and, when appropriate, pay heavily. But that should not always translate into locking someone away. A recent amendment to the Federal Sentencing Guidelines basically acknowledges this. Sentencing judges are now instructed that, under certain circumstances, when the defendant is a non-violent first offender, he or she should consider imposing “a sentence other than imprisonment,” e.g., community service.

To reactively put someone in prison does nothing to help the one harmed, or the community from which the convicted came. Doesn't it make sense, at least in the first instance, to allow the convicted—require them in fact—to contribute to society, and the victim? Even if one who is guilty decides to contribute and turn his life around, does society really allow him to do so once he has been imprisoned?

Fortune's participants are proof that its programs work—at its annual gala held in October 2018, many spoke about the individualized way in which Fortune actually and literally saved them. And how, as a result of Fortune's intervention, they are able to go beyond their past and help others find their way.

As lawyers, we have witnessed just how valuable it can be to send a client to Fortune prior to sentencing, and just how compelling a presentation by Fortune and its extraordinary president and CEO, JoAnne Page, can be when a judge is groping to find exactly how to sentence a difficult case. But that is not the point of this article. Fortune supports and mentors those who need it most (and often want it most) by giving them access to shelter, education, employment and health care. The very basics. And with those basics in hand, people begin to see success for the first time. More than even hope—it is tangible achievement that leads to the next accomplishment, and then the next.

Here is a frightening truth—given a perfect storm of circumstances, as Phil Ochs told us, any one of us can do wrong. A wise man once said that if the intense desire to kill matched up in time with the ability to accomplish it, who among us would survive that test. The same is true of far lesser crimes. Fortune's triumph is to see beyond that wrong, beyond that one moment in time. It's success, and the success of its clients, is remarkable, and we should all thank Fortune for the valuable services and opportunities it provides.

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