

Equal Justice Conference Pre-Conference: Creating Opportunity Through Criminal Record Clearing

May 8, 2019, 8:30 a.m.-5:00 p.m., Louisville, KY

Hosted by Community Legal Services and sponsored by NLADA

Register by contacting Victoria Shea at the ABA (victoria.shea@americanbar.org)

Record clearing, through expungement, sealing and other legal remedies, is a perfect fit for pro bono initiatives, as well as law school clinics, civil legal aid programs, and defender programs. The demand for these legal services is overwhelming, as an estimated one out of three American adults has a criminal record, many of which are eligible for clearing. Representation is usually brief and time limited, and the cases are relatively easy. But there are complex issues that can arise in the record clearing world.

This preconference will address challenges and opportunities common across the fifty states in establishing and growing an expungement/sealing practice. The day-long session will include the following topics: barriers to growing a practice; ensuring record clearing is fully and properly implemented, navigating large-scale and complex pro bono partnerships; record clearing for immigrant clients; and moving the needle when legislative efforts stall.

*This full day training session is \$100 for NLADA members and \$125 for non-members (*registration includes breakfast and lunch*)*

Outline of the Day

8:30-10:00: Breakfast & Introductions: Record Clearing Basics and Report Out from the Field

During this session, there will be an overview of record clearing basics to set a foundation and common understanding for the rest of the day's advanced sessions. Participants will have an opportunity to introduce themselves and speak briefly about their practice, as well as what they are hoping to get out of the preconference.

10:00-11:15: Barriers to Growing a Record Clearing Practice

This session will cover several of the most common barriers to starting or scaling up a record clearing practice, including access to court records, criminal court debt, filing fees, and how to effectively provide pro se assistance. There will be an opportunity to hear about best practices in various states and brainstorm ideas for overcoming barriers.

11:15-11:30: Break

11:30-12:15: Record Clearing Aftercare

You've filed a petition for expungement/sealing, and it was granted by a judge. What comes next? This session will explore the ways record information is collected and disseminated, and what advocates must do to ensure records are cleared from as many sources as possible. This will include discussion of commercial background check companies, FBI records, court and law enforcement databases, and websites such as mugshots.com.

12:15-12:45: Scaling up Pro Bono Partnerships: Challenges & Opportunities

Record clearing can be a great avenue for working successfully with pro bono partners. But how to manage such partnerships when there is an overwhelming need for services and volunteers? This session will explore several examples of large-scale pro bono partnerships to bring legal help to thousands of people who would otherwise go without. The benefits and challenges of such large-scale partnerships will be discussed.

12:45-1:45: Lunch

1:45-2:30: Record Clearing for Immigrant Clients: Risks & Opportunities

When people who are not citizens wish to get their records cleared, they may not be aware that it can have implications for deportation, applications for citizenship, and more. Advocates must be prepared to properly screen for these issues, counsel clients in consultation with immigration lawyers, and take proactive steps to protect their clients' interests. This session will review best practices for representing immigrant clients in the record clearing process.

2:30-3:00: Break

3:00-4:30: Moving the Needle on Record Clearing Reform

While many states have been passing new legislation to increase access to record clearing, some states are stuck without viable legislative strategies, and others may have reached a plateau for legislative reform. Yet there is much advocates can do to continue pushing for expanded access to record clearing even in such an environment. This session will explore a variety of avenues including litigation, partnering with prosecutors' offices, using communications to shift narratives, working with researchers, and forging relationships with helpful partners including business leaders, law enforcement, and more.

4:30 - 5:00: Debrief & Close Out

Participants will discuss in small groups their takeaways from the day and identify next steps they will take back with them to their practices.