



Growing a Clinic Practice and the Technology to Help

Michael Hollander



May 2018



Agenda

- What is an expungement clinic?
- Why start one?
- Using data to locate need
- Nuts and bolts of running a clinic
- Partnering with the private bar
- Using software to make everything better

Why an expungement clinic?

- A way to practice in volume and tackle overwhelming need with few additional resources
- Allows for collaboration between non-profits
- Build relationships with community groups, volunteers, private attorneys
- Build relationships with elected officials and getting them on board with the benefits of record clearing
- Large clinics = media

Why an expungement clinic?

- CA: Prop 64 (reclassification of pot convictions) - > 500k arrests from 2006-2015, only 5,000 prop 64 petitions in first year
- PA: 2010-2014 = > 1.16 million arrests - 84% partially expungeable
- MD: 2006-2014 = > 2 million arrests – 70% expungeable

What is an expungement clinic?

- Neighborhood based
- An EVENT – can be talked up, shared, etc...
- Limited scope of representation
- Additional staff/volunteers/students
- Community partner
- Same day service OR pick up clients for in-office representation
- Could involve judges, DAs, etc...

What is an expungement clinic?

FREE EXPUNGEMENT CLINICS

Learn about your employment rights with criminal records.

Volunteers will be available to help you understand your criminal record. If you have a criminal record in Pennsylvania, you may be able to have it expunged or sealed. Those who qualify will be able to receive free legal help.

Philadelphia County cases only

Thursday, February 27
5:00 PM to 7:00 PM
Where: Bridesburg Recreation Center
4601 Richmond Street
Philadelphia, PA 19137

Wednesday, February 28
4:00 PM to 6:00 PM
Where: Community College of Philadelphia
1700 Spring Garden Street
Philadelphia, PA 19130

Wednesday, March 14
4:00 PM to 6:00 PM
Where: CEIBA
174 West Diamond Street
Philadelphia, PA 19122

Saturday, March 24
10:00 AM to 1:00 PM
Where: Village of Arts and Humanity
2544 Germantown Avenue
Philadelphia, PA 19130

STATE REPRESENTATIVE JOHN TAYLOR
17th Legislative District

DEFENDER ASSOCIATION OF PHILADELPHIA

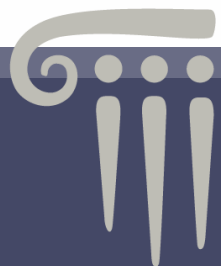
Ceiba
A coalition of Latino community-based organizations serving Philadelphia

BLACK LIVES MATTER
(PHILADELPHIA)

You MAY be able to EXPUNGE non-conviction charges (nolle prossed, not guilty, dismissed or withdrawn), summary convictions and special programs.

You MAY also be able to SEAL minor, old misdemeanor convictions.

COMMUNITY LEGAL SERVICES OF PHILADELPHIA
Est. 1966
CLS

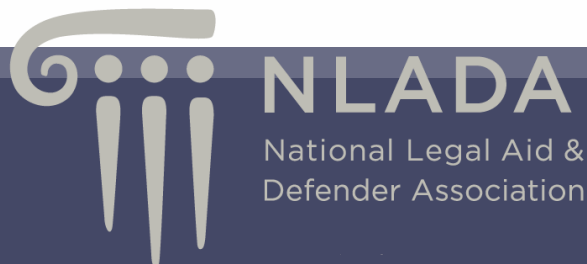


NLADA
National Legal Aid &
Defender Association



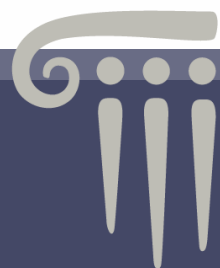
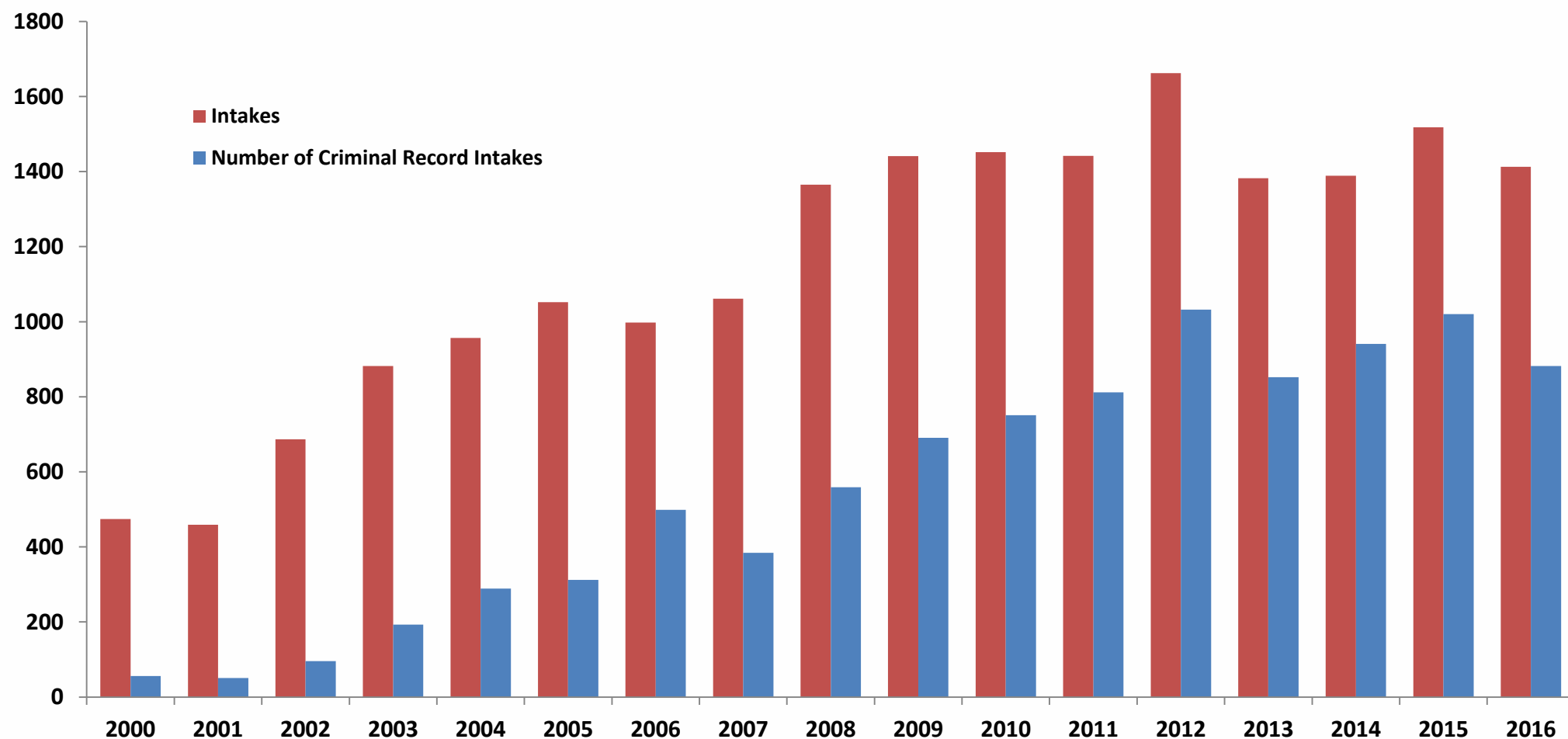
Expungement Clinic Roundup

- AL: Legal Services of Alabama
- AK: Center For Arkansas Legal Services
- CA: A New Way of Life, Legal Aid Society of Orange County, L.A. County Public Defender's Office and the Legal Aid Foundation of Los Angeles
- GA: Georgia Justice Project
- IA: Iowa Legal Aid
- IL: Cabrini Green Legal Services
- KS: University of Kansas School of Law Legal Aid Clinic/Douglas County Legal Aid Society
- MI: Straker Bar Association, Grand Traverse-Leelanau-Antrim Bar Association
- MN: Volunteer Lawyers Network
- NC: Wake Forrest, Legal Aid of North Carolina
- NM: Legal Aid of NorthWest Texas and New Mexico Legal Aid
- PA: PLSE, CLS, Defenders, Bar Associations, North Penn Legal Services
- OH: Cleveland Neighborhood Progress
- TX: University of Texas School of Law
- UT: Utah State Bar
- WA: Tacoma Probono
- AND MANY MORE



Using Data to Locate Need

CLS Employment Unit Intakes 2000-2016



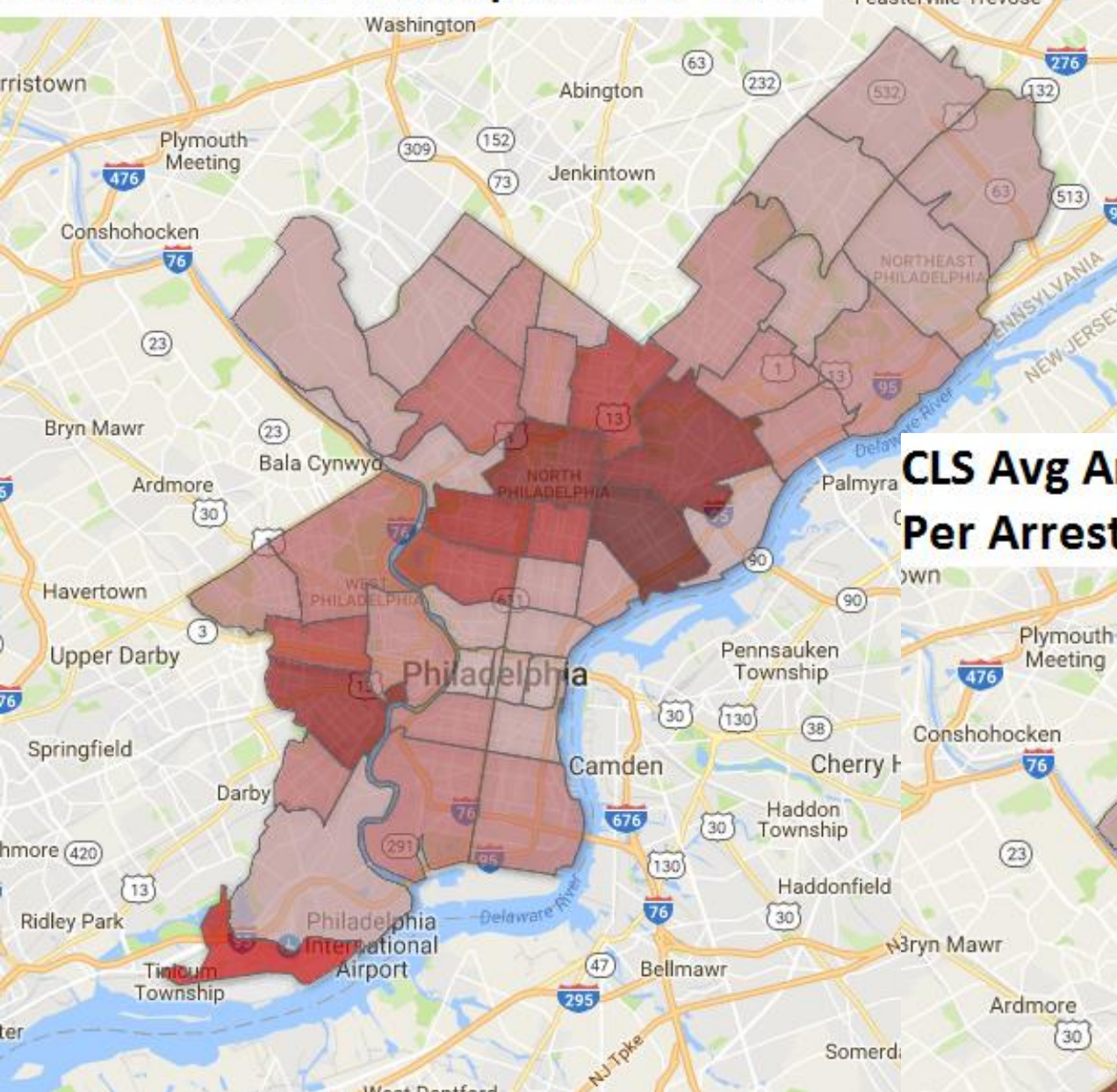
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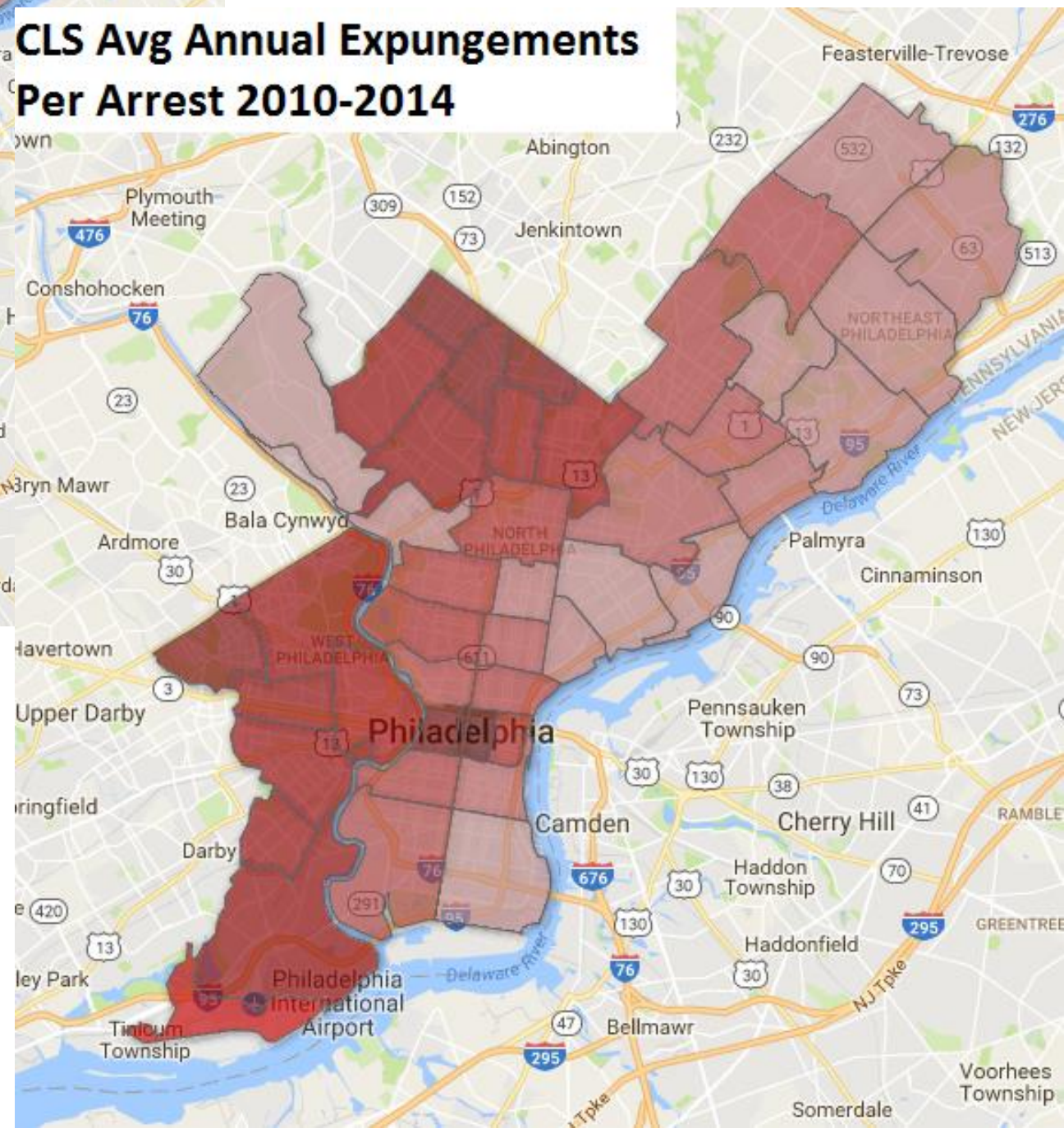
Using Data to Locate Need

- Clear need for increased expungement services, but unclear on where to provide those services
- What data to compare?
- We compared intake vs arrest numbers in each zip code.
- How did we get the data?
- Identified neighborhoods with significantly higher arrests coupled with individuals not regularly coming into CLS's offices/intakes.

Total Arrests in Philadelphia 2010-2015

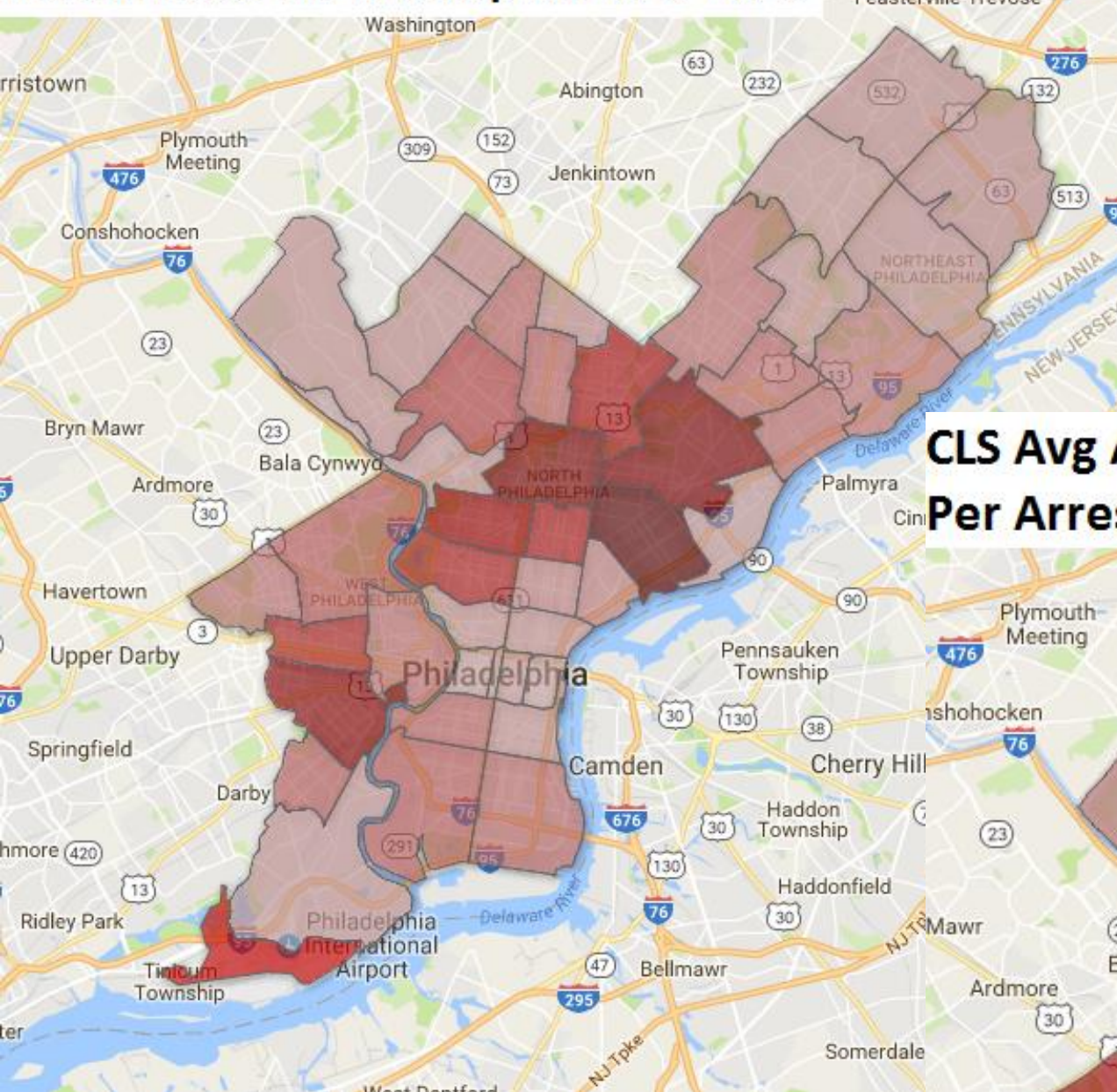


CLS Avg Annual Expungements Per Arrest 2010-2014



Total Arrests in Philadelphia 2010-2015

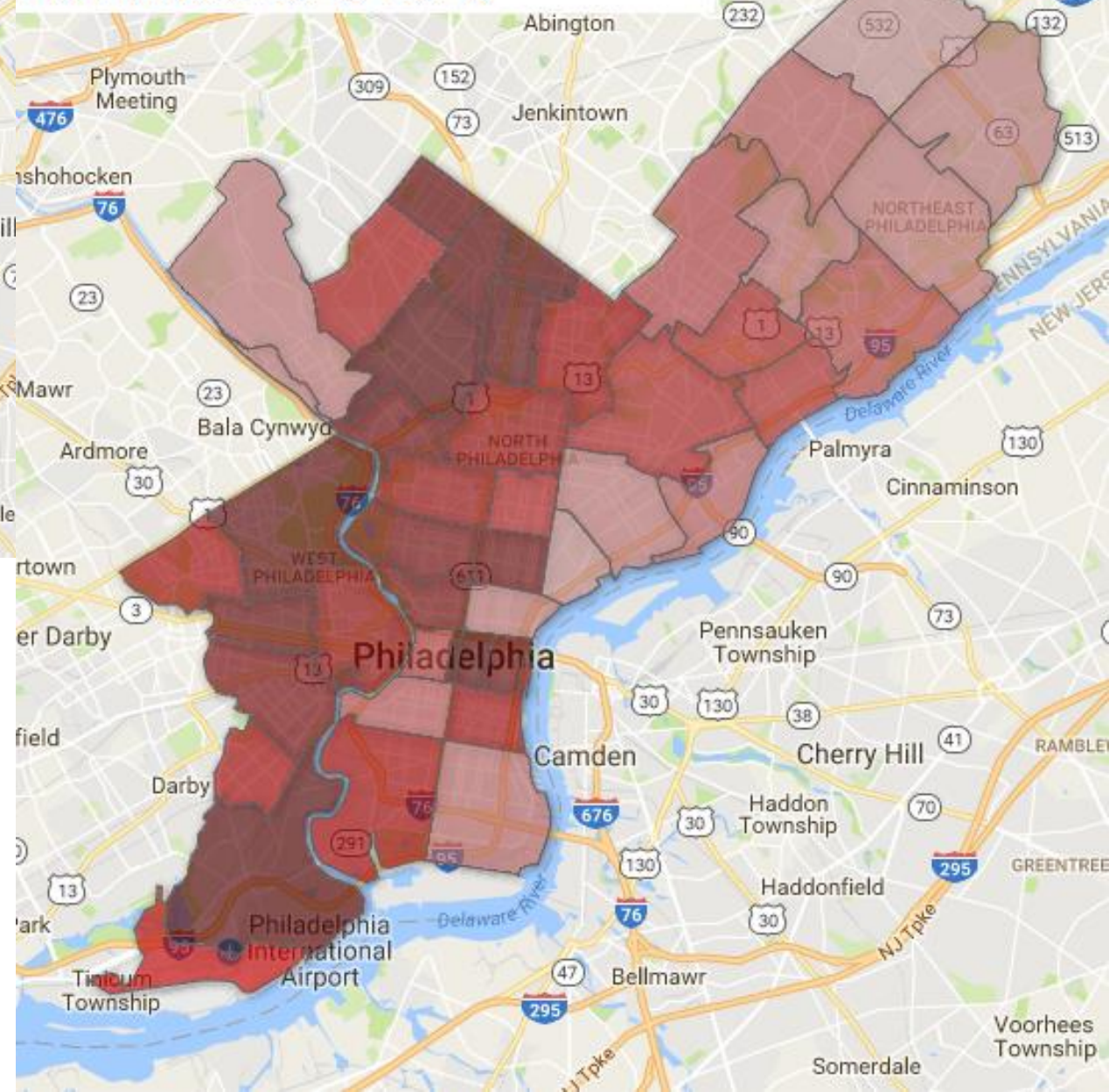
A map of Philadelphia, Pennsylvania, showing police districts. The districts are shaded in various colors (red, orange, yellow, green, blue) to represent different levels of arrest rates. The map includes major highways (Interstates 76, 276, 95, and State Routes 132, 513, 532, 63, 73, 152, 309, 232, 23, 1) and surrounding areas like Abington, Jenkintown, and Plymouth Meeting. The Delaware River is visible on the right side, separating Philadelphia from New Jersey.



CLS Avg Annual Expungements Per Arrest 2015-2016

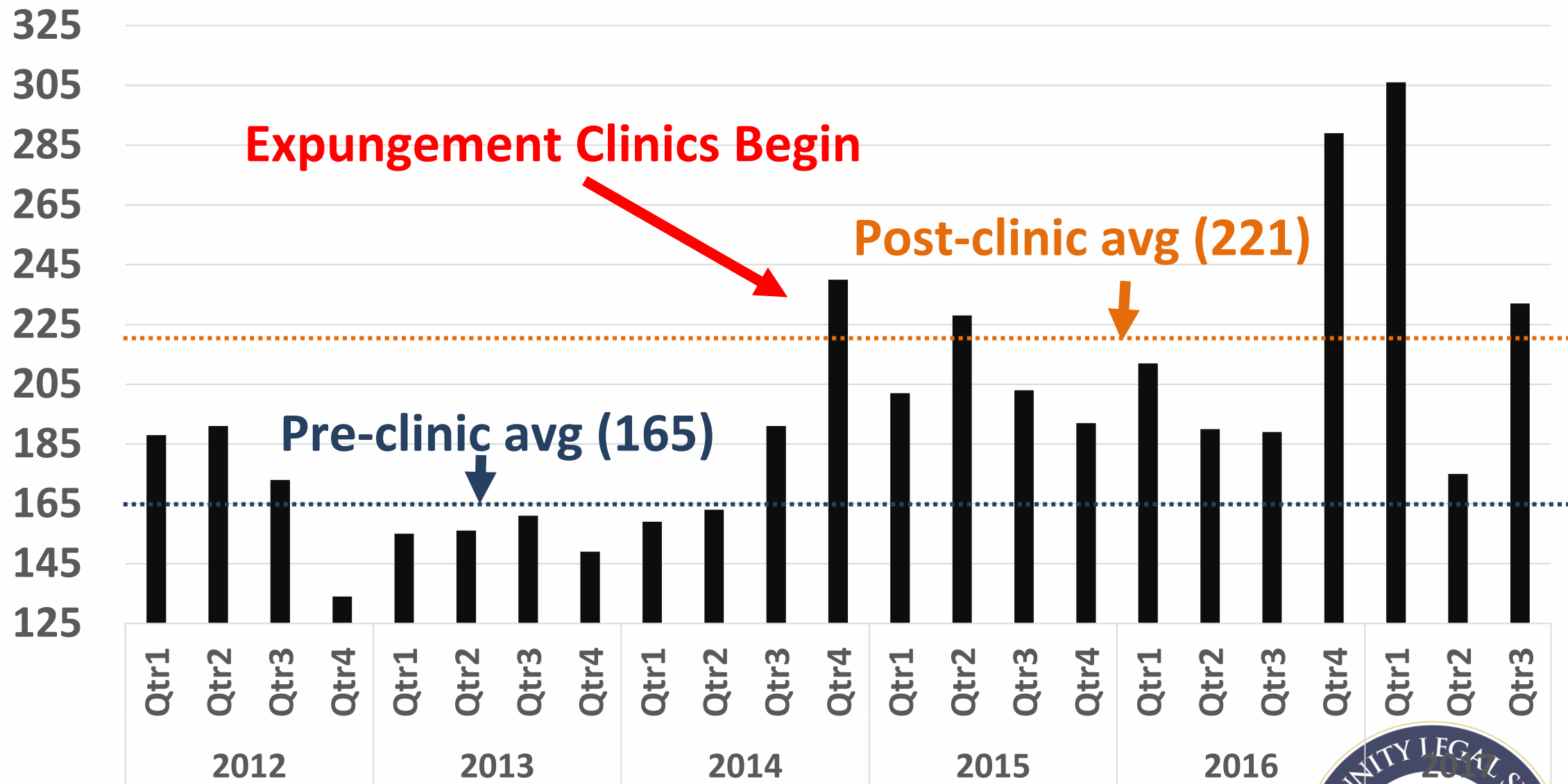
The map displays the following zip codes and their corresponding expungement rates (approximate values based on color intensity):

Zip Code	Approximate Expungements Per Arrest
19104	0.00
19106	0.00
19107	0.00
19108	0.00
19109	0.00
19110	0.00
19111	0.00
19112	0.00
19113	0.00
19114	0.00
19115	0.00
19116	0.00
19117	0.00
19118	0.00
19119	0.00
19120	0.00
19121	0.00
19122	0.00
19123	0.00
19124	0.00
19125	0.00
19126	0.00
19127	0.00
19128	0.00
19129	0.00
19130	0.00
19131	0.00
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19148	0.00
19149	0.00
19150	0.00
19151	0.00
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19170	0.00
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19173	0.00
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19178	0.00
19179	0.00
19180	0.00
19181	0.00
19182	0.00
19183	0.00
19184	0.00
19185	0.00
19186	0.00
19187	0.00
19188	0.00
19189	0.00
19190	0.00
19191	0.00
19192	0.00
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19194	0.00
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19197	0.00
19198	0.00
19199	0.00

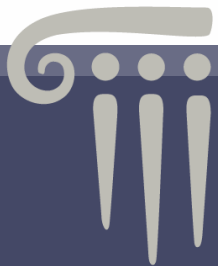


Using Data

CLS Expungement Intakes 2012-2017



NUTS AND BOLTS OF RUNNING A CLINIC



NLADA
National Legal Aid &
Defender Association



Starting/Running a Clinic

- Community Partners
 - To advertise and staff the clinic
 - Community colleges, religious organizations, libraries, community development corporations (CDCs), community-based service providers, state/local representatives, community organizers, or large local employers.
- Scheduling
 - Regular schedule at one site vs rotating partners and times
 - Full day vs shorter clinics
 - Weekend mornings and weekday evenings

Starting/Running a Clinic



- Advertising
 - Print flyer, Facebook, Instagram, Twitter
 - 2 weeks ahead of time

- Other services?
 - Just expungement or wide range of services?
 - People to give advice? Flyers?

Starting/Running a Clinic

- Pro Bono assistance
 - Law students, paralegal students: semester-based schedule
 - Private attorneys – can be from firms big and small;
- Training for pro bono assistance
 - General training on the law and outline of the clinic
 - Potential additional training on working directly with clients (respect, phone issues, language to use, etc...)

Clinic Day

- Technology is great, but be prepared for glitches
 - Laptops, extension cords, wifi devices, extra printers/paper/toner
- Have paper forms if doing online intake
- If possible, get everything signed on site
- Pre-printed accept/reject letters, help packets for different scenarios, etc...

EXPUNGEMENT CLINIC INFORMATION FORM

PARTICIPANT INFORMATION

Name: _____

Other names you have used (e.g. maiden name, AKAs): _____

Date of Birth: _____

Social Security Number: _____

Phone number: _____

Email address: _____

Address: _____

Apt #: _____ Zip Code: _____

Estimate of Income for the past 30 days (if any): _____

Household size: _____

Income Source (check all that apply):

TANF ☐

Social Security ☐

Employment Only ☐

Employment + Other ☐

SSI ☐

Pension ☐

Unemployment Insurance ☐

Other _____

I hereby certify that, to the best of my knowledge, the eligibility information contained above is correct and complete. I understand that Community Legal Services often works with volunteer partners to assist expungement clinic clients, and that CLS and its partners will keep the information I have provided confidential, except if it is needed to assist me. I agree to be assisted by CLS and its volunteer partners.

APPLICANT SIGNATURE

DATE

STAFF SIGNATURE

DATE

For intake staff use only.

☐ Investigate

☐ Engagement letter (give)

☐ Resource packet (give)

☐ Signed information sheet (keep)

☐ Signed retainer (keep)

☐ Reject

☐ Rejection letter (give)

☐ Resource packet (give)

☐ Signed information sheet (keep)





Date: _____

Dear Clinic Attendee:

Thank you for coming to an expungement clinic hosted by Community Legal Services.

We have agreed to investigate your expungement case for possible representation. We cannot promise at this time that we will be able to represent you. If we decide we are not able to represent you, we may have to turn down your case.

If we are able to accept your case, our representation is limited to your case at an expungement hearing in the Philadelphia Court of Common Pleas. We cannot take on the handling of any other legal matter that you may have. General expungement of charges that did not result in convictions.



Date: _____

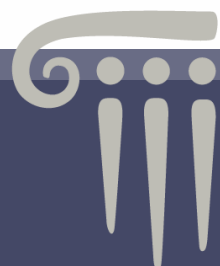
Dear Clinic Attendee:

Thank you for coming to an expungement clinic hosted by Community Legal Services.

After reviewing your case, we unfortunately will not be able to help you file for expungement. Expungement is only possible for certain types of cases and charges, and we only have a few lawyers to help people with expungements. Therefore, we cannot take every case.

We are giving you a packet which has a lot of useful information, including:

- How to get a copy of your criminal record
- How to address any court fines and costs you might owe
- How to apply for a pardon from the Governor



NLADA

National Legal Aid &
Defender Association



Expungement Clinic Resource Packet

- ❖ How to Get a Copy of Your Criminal Record
- ❖ Criminal Court Fines & Costs in Philadelphia
 - ❖ How to Get a Pardon in Pennsylvania
- ❖ Employment Rights of People with Criminal Records
- ❖ Information on the “Fair Hiring Law” in Philadelphia
- ❖ Where to Go for Help with Other Legal Problems
- ❖ How to Get Health Insurance



Post Clinic

- Handle cases en masse, if possible
 - Mail merge
 - Bulk filing (work with your court if not available)
 - Limit scope of service
 - Reporting tools to track cases (lots and lots of spreadsheets!)
- The order is not the end: follow up to make sure expungement fully effectuated

	C	D	E	F	G	H	I	J	K	L	M	N
Case	OTN	Arrest	Consent/ Objections	Date	Order	PSP	Philly	Orders Mailed	PSP Confirmati	Docket	Summa	
MC-51-CR-0726301-1999	M9456720	07/22/1999	Consent	02/06/2018	04/17/2018	02/26/2018					Kathleen Te	
MC-51-CR-0955291-1999	M9583884	09/28/1999	Consent	02/06/2018	04/17/2018	02/26/2018						
MC-51-CR-0402041-2002	N1383410	04/01/2002	Consent	02/06/2018	01/30/2018	02/14/2018						
MC-51-CR-0821381-1996	M7139145	08/23/1996	Consent	02/06/2018	01/30/2018	02/13/2018		17-Apr	4/17/2018			
CP-51-CR-0109461-1997	M7207034	10/13/1996	Consent	02/06/2018	01/31/2018	02/14/2018		17-Apr	4/17/2018		Willi	
MC-51-CR-0026925-2017	U0937775	09/09/2017	Objection: Consented a	02/06/2018	02/07/2018	02/21/2018		17-Apr	4/17/2018			
CP-51-CR-0105301-2000	M9685476	11/18/1999	Objection: Consented a	02/06/2018	3/12/2018	03/26/2018		17-Apr	4/17/2018			
CP-51-CR-0011324-2011	N7428816	05/10/2011	Consent	02/06/2018	01/30/2018	02/14/2018		02/13/2018	3/29/2018			
MC-51-CR-0054122-2011	N780711	12/24/2011	Consent	02/06/2018	01/30/2018	02/13/2018		02/13/2018	3/29/2018		havent finis	
CP-51-CR-0110871-2002	N1080240	10/29/2001	Consent	02/07/2018	01/31/2018	02/14/2018						
CP-51-CR-0810931-2004	N2644434	03/28/2004	Consent	02/07/2018	01/30/2018	02/15/2018						
MC-51-CR-0423151-2004	N2687016	04/20/2004	Consent	02/07/2018								

Ambition Collides with Reality

- Collaboration of
 - City of Philadelphia and Mayor's Office, DA, Bar Association, CLS, Law Firm
- Very Successful:
 - 1,853 registrants, 900+ people served
 - 175 attorneys, law students and paralegal volunteers.
- But MANY, MANY challenges

VOLUNTEERS NEEDED

FREE CRIMINAL RECORD EXPUNGEMENT & SEALING CLINIC

SATURDAY NOV. 12, 2016 10 A.M. - 1 P.M. 6 LOCATIONS

#GETEXPUNGED GETEXPUNGED.ORG

We are seeking at least 100 attorneys and law students to process petitions on November 12, 2016, which will require a commitment of a one-hour training and four hours the day of the clinic. We are also seeking at least 25 attorneys to handle subsequent hearings to be scheduled on a later day reserved by the court solely for expungement and sealing petitions, which will require an additional estimated six-hour commitment.

Training Sessions
CLE Expunging & Sealing Criminal Records

- Tuesday, November 1, 2016 - 6:30 - 7:30 p.m.
Deane Morris LLP
- Wednesday, November 2, 2016 - 12:30 - 1:30 p.m.
Deane Morris LLP
- Wednesday, November 2, 2016 - 6 - 7 p.m.
Philadelphia Bar Association
- Friday, November 4, 2016 - 12 - 1 p.m.
Philadelphia Bar Association

REGISTER FOR TRAINING AT PHILADELPHIABAR.ORG

PRESENTED BY
THE YOUNG LAWYERS DIVISION OF
PHILADELPHIA BAR ASSOCIATION

IN PARTNERSHIP WITH
Deane Morris LLP

OFFICE OF THE DISTRICT ATTORNEY
CITY OF PHILADELPHIA
LIFE, LIBERTY & JUSTICE

CLERK OF THE COURT
CITY OF PHILADELPHIA

Using Technology

- Online records – a blessing and a curse
- Online pre-registration, intake
 - Your mileage may vary on pre-registration
- Automated tools for petition prep
 - Expungement generator preview
- Texting, mail merge, tracking spreadsheets

Using Technology: Case Tracking

- Preregistration?
 - Google form, more complicated form, pen and paper
- Case tracking
 - Google sheets/excel, CMS (modified intake)
- Security issues are important to consider

Using Technology: Automated Expungement

- PA Expungement Generator demo
- Reduces time to prepare petition from 20-30min/case to < 2 minutes for ALL cases
- Reduced bar to entry
- Accurate
- Data!

Using Technology: Automated Expungement

- Fully automated
 - Online criminal records database (or ability to get and upload dockets)
 - Standardized petition
 - Rule-based expungement
 - Little additional information required to determine expungement eligibility

Using Technology: Automated Expungement

- Guided Interview
 - The ability to break down the expungement process into steps
 - Four main factors:
 - Complexity of expungement requirements
 - Complexity of the filing (what documents are needed, etc)
 - Complexity of the filing (notice, hearing, etc...)
 - Availability of free legal resources to provide help
 - Interviews can be:
 - Attorney facing
 - Dual responsibility: both attorney and client do part
 - Full self-representation

Using Technology: Combining Case Management and Automation

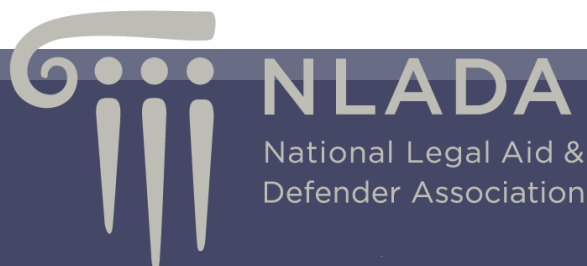
- LegalServer has created an interface that allows it to speak with other programs (using an API, JSON, etc...)
- Allows for expungements/record checking to be FULLY automated
- Coming soon to your LS implementation. This is the future!

Join the Clean Slate Clearinghouse

<https://cleanslateclearinghouse.org/>

If you are interested in starting or expanding your record clearing practice, or just want to stay in the loop, sign up for our google group with practitioners around the country

Email Michael Hollander (mhollander@clsphila.org) to join



Questions?

Michael Hollander – mhollander@clsphila.org



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