

Expungement

A Gateway to Work

BY MARGARET (PEGGY) STEVENSON



We cannot conceive of any business necessity that would automatically place every individual convicted of any offense in the permanent ranks of the unemployed.

—[Green v. Missouri Pacific Railroad Company](#), 523 F.2d 1290, 1298 (8th Cir. 1975)

Criminal histories harm millions of people in the United States either directly through a person's own history or indirectly through the record of a family or community member. Expungement can make a broad difference.

While terms and remedies differ, I use “expungement” here to mean the amelioration of a person's criminal record to the legal extent possible.¹ With a focus on low-income clients, I discuss expungement generally and the effect that expungement has on employment specifically. I describe some practice models for delivering expungement assistance. I treat only adult records; juvenile record sealing generally is handled as a separate process.

The Profound Collateral Consequences of Criminal Convictions on Low-Income Communities of Color

The consequences of having a conviction in one's past extend well beyond the completion of the sentence; a conviction can stifle opportunities for employment, housing, public benefits, student loans, serving as

1 Among various terms and remedies are dismissals, set-asides, erasures, nullifications, expunctions, sealing, and purging of convictions or arrests; reduction of felonies to misdemeanors; Certificates of Rehabilitation or Relief or Good Conduct; and pardons. Related assistance may involve recalling outstanding warrants and reducing or dismissing outstanding conviction-related debt.

a foster parent, and visiting relatives in jail, even decades after the offense. Many people who had been convicted report a heavy psychological weight that inhibits them from fully integrating into society. While my emphasis here is on how expungement affects employment specifically, the broad benefits of expungement are far-reaching and highlight the importance of criminal-record amelioration in social justice.²

Many Affected Americans. While the United States has 5 percent of the world's population, it incarcerates 25 percent of the world's prisoners.³ Conservative estimates find that 65 million people in the United States—roughly 25 percent of the population—have a criminal history.⁴ Even though incarceration rates may be slowing, the effects of imprisonment are not.⁵

2 See [American Bar Association \(ABA\), ABA National Inventory of Collateral Consequences of Conviction](#) (2013) (state-by-state guide that includes drop-down menus for type of offense and effect by category (e.g., employment or housing)); [Margaret Colgate Love, National Association of Criminal Defense Lawyers, Restoration of Rights Project](#) (2013) (state-by-state guide to remedies). See also [Legal Action Center, After Prison: Roadblocks to Reentry](#) (2009).

3 [Adam Liptak, U.S. Prison Population Dwarfs That of Other Nations](#), *NEW YORK TIMES*, April 23, 2008. See [Sentencing Project, Fact Sheet: Trends in U.S. Corrections](#) (Sept. 2014).

4 [Michelle Natividad Rodriguez & Maurice Emsellem, National Employment Law Project, 65 Million “Need Not Apply”: The Case for Reforming Criminal Background Checks for Employment 3](#) (March 2011).

5 At least 29 states have taken steps to roll back mandatory sentencing since 2000 (see [Ram Subramanian & Ruth Delaney, Playbook for Change? States Reconsider Mandatory Sentences 8](#) (April 4, 2014)).

The people with records are not the only ones who suffer consequences, of course; the effects reach the families and communities of those who are convicted.⁶ In 2007 nationwide 52 percent of people in state prison and 63 percent in federal prison had children who were younger than 18, meaning that over 1.7 million children had a parent in custody.⁷ The effects of criminal records extend to communities as well since absent would-be wage earners leave reduced incomes and economically challenged neighborhoods.⁸

A Poverty Law Issue. Clearing a record without an attorney is frequently difficult. The absence of sufficient free legal help and the inability to pay for private attorneys mean that many low-income people unnecessarily carry the burden

6 “People first” terminology suggests referring to “people with conviction histories” instead of “ex-offenders,” “felons,” or “criminals” ([Eddie Ellis, Center for Nuleadership on Urban Solutions, Words Matter: Another Look at the Question of Language](#) (Jan. 2013)).

7 [Lauren E. Glaze & Laura M. Maruschak, Bureau of Justice Statistics, Parents in Prison and Their Minor Children 1](#) (March 30, 2010).

8 See [Todd R. Clear, IMPRISONING COMMUNITIES: HOW MASS INCARCERATION MAKES DISADVANTAGED NEIGHBORHOODS WORSE](#) (2007) (studies cited therein).

A conviction can stifle opportunities for employment, housing, public benefits, student loans, serving as a foster parent, and visiting relatives in jail, even decades after the offense.

of an expungeable conviction for years.⁹ Since expungement elevates wages, an ever-widening income gap results from lack of expungement assistance and leaves low-income people who have been convicted increasingly further behind.

With support from the U.S. Department of Justice's Second Chance Act funding, the U.S. Department of Labor, and grants, the number of expungement service providers is growing.¹⁰ Legal Services Corporation (LSC) regulations do not restrict its grantees from handling expungements, and an estimated two dozen offices in 19 states do such work.¹¹ Adding expungement assistance to LSC programs nationwide would be a broadly beneficial antipoverty strategy.

A Civil Rights Issue. The disproportionate racial effect of the criminal justice system is documented and clear. The Center for American Progress reports that “[w]hile people of color make up about 30 percent of the United States’ population, they account

for 60 percent of those imprisoned.”¹² In relation to whites, “blacks have almost 5 times the risk of being jailed.”¹³ Nationally African Americans and Latinos are involved in the criminal justice system in numbers disproportionate to their representation in the general population.¹⁴

The Vera Institute of Justice recently evaluated statistics in Manhattan and found that, compared to white defendants, black and Latino defendants were more likely to be detained, to receive a custodial plea offer, and to be incarcerated.¹⁵ At the same time their cases were also more likely to be dismissed.¹⁶

What an Expungement Does

Having recognized that criminal records adversely affect large numbers of low-income people of color, we turn now to the legal remedy of expungement. Because expungement is a matter of state law, the effects of expungement differ across the United States.¹⁷ Generally expungements shield what others are able to find out about a past conviction. For example, in California a person who completes a drug diversion pro-

gram may have the record sealed, meaning that “both the arrest and the conviction shall be deemed never to have occurred.”¹⁸

Expungement remedies most often are offered for less serious offenses and for people with shorter conviction histories. Sentences for more serious offenses are served in state prisons as opposed to county jails, and expungement laws typically treat prison and jail sentences differently. The only expungement remedy for federal convictions applies to some drug possession offenses committed before the defendant was 21 years old.¹⁹

For some convictions, the court has no discretion but to expunge a conviction. For example, in California most convictions for which a person served time in county jail must be dismissed if the probation period is terminated early or if the person has complied with the terms of probation and has no new convictions during the probationary period.²⁰ Based on the conviction involved, reducing some felony convictions to misdemeanors is allowed in some states. Reducing a felony to a misdemeanor is usually a matter of judicial discretion.²¹ Typically courts weigh the severity of the offense, the time passed, community service, length of sobriety, or other demonstration that the person is moving forward in life.²²

Generally, even after a conviction is expunged, law enforcement and the

9 More expungement assistance is available now than in the past. Expungement assistance is available for low-income clients in approximately two dozen legal aid offices in 19 states, at least 20 law school clinics in 15 states, and some public defender offices across the country (Jeffrey Selbin & Justin McCrary, *Got Clean Slate? New Study Suggests that Criminal Record Clearing May Increase Earnings* (Aug. 25, 2014)). The National Employment Law Project runs a national e-mail list for those concerned with the effects of criminal records on employment. To subscribe, e-mail NELP-CRIMINALRECORDS-subscribe@yahoo.com.

10 See [U.S. Department of Justice, Select Federal Agency Resources](#) (Dec. 4, 2014) (list of grants as part of Legal Aid Interagency Roundtable Toolkit).

11 See [45 C.F.R. §§ 1613.1–4](#) (2014) (defining criminal proceeding and related restrictions), [1615.1–3](#) (limiting habeas corpus representation), [1637.1–5](#) (restricting civil actions on behalf of prisoners); Selbin & McCrary, *supra* note 9.

12 [Sophia Kerby, Center for American Progress, The Top 10 Most Startling Facts About People of Color and Criminal Justice in the United States: A Look at the Racial Disparities Inherent in Our Nation’s Criminal-Justice System](#) (March 13, 2012).

13 [Kim Gilhuly et al., Human Impact Partners, Rehabilitating Corrections in California: The Health Impacts of Proposition 47](#), at 20 (Sept. 2014).

14 [U.S. Equal Employment Opportunity Commission, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#), at 9 (April 25, 2012).

15 [Besiki Kutateladze et al., Vera Institute of Justice, Race and Prosecution in Manhattan](#) 5–7 (July 2014).

16 *Id.* at 5.

17 See [Margaret Colgate Love, NACDL Restoration of Rights Resource Project, Chart #4—Judicial Expungements, Sealing, and Set-Aside](#) (Jan. 2015); Love, *supra* note 2.

18 [CAL. PENAL CODE § 1210.1\(e\)\(1\)](#) (2015). See *id.* §§ 1000–1000.6, 1210–1210.5.

19 See [18 U.S.C. § 3607\(c\)](#) (2011).

20 See [CAL. PENAL CODE § 1203.4\(a\)](#).

21 See, e.g., [id. § 17\(b\)](#). California voters approved an initiative in November 2014 to reclassify six previous felonies as misdemeanors (see [California Secretary of State, Prop. 47: Criminal Sentences; Misdemeanor Penalties; Initiative Statute](#) (n.d.)). Upon application, reclassification is mandatory for those who meet the terms of the statute.

22 Some states have a separate category of relief for the most serious offenses. Certificates of Rehabilitation typically do not remove convictions. Instead they judicially “certify” that a person has been rehabilitated, according to standards that usually involve the passage of time during which a person has remained conviction-free.

courts are able to see the record of the expunged conviction. Enabling courts and law enforcement agencies to see expunged convictions may initially seem problematic. However, this access likely increases judges' willingness to grant an expungement since the expunged conviction will be discoverable in case of a future offense.

How Expungement Helps Employment

The primary reason that most people seek expungement is to improve their employment situation. Given the sheer number of criminal records, the effect of expungement on employment in the United States could be immense. Generally expungement makes the record of a conviction unavailable to many employers. The federal Fair Credit Reporting Act bars commercial background-check companies from reporting arrests or nonconvictions that are over seven years old.²³ Many state laws are more protective of employees and applicants.²⁴

State laws usually differentiate between which employers may see conviction records. For example, employers involved in national security, law enforcement, courts, prisons, and related positions have almost unlimited access to applicants' and employees' records, including arrests, dismissed cases, convictions, and juvenile offenses. An intermediate tier of employers having access to expunged records includes employers working with sensitive populations such as the elderly, children, or the disabled; licensing boards; and banks.

23 See [15 U.S.C. § 1681c\(a\)](#) (2013). But see *id.* § 1681c(b) (3) (reporting allowed when prospective employee's salary is anticipated to be \$75,000 or more).

24 See, e.g., [CAL. CIV. CODE § 1786.18\(a\)\(7\)](#) (2015) (prohibiting release of convictions over seven years old and arrests that did not lead to conviction, unless pending); [CAL. LABOR CODE § 432.7\(a\)](#) (2015) (as of January 1, 2014, employers prohibited from asking about or "utilizing" convictions that have been expunged or sealed; exceptions apply for law enforcement, courts, and other employers that are required by law to run background checks).

Some intermediate-tier employers may access limited types of convictions, such as drug-related convictions for those employees whose jobs involve access to medications. These employers' use of dismissed convictions may be limited, however, and waivers enabling employment may be available. Most private employers in retail,

One reason expungement raises income is that it helps applicants obtain professional licenses. An estimated 20 percent of the U.S. workforce required a professional license in 2006, and the number was increasing.²⁹ Health professions have some of the largest job growth, and many require some form of licensing.³⁰ An unquantifiable

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grocery, hospitality, service, and other industries must rely solely on commercial background-check reports for information on applicants for employment (unless they do their own Internet searching).

Benefits to Workers and Their Families.

When expungement allows a person to get a job, that person's family income increases. Our clients at the Record Clearance Project earn an average of \$6,190 more each year after an expungement.²⁵ Initial findings of a study in progress show that people seek expungement assistance after a 25 percent decrease in earnings over a period of many years.²⁶ The researchers found that expungement halts the decrease in earnings and may improve earnings.²⁷ Our Record Clearance Project data also show delayed applications for expungement: of the more than 700 convictions the program has had dismissed, 70 percent were over 10 years old, and 37 percent were over 20 years old.²⁸

25 See [Meyli Chapin et al., A Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County](#) 6 (March 2014).

26 See Selbin & McCrary, *supra* note 9, at 4 (examining records of 264 past clients of East Bay Community Law Center in Berkeley, California).

27 *Id.*

28 Database in my files.

benefit of expungement on employment is workers' willingness to apply for promotions or new positions without fear of disqualification by a background test.

Societal Benefits. Society benefits from expungements in that increased employment grows public revenue, reduces recidivism, and improves public safety.³¹

Increased Public Revenue. Increased employment means increased tax revenue. Excluding workers with criminal records from employment shrinks the U.S. job force by 1.5 to 1.7 million workers. This exclusion represented a loss of \$57–\$65 billion in the 2008 federal gross domestic product alone.³² Research has shown that our Record Clearance Project generates an estimated net gain for the government of

29 [Morris M. Kleiner, Regulating Occupations: Quality or Monopoly?](#), EMPLOYMENT RESEARCH, Jan. 2006, at 1.

30 See [Madeline Neighly et al., National Employment Law Project, A Healthy Balance: Expanding Health Care Job Opportunities for Californians with a Criminal Record While Ensuring Patient Safety and Security](#) (May 2014).

31 [City of Philadelphia & Economy League of Greater Philadelphia, Economic Benefits of Employing Formerly Incarcerated Individuals in Philadelphia](#) 8 (Sept. 2011) ("Connecting the formerly incarcerated to employment has been shown to reduce recidivism and results in three different types of positive economic impacts: 1) increased earnings, 2) increased tax revenues from employment, and 3) avoided costs." (emphasis removed)).

32 [John Schmitt & Kris Warner, Center for Economic and Policy Research, Ex-Offenders and the Labor Market](#) 1 (Nov. 2010).

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\$34,308 across three years in increased taxes and reduced public assistance.³³ The value of these benefits grows over time.

Reduced Recidivism. Employment reduces recidivism by providing income, responsibility, and a sense of self-worth. Individuals who find work following incarceration are less likely to recidivate than those who are unemployed. Various studies have shown the beneficial effect of employment and job training programs in reducing recidivism.³⁴ One study found a 62 percent lower recidivism rate for people who were released from prison and worked for at least a month than for those who were released from prison and were unemployed.³⁵

Improved Public Safety. The understanding that facilitating employment improves public safety is gaining national recognition. In its recent My Brother's Keeper program, the White House noted that giving people opportunities to work helps "improve public safety and improve lives."³⁶

Benefits to the Hiring Process. Both employers and job applicants benefit from accurate criminal-record reports and clear laws on when expungements and criminal records may be considered.

Alleviating Employer Concerns About Potential Negligent Hiring Charges. Many employers are afraid of potential liability for hiring someone with a criminal record were that person to reoffend. Employers should feel insulated from a charge of negligent hiring if a worker's record has been expunged or if the worker has been granted a Certificate of Rehabilitation by a court. A publication by the Lawyers' Committee for Civil Rights Under Law, Best Practice Standards, advises employers on various aspects of hiring people with conviction histories.³⁷

Delaying Conviction Inquiries. "Ban the Box" is a nationwide movement to delay questions regarding conviction history until later in the hiring process.³⁸ Removing the check box from the initial job application enables an applicant to proceed further instead of being rejected outright. While not an expungement remedy, Ban the Box does ameliorate a person's record for employment purposes.

A Note of Caution on Background Checks. Approximately 90 percent of employers run background checks on employees.³⁹ However, commercial background-check reports are notoriously inaccurate.⁴⁰ The Fair Credit

Reporting Act requires employers to offer a copy of the background-check report to the person reported on so that the person can see the basis for the employer's action and correct any errors.⁴¹ Workers are well advised to request a copy of the background-check report so that they can ensure that expungements are recorded correctly and do not appear where prohibited.

An Example of an Expungement Practice

Delivering expungement services is similar to delivering legal services in other practice areas. Here I outline the Record Clearance Project's practice and highlight ways in which it could be replicated in other offices. I also list other offices with active expungement practices.

Community Education. Because so little accurate information is available, community education on expungement is particularly valuable.⁴² People are eager for information, and many sites are eager to host presentations on expungement.⁴³ Indeed, 85 percent of people attending community education presentations by the Record Clearance Project reported in an anonymous, voluntary evaluation that they had been unaware of basic information on expungement prior to the presentation.⁴⁴

Legal information on expungements can be made more accessible through the Internet or in written materials. For example, Ohio

33 See Chapin et al., *supra* note 25, at 5.

34 See Kristen A. Williams, *Employing Ex-Offenders: Shifting the Evaluation of Workplace Risks and Opportunities from Employers to Corrections*, 55 UCLA LAW REVIEW 521, 531–33 (2007) (citing studies). See also Christopher Uggen, *Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism*, 67 AMERICAN SOCIOLOGICAL REVIEW 529 (2000).

35 Safer Foundation, *Safer Foundation Three-Year Recidivism Study 2008* (n.d.).

36 My Brother's Keeper Task Force, *Report to the President* 53 (May 2014).

37 Roberta Meyers et al., *Lawyers' Committee for Civil Rights Under Law et al., Best Practice Standards: The Proper Use of Criminal Records in Hiring* (2013). See Roberta Meyers et al., *Lawyers' Committee for Civil Rights Under Law et al., What Employers Need to Know: 5 Essential Elements for Fair Hiring* (n.d.); Nicole D. U.S. Small Business Administration, *Employer's Guide to Discrimination: Hiring and Managing Employees with Criminal Records* (Feb. 23, 2011).

38 See National Employment Law Project, *Ban the Box: A Fair Chance for a Stronger Economy* (2014).

39 Rodriguez & Emsellem, *supra* note 4, at 1.

40 See Persis S. Yu & Sharon M. Dietrich, *National Consumer Law Center, Broken Records: How Errors by Criminal Background Checking Companies Harm Workers and Businesses* (April 2012).

41 See 15 U.S.C. §§ 1681b(a)(3)(B), 1681b(b), 1681m (2010).

42 See Federal Interagency Reentry Council, *Reentry MythBusters* (n.d.).

43 Since 2012, the Record Clearance Project has given 115 presentations to over 4,900 people at community centers, employment training programs, faith-based organizations, a jail, rehabilitation centers, and social service agencies.

44 We ask participants to answer: "This was the first time I heard that if a person successfully completes probation, the court must dismiss most convictions for jail cases. Yes, this was new information. No, I knew this before the presentation." Of approximately 1,000 respondents, 85 percent indicated that this was new information to them. We want to give people this information while they are able to influence the outcome of their probation.

Legal Services has a step-by-step decision tree to assist people online in determining their eligibility and next steps toward expungement.⁴⁵ The courts, some legal aid offices, and some private law firms often offer information on expungement.⁴⁶

Drop-in Rap Sheet Review. In what Record Clearance Project students named “Speed Screenings,” students conduct drop-in interview sessions four or more times a year. At Speed Screenings, people bring their criminal-history reports (also known as “rap” sheets, or record of arrests and prosecutions) for analysis by student teams. Students determine (subject to attorney review) which convictions are eligible for expungement, which convictions require other remedies, and what the path toward expungement is for the client. From a standardized advice sheet, students select the applicable paragraphs and, following consultation with a pro bono attorney, explain the next steps to the client.

The value of Speed Screenings is significant. Among those at recent Speed Screenings,

- 22 percent had only convictions that were required to be dismissed. We helped those interested to fill out the necessary form to request dismissal.
- 11 percent had no convictions at all. The primary reason for clients’ confusion is that some drug diversions are sealed and do not become convictions. Others did not understand that an arrest is not a conviction.
- 6 percent mistakenly thought they had felony convictions. Likely they were



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charged with a felony but accepted a plea bargain reducing it to a misdemeanor. At other times, the court will order a felony to be reduced upon completion of probation, and people may not realize when the reduction occurs.

Speed Screening helps select cases for representation in court when program limitations mean that not all clients can be represented. The Record Clearance Project prioritizes clients who have a job offer pending or are in a job training program and have been temporarily rejected for internship placement.

In 2013 the Record Clearance Project expanded its Speed Screenings to a jail and added preexpungement mentoring for people upon release from custody. As an incentive, if clients participate in mentoring, we prepare their expungement petitions once they are eligible. The details of this new project are beyond my scope here, although I am happy to give further information upon request.

Representation. Generally a separate expungement petition or application is required for each conviction. Preparation of the basic expungement petitions is fairly formulaic, with the exception of the client’s declaration or affidavit. Indeed, Community Legal Services in Philadelphia has developed “Expungement Generator” software that pulls a client’s information from the court’s criminal-record database and automatically fills in the fields for court petitions.⁴⁷ Using a state-approved form, the public defender office in Los Angeles County files 4,500 expungement petitions a year for clients.⁴⁸ Paralegals primarily complete forms for people pro se, generally in one interview.

Expungement cases are not resource-intensive. They require no discovery, and a person may reapply if denied at first. Other than assuring sensitivity in interviewing,

45 See [Ohio Legal Services, Reentry: Expungement Eligibility Template](#) (n.d.).

46 See, e.g., [Judicial Branch of California, Cleaning Your Record](#) (2015); [Legal Services of New Jersey, Cleaning Your Record: A Six-Step Guide to Expunging Criminal Records in New Jersey](#) (2012); [Nolo Criminal Defense Lawyer, Expungement or Sealing of Adult Criminal Records](#) (2015); [Shouse California Law Group, Expungement of Criminal Records in California](#) (2015).

47 Community Legal Services attorney Michael Hollander developed this software. He is available for further information at mhollander@clsphila.org or 215.981.3794.

48 See [California Petition for Dismissal](#) (Jan. 1, 2015).

the main concern is potential immigration consequences of seeking expungement.⁴⁹

Expungement Interviews. When a client's case requires a declaration, we usually ask the client to attend two or three interviews. The first interview covers where the client is now and allows the client to focus on achievements, sobriety, and success. Subsequent interviews explain the client's "turning point," the lifestyle left behind, addictions conquered, and new paths chosen to assure the judge that the client

During these interviews, the interviewer's sensitivity is more important than sophisticated legal analysis. The frequency of tears in expungement interviews is the highest I have seen across many practice areas, as people revisit some of the most difficult, raw, and embarrassing times of their lives. Individuals often have trouble confronting their history because of trauma in their past. For example, many of the Record Clearance Project's clients suffered abuse as children and self-medicated with drugs

judge might ask. Students in the Record Clearance Project role-play deputy district attorneys to give clients the experience of hearing what the district attorney's office or probation department may say in court about the clients. The students who worked on the clients' cases take notes on the clients' "testimony." A critique session follows each client's testimony to help the client think about the best way to present information and, significantly, to calm the client's nerves.



is moving forward in life. When a person is seeking the exercise of judicial discretion to clear a record, legal help in presenting sufficient and appropriate information to a judge is key. We teach students in the Record Clearance Project to help the client discuss how "that was then and this is now" to show the judge that the client has left the criminal justice system behind.

or alcohol; criminal convictions resulted. Revisiting the past can be psychologically difficult without sensitive legal assistance to guide and buffer the process.

Moot Court. To prepare clients for their hearings, the Record Clearance Project offers the opportunity to attend a preparation session a week before the hearing. Through the generosity of Santa Clara University School of Law, the Record Clearance Project holds practice sessions in the law school's moot courtroom, thereby providing a realistic setting in which clients can practice.

Volunteers role-play "judges" and ask questions such as those a hearing

Court Hearings. Expungement hearings are not necessarily adversarial. Indeed, the individuals seeking expungement are the proof to many that the criminal justice system can work: they have emerged from their sentences to demonstrate that they are on the path to a new future.

Because the hearing can serve a powerful function as a "redemption ceremony," judges are effective when they take the time to speak with the petitioner. A reentry "redemption ceremony" can be an important capstone for criminal-justice purposes.⁵⁰ Judges who have carefully read the clients' declarations and supporting documentation can question petitioners about their statements and acknowledge the contributions and progress that they have made. A judge's congratulations and grant of an expungement petition frequently bring tears as the person's progress is recognized and the weight of a criminal record is lifted.

When a judge does not grant an expungement or reduce the felony, usually the judge explains to the petitioner what the judge would like to see, such as a longer period of sobriety, more community service, or completion of programs. Thus the grant is not so much denied as postponed, giving the petitioner a chance to come back.

49 Lawful immigration status is generally not a prerequisite for a person to apply for expungement, and U.S. Immigration and Customs Enforcement would not generally learn of a local expungement hearing. Because of the serious, though unlikely, potential consequences, however, the Record Clearance Project asks its clients with immigration problems to get an independent consultation from an immigration attorney and gives clients a list of free and low-cost immigration assistance.

50 See SHADD MARUNA, MAKING GOOD: HOW EX-CONVICTS REFORM AND REBUILD THEIR LIVES 147-68 (2001).

Alternative Spring Break with

Law Students. The Record Clearance Project has been fortunate to host from six to eight Columbia Law School students for their Alternative Spring Break for the last three years. We pick clients with relatively few criminal convictions and no legal complications and finish their petitions during an intense week of work. We can complete roughly a dozen clients' petitions in that week.

We pair a law student with a student in the Record Clearance Project, and each learns from the other. While the Alternative Spring Break immersion experience is beyond my scope here, I would be happy to provide further information.

Law Reform and Impact Litigation.

Opportunities for law reform abound in the expungement arena. Until recently legal aid programs had not been involved in expungement, and public defenders who do expungement work often lack the resources to file major litigation. Given the few free expungement advocates, many procedural barriers—such as inaccurate instructions for filing—have not been challenged, even though they frequently prove too steep for many potential applicants to clear on their own. Thus problems go unremedied, and unlawful practices by agencies and courts go unchecked. Through legislative remedies, many organizations have made substantial progress on behalf of people who have been convicted, and the Uniform Law Commission drafted—and the American Bar Association approved—a Uniform Collateral Consequences of Conviction Act in 2009.⁵¹ But important work for systemic reform and better informed policy remains to be done.

Maintaining a detailed database facilitates informed law and policy. For example, the Record Clearance Project has a list of data that we record about our clients. The Stanford Public Policy team used our data to perform a detailed analysis of criminal-record expungement in Santa Clara County, California.⁵² As more data are collected and the public comes to understand the benefits of permitting people to move beyond the mistakes of the past, legislative victories should become more feasible.

Substantively and procedurally establishing an expungement practice is relatively easy. The consequences of the work are profound. Assisting people on expungements is a much-needed and greatly appreciated life-changing endeavor for all involved.

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⁵¹ See [UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT](#) (2010). See also Sandra J. Mullings, *Employment of Ex-offenders: The Time Has Come for a True Antidiscrimination Statute*, 64 SYRACUSE LAW REVIEW 261 (2014).

⁵² See Chapin et al., *supra* note 25.