New Hope for Ex-Cons

Volunteer attorneys create opportunities for those who have spent time in jail or prison.

S. TODD ROGERS / Daily Journal

Margaret L. Richardson, director of the Clean Slate practice group of the East Bay Community Law Center, helps a client attempting to clear his record of a past felony.

Everybody makes mistakes. And in today's job market, where background checks are standard and an applicant's history is available in seconds to anyone with a computer, even a small mistake made decades ago can come back to haunt.

In Oakland, 10,000 people a year enter the job market after serving stints in jail or prison. A clinic at the Wiley W. Manuel Courthouse is giving many ex-offenders what might be their first positive experience with the legal system: helping them get felony and misdemeanor convictions dismissed and expunged.

"You can't collect trash in Oakland with a criminal record," said Margaret Richardson, a lawyer at the East Bay Community Law Center.

She has directed the Criminal Records Clinic, also known as the Clean Slate program, since May 2005, when it moved from Berkeley to the court's self-help clinic.

California law allows certain ex-offenders to apply to have charges dismissed, provided they have not done time in state prison, have successfully completed probation and have made restitution.

"Most people don't know the onus is on them," Richardson said.

Volunteer attorneys from private firms and the East Bay Community Law Center and students from Boalt Hall are helping as many as 50 ex-cons a week clean up their records, a first step to changing their lives.

"This is addressing in a very creative way a significant problem in society: the very limited opportunities for those who have spent time in jail or prisons," said Esther Lardent, president of the Pro Bono Institute at Georgetown University Law Center. "While it doesn't require a great deal of time, it makes an enormous difference in the lives of people who are impacted."

Many California courthouses have self-help centers, but few of them get involved in expungement matters.

"One in five people in California has a criminal record," said Jeff Selbin, the center' executive director. "So, crime shows notwithstanding, this program affects normal people.

> **'People make mistakes. It's a matter of whether you believe someone can turn their life around.'**
>
> **Kimberly Woolley,**
> Gibson Dunn & Crutcher

"Attorneys are looking for discrete tasks that can have an immediate impact. Whatever fear people have [about those with records] is easily overcome."

On a recent day at the clinic, 53-year-old Fred Guidry talked about the new life he wants to lead far away from the social ills that plague Oakland and from the small blots on his record that are keeping him from being able to start over.

"I want to be a truck driver, get out on the road and find a nice place to settle down, away from all this," said Guidry, a former social worker who has helped troubled teens in Richmond for the past two decades.

"When I tried for a job at a trucking company, they asked for my whole arrest record," he said. "So I didn't get the job, even if I was innocent."

Guidry said he was convicted of driving under the influence in 1976 and acquitted of a 1993 assault charge.

According to Richardson, stories like Guidry's are common since the 9/11 terrorist attacks prompted employers to perform more thorough background checks.

"A lot of companies are doing checks that didn't before," she said, "companies like Target, UPS and Home Depot. There are a lot of concerns these days about negligent-hiring suits.

"A lot of people are told, 'Do the time, and it will go away.' But with the Internet, all you have to do is type in someone's name, and you get an overly broad set of results. They can be incredibly inaccurate."

In Alameda County, a large number of people are convicted of welfare fraud, sometimes as a result of an honest mistake. Such defendants often are led to believe a guilty plea will ensure the infraction doesn't show up on their record, she said. And an unpleasant surprise often is waiting for such people when they apply for a job.

Kimberly Woolley, an attorney with San Francisco's Gibson Dunn & Crutcher, has put in 50 hours at the clinic and helped coordinate summer programs for volunteers from Boalt Hall.

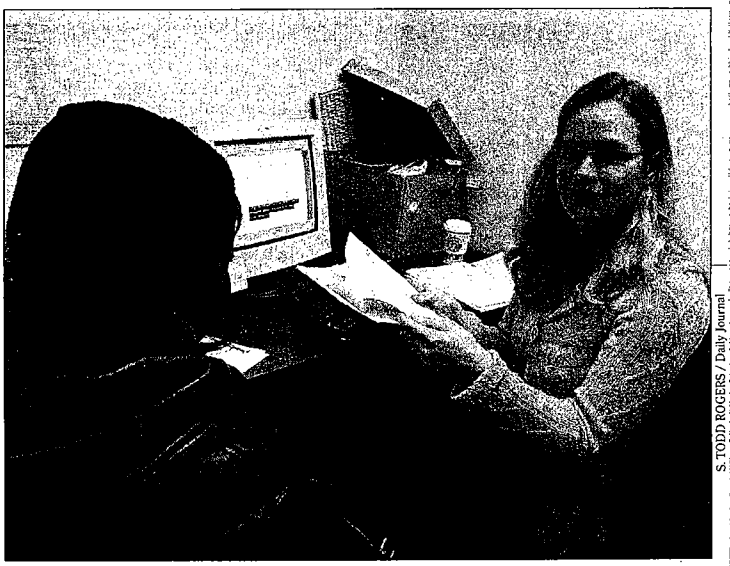
"You go into [pro bono work] out of law school, and you have this pie-in-the-sky idea of what it's going to be like. But it's often not really like that. But working [at the Clean Slate program] is great. You're really working with people. People make mistakes. It's a matter of whether you believe someone can turn their life around."

The East Bay Community Law Center was founded by Boalt Hall students in 1988, and the expungement program moved to the Wiley W. Manuel Courthouse in May 2005, where a self-help center was aiding low-income people with divorces, landlord-tenant disputes, small claims, traffic and other matters.

The success of the Oakland program has led self-help centers in Los Angeles and Palo Alto to consider expungement programs.

"It's a great collaboration with the courts, the district attorney, the public defender and the private bar," Selbin said. "When you can bring together all the different stakeholders, you can get a lot done."

By Tim Hay
Daily Journal Staff Writer



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Kimberly Woolley takes time out from her work at Gibson Dunn & Crutcher to do pro bono work at the Clean Slate program in Oakland.